

To: Members of the FCC Public Safety and Homeland Security Bureau  
From: Adrienne Abbott-Gutierrez  
Re: EB Docket No. 04-296  
Date: 17 May 2010

You have requested "informal comments" on Part 11 and whether there should be any changes to the rules set forth for operation of the Emergency Alert System. I am the Chairman of the Emergency Alert System for the State of Nevada. The FCC appointed me in 1995 and I have been working with the broadcasters and cable operators in Nevada on development and implementation of EAS for the past 15 years.

EAS in Nevada is not like EAS in other states. The state is so large that it is not covered by any one broadcast station and is broken into three regions. The Nevada Operational Area also covers parts of California, Arizona and Utah. Until last year, there was no state relay network available to supplement the lack of broadcast coverage. However, as it was envisioned in the early '90's, EAS works well in Nevada thanks to the dedication of broadcasters and members of the State Emergency Communications Committee. Our Local Primary Stations have always been available for emergency managers, law enforcement and public safety officials. The SECC and the Nevada Broadcasters Association have worked together to provide EAS training for radio and TV stations and cable operators as well as emergency managers, law enforcement and public safety officials. All of this has been done at no expense to taxpayers but as part of our duty as broadcasters to serve our communities. Anyone involved in EAS in the Nevada Operational Area will tell you that lives have been saved as a result of EAS and our activities.

In response to your request for informal comments on Part 11, I will tell you that yes, the rules need to be re-written. And while changes need to be made to accommodate the use of Common Alert Protocol, I must tell you that while our broadcasters will meet the deadlines you set for installation of CAP-compliant EAS equipment, our law enforcement and public safety agencies will not have the ability to send public warnings using the Common Alerting Protocol. In fact, it will probably be some time before most of our emergency officials even understand CAP and its advantages, much less have the ability to use CAP equipment to send public warnings. So, my first comment is that any re-write of Part 11 must allow broadcasters the flexibility they will need to comply with the new rules while dealing with state and local agencies that do not have the ability to initiate CAP messages.

Other responders will submit comments on the need for changes in the FCC Handbooks and the rules that govern national tests and activations. I've discussed these changes with other EAS Committee members and while I agree with them, I will also tell you that here in Nevada, we have many areas where broadcasters cannot receive signals from Primary Entry Point stations. As a result, I ask that you consider these broadcasters when you re-write the sections of Part 11 that deal with national activations. In addition, some areas of the state, the only PEP station that can be monitored is an out-of-state station that operates in a different time zone which presents technical challenges for relaying not only national level activations, but also local and regional activations. These challenges will have to be addressed in the new rules.

The Part 11 rules also require the development of Mapbooks or lists of Monitoring Assignments for individual broadcasters in each state. I have produced a Mapbook for the Nevada Operational Area, but it was a difficult and time-consuming process. The list of stations is probably incomplete and needs updating almost daily. Other state chairs have told me that they do not have the time to dedicate to such an arduous task. With the development of CAP there is the possibility that some states will no longer use Local Primary stations as the entry point for EAS messages. But in states like Nevada and others where there is no funding for government agencies to acquire CAP equipment to generate their messages, the hierarchy of Local Primary stations will remain in effect for the foreseeable future. I suggest that perhaps the CDBS could be enhanced with a few, simple programming additions to automatically present the information a station needs to know to be compliant with EAS rules and regulations.

With the advent of CAP, most states will be re-writing their state and local EAS plans to reflect the new technology. As Part 11 changes, state and local plans will also have to incorporate those changes. Yet nowhere in Part 11 is there a requirement for broadcasters and cable operators to have a copy of the state or regional EAS plan on hand. I would like to see Part 11 require broadcasters to obtain and keep available a copy of their state or regional EAS plan as well as the FCC Handbook.

It's also been my experience that the EAS rules for Low Power TV and Low Power FM stations are confusing at best. It's my understanding that the rules were written so that there would be a minimal financial burden on these community-oriented stations. However, here in Nevada, most of these stations have opted for purchasing full-service EAS equipment, rather than trying to figure out the rules or follow rules that would require them to have an operator on duty overnight six months out of the year when our EAS Required Monthly Tests are conducted after local sunset. On behalf of the LPTV and LPFM broadcasters, I request clarification and flexibility in these rules.

The sections of Part 11 that deal with Required Monthly Tests have also presented another issue for us here in Nevada. I understand the idea behind alternating the hours for the RMT between daytime and nighttime but the rigidity of these rules has been a problem, particularly when we work with our local emergency managers to incorporate the RMT into a disaster drill or exercise. When the RMT occurs during a nighttime month, the rules force us to either send a second test or skip the opportunity of having an emergency manager conduct the test during the drill, thus missing an excellent training opportunity. I request that there be some flexibility in the rules on when RMT's are conducted.

There has been an on-going discussion among state chairs about the need for a complete video presentation of the information in the EAS audio message and whether EAS complies with the FCC's Video Display Rule. The new CAP compliant EAS equipment will solve only part of this problem. I would like to see further clarification of the Video Display Rules in regard to EAS and how broadcasters should present information from an EAS activation in repeat coverage of that activation.

Finally, I would like to see broadcasters involved in the process of rewriting the Part 11 rules. As I've served on various Next-Generation EAS committees, I've noticed a distinct "us vs them" mentality around EAS issues. Frankly, the broadcasters here in Nevada are committed to EAS and Emergency Public Warning. They work hard to make sure their stations do everything they can to assist the public in times of crisis or disaster. They just want to be sure that whatever changes are made are ones that will work for broadcasters and enhance our ability to serve the public need.

Sincerely,

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