

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
Review of the Emergency Alert)
System)
To: The Commission)

EB Docket No. 04-296

**PETITION REQUESTING ADDITIONAL CONSIDERATIONS BEFORE
LAUNCHING CAP-ENHANCED EAS**

I. Introduction

Though well intended, the system as proposed by FEMA for distributing Common Alerting Protocol (CAP) alerts to broadcasters has not been fully fleshed out, certified, tested and validated on a large scale by the agency that has the overall responsibility for it, the Federal Communications Commission. The EAS stakeholders listed below hereby petition the Commission to take several issues related to the above premise into consideration before the thousands of broadcasters, cable and satellite providers and other distributors of entertainment and information providers nationwide (“EAS Participants”)¹ are required to receive CAP v1.2 Standard formatted Emergency Alert System (EAS) messages. These stakeholders believe that the introduction of CAP to EAS warnings represents a once-in-a-lifetime opportunity to significantly improve public warnings. Absent these considerations, details regarding authentication, security, confirmation and assurance of message

¹ The FCC defines “EAS Participants” as entities are required to be in compliance with its EAS regulations, e.g., analog and digital radio and television stations, wired and wireless cable television systems, DBS, SDARS, digital cable, and wireline video systems. 47 C.F.R. § 11.2(c).

delivery system compatibility and other key elements of an improved broadcast public warning system may not be sufficiently settled when the requirement actually goes into effect. Furthermore, if these considerations are not made a part of FCC certification of all new EAS equipment, it may be at best difficult and costly - or at worst, impossible - to make necessary changes once equipment is delivered and installed.

II. Discussion

A. Petitioners Request Reinforces and Expands On Industry Concerns Already Expressed to the Commission

The Petitioners are aware that a number of entities within the broadcast and cable industries have filed a separate Petition requesting that the 180 day implementation clock for reception of CAP messages be extended.² We agree that an extension is called for. Should such an extension be granted, this would give the Commission not only time to address the additional concerns of those Petitioners, but to also address concerns expressed herein.

B. System Security

We believe that most of the building blocks to make CAP-Enhanced EAS secure are already well known to the government entities which will be in the forefront of implementing them. However, we do want to

² PETITION FOR EXPEDITED EXTENSION OF THE 180-DAY "CAP" COMPLIANCE DEADLINE filed by NAB et. al on October 21, 2010

identify one issue related to security where we hope it is not too late to make a change. Certificates are to be issued to agencies rather than individuals. This will make enforcement of security provisions very difficult.

C. CAP-Enhanced EAS Should be Certified for Built-In Logging and Discrepancy Reporting

Present Part 11 Rules impose strict logging requirements on licensees for EAS with healthy fines for non-compliance. EAS weekly compliance requirements are included in the responsibilities of licensees. The Petitioners believe that new CAP-EAS systems should be required to not only generate log-ready reports but also notify licensees when tests and alerts required by local EAS plans are not received and/or forwarded. Some third-party software already can do this first part of this, logging. It seems a small step to require and certify this capability in all new EAS equipment. FCC certification is essential to assure it will work properly when deployed.³ In addition, FCC Rules in 47 CFR Part 11 must be changed to recognize and accept this type of automated logging as compliant with the Part 11 Rules. Since CAP-EAS systems

³ For example, software sold by TDM Data Solutions, Inc. EAScriber Pro[®] automates the process of generating EAS (Emergency Alert System) logs and reports. EAScriber Pro is a Windows[®]-based applications that interfaces with most EAS equipment, including the Sage ENDEC[®] and TFT EAS 911[®].

must have IP connectivity, reporting out discrepancies as well as routine reports should be built in to take advantage of this connectivity.

D. Mandatory Governor and Governor-Designee Issues Must Be Settled

The impacts of the proposed architecture on life-saving state and local operations of the Emergency Alert System, including local AMBER alerts, have not been fully studied or documented. Both FEMA and the FCC have apparently left the details of this provision up to volunteer state and local EAS Committees, without specifying the authority of those entities to set up these regulations with local authorities. In addition, FEMA and the FCC have not given the State Emergency Communications Committees (SECC's) any direction for managing EAS Operational Areas that cross state borders. Will one Governor's activations in one state be mandatory for stations in the neighboring state(s)? What will be required of stations licensed to one state but with their main studio in another state? Who will be responsible for enforcing these rules? How will complaints be handled? Who will design the protocols for cross-border activations? What will happen in those areas where states are in different time zones? How will those activations be carried when EAS equipment sees a one-hour difference?

E. Emergency Management Buy-In to EAS Still Missing from Part 11

There has been no formal coordinated effort to date of which we are aware of on the part of FEMA to inform emergency managers, law enforcement and public safety officials about the coming changes in EAS. Many of these officials still do not know the basics of EAS - much less CAP and the Governor's activation. There is as of this writing no FEMA policy or mandate to use EAS, nor any directives of which we are aware to seek out information from the broadcast community to help in this effort. This lack of direction leaves emergency managers, law enforcement and public safety officials with the impression that EAS is not an important tool for public warnings. As a result, too many officials confuse EAS with the news media and often see no incentives to dealing with either or both. We realize that while FEMA's authority in this matter is limited, their authority to incorporate incentives through SEMS protocols and training is not. This represents, as we see it, an opportunity for a major breakthrough to bring emergency management into the CAP-EAS partnership that should be explored and put in place before CAP-enhanced EAS is launched.

F. Training Is Far From Being In Place

Training materials have not yet been written and made available for broadcasters or officials who might be called upon to activate the system.

Since we expect the expansion of certain mandatory EAS alerts at the state level, this training should be in place before the CAP-EAS launch, and adequate time given for officials to take this training. Some broadcasters have developed their own training programs, but there has been thus far no call from FEMA or the FCC to gather and assess this information. We believe that these programs could be easily used as the basis for a standardized new curriculum for CAP-compliant EAS that could be made part of the National Incident Management System (NIMS). Once a NIMS curriculum has been devised, a budget to fund training needs to be developed. Now comes the hard part. Where will the money for this additional and specialized NIMS training come from?

G. CAP-EAS Warnings For Special Needs Groups and Public and Private Warning Stakeholders Need More Thought and Action

1. Special Needs organizations should have an increased high-level presence in discussions of CAP and EAS before CAP-enhanced EAS is launched. Many members of the Special Needs communities have both the passion and technical competence needed now for this work. They

should be given the time and opportunity to contribute their insights and expertise during the critical pre-launch period. The time and effort to do this will pay off in a better warning system.

2. The Department of Justice (DOJ) has been a key stakeholder in AMBER Alert development as it applies to the EAS. We are not aware of formal contact and coordination between the FCC and the DOJ to make sure AMBER Alerts can take advantage of CAP enhancement. For example, pictures of abducted children can be tied directly to CAP messages. While this may be more of an administrative and operational issue than technical, we have an opportunity in this pre-launch period that may elude us once CAP-enhanced EAS is operational to make sure such features are included and certified.

3. The National Alliance of State Broadcasters Associations (NASBA) has become a valued stakeholder for the EAS effort. As we saw amply demonstrated during the launch of the AMBER program, NASBA and its member state associations have been willing contributors of time and effort. We believe that NASBA must also have a seat at the CAP-EAS stakeholder table during the pre-launch period.

H. Proper Compression Formats For Audio and Video

Attachments Should Be Selected Before the CAP Launch

The EAS-CAP Industry Group (ECIG) has performed a commendable public service by creating an EAS-specific CAP Profile. There is one issue within their Profile where the ECIG did not and probably could not make a firm recommendation. CAP allows inclusion of audio and video file attachments that could be especially useful for EAS. A compression standard should be specified, with an eye to keeping CAP messages with such attachments as small as possible. For example, for CAP audio file attachments, if uncompressed WAV files are used, it will result in CAP messages with large data “payloads” that are challenging and time consuming to transfer over the Internet. If the audio sampling rate is lowered, the file size can be reduced at the expense of only a slightly lower sound quality. MP3® was developed as a form of compression which will reduce the size of .wav files, with such minimal loss of quality. The sticky point is that MP3® is a proprietary compression format owned by Fraunhofer®. We believe that a pre-launch attempt should be made to approach Fraunhofer® to ask them to grant a blanket license waiver for using MP3® for emergency warnings before CAP-EAS is launched. Further, file attachment specifications

need to be included in the FCC testing and certification process, and possibly in Part 11 as well.

I. IP Distribution for CAP-EAS Messages Needs

Reinforcement and Redundancy

1. There is not as yet a clear path to back up and reinforce wired IP connectivity with wireless distribution of CAP data such as the wireless Local Relay Network (LRN) model. Going forward without giving this some thought will likely further erode broadcaster support for EAS. If "governor-mandatory" and "governor-designee" are set up without this type of backup, the relay burden for LP stations could be increased. We may see a trend arise among LP stations to no longer want to be LP stations.

2. Additionally – and critically - IP connectivity does not currently exist at some facilities where EAS equipment has to be located. In addition, the ongoing cost of a dedicated IP connection where available, will be a burden on small rural broadcasters as well as non-profit stations that needs to be taken into consideration before launch.

K. The FCC Must Run Its Own CAP-EAS Certification Program

We repeat the need for FCC Type Certification to be performed on all CAP EAS devices mandated for EAS participants. The simple process of converting CAP to EAS is - by any other name - encoding AFSK

SAME. That clearly falls under Part 11 Rules and, as such, CAP encoder/decoders and so-called CAP "translators" would appear to us to require FCC certification and/or recertification. Furthermore, CAP "translators" need to be tested and certified as to how they will operate when integrated with existing "SAME-based" EAS equipment.

L. NWS Incompatibility

The National Weather Service is the most frequent user of EAS. In addition, NOAA Weather Radios are the most common warning appliances used in this country. Thousands of people depend on these devices for life-saving information. At this point, CAP is not compatible with the technology used for NWS activations. For no other reason than this the FCC should delay the deadline for CAP implementation until the NWS has had a chance to resolve the abovementioned compatibility issues and make NOAA activations 100% CAP-compliant.

M. Activation Follow-Up Information

The emphasis throughout the discussions on CAP and EAS has been on the initial warning - the "headline" of the information that comes in the initial EAS activation. There should be some consideration and discussion of the dissemination of follow-up information, the details, changes and cancellations that come in any emergency. The old promise during the days of the Emergency Broadcast System (EBS)

that “news and other information” would follow warnings is not only expected by an audience at risk, but represents a moral duty for all of us that we can no longer ignore. At the very least, stations should clearly identify their location and the location of the emergency – in terms even visitors to the area can understand.

N. State and Local Plan Rewrites

All the changes with CAP will necessitate writing new state and local plans. However, there is so little known now about CAP and how it will work as well as the planned and proposed changes to Part 11 Rules that it is very difficult to rewrite the state or local plans prior to the release and action on Part 11 rewrite Further Notice and a Report and Order. Furthermore, anything that is in this period of uncertainty could change as CAP is implemented across the country and some of the issues mentioned above are resolved. Because the SECC's are voluntary organizations, there is no funding in place to pay for meetings and other administrative actions related to rewriting plans, not to mention publication of new plans as well as the expected updates. It would be far more economical and less burdensome to these volunteer groups to resolve the many issues facing the CAP-compliant EAS and then write and publish the new state and local EAS plans than trying to write and print several versions of the new plans.

III. Disclaimer

While the stakeholders signing this Petition are connected with other organizations, the views outlined above do not necessarily reflect the views of the organizations we are connected with.

Signed:

The Independent Emergency Alert System Stakeholders (IEASS)

Adrienne Abbott, Chair, Nevada SECC

Clay Freinwald, Chair, Washington State SECC

Barry Mishkind, Editor/Publisher, The Broadcasters' Desktop Resource

Richard Rudman, Vice-Chair, California SECC

November 20, 2010