

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

In the Matter of EAS Third Report and Order)))))	EB Docket No. 04-296
To: The Commission)	

**PETITION FOR PARTIAL RECONSIDERATION OF THIRD EAS REPORT
AND ORDER**

Introduction

The Broadcast Warning Working Group (BWWG) applauds the Commission for taking the initiative regarding nationwide testing of the Emergency Alert System (EAS) Emergency Action Notification (EAN) live code. However, we must bring to the Commission’s attention vital elements that we feel have been left out of the Report and Order. BWWG respectfully suggests that a comprehensive live code EAN test public awareness program must be carefully described and crafted well

before the first-ever national test is conducted. While the Report and Order does mention “outreach”, the BWWG feels this very important aspect of this very important test does not set out the specific goals and objectives that would give EAS stakeholders a high degree of assurance that outreach will be carried out in a thoroughgoing and meaningful manner. To the BWWG, “outreach” not only means telling a diverse public a test will happen, but also informs that public what the test is all about. In this case, like it or not, it will be a test of the federal government’s last-ditch way to reach the public when other more normal, traditional and routine methods are not up and running.

The BWWG is concerned that Common Alerting Protocol (CAP)-enhanced EAS will not be in place for a sufficient amount of time so the first-ever EAN live code test can be used to assess its effectiveness according to the timeline in the Report and Order. Testing with the CAP just barely in place could do more harm than good to the overall perception of EAS effectiveness on the heels of what is being presented as a major EAS upgrade. We could be wrong, but why take the chance?

The BWWG must also raise the issue that a national EAN live code test will touch the lives of not only people who speak many languages, but also people who have sight or hearing impairments. EAS SAME has no built-in way to handle this; yet another reason to consider waiting until CAP can help address live code test warning issues and be evaluated as to its effectiveness in after action reports.

We commend the Commission on their Order to require collection of data on the national live code EAN test. However, the BWWG believes that the Commission should describe in detail in the Order how the results of the test will be evaluated and used for EAS adjustments and improvements.

II. Discussion

A. Petitioners Request That The Commission Amend the Third EAS Report and Order to Fully Describe Goals and Objectives for a National EAN Live Code Test Public Awareness Campaign

1. The BWWG as well as all other EAS stakeholders have now had the opportunity to observe the results of two Alaska EAS tests using the EAN live code. BWWG was particularly impressed with the

“Chill, It’s Just a Drill” visual aired during the test; it was part of a well thought out EAS live code test public awareness campaign. We respectfully caution the Commission that the dynamics and scale of a national test are vastly different from a test in a single state. Alaska was chosen as the site for the trial tests not just because it is physically (and for AM, FM and TV broadcast purposes electronically) disconnected from the lower 48 states, but that Alaska offered excellent cooperation from state emergency management and industry for the promotional effort as well as the test itself. However, what worked in Alaska may not work for the entire country, hence our call for the Commission to call for expert assistance for the EAN live code test public awareness campaign.

2. The BWWG feels part of the claimed success for the live code test as far as not alarming the public can be attributed to the planning that went into this campaign. BWWG’s concern here is that the amount of effort needed to properly prepare for a nationwide test is likely to be proportional to the population and number of political entities involved.

3. While the promotional campaign was successful in Alaska, BWWG feels much more thought and planning must go into nationwide live code EAS test promotion using the EAN live code.

4. Alaska is one state out of 50. Preparing a diverse nation's population for a live code EAN test might well include the concept successfully used in Alaska. Without consulting experts in the field of public awareness, BWWG, nor anyone else, can say for sure what a nationwide live code test campaign should be. In fact, based on nothing more than the common knowledge that there is no uniformity of attitudes, cultures and sentiments throughout the 50 states, we predict that the recommendation for the best public live code awareness campaign might well be different campaign messages that are tailored to states or regions. Further, BWWG respectfully requests that the public awareness campaign we envision should be rolled out at least two months in advance of the announced test date. While this may mean that the test date could slip well into calendar 2012, BWWG feels such a campaign must be an integral part of this first-ever test.

5. BWWG sincerely hopes that the Commission will employ all the communications tools needed to create a multi-language public awareness campaign that also reaches out to the hearing and sight-impaired communities for this effort.

B. Goals for Test Evaluation Must Clear

1. In many respects the Alaska Test had issues in terms of execution with periods of silence, noisy audio, etc. Live code tests must be evaluated on not just whether the message is distributed, but what it looks and sounds like on the air. BWWG recommends that the Commission work with broadcast and cable industry experts who will know how to address these issues at all levels to help insure that the first-ever national test will benefit from all the lessons learned from Alaska.

2. Collection of results for national live code tests will be a vital element in conducting an overall evaluation of how well the EAS can work if it is ever called on for its ability to let the President communicate with the nation if other means are not available. The BWWG believes the Order should outline a process that will not only point out problems, but lead to an ongoing effort toward overall EAS improvement and reliability at both the national and local levels.

3. Since the EAS is at its heart dependent on a public/private stakeholder partnership, the process of evaluating said tests should be a cooperative effort. The BWWG realizes that the process to originate an EAN has elements that involve national security. We believe that a

test evaluation panel should be put together, involving broadcast and cable industry experts who can be cleared to address national security concerns.

4. We respectfully suggest that the public education campaign must be presented in languages other than English as well as use established ways and means for outreach to deaf and blind community members. The Commission's most recent mass public outreach project involved the Digital TV conversion. The DTV awareness campaign might serve as a model for this effort.

III. Conclusions

A. National Test Promotion

1. While the BWWG acknowledges the successes and shortcomings of the recent Alaska live code test, one of the core Alaska success lessons learned as we plan for the first-ever national live code test is the need for careful preparation and implementation of a public awareness campaign to be started at least two months before the announced test date. Public awareness experts should be brought into this process as stakeholder partners. The Third Report and Order should have language in it that makes these points crystal clear.

B. Test Evaluation

1. The first-ever national live code EAN test must be evaluated on not just whether the message is distributed, but what it looks and sounds like, i.e., the “user experience”. The goals and methods for all aspects of evaluation must be spelled out clearly in the Order before a test date is set. We recommend that the Commission employ industry experts who know how to address these issues from the point where the live code test is originated to how it is received aurally and visually by the public will have a higher probability of success at all levels and insure that subsequent tests (and real EAS events) benefits from lessons learned.

C. An EAN Test Without CAP-enhanced EAS?

1. Without CAP-enhanced EAS firmly in place for a reasonable period of time for this first-ever test, there is a risk that test results will be misleading and potentially damaging to the EAS program at many levels. An incomplete test may result in further delays and confusion in how CAP-enhanced EAS will work when it is sufficiently deployed, “shaken down” and in place with the FEMA aggregator up and running and proven using closed circuit tests to be able to originate and

disseminate CAP EAN messages.

D. The Internet is Not Designed For Emergency Communications

1. The BWWG must again remind the Commission of the fragility of the Internet as the sole vehicle announced to date to convey CAP messages from the federal aggregator to broadcast entry points. One of the benefits of a national EAN testing program may be to raise awareness in both the public and private sectors that CAP message distribution at this time has no backup strategy described, much less in place. The implication that "classic EAS" is the backup plan is not an acceptable answer to the BWWG.

IV. Disclaimer

While the stakeholders signing this Petition are connected with other organizations that are direct and indirect EAS stakeholders, the views outlined above do not necessarily reflect the views of the organizations with which we are connected.

Signed:

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