

“common emergency message,” as prioritized under section 11.44.³²⁰ EAS Participants are required to follow this process until receipt of the EAT.³²¹

140. We received several comments and questions regarding the EAT, and there appears to be considerable confusion concerning the EAT’s function. SpectraRep, for example, stated, “There should be greater specificity as to the usage of the EAT event code, including message duration as well as that an EAT is a separate message from an EAN.”³²² TFT observed, with respect to the EAN and EAT descriptions in section 11.13, “This section is sometimes incorrectly interpreted by EAS Participants to imply that a condition that would result in an EAS or EAT EAS message may necessitate a special EAS message with an Event code of EAN or EAT.”³²³ Parties also pointed out various inconsistencies in the codification of the EAT. For example, TFT argued that the message priority provisions in sections 11.33(a)(11) and 11.44(a) will prevent an EAT from terminating an EAN and cause equipment lock-ups in cases where EAS Participants receive an EAN that does not include an EOM.³²⁴

141. Commenters also raised questions regarding the overall construct for processing EANs set forth in section 11.54. Trilithic, for example, observed, “Current EAS regulations appear to state that an EAN indicates the beginning of a national emergency, an EAT indicates that the national emergency has been resolved or is over, and in between the two, perhaps for several hours or days, emergency communications, including EAS, are available for local coordination.”³²⁵ TFT also stated that section 11.54(b) “suggests that an operator be present to monitor EAS sources, discontinue normal programming, and make announcements.”³²⁶ Timm asserted that EAS Participants cannot comply with the obligation in section 11.54(b)(1) to monitor the two EAS sources assigned in the State or Local Area EAS Plan or FCC Mapbook for any further instructions following receipt of an EAN because “[w]hen an EAS endec receives an EAN code, it immediately puts that EAS monitored source on the air and is delivering whatever audio is being furnished by the National government as part of that EAN message.”³²⁷ Timm also questioned how EAS Participants can make the various announcements specified in section 11.54 and the EAS Operating Handbook.³²⁸

³²⁰ See *id.* § 11.54(b)(3). The EAS Participants display standby script when not airing “common emergency messages.” See *id.* § 11.54(b)(4).

³²¹ See *id.* § 11.54(b)(3).

³²² SpectraRep Comments at 4.

³²³ TFT Comments at 2.

³²⁴ See TFT Comments at 6-7.

³²⁵ Trilithic Comments at 6. Trilithic also sought clarification regarding whether “emergency communications, including EAS, are available for local coordination” in between the EAN and EAT; whether, “once the audio pass-through of an EAN message is established, is this left open after the ‘Presidential Message’ is over so that State and Local announcements are also patched through to listeners”; the role of the EOM relative to the EAT and how the monitoring requirements in section 11.54(b)(1) function in between an EAN and EAT. *Id.*

³²⁶ TFT Comments at 8. Timm echoed this sentiment, stating that “the FCC needs to revise its National EAS Activation procedure to account for the fact that all cable systems and vast numbers of broadcasters operate in automatic unattended mode.” Timm Reply Comments at 7. See also Trilithic Comments at 6.

³²⁷ Timm Comments at 5. Timm makes a similar observation with respect to the transmission and announcement requirements set forth in section 11.54(b)(2)(i). See *id.*

³²⁸ For example, with respect to the requirement in section 11.54(b)(3) that EAS and Participating National sources “must transmit a common emergency message until receipt of the EAT message,” Timm asks, “Does this just refer to carrying the audio within the EAN alert? Then where do the EAS Operating Handbook announcements come (continued....)”

142. To remedy any confusion that may exist with respect to the EAT function and, more generally, how EANs are processed within the EAS, Timm suggested eliminating the EAT altogether and relying solely on the EOM code.³²⁹ Timm proposed a simplified process, under which “[t]he federal government will send the EAN code, deliver all needed information, and the National EAS Activation will thus end with the EOM code which follows the EAN code.”³³⁰ According to Timm, “the EAT code no longer has a place in this scenario and should be eliminated.”³³¹ Timm added, “Eliminating the EAT, and bringing the National EAS Activation into alignment with the way all other EAS alerts are handled (simply an Event Code followed by an EOM code), seems prudent and will clear up confusion.”³³² Trilithic supported “elimination of [the] EAT, and the ending of the National Activation with the EOM code.”³³³

143. We seek comment on whether the procedures set forth in section 11.54 for processing EATs and, more broadly, EANs, are problematic and technically impractical for automated operation. As indicated, section 11.54 describes a process whereby the EAN initiates a national emergency condition, during which EAS equipment must discontinue regular programming and air various announcements; air alternate emergency messages in accordance with the priority scheme in section 11.44; and in between, air standby script, all of which continues until receipt of the EAT.³³⁴ The Commission derived this framework from the former EBS rules, under which EAS Participants processed all EAS alerts manually and EANs were distributed to broadcast and cable entities via a separate, dedicated network.³³⁵ When the
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in?” Timm Comments at 5. With respect to the requirement in section 11.54(b)(4) that EAS Participants transmit standby script until emergency messages are available, Timm observes that “stations can only read a script if an EOM has been sent following the EAN to release their EAS endecs. However, the EAS Operating Handbook does not mention sending that EOM until the EAN event is over. In addition, if the EOM following an EAN is sent to release EAS endecs, it would seem more prudent to have broadcast stations filling with any local emergency information rather than requiring that a generic National Standby Script be read over and over.” *Id.*

³²⁹ See Timm reply Comments at 8.

³³⁰ *Id.*

³³¹ *Id.*

³³² *Id.*

³³³ Trilithic, Inc., Reply Comments, EB Docket 04-296 (filed June 14, 2010) at 2 (Trilithic Reply Comments) (“Allowing the EOM to end the National activation allows the Federal Government the ability to provide any information necessary, then relinquish control for local coordination using the tools that State and Local government are trained for and use daily. Any additional information from the Federal Government can be presented with another EAN.”).

³³⁴ See 47 C.F.R. § 11.54(b).

³³⁵ As described in the *1994 Report and Order*, under the EBS system, EANs and EATs were distributed by two methods: the EAN Network and the PEP system (*i.e.*, the daisy chain). See *1994 Report and Order* at 10 FCC Rcd 1833-34, para. 130. The PEP system was designed to serve as the backup to the EAN Network. See Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, *Notice of Proposed Rule Making*, 16 FCC Rcd. 7255, 7264-65, para. 29 (2001) (*2001 NPRM*). The EAN Network consisted of a dedicated (wireline) communications service connecting government activation points to broadcast networks, newswire services, and common carriers, which in turn redistributed the EANs to EBS participants. See *2002 Report and Order*, 17 FCC Rcd 4055, 4078-79, para. 62. Radio and television broadcast networks used their internal communications facilities to disseminate the EAN to all affiliates. The AP and UPI radio wire teletype networks further disseminated the EAN to all subscribers (AM, FM, TV broadcast, and other stations). AM, FM, and TV broadcast stations and other licensees and regulated services further disseminated the EAN via off-the-air monitoring. See 47 C.F.R. § 73.931 (1976), as codified by Revision of Parts 1 and 73 of the Commission’s Rules to Update and Clarify the Rules Governing the Emergency Broadcast System (EBS), 41 Fed. Reg. 52,630, 52,634 (Nov. 30, 1976) (as set forth in the (continued....))

Commission adopted the EAS rules in 1994, it carried over this framework for manually processing EANs – including the use of the EAT³³⁶ – from the EBS rules into section 11.54, primarily because EANs were then still carried over a separate network.³³⁷ Accordingly, while the EAS rules provide for automated processing of EAS messages and use the EOM to terminate EAS messages, section 11.54 is still structured for manual processing of EANs, using the EAT to return EAS equipment to regular programming.

144. The manual processing of EANs described in section 11.54, which anticipates capturing EAS equipment from receipt of an EAN until receipt of an EAT, does not translate well into an automated system, which anticipates capturing EAS equipment from receipt of an EAN until receipt of an EOM. Further, while the EAS rules permit manual operation of EAS equipment, which theoretically would allow EAS Participants to better follow the procedures in section 11.54(b), there is no indication that EAS Participants actually operate EAS equipment manually. As Timm pointed out, “[t]he EAT was implemented with the vision that most broadcast stations are manned, which is no longer the case.”³³⁸ Moreover, whereas section 11.54 establishes an indeterminate time period during which EAS Participant facilities are reserved for airing various EAS messages, we observe that, whether in automated or manual mode, EANs can simply terminate with the EOM, allowing for resumption of regular programming until another EAS message arrives. As Timm observed, if there is a need to reserve EAS Participants’ facilities for distribution of an ongoing or multiple Presidential messages, the EOM can be delayed until such time as this need has passed.³³⁹ As observed by various parties responding to the *Part 11 Public Notice*, the obsolescence of the EAT, and by extension, the framework for processing EANs in section (Continued from previous page)

1994 Report and Order, Appendix E at para. 6, section 73.931 was deleted and divided into sections 11.14 and 11.53). Upon receiving an EAN from one of these sources, EBS participants manually discontinued regular programming and broadcast a “common emergency program,” which was comprised of whatever feeds they were receiving from a list of prioritized sources. See *id.* at 52,634-35, § 73.933(b)(5)(i) (as set forth in the 1994 Report and Order, Appendix E, section 73.933 was deleted and renumbered as section 11.54). Stations would resume regular programming upon receipt of the EAT. See *id.*

³³⁶ See 47 C.F.R. § 73.907 (1976), as codified by Revision of Parts 1 and 73 of the Commission’s Rules to Update and Clarify the Rules Governing the Emergency Broadcast System (EBS), 41 Fed. Reg. 52,630, 52,632 (Nov. 30, 1976). When the Part 11 EAS rules were established, section 73.907 was deleted and merged into section 11.13. See 1994 Report and Order, Appendix E.

³³⁷ See 47 C.F.R. § 11.54(b). The EAS rules continued the approach developed for the EBS primarily because at the time the Commission adopted the EAS rules, the primary means for disseminating EANs was the same as it was under the EBS rules: specifically, the EAN Network. See 1994 Report and Order at 10 FCC Rcd 1833-34, para. 130. Accordingly, while the EAS rules generally provided for automated operation using the EOM, section 11.54 anticipates that EANs will be processed manually because there was no analog to automated processing of EANs under the EBS rules and EAN Network. In 1995, FEMA began phasing out the EAN Network, making the PEP system the exclusive distribution network for the national level EAS alerts. See 2001 NPRM at 16 FCC Rcd 7264-65, para. 29 (citations omitted). The Commission revised the EAS rules to eliminate references to the EAN Network in 2002; however, it left the basic framework for commencing a National Level emergency condition – starting with the EAN, ending with the EAT, and in between broadcasting a “common emergency message” – in place. See, e.g., 2002 Report and Order, Appendix B (deleting provisions related to the EAN Network from section 11.54, but otherwise leaving the framework for manually processing EANs intact).

³³⁸ Timm Reply Comments at 8. See also *id.* at 7 (“[T]he FCC needs to revise its National EAS Activation procedure to account for the fact that all cable systems and vast numbers of broadcasters operate in automatic unattended mode.”). At the time the Commission adopted the EAS rules, unattended operation of broadcast stations was not permitted, a subject that was actually taken up in a companion item to the order in which it adopted the EAS rules. See 1994 Report and Order at 10 FCC Rcd 1822-23, para. 103.

³³⁹ See *id.*

11.54, was seen during the January 2010 Alaska EAN test, during which EAS equipment returned to normal operating status despite the fact that no EAT was sent.³⁴⁰

145. We therefore seek comment regarding whether we should substantially simplify the procedures for processing EANs set forth in section 11.54 and related Part 11 rule sections so that EAS Participants process EANs like any other EAS message, only on a mandatory and priority basis. Under this streamlined EAN processing approach, whether EAS Participants operate their EAS equipment in automated or manual mode, receipt of an EAN would effectively open an audio channel between the originating source and the EAS Participant's facilities until the EAS Participant receives an EOM.³⁴¹ After the EAS Participant receives the EOM, the EAS equipment would return to regular programming until receipt of the next EAS message. If that message is another EAN, then the process would repeat; if that message is a state or local EAS message, including a gubernatorial CAP-formatted message, then that message would be aired in accordance with the specifications in the State and/or Local Area EAS Plan. Are there reasons to maintain the framework in section 11.54 for reserving EAS Participant facilities for extended periods of time? Is that framework technically feasible for implementation in EAS equipment? Does that framework make any sense for automated operation of EAS equipment? Does this framework make sense for CAP-formatted messages received as RSS feeds?

146. We also invite comment on whether we should eliminate the option for EAS Participants to manually process EANs (but not state or local EAS messages). Is there any practical or technical reason to maintain the option to set EAS equipment to manual mode for EANs? Would eliminating the manual mode for EANs reduce the risk of operator errors in the processing of EANs? How many EAS Participants operate their EAS devices in manual mode for EANs? Is an EAS Participant more likely to process a SAME-formatted or CAP-formatted message in manual mode, or does it not make a difference? Would message-by-message processing of EANs have any impact on CAP-to-SAME translation? For example, would message-by-message processing of EANs require amending the ECIG Implementation Guide to ensure proper CAP-to-SAME translation of CAP-formatted EANs? Would using message-by-message processing potentially make some deployed EAS equipment obsolete? If so, what percentage?

147. It appears that the EAT would serve no purpose when there is streamlined, message-by-message processing of EANs.³⁴² Accordingly, we seek comment on whether we should eliminate the EAT and replace it where necessary with the EOM in the Part 11 rules. For example, are the current decoder display requirements for the EOM sufficient to alert EAS Participants operating in manual mode that they have received the EOM?³⁴³ If not, should we add display or audio alerting requirements to serve

³⁴⁰ As Monroe stated, "In the recent Alaska test, an EAT was never issued. The task of terminating the active EAN alert was left to the EAS duration field. In the Alaska EAN test, the duration was set to the minimum time of 15 minutes. So by the Part 11 spec, this EAN never really terminated. Yet, EAS encoder/decoders in the field did appear to expire the EAN alert after 15 minutes without the EAT." Monroe Comments at 4-5. See also Timm Reply Comments at 8 ("It is also noteworthy that the federal government did not even send an EAT Event Code as part of the recent Alaska Test. Thus the EAT does not appear to be a truly essential part of the National EAS Activation procedure even to federal officials, which was proven correct in that the test was conducted successfully without it.").

³⁴¹ See, e.g., 47 C.F.R. § 11.52(e).

³⁴² In the *National Test Order*, we delegated authority to the Bureau to determine, in conjunction with FEMA and other EAS stakeholders, whether to use the EAT event code in the first and subsequent national tests. See *National Test Order* at para. 28. Our solicitation of comments concerning the processing of EANs in this item does not affect that decision, which was issued in the limited context of preparing for a national test of the EAS.

³⁴³ We observe that section 11.54(b)(2)(ii) specifies that Non-participating National (NN) stations signing off the air following receipt of an EAN must monitor for the EAT; however, we are unaware of any technical or practical (continued....)

this purpose? Does it matter whether the EAN is SAME-formatted or CAP-formatted? Would deletion of the EAT have any impact on CAP-to-SAME translation? For example, would such action require amending the ECIG Implementation Guide to ensure proper CAP-to-SAME translation of CAP-formatted EANs? Would such deletion potentially make deployed legacy EAS equipment obsolete?

148. *Revising Section 11.54.* With respect to the procedures in section 11.54, we observe that adopting message-by-message processing of EANs would render sections 11.54(b)(1), (3), (4), (10), and 11.54(c) superfluous. Specifically, section 11.54(b)(1) sets forth monitoring requirements which are already spelled out in section 11.52(d) and the State Area EAS Plan;³⁴⁴ Section 11.54(b)(3) and (10) establishes “common emergency message” procedures that we would eliminate were we to adopt message-by-message EAN processing;³⁴⁵ Section 11.54(b)(4) requires airing of certain standby scripts in between airing common emergency messages, which has no relevance if we eliminate section 11.54(b)(3);³⁴⁶ Section 11.54(b)(c) requires adherence to the termination procedures in the EAS Operating Handbook upon receipt of an EAT, and we are seeking comment about whether to eliminate the EAT.³⁴⁷ In addition, these provisions would not be necessary for automated or manual operation of EAS equipment to process EANs using the EOM to terminate the EAN.

149. Accordingly, we seek comment on whether we should delete sections 11.54(b)(1), (3), (4), (10), and 11.54(c). Are the provisions (as revised to delete the references to the EAT) in sections 11.51(m) and 11.52(d) and (e) sufficient to ensure manual processing of EANs on a message-by-message basis? If we were to delete sections 11.54(b)(1), (3), (4), (10), and 11.54(c), would we need to make any additional revisions to the Part 11 rules to facilitate manual processing of EANs on a message-by-message basis? Would deletion of these provisions have any impact on CAP-to-SAME translation? For example, would such action require amending the ECIG Implementation Guide to ensure proper CAP-to-SAME translation of CAP-formatted EANs? Would such deletion potentially make some amount of deployed EAS equipment obsolete? If so, what percentage? Would deleting sections 11.54(b)(1), (3), (4), (10), and 11.54(c) present costs or burdens to equipment manufacturers and/or EAS Participants that could be ameliorated by alternative approaches that achieve the same goals of streamlining the Part 11 rules and removing outdated provisions therein to enhance the overall effectiveness and functionality of the EAS?

150. We seek comment on whether our proposed approaches to revising the procedures for processing EANs are sufficient to capture the CAP-related obligations we address in this proceeding. Are these proposed changes necessary? What are their potential costs and benefits? How could any requirements we might consider with respect to revising the procedures for processing EANs be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

151. *Deleting Section 11.42.* We also observe that section 11.42(b) specifies that the EAT is used to apprise “communications common carriers” that they must disconnect certain temporary

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reason why any station monitoring for an EAT could not instead monitor for an EOM. See 47 C.F.R. § 11.54(b)(2)(ii).

³⁴⁴ See 47 C.F.R. §§ 11.54(b)(1), 11.52(d), 11.21(a).

³⁴⁵ See *id.* § 11.54(b)(3), (10).

³⁴⁶ See *id.* § 11.54(b)(4).

³⁴⁷ See *id.* § 11.54(c).

connections between EAS Participants and selected "Test Centers."³⁴⁸ This provision (like all of section 11.42) was carried over from the former EBS rules and is designed to facilitate the transmission of EANs via landlines.³⁴⁹ Timm argued that this rule section is no longer relevant. Specifically, Timm explained, "In the past, broadcast stations were wired to 'Telco Test Boards' where many audio feeds were available for interconnections[, whereas] [t]oday, broadcast stations no longer have audio connections to the telephone exchanges, with most audio now being received via satellite direct at each broadcast station."³⁵⁰ Timm suggested that this section has become irrelevant and should be deleted altogether.³⁵¹ We observe that the EAS Participants no longer use test provisions and transmission paths facilitated by section 11.42.³⁵² We therefore seek comment on whether section 11.42 no longer serves any purpose in the EAS and whether we should therefore delete it. What are the potential costs and benefits of deleting section 11.42? How could any requirements we might consider with respect to deleting section 11.42 be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

152. *Eliminating the EAS Operating Handbook.* As specified in section 11.15, the FCC issues the EAS Operating Handbook, which summarizes the actions personnel at EAS Participant facilities must take upon receipt of an EAN, EAT, tests, and state and local area alerts.³⁵³ EAS Participants are required to maintain a copy of the handbook at their facilities for manual processing of EAS messages.³⁵⁴

153. As a corollary to its suggestion that we delete the EAT, Timm observed that "if the National EAS is treated like any other EAS alert (Event Code followed by an EOM)," there would no longer be any National EAS Activation procedure to follow, and thus "there would be nothing left to describe in the EAS Operating Handbook regarding the National EAS Activation."³⁵⁵ Timm further stated that the "other section of the EAS Operating Handbook deals with generic state and local EAS activation procedures," which he asserts could be eliminated in favor of requiring EAS Participants to post State and Local Area EAS Plans at their facilities (just as EAS Participants are currently required to post the EAS Operating Handbook).³⁵⁶ TFT agreed that if we eliminate the EAT, then we should also

³⁴⁸ See 47 C.F.R. § 11.43(b).

³⁴⁹ See 47 C.F.R. § 73.927 (1976), as codified by Revision of Parts 1 and 73 of the Commission's Rules to Update and Clarify the Rules Governing the Emergency Broadcast System (EBS), 41 Fed. Reg. 52,630, 52,633-34 (Nov. 30, 1976) (as set forth in the *1994 Report and Order*, Appendix E, section 73.927 was deleted and merged into section 11.42).

³⁵⁰ Timm Reply Comments at 10.

³⁵¹ *Id.*

³⁵² When the Commission amended the Part 11 rules to eliminate references associated with the EAN Network, it eliminated the closed circuit test provisions for testing the EAN distribution, originally codified at sections 11.42(c) and 11.62, but left the existing language related to common carriers intact. See *2002 Report and Order*, 17 FCC Rcd 4055, Appendix B (Rule Changes). Regardless of how broadcast stations receive their audio feeds, if common carriers were relying upon the receipt of EATs, they would necessarily require an EAS decoder, in which case they would receive and could use the EOM instead.

³⁵³ See 47 C.F.R. § 11.15.

³⁵⁴ *Id.*

³⁵⁵ Timm Reply Comments at 9.

³⁵⁶ *Id.* Other parties also proposed that EAS Participants be required to maintain copies of the relevant State and Local Area EAS Plans. See, e.g., Abbott-Gutierrez Comments at 1.

eliminate the EAS Operating Handbook.³⁵⁷ We observe that while the EAS Operating Handbook outlines operational procedures that are already contained in the Part 11 rules, and in this sense may be redundant, it is unique in that it provides the announcements that EAS Participants are required to make at various points during manual processing of an EAN during a National Level emergency condition.³⁵⁸

154. The EAS Operating Handbook may not serve any purpose with respect to the streamlined processing of EANs, on which we seek comment above. Specifically, the various procedures and announcements set forth in the EAS Operating Handbook were developed for the manual processing of EANs during the National Level emergency condition, and we are seeking comment on whether to eliminate the manual processing of EANs.³⁵⁹ In the context of the National Level emergency condition specified in section 11.54, these announcements and standby script make sense because, as explained above, EAS Participant facilities are dedicated to airing only emergency messages that might involve multiple (President, state, and local) sources over an indeterminate period of time.³⁶⁰ If regular programming is only interrupted on a message-by-message basis, however, the announcements would simply apprise viewers and listeners of the start and stop of the President's audio message, which presumably will be readily apparent to viewers and listeners. Moreover, it does not appear technically feasible for EAS equipment operating in automatic mode to insert such announcements before and after the Presidential message.³⁶¹ In any event, the message originator can incorporate any special announcements into the audio message.

155. Accordingly, if we were to adopt the message-by-message processing of EANs described above, we seek comment on whether we should eliminate the EAS Operating Handbook and whether we should require EAS Participants to maintain within their facilities a copy of the current, FCC-filed and approved versions of the State and Local Area EAS Plans. If we were to eliminate the EAS Operating Handbook, but did not eliminate the NN category of EAS Participants, what specific action(s), if any, should we require NN stations to take in between receipt of an EAN's header codes and its corresponding EOM?³⁶²

³⁵⁷ See TFT Reply Comments at 2. TFT also observes that the reference to "authenticating messages" in section 11.20 is irrelevant and urges us to delete it. See TFT Comments at 3.

³⁵⁸ See, e.g., EAS 2007 TV (including Digital TV) Handbook at 7, 10, 13, 15, and 20, available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278628A5.pdf.

³⁵⁹ The standby script specified in section 11.54(b)(4), 47 C.F.R. § 11.54(b)(4), would serve no purpose if the EAT were eliminated, because stations would not be airing the "common emergency message" specified in section 11.54(b)(3), 47 C.F.R. § 11.54(b)(3).

³⁶⁰ See 47 C.F.R. § 11.54(b).

³⁶¹ See, e.g., 47 C.F.R. § 11.51(m) (specifying, among other things, that an EAN message "shall be retransmitted unchanged except for the LLLLLLLL code which identifies the EAS Participant retransmitting the message" (*cross-referencing* 47 C.F.R. § 11.31(c)). See also Timm Comments at 5 ("[W]hen an EAS endec receives an EAN code, it immediately interrupts station programming and puts that EAN alert audio on the air. At most broadcast stations, the studio audio feed is looped through the EAS endec. So for an EAN alert, the studio audio console is cut off from going on the air, with precedence being given to the EAN audio. Thus, it is not possible for individual broadcast stations to air the announcements in the EAS Operating Handbook until an EOM code is received after the EAN alert has finished."). Neither the EAS Protocol nor the Part 11 rules provide for inserting announcements before the audio message and after the EOM associated with an individual EAS message. See, e.g., 47 C.F.R. § 11.31(a) and (c) (specifying that the EAS uses a four-part message and that the "EAS protocol, including any codes, must not be amended, extended or abridged without FCC authorization").

³⁶² The Part 11 rules currently require NN sources to follow the transmission procedures and make sign-off announcements set forth in the EAS Operating Handbook. See C.F.R. §§ 11.18(f), 11.54(b)(2)(ii).

156. Would posting the State and Local Area EAS Plans provide sufficient detail to EAS Participants about how they must manually operate or set EAS equipment for state and local EAS messages? Since EAS Participants that take part in the state EAS systems already adhere to these plans, would it be necessary, in the absence of the EAS Operating Handbook, to require that they maintain copies of these plans? Is it practical for EAS Participants to maintain up-to-date copies of the State and Local Area EAS Plans?

157. If we were to eliminate the EAS Operating Handbook, could we also delete the related provisions in section 11.54(a), (b)(2), and (5)-(8)? Specifically, section 11.54(a) indicates that the EAS Operating Handbook summarizes the procedures to be followed upon receipt of an EAN and EAT, which is superfluous if we were to delete the EAS Operating Handbook;³⁶³ section 11.54(b)(2) requires EAS Participants to follow EAS Operating Handbook procedures and would also be superfluous if we were to delete the EAS Operating Handbook;³⁶⁴ section 11.54(b)(5)-(8) sets forth certain requirements related to the announcements contained in the EAS Operating Handbook and, as with the foregoing sections, is superfluous if we were to delete the EAS Operating Handbook.³⁶⁵

158. Accordingly, if we were to delete the EAS Operating Handbook, we seek comment on whether we should also delete sections 11.54(a), (b)(2), and (5)-(8). For example, would deletion of these provisions have any impact on CAP-to-SAME translation? Would deleting these provisions require amending the ECIG Implementation Guide to ensure proper CAP-to-SAME translation of CAP-formatted EANs? Would such deletion potentially make deployed EAS equipment obsolete? If so, what percentage?

159. We seek comment on whether our proposed approaches to deleting the EAS Operating Handbook are sufficient to capture the CAP-related obligations we address in this proceeding. Are these proposed changes necessary? What are their potential costs and benefits? How could any requirements we might consider with respect to deleting the EAS Operating Handbook be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

160. *Deleting Section 11.44.* Section 11.44 sets forth the priority scheme for EAS message transmissions during the period of national emergency triggered by an EAN and terminated by an EAT, as set forth in section 11.54.³⁶⁶ According to section 11.44, during this period, EANs take priority over and preempt all other EAS messages.³⁶⁷ Section 11.44(b) specifies that when a Presidential message is not being transmitted, EAS Participants are required to transmit all other EAS messages in the following order: first, Local Area Messages; second, State Messages; and, third, National Information Center (NIC) Messages.³⁶⁸ Section 11.44(d) specifies that “[d]uring a national emergency, the facilities of all EAS Participants must be reserved exclusively for distribution of Presidential Messages,” and “NIC messages received from national networks which are not broadcast at the time of original transmission must be

³⁶³ See *id.* § 11.54(a).

³⁶⁴ See *id.* § 11.54(b)(2).

³⁶⁵ See *id.* § 11.54(b)(5)-(8).

³⁶⁶ See 47 C.F.R. §§ 11.44, 11.54(b)(3).

³⁶⁷ See 47 C.F.R. § 11.44(a).

³⁶⁸ See *id.* § 11.44(b).

recorded locally by LP sources for transmission at the earliest opportunity consistent with the message priorities in [section 11.44(b)].”³⁶⁹

161. Parties responding to the *Part 11 Public Notice* raised various questions regarding these provisions. Trilithic asked, “What protocol mechanism is used for the EAS Encoder/Decoder to know what messages are Local Area or State,” and whether “Local Area Messages [should] preempt (terminate and replace) incoming or outgoing State Messages.”³⁷⁰ Trilithic further observed, “The phrase ‘in the following order’ [in section 11.44(b)] implies that an EAS Encoder/Decoder can store multiple EAS messages and send them out in a different order than they were received” and asked whether this was the intent of the provision.³⁷¹ Timm sought clarification as to whether the language of section 11.44(d) sets up NIC messages as “a third National must-carry Event Code.”³⁷² Trilithic stated, “Multiple references in the Commissions rules, and in the EAS Handbooks stress the importance of monitoring local channels during a national emergency, yet this section [11.44(d)] seems to indicate that the only messages heard will be ‘Presidential Messages.’”³⁷³

162. The priority scheme set forth in section 11.44 was intended to apply during the National Level emergency condition codified in section 11.54, which is initiated by the EAN and terminated by the EAT.³⁷⁴ As discussed above, section 11.54, as currently drafted, anticipates manual processing of EAS messages. If we were to revise section 11.54 to reflect a streamlined, message-by-message processing approach, section 11.44 would become superfluous. In that case, regardless of whether EAS Participants operate their EAS equipment in automated or manual mode, receipt of an EAN would effectively open an audio channel between the originating source and the EAS Participant’s facilities until the EAS Participant receives an EOM, at which point the EAS equipment would return to regular programming. If an EAS Participant were to receive a subsequent EAN, then the process would repeat; if that message were a state or local EAS message, including a gubernatorial CAP-formatted message, then the EAS Participant would air that message in accordance with the specifications in the State and/or Local Area EAS Plan. In all events, EANs would have priority over state and local EAS messages (including gubernatorial CAP-formatted messages).

163. Accordingly, we seek comment on whether we should delete section 11.44. Whether processed automatically or manually, EANs must have priority status over all other programming and EAS alert messages. We seek comment on whether the existing provisions in other sections of Part 11 sufficiently confer priority status to EANs and whether we should make any changes to existing provisions to ensure that EANs maintain primary status.³⁷⁵ What are the potential costs and benefits of

³⁶⁹ *Id.* § 11.44(d).

³⁷⁰ Trilithic Comments at 5.

³⁷¹ *Id.*

³⁷² *Id.*

³⁷³ *Id.*

³⁷⁴ See 47 C.F.R. § 11.54(b)(3).

³⁷⁵ See, e.g., 47 C.F.R. § 11.33(a)(11) (requiring, with respect to decoders, that “[a] header code with the EAN Event code specified in § 11.31(c) that is received through any of the audio inputs must override all other messages”); 47 C.F.R. § 11.51 (m)(2), (n) (requiring that encoders air EANs “immediately” whether operating in automatic or manual mode); 47 C.F.R. § 11.52 (e), (e)(2) (requiring that EAS Participants interrupt “normal programming” when an EAN is received “immediately” when operating in manual mode (no time period is expressed for interrupting normal programming in automatic mode)).

deleting section 11.44? How could any requirements we might consider with respect to deleting section 11.44 be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

164. *Revising Section 11.53.* Section 11.53 specifies how EANs are initiated at the federal, state, and local levels for purposes of triggering the national level emergency procedures in section 11.54.³⁷⁶ In particular, this section indicates that, at the national level, EAN messages are sent from a government origination point to broadcast stations and other entities participating in the PEP system and then disseminated by EAS Participants.³⁷⁷ This section further requires that EAN messages originate from state and local governments in accordance with State and Local Area EAS plans.³⁷⁸ We seek comment as to whether this section has any relevance in the streamlined EAN processing model on which we are seeking comment above.

165. To the extent section 11.53 is relevant in its own right and that we should retain it, we seek comment on whether we should revise it to incorporate CAP-formatted EAN messages. We observe that, unlike PEP-originated SAME-formatted EAN messages distributed over the air, under the monitoring approach tentatively proposed in this item, EAS Participants will obtain CAP-formatted EAN messages from the RSS feed(s) utilized by the IPAWS system for EAS distribution. If we retain section 11.53, should we include a cross-reference to section 11.52 to capture the federal CAP-formatted EAN origination process? Although it is unclear exactly how states might originate CAP-formatted EAN messages, whatever method applies will be set forth in the State Area EAS Plan, just as the SAME-based distribution method is today.³⁷⁹ Accordingly, we seek comment on whether the existing language on state EAN origination would be sufficient to capture CAP-formatted EANs originated by state CAP systems. What are the potential costs and benefits of revising section 11.53? How could any requirements we might consider with respect to amending section 11.53 be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

166. *Revising Section 11.11(a).* We also seek comment on whether, if we were to streamline EAN processing, we should revise section 11.11(a) to remove the references therein to “participating broadcast networks, cable networks and program suppliers; and other entities and industries operating on an organized basis during emergencies at the National, State and local levels.”³⁸⁰ In the EBS, these entities disseminated instructions to EAS Participants following receipt of an EAN, but it is not clear whether they have any role in the current EAS or in the streamlined version of EAN processing we are contemplating here.³⁸¹ What are the potential costs and benefits of revising section 11.11(a)? How could

³⁷⁶ 47 C.F.R. § 11.53.

³⁷⁷ *See id.*

³⁷⁸ *See id.* § 11.53(b).

³⁷⁹ As noted above, the issue of whether local, county, tribal, or other state governmental entities should be allowed to initiate mandatory CAP-formatted state and local alerts will be addressed in the item responding to the *Next Generation EAS FNPRM*. *See supra* note 167.

³⁸⁰ 47 C.F.R. § 11.11(a).

³⁸¹ *See, e.g.*, 47 C.F.R. § 73.931 (1976), as codified by Revision of Parts 1 and 73 of the Commission’s Rules to Update and Clarify the Rules Governing the Emergency Broadcast System (EBS), FCC 76-1053, 41 Fed. Reg. 52,630, 52,634 (Nov. 30, 1976); 47 C.F.R. § 11.43 (1985), as originally codified by Emergency Broadcast System, 59 Fed. Reg. 67,090, 67,098 (Dec. 28, 1994). When the Commission amended the Part 11 rules to eliminate (continued....)

any requirements we might consider with respect to amending section 11.11(a) be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

167. *Deleting Section 11.16.* Section 11.16 describes the “National Control Point Procedures,” which are “written instructions issued by the FCC to national level EAS control points,” covering National Level EAS Activation, EAS Test Transmissions and the National Information Center (NIC).³⁸² These instructions (and this rule section) essentially are the standard operating procedures used in the EBS for manually activating, terminating, and testing national-level messages (*i.e.*, EANs).³⁸³ More specifically, the Commission developed these procedures for manual processing of EANs sent over the EAN Network, which as discussed above, may no longer have any relevance.³⁸⁴ Accordingly, as with other Part 11 rule sections dedicated to manual EAN processing discussed above that have become outdated and outmoded, we seek comment on whether we should delete section 11.16, along with section 11.54(b)(12), which requires LP (*i.e.*, PEP) stations to adhere to the National Control Point Procedures following receipt of an EAN.³⁸⁵ What are the potential costs and benefits of deleting section 11.16? How could any requirements we might consider with respect to deleting section 11.16 be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

G. Miscellaneous Part 11 Revisions Not Related to CAP

168. In this section, we seek comment on potential revisions to various provisions in Part 11 that are not related to CAP. We propose these revisions to streamline our EAS rules and to remove ambiguities. With respect to each, we encourage commenters to consider whether our proposed approaches are necessary in a proceeding primarily concerned with the CAP-related obligations we address herein. Are these proposed changes necessary? What are their potential costs and benefits? How could any requirements we might consider be tailored to impose the least amount of burden on those affected? To the extent feasible, what explicit performance objectives should we specify to facilitate monitoring the success of any potential course of action?

169. *Definitions.* Timm asked whether we should revise the definition of Local Primary One (LP-1) stations in section 11.2(b), which defines such stations as radio stations, to reflect that these stations can be radio or TV stations.³⁸⁶ Our review of State Area EAS Plans confirms Timm’s

(Continued from previous page)

references associated with the EAN Network, it eliminated the specific references to various broadcast networks and other voluntary participants in the EAN Network originally identified in section 11.43 but left the broad language capturing these entities in section 11.11(a) intact. *See 2002 Report and Order*, 17 FCC Rcd 4055, Appendix B.

³⁸² 47 C.F.R. § 11.16.

³⁸³ *See, e.g.*, 47 C.F.R. § 73.909 (1976), as codified by Revision of Parts 1 and 73 of the Commission’s Rules to Update and Clarify the Rules Governing the Emergency Broadcast System (EBS), FCC 76-1053, 41 Fed. Reg. 52,630, 52,632 (Nov. 30, 1976) (as set forth in the *1994 Report and Order*, Appendix E, section 73.909 was deleted and renumbered as section 11.16).

³⁸⁴ *See supra* notes 335, 337. The “National Control Point Procedures” were the instructions for the participating radio and television networks, cable networks and program suppliers, common carriers, and wire services through which EANs were then distributed. *See* 47 C.F.R. § 11.16 (1985), as originally codified by Emergency Broadcast System, 59 Fed. Reg. 67,090, 67,094 (Dec. 28, 1994).

³⁸⁵ *See* 47 C.F.R. § 11.54(b)(12).

³⁸⁶ Timm Comments at 8.

assessment. Accordingly, we seek comment on whether we should revise the definition for LP-1 stations in section 11.2(b) to reflect that these stations can be a radio or TV station.

170. Commenters made various proposals with respect to the definition of the PEP system in section 11.2(a).³⁸⁷ This section currently defines the PEP system as “a nationwide network of broadcast stations and other entities connected with government activation points” that is used to “distribute the EAN, EAT, and EAS national test messages and other EAS messages.”³⁸⁸ The definition also explains that “FEMA has designated 34 of the nation’s largest radio broadcast stations as PEPs,” which are “designated to receive the Presidential alert from FEMA and distribute it to local stations.”³⁸⁹ The PEP system is also defined in section 11.14, which mirrors most of the language in section 11.2(a).³⁹⁰

171. CSRIC recommended that we “[u]pdate [the] PEP definition to be consistent with FEMA implementation and future plans.”³⁹¹ CSRIC also recommended, with respect to section 11.14, that we “[m]odify [the] PEP paragraph to include [a] reference requiring IPAWS interconnectivity.”³⁹² Timm observed that the number of stations referenced in the definition “should be updated, or perhaps a number should not be listed as FEMA continues to expand the number of PEP stations.”³⁹³ TFT stated, “Because State, local relay networks, and other program distribution networks may serve as entry points for Presidential messages, the wording should permit rather than restrict these sources.”³⁹⁴

172. As a preliminary matter, because the PEP system definition in section 11.14 mirrors the definition in section 11.2(a), it is superfluous. Accordingly, we tentatively conclude that we should delete section 11.14 from the Part 11 rules. We seek comment on this tentative conclusion.

173. With respect to the PEP system definition in section 11.2(a), we seek comment on whether the use of actual numbers to reflect the number of PEP stations is so inflexible that it requires revision via an amendment to the rule every time FEMA adds another station to the PEP system and whether we should delete the numerical reference.³⁹⁵ With respect to CSRIC’s recommendation that we incorporate IPAWS connectivity into the current PEP system definition, it is not clear what purpose that would serve, as the PEP stations only distribute SAME-formatted EAS messages. Instead, we seek comment on whether we should revise the language in section 11.2(a) to clarify that the PEP stations distribute the EAN, EAS national test messages, and other EAS messages in accordance with the EAS Protocol requirements in section 11.31.

³⁸⁷ 47 C.F.R. § 11.2(a).

³⁸⁸ *Id.*

³⁸⁹ *Id.*

³⁹⁰ Specifically, section 11.14 reprints the first two sentences in section 11.2(a). *Compare* 47 C.F.R. § 11.2(a) with 47 C.F.R. § 11.14.

³⁹¹ *CSRIC Final Report*, § Sec. 5.1.

³⁹² *Id.*

³⁹³ Timm Comments at 8. *See also* TFT Comments at 1; TAB Comments at 6.

³⁹⁴ TFT Comments at 2.

³⁹⁵ As noted above, FEMA has indicated that it will expand the number of PEP stations to over 80 stations. *See supra* note 31.

174. Although not raised by any commenter, we also seek comment on whether we should delete section 11.13 and fold the definition of EAN into section 11.2. Specifically, section 11.13 defines the EAN and EAT.³⁹⁶ We are seeking comment above on whether we should delete references to the EAT from the Part 11 rules.³⁹⁷ Because the common definitions used throughout Part 11 are properly included at the beginning of the Part 11 rules, in section 11.2, we seek comment on whether we should delete section 11.13 and move the definition for the EAN currently in section 11.13 to section 11.2.

175. *Geographic Codes.* Section 11.31(c) specifies the message formatting requirements for the EAS Protocol, including the formatting of the location code.³⁹⁸ This section (and section 11.31(f)) currently indicates that the location code “uses the Federal Information Processing Standard (FIPS) numbers as described by the U.S. Department of Commerce in National Institute of Standards and Technology publication FIPS PUB 6–4.FIPS number codes.”³⁹⁹ TFT observed that the “[FIPS] publication has been replaced by American National Standards Institute (ANSI) Codes INCITS 31.200x (Formerly FIPS 6-4), Codes for the Identification of Counties and Equivalent Entities of the United States, its Possessions, and Insular Areas” and suggested that we replace the references to FIPS in the rules with references to the relevant ANSI standard.⁴⁰⁰ We tentatively agree with TFT that the FIPS reference is outdated. Accordingly, we tentatively conclude that we should change the references to the FIPS standard in section 11.31 (and 11.34(d)) to reflect the ANSI standard that superseded it. We seek comment on this tentative conclusion.⁴⁰¹

176. *Attention Signal.* We received various proposals relating to the Attention Signal requirements. Section 11.32(a)(9) sets forth specifications regarding, among other things, tone frequencies, harmonic distortion limit, and transmission time period for Attention Signal generators in encoders.⁴⁰² Trilithic stated, “This section appears to be an attempt to maintain compatibility with EBS” and further observed that “[s]ome requirements (Indicators, protection from inadvertent activation, etc) may no longer be needed and should be eliminated from the requirements.”⁴⁰³

177. Section 11.33(b) specifies Attention Signal requirements for decoders.⁴⁰⁴ Trilithic recommended “eliminating the demuting requirements for the Attention tone as this EBS compatible function is no longer needed”; “NOT attempting to detect the Attention tone outside of the FSK

³⁹⁶ See 47 C.F.R. § 11.13.

³⁹⁷ See *supra* para. 147.

³⁹⁸ See 47 C.F.R. § 11.31(c).

³⁹⁹ *Id.*

⁴⁰⁰ TFT Comments at 4. See also Trilithic Comments at 5.

⁴⁰¹ We observe that a few parties proposed that we adopt the “000000” location code to represent “all U.S.” See, e.g., Monroe Comments at 4. In the *National Test Order*, we concluded that “a national location code is desirable, and that 000000 eventually may prove to be useful as such a code, but that it is not clear that 000000 is a presently feasible solution,” due to uncertainty regarding whether encoder/decoder devices at critical points of the EAS (PEP, LP, etc.) can correctly process and retransmit a national level alert using an all zero location code. *National Test Order* at para. 32. Accordingly, we declined to adopt “000000” as the national code and instead delegated authority to the Bureau to determine – in collaboration with FEMA – “which location code, or codes, will be used for the first national EAS test and also which code or codes should be used for subsequent national tests.” *Id.*

⁴⁰² See 47 C.F.R. § 11.32(a)(9).

⁴⁰³ Trilithic Comments at 3.

⁴⁰⁴ See 47 C.F.R. § 11.33(b).

Header/EOM Envelope to prevent spurious reception”; and “[c]onsider[ing] remove[al] [of] all references to detecting and indicating the Attention Tone since it is now used only as an alert to the listener.”⁴⁰⁵

178. The Commission derived the Attention Signal specifications in sections 11.32(a)(9) and 11.33(b) from the Attention Signal specifications in the EBS rules.⁴⁰⁶ In the EBS, the Attention Signal was used both to initiate processing of emergency alerts and to alert the public that an EAS Participant was about to air an emergency message.⁴⁰⁷ When the Commission adopted the EAS, we retained the Attention Signal specifications to account for the phase-out of EBS equipment.⁴⁰⁸ From January 1, 1998, forward, however, the EAS architecture has used the Attention Signal exclusively for alerting the public that an EAS Participant is about to air an emergency audio message.⁴⁰⁹ Given the limited purpose of the Attention Signal in the EAS, we seek comment on whether we can delete most of the current provisions relating to the Attention Signal in sections 11.32(9) and 11.33(b) in favor of the minimal standard currently set forth in the EAS Protocol (at section 11.31(a)(2)). Were we to do this, we could incorporate any Attention Signal provisions in sections 11.32(9) and 11.33(b) that remain relevant into section 11.31(a)(2).⁴¹⁰ For example, because the Attention Signal is no longer used to activate circuitry within a decoder, as was the case in the EBS, it seems superfluous to maintain the demuting-related specifications in section 11.33(b).⁴¹¹ We seek comment on this proposal.

179. Which, if any, of the equipment-related Attention Signal requirements in sections 11.32(9) and 11.33(b) should we incorporate into section 11.31(a)(2)? For example, should we incorporate the specification covering the duration of the Attention Signal in section 11.32(9)(iv) into section 11.31(a)(2)? Should we modify the duration limits for the Attention Signal, currently set at between 8 and 25 seconds? Could 25 seconds be too long to wait for emergency information in a situation where time is of the essence? Could we effect changes or deletions to any of these parameters in legacy EAS equipment via software or firmware upgrades? What effect, if any, would such changes potentially have on deployed EAS equipment? Would changing the Attention Signal parameters have any impact on CAP-to-SAME translation? For example, would such action require the ECIG to amend the ECIG Implementation Guide to ensure proper CAP-to-SAME translation of CAP-formatted messages?

180. We also seek comment on whether we should delete the Attention Signal from the Part 11 rules altogether. Is an audio signal necessary or useful to alert listeners that an EAS Participant is

⁴⁰⁵ Trilithic Comments at 3; *see also* TFT Comments at 6.

⁴⁰⁶ *See* 47 C.F.R. §§ 73.940, 73.941 (1976), as codified by Revision of Parts 1 and 73 of the Commission’s Rules to Update and Clarify the Rules Governing the Emergency Broadcast System (EBS), 41 Fed. Reg. 52,630, 52,636 (Nov. 30, 1976) (as set forth in the *1994 Report and Order*, Appendix E, sections 73.940 and 73.941 were deleted and renumbered as sections 11.42 and 11.43).

⁴⁰⁷ Specifically, PEP stations broadcasted the Attention Signal, along with an audio message. The Attention Signal served two functions: (i) it triggered circuitry within decoders deployed at stations monitoring the PEP stations to activate an audio alarm that alerted station personnel that an incoming EBS audio message was arriving (the station personnel would in turn broadcast an Attention Signal, using an Attention Signal generator, and rebroadcast the EBS audio message originally broadcast by the PEP station); and (ii) it served as an audio alert signal to listeners and viewers that an EAS Participant was about to air an emergency broadcast. *See 1994 Report and Order* at 10 FCC Rcd 1790, para. 8.

⁴⁰⁸ *See id.* at 1819, para. 96.

⁴⁰⁹ *See id.* at 1814-15, para. 81.

⁴¹⁰ *See* 47 C.F.R. § 11.31(a)(2).

⁴¹¹ *See* 47 C.F.R. § 11.33(b).

about to air an audio message? If listeners can hear an attention signal, they presumably can hear the audio portion of the EAS message. Alternatively, has the two-tone Attention Signal, which has been a part of the national alerting systems in one form or another for several decades, become so ingrained that listeners have come to accept it and might question the authenticity of an EAS alert that lacked the Attention Signal? Does the Attention Signal benefit the vision-impaired community, which may rely more heavily on audible sources of emergency information? Would deleting the Attention Signal potentially make some amount of deployed EAS equipment obsolete because it could not be upgraded via software or firmware? If so, what percentage? Would deleting the Attention Signal have any impact on CAP-to-SAME translation? For example, would such action require amending the ECIG Implementation Guide to ensure proper CAP-to-SAME translation of CAP-formatted messages?

181. Regardless of whether or how we proceed with modifying the Attention Signal requirements, we observe that section 11.12, which specifies that EBS Attention Signal encoders and decoders can remain in operation until January 1, 1998, is obsolete. Accordingly, we tentatively conclude that we should delete section 11.12 from Part 11. We seek comment on this tentative conclusion. Is there any reason to keep section 11.12 in the rules?

182. *Miscellaneous Equipment Issues.* As detailed below, parties responding to the *Part 11 Public Notice* presented various suggestions and questions unrelated to CAP that involve the current encoder and decoder requirements.

183. *Section 11.33(a)(9).* As described above, section 11.39(a)(9) allows EAS Participants to set their decoders to automatically reset to the monitoring state if the decoder does not receive an EOM for any given EAS message within a predetermined minimum time frame (not less than two minutes).⁴¹² This reset function does not apply to EANs. This provision essentially allows EAS Participants to establish a maximum duration for state and local EAS messages that their equipment will air automatically (by ensuring that their EAS equipment will automatically reset for any state or local EAS messages exceeding such time period). Trilithic sought clarification regarding what happens on the encoder side of a combined decoder/encoder device when there is an automatic reset during receipt of an EAS message.⁴¹³ Specifically, Trilithic observed that “the term ‘reset to monitoring’ would seem to indicate that the message is logged but discarded (not retransmitted), however a reset on the decoder side does not guarantee this.”⁴¹⁴ Accordingly, Trilithic asked whether “the message should automatically retransmit.”⁴¹⁵

184. By definition, the reset activation in section 11.33(a)(9) applies only when the EOM for a given EAS message has not arrived within the specified time period.⁴¹⁶ Transmitting an EOM is a minimum requirement for encoders.⁴¹⁷ Because there is no EOM associated with an EAS message that has been canceled via reset, there is no EOM for the encoder to transmit. Accordingly, as the rules are currently constructed, the encoder should not transmit an EAS message that has been canceled via reset. We seek comment on whether we should amend the rules to make this clearer or whether we should allow encoders to air EAS messages that have been canceled via reset. We observe that airing an EAS message

⁴¹² See 47 C.F.R. § 11.33(a)(9).

⁴¹³ See Trilithic Comments at 4.

⁴¹⁴ *Id.*

⁴¹⁵ *Id.*

⁴¹⁶ See 47 C.F.R. § 11.33(a)(9).

⁴¹⁷ See 47 C.F.R. §§ 11.32(a), 11.51(a), (b).

that does not have an EOM runs the risk of airing a partial message that may cause confusion among listeners and viewers. On the other hand, a partial alert message may be better than none. We seek comment on these alternatives.

185. *Section 11.33(a)(3)(ii)*. Section 11.33(a)(3)(ii) specifies certain header code storage requirements for decoders.⁴¹⁸ Among other things, this section requires storage of the header codes of the last ten valid messages received by the decoder that still have valid time periods and deletion of header codes as their valid time periods expire.⁴¹⁹ TFT urged that we eliminate the requirement to delete messages upon expiration of their time periods because “there are cases in which such expired messages should be transmitted.”⁴²⁰ By way of example, TFT suggested that “a Tornado Warning may be received by an EAS Participant with a minimum validity and circumstances, [that] in the judgment of the EAS Participant, may warrant transmission of the message although expired or retransmission of the message.”⁴²¹

186. In general, the storage and deletion requirements in section 11.33(a)(3)(ii) facilitate comparison of incoming EAS messages, which among other things should help prevent the automatic relay of duplicate messages.⁴²² The alert message originator – not the EAS Participant – determines the valid time period specified for an alert.⁴²³ While TFT explained that an EAS Participant might determine in its own judgment that an expired EAS message is valid for the listeners and/or viewers in its area, others might argue that may be a judgment best left to the state and local public safety authorities whose purpose, training, information, and resources are designed to facilitate such determinations. Accordingly, we seek comment on whether we should revise 11.33(a)(3)(ii) as proposed by TFT. Should we allow EAS Participants to air alert messages after expiration of the effective time period set by the alert message originator? Could we revise section 11.33(a)(3)(ii) in other ways to enhance its usefulness and relevance to EAS Participants?

187. *LPTV and LPFM*. Abbott-Gutierrez requested clarification on the EAS rules covering Low Power TV (LPTV) and Low Power FM (LPFM) stations, calling them “confusing at best.”⁴²⁴ After reviewing these rules, we observe that the analog and digital broadcast station equipment deployment table in section 11.11(a) incorrectly identifies “LPFM” in the column that is supposed to contain Class A TV⁴²⁵ and incorrectly identifies “LPTV” in the column that should contain “LPFM.” In addition, it appears that the Commission inadvertently omitted “LPFM” from the test requirements in section 11.61(a)(1)(i) (LPFM stations are only supposed to have to transmit test script, just like LPTV stations) and section 11.61(a)(2)(ii) (LPFM stations are only required to log receipt of the test, just like LPTV stations). We tentatively conclude that we should correct these clerical errors. We seek comment on this tentative conclusion.

⁴¹⁸ See 47 C.F.R. § 11.33(a)(3)(ii).

⁴¹⁹ *Id.*

⁴²⁰ TFT Comments at 5.

⁴²¹ *Id.*

⁴²² See 47 C.F.R. § 11.33(a)(10).

⁴²³ See 47 C.F.R. § 11.31(c) (the time period is one of the EAS Header Codes contained in the EAS Protocol).

⁴²⁴ Abbott-Gutierrez Comments at 2.

⁴²⁵ The “LPFM” category should be on the right-hand side of the column header shown for “FM class D,” which itself should be on the left-hand side (and the column header itself should be two separate headers rather than a single header covering two columns).

188. *Training.* Some parties responding to the *Part 11 Public Notice* called for the federal government to provide EAS training for state and local emergency managers.⁴²⁶ While we remain committed to aiding FEMA in its efforts to develop training and public outreach programs for EAS Participants; state, local, and tribal alert warning authorities; and the public generally, the Commission lacks the authority to raise or distribute funds for EAS-related purposes.⁴²⁷ We therefore tentatively conclude that the Commission cannot provide training for state and local emergency managers and seek comment on this tentative conclusion. In making this tentative conclusion, we draw the distinction between EAS (and other alert system training, such as that which FEMA will do for IPAWS), and the workshops and summits that the Commission holds as part of its outreach mission.

189. *Persons with Disabilities.* As indicated above, the Part 11 rules do not require a textual transcription of the audio portion of an EAS message, but instead currently require an EAS Participant to create a visual message (typically aired in the form of a video crawl) that conveys certain basic information that is derived from the EAS codes for the originator, event, location, and valid time period of the EAS message.⁴²⁸ We recognize that the resulting message may not convey as much in the visual alert as in the audio portion due to the technical limitations inherent in the EAS and thus stands in tension with the Commission's policy that all members of the public receive equal access to emergency alerts. Although the scope of this proceeding does not extend to section 79.2 of our rules, which requires captioning or other visual displays of emergency information shown on video programming and audio output of emergency information provided visually, we note that the above-referenced discrepancy permitted under our Part 11 rules between the audio and visual alerts also may not fulfill the intent of section 79.2.⁴²⁹ Each of these closely related rule provisions is intended to provide full accessibility to emergency alerts for people who are blind, deaf, or who have vision or hearing loss.

190. We plan to explore ways to address and reconcile issues concerning full access to alerts and other emergency information for people with disabilities in two upcoming proceedings. The first, a Notice of Inquiry on Broadband Alerting, will seek comment on how to leverage the Internet and

⁴²⁶ See, e.g., NAB Comments at 4; Timm Comments at 12; TAB Comments at 2; NAB Reply Comments at 6; NSBA Reply Comments at 3-5; Timm Reply Comments at 5; TAB Comments at 2; TFT Reply Comments at 6.

⁴²⁷ We observe that *Executive Order 13407* directs the Secretary of Homeland Security to conduct training related to the EAS, including "public education efforts so that State, territorial, tribal, and local governments, the private sector, and the American people understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system." *Executive Order 13407*, § 2(a)(vii). See also *id.* § 2(a)(viii).

⁴²⁸ See 47 C.F.R. § 11.51(d), (g)(3), (h)(3), (j)(2). This is because visual EAS messages are typically pre-determined phrases programmed into the EAS equipment that correspond to specific EAS codes. For example, the visual depiction of the affected location described for the alert could be a given county, whereas the subject matter of the alert may actually be limited to a fractional area within that county. As a consequence, the information that is conveyed visually typically only reports the basic "who," "what," "when," and "where" associated with an audio EAS message and may not provide the specificity of the audio portion of an EAS message.

⁴²⁹ See 47 C.F.R. § 79.2(b). Specifically, section 79.2 of the Commission's rules requires video programming distributors to provide individuals who are deaf and hard of hearing or blind or have low vision access to emergency information that such distributors provide to their viewers. Emergency information is defined as information about a current emergency that is intended to further the protection of life, health, safety, and property. See 47 C.F.R. § 79.2(a)(2). Critical details that must be provided in an accessible format include, but are not limited to, specific details regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one's home, instructions on how to secure personal property, road closures, and how to obtain relief assistance. See Note to 47 C.F.R. § 79.2(a)(2).

advanced technologies to bring more effective alerts and warnings to the public. We anticipate that this item will seek comment in some detail on how broadband technologies may make alerts more accessible to people with disabilities. The second, the Commission's implementation of the Twenty-First Century Communications and Video Accessibility Act, will seek to improve the accessibility of emergency information shown on video programming for persons with vision disabilities.⁴³⁰ We believe that these efforts are the more appropriate vehicles for addressing long-term alert accessibility issues than the instant proceeding, which is primarily focused on the technical issues involved with revising the existing Part 11 rules to codify the Commission's CAP-related obligations related to the EAS. Nonetheless, we observe that alert access issues are within the scope of this proceeding, and at a minimum, it is appropriate to seek comment today on how the introduction of CAP into our EAS may enhance the accessibility of emergency alerts to people with disabilities.

191. Initially we note that the CSRIC working group that proposed revisions to Part 11 in light of CAP was not tasked with disabilities access issues *per se* and so did not recommend any specific Part 11 rule changes to accommodate persons with disabilities. However, the working group did acknowledge that access to alerts for persons with disabilities was a basic element of any effective alerting system and, citing recommendations developed by the National Center for Accessible Media at WGBH Access Alerts, the Telecommunications for the Deaf and Hard of Hearing, Inc. and others, recommended the following:

- As more people transition from traditional wire line phone systems and TTY usage to Internet-based technologies as their primary means of communication, it is important that these platforms continue to facilitate the delivery of emergency messages to citizens with disabilities. This could be achieved through the development of a national relay center, which disabled individuals could contact to learn more about a local event after receiving an initial alert through traditional channels. Such a center should be a source of information for the deaf and hard of hearing, the blind and visually impaired, caregivers in group homes, and people with physical disabilities; and
- Deployment of the CMAS at the local, state, tribal and Federal level using a CAP interface to the Federal Alert Aggregator in the CMAS architecture.⁴³¹

192. Various other parties likewise have made suggestions concerning the need to improve the accessibility of EAS alerts for persons with disabilities. For example, the Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC) submitted comments in our EAS docket that stated that the Wireless RERC "is concerned that people who are hard of hearing or who are deaf are missing important visual information when they receive an EAS alert, because EAS participants are not required to present the audio portion of the EAS message visually."⁴³² Accordingly, Wireless RERC recommended that "the Commission amend 47 C.F.R. Part 11.51 to require EAS participants to transmit the portion of an EAS message as defined in paragraph 11.31(a)(3) both aurally and visually."⁴³³ The Wireless RERC indicated that such requirement "would not be requisite immediately but it would be

⁴³⁰ See *Twenty-first Century Communications and Video Accessibility Act of 2010 (CVAA)*, PL 111-260, § 202(a). This section replaces subsection 713(g) of the Communications Act, 47 U.S.C. §613(g), with a new requirement for the Commission to promulgate regulations requiring video programming providers and distributors and program owners to convey emergency information in a manner accessible to individuals who are blind or visually impaired.

⁴³¹ *CSRIC Final Report*, § 5.2. The CMAS uses an identifiable ring and vibration cadence to notify people that they have received an alert.

⁴³² Wireless RERC Comments, EB Docket 04-296 (filed May 17, 2010) at 1.

⁴³³ *Id.* at 2.

included in the Next Generation EAS regulations for CAP.”⁴³⁴ The Wireless RERC added, however, that “if there is a considerable delay in implementing the Next Generation EAS or if there is a reason that an EAS participant cannot comply with the visual requirement in the Next Generation EAS regulations, it is recommended that the participant be required to install a speech to text capability or other means so that the audio message portion in an existing EAS message can be displayed visually.”⁴³⁵ As an alternative to installing speech-to-text capability, the Wireless RERC recommended that an EAS Participant be “permitted to access the Internet or other systems to obtain the text of the information provided in the audio portion of the EAS message.”⁴³⁶

193. NCTA suggested that “EAS message originators should provide emergency alerts in both audio and visual format so that individuals with hearing and visual disabilities receive functionally equivalent information.”⁴³⁷

194. At the outset, we note that questions concerning the Commercial Mobile Alert System (CMAS), or the evolution to Next Generation 9-1-1 for alerts, are outside the purview of this item, which is solely concerned with the EAS. Nevertheless, we acknowledge that there is a tension between our Part 11 rules, which only require limited visual information based upon certain EAS header codes,⁴³⁸ and the section 79.2 emergency access provisions, which are designed to provide equal access to emergency information, whether provided via EAS or other video programming distribution method, to the entire public, including all persons with disabilities. Accordingly, at the outset we seek comment on whether there is in CAP some functionality that would allow EAS Participants to broadcast the same information in the visual portion (*i.e.*, the text crawl) of an EAS alert as is contained within the audio portion (if any).⁴³⁹ We seek comment on appropriate revisions to the appropriate section(s) of Part 11.

195. We also seek comment on whether it is technically feasible for the existing EAS system or EAS Participant facilities to broadcast anything in lieu of an audio message. While CAP may have the versatility to convey both the audio and corresponding text elements of an alert message, we seek comment on whether the equipment that EAS Participants will be employing to receive CAP-based EAS alerts can simultaneously accommodate both an audio and textual message that can be delivered over the EAS. We also seek comment on whether intermediary devices designed to translate CAP to SAME⁴⁴⁰ for current, pre-CAP EAS equipment will have the identical capability as “all-in-one” CAP EAS equipment in this regard. Further, although we believe that discussion of speech-to-text (as well as text-to-speech) software is best reserved for our Broadband Alerting Notice of Inquiry,⁴⁴¹ or other more appropriate

⁴³⁴ *Id.*

⁴³⁵ *Id.*

⁴³⁶ *Id.* at 3.

⁴³⁷ National Cable & Telecommunications Association Comments, EB Docket 04-296 (filed May 17, 2010) at 5.

⁴³⁸ See 47 C.F.R. § 11.51(d), (g)(3), (h)(3), (j)(2).

⁴³⁹ We recognize that enhancing the visual information broadcast by EAS Participants would not address instances in which no audio portion is included for state and local (and NWS) messages, either because the EAS message originator did not provide one or because the EAS Participant elected not to broadcast it. See 47 C.F.R. § 11.51(b) (stating that EAS Participants are not required to provide the audio portion of state and local EAS messages).

⁴⁴⁰ See *supra* note 30 and associated text for description of Specific Area Message Encoding (SAME) digital protocol.

⁴⁴¹ Various parties made suggestions concerning multilingual alerting over the EAS. See, e.g., *CSRIC Final Report*, § 5.3; Sage Comments at 8; NCTA Comments at 5; NAB Comments at 8; NSBA Reply Comments at 6; Abbott-Gutierrez Reply Comments at 2; Minority Media and Telecommunications Council Reply Comments, EB Docket (continued....)

proceedings, we invite initial comment on the effectiveness of speech-to-text software and how EAS Participants might use it in a manner that neither delays nor inaccurately interprets an EAS alert message.

IV. PROCEDURAL MATTERS

A. *Ex Parte* Presentations

196. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴⁴² Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁴⁴³ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules.

B. Comment Filing Procedures

197. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. **All filings related to this Third Further Notice of Proposed Rulemaking should refer to EB Docket No. 04-296.** Comments may be filed: (1) using the Commission’s Electronic Comment Filing System (ECFS), (2) through the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-

(Continued from previous page) _____

04-296 (filed June 14, 2010) at 3. This issue, along with the issue of ensuring access to EAS by people with disabilities, was raised in the *Next Generation EAS FNPRM*, which remains an open proceeding. See *Next Generation EAS FNPRM*, 22 FCC Rcd 13275, 13306-07, paras. 72-73. We find both issues to be more appropriate for the Notice of Inquiry on Broadband Alerting, and we expect to take up both of these issues in that item.

⁴⁴² 47 C.F.R. §§ 1.200 *et seq.*

⁴⁴³ See 47 C.F.R. § 1.1206(b)(2).

class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

C. Accessible Formats

198. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

D. Regulatory Flexibility Analysis

199. As required by the Regulatory Flexibility Act of 1980, *see* 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this document. The IRFA is set forth in Appendix B. Written public comments are requested on the IRFA. These comments are subject to the same procedures and filing deadlines as comments filed in response to this Third Further Notice of Proposed Rulemaking as set forth in paragraph 195 and must have a separate and distinct heading designating them as responses to the IRFA.

E. Paperwork Reduction Act Analysis

200. This document contains proposed or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

V. ORDERING CLAUSES

201. Accordingly, IT IS ORDERED that pursuant to sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), 706, and 715 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i) and (o), 301, 303(r), 303(v), 307, 309, 335, 403, 544(g), 606, and 615, this Third Further Notice of Proposed Rulemaking IS ADOPTED.

202. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Third Further Notice of

Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

203. IT IS FURTHER ORDERED that pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on this Third Further Notice of Proposed Rulemaking on or before 30 days after publication in the Federal Register, and interested parties may file reply comments on or before 45 days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch
Secretary

APPENDIX A
Proposed Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 C.F.R. Part 11 to read as follows:

PART 11 – EMERGENCY ALERT SYSTEM (EAS)

1. The authority citation for Part 11 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

2. Amend Section 11.2 of Part 11 of Title 47 of the Code of Federal Regulations by adding new paragraphs (a) and (i), revising and re-designating paragraphs (a) and (b), and re-designating paragraphs (c) through (g), as follows:

§ 11.2 Definitions.

The definitions of terms used in part 11 are:

(a) **Emergency Action Notification (EAN).** The Emergency Action Notification is the notice to all EAS Participants and to the general public that the EAS has been activated for a national emergency.

(b) **Primary Entry Point (PEP) System.** The PEP system is a nationwide network of broadcast stations and other entities connected with government activation points. It is used to distribute EAS messages that are formatted in the EAS Protocol (specified in §11.31), including the EAN and EAS national test messages. FEMA has designated some of the nation's largest radio broadcast stations as PEPs. The PEPs are designated to receive the Presidential alert from FEMA and distribute it to local stations.

(c) **Local Primary One (LP-1).** The LP-1 is a radio or TV station that acts as a key EAS monitoring source. Each LP-1 station must monitor its regional PEP station and a back-up source for Presidential messages.

(d) **EAS Participants.** Entities required under the Commission's rules to comply with EAS rules, e.g., analog radio and television stations, and wired and wireless cable television systems, DBS, DTV, SDARS, digital cable and DAB, and wireline video systems.

(e) **Wireline Video System.** The system of a wireline common carrier used to provide video programming service.

(f) **Participating National (PN).** PN stations are broadcast stations that transmit EAS National, state, or local EAS messages to the public.

(g) **National Primary (NP).** Stations that are the primary entry point for Presidential messages delivered by FEMA. These stations are responsible for broadcasting a Presidential alert to the public and to State Primary stations within their broadcast range.

(h) **State Primary (SP).** Stations that are the entry point for State messages, which can originate from the Governor or a designated representative.

(i) **Intermediary Device.** An intermediary device is stand-alone equipment that acquires and decodes EAS messages formatted in the Common Alerting Protocol (CAP) in accordance with §11.56, converts such CAP-formatted message into an EAS message (or data stream) that complies with the EAS Protocol (set forth in §11.31), and inputs such EAS Protocol-compliant message (or data stream) into a separate EAS decoder, EAS encoder, or unit combining such decoder and encoder functions, for further processing in accordance with the EAS message processing rules in this Part.

3. Amend Section 11.11 of Part 11 of Title 47 of the Code of Federal Regulations by revising paragraphs (a) and (d) as follows:

§ 11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of analog radio broadcast stations including AM, FM, and Low-power FM (LPFM) stations; digital audio broadcasting (DAB) stations, including digital AM, FM, and Low-power FM stations; Class A television (CA) and Low-power TV (LPTV) stations; digital television (DTV) broadcast stations, including digital CA and digital LPTV stations; analog cable systems; digital cable systems which are defined for purposes of this part only as the portion of a cable system that delivers channels in digital format to subscribers at the input of a Unidirectional Digital Cable Product or other navigation device; wireline video systems; wireless cable systems which may consist of Broadband Radio Service (BRS), or Educational Broadband Service (EBS) stations; DBS services, as defined in §25.701(a) of this chapter (including certain Ku-band Fixed-Satellite Service Direct to Home providers); SDARS, as defined in §25.201 of this chapter; participating broadcast networks, cable networks and program suppliers; and other entities and industries operating on an organized basis during emergencies at the National, State and local levels. These entities are referred to collectively as EAS Participants in this part, and are subject to this part, except as otherwise provided herein. At a minimum EAS Participants must use a common EAS protocol, as defined in §11.31, to send and receive emergency alerts, and comply with the requirements set forth in §11.56, in accordance with the following tables:

Table 1: Analog and Digital Broadcast Station Equipment Deployment Requirements

EAS equipment requirement	AM & FM	Digital AM & FM	Analog & Digital FM Class D	Analog & Digital LPFM	DTV	Analog & Digital Class A TV	Analog & Digital LPTV
EAS decoder ¹	Y	Y	Y	Y	Y	Y	Y
EAS encoder	Y	Y	N	N	Y	Y	N
Audio message	Y	Y	Y	Y	Y	Y	Y
Video message	N/A	N/A	N/A	N/A	Y	Y	Y

¹ EAS Participants may comply with the obligations set forth in section 11.56 of this Part to decode and convert CAP-formatted messages into EAS Protocol-compliant messages by deploying an Intermediary Device.

Analog Cable Systems

Analog cable systems are subject to the requirements in Table 2 below. Analog cable systems serving fewer than 5,000 subscribers from a headend may either provide the National level EAS message on all programmed channels including the required testing, or comply with the requirements in Table 2.

Table 2: Analog Cable System Equipment Deployment Requirements

EAS equipment requirement	≥5,000 subscribers	<5,000 subscribers
EAS decoder ¹	Y	Y
EAS encoder	Y	Y ²
Audio and Video EAS Message on all channels	Y	N
Video interrupt and audio alert message on all channels; ³ Audio and Video EAS message on at least one channel	N	Y

¹ EAS Participants may comply with the obligations set forth in section 11.56 of this Part to decode and convert CAP-formatted messages into EAS Protocol-compliant messages by deploying an Intermediary Device.

² Analog cable systems serving <5,000 subscribers are permitted to operate without an EAS encoder if they install an FCC-certified decoder.

³ The Video interrupt must cause all channels that carry programming to flash for the duration of the EAS emergency message. The audio alert must give the channel where the EAS messages are carried and be repeated for the duration of the EAS message. [Note: Programmed channels do not include channels used for the transmission of data such as interactive games.]

Wireless Cable Systems (BRS/EBS Stations)

Wireless cable systems are subject to the requirements in Table 3 below. Wireless cable systems serving fewer than 5,000 subscribers from a single transmission site must either provide the National level EAS message on all programmed channels including the required testing, or comply with the requirements in Table 3.

Table 3: Wireless Cable System Equipment Deployment Requirements

EAS equipment requirement	≥5,000 subscribers	<5,000 subscribers
EAS decoder ¹	Y	Y
EAS encoder	Y	Y ²
Audio and Video EAS Message on all channels ³	Y	N
Video interrupt and audio alert message on all channels; ⁴ Audio and Video EAS message on at least one channel	N	Y

¹ EAS Participants may comply with the obligations set forth in section 11.56 of this Part to decode and convert CAP-formatted messages into EAS Protocol-compliant messages by deploying an Intermediary Device.

² Wireless cable systems serving <5,000 subscribers are permitted to operate without an EAS encoder if they install an FCC-certified decoder.

³ All wireless cable systems may comply with this requirement by providing a means to switch all programmed channels to a predesignated channel that carries the required audio and video EAS messages.

⁴ The Video interrupt must cause all channels that carry programming to flash for the duration of the EAS emergency message. The audio alert must give the channel where the EAS messages are carried and be repeated for the duration of the EAS message. [Note: Programmed channels do not include channels used for the transmission of data services such as Internet.]

Digital Cable Systems and Wireline Video Systems

Digital cable systems and Wireline Video Systems must comply with the requirements in Table 4 below. Digital cable systems and Wireline Video Systems serving fewer than 5,000 subscribers from a headend must either provide the National level EAS message on all programmed channels including the required testing, or comply with the requirements in Table 4.

Table 4: Digital Cable System and Wireline Video System Equipment Deployment Requirements

EAS equipment requirement	≥5,000 subscribers	<5,000 subscribers
EAS decoder ¹	Y	Y
EAS encoder	Y	Y ²
Audio and Video EAS Message on all channels ³	Y	N
Video interrupt and audio alert message on all channels; ⁴ Audio and Video EAS message on at least one channel	N	Y

¹ EAS Participants may comply with the obligations set forth in section 11.56 of this Part to decode and convert CAP-formatted messages into EAS Protocol-compliant messages by deploying an Intermediary Device.

² Digital cable systems and wireline video systems serving <5,000 subscribers are permitted to operate without an EAS encoder if they install an FCC-certified decoder.

³ All digital cable systems and wireline video systems may comply with this requirement by providing a means to switch all programmed channels to a predesignated channel that carries the required audio and video EAS messages.

⁴ The Video interrupt must cause all channels that carry programming to flash for the duration of the EAS emergency message. The audio alert must give the channel where the EAS messages are carried and be repeated for the duration of the EAS message. [Note: Programmed channels do not include channels used for the transmission of data services such as Internet.]

SDARS and DBS

EAS equipment requirement	SDARS	DBS
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