

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
Review of the Emergency Alert System ) EB Docket No. 04-296  
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**COMMENTS OF THE ASSOCIATION OF PUBLIC TELEVISION STATIONS AND  
THE PUBLIC BROADCASTING SERVICE**

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The Association of Public Television Stations<sup>1</sup> and the Public Broadcasting Service<sup>2</sup> (collectively referred to herein as “Public Television”) welcome this opportunity to comment on the Federal Communication Commission’s (“Commission”) *Third Further Notice of Proposed Rulemaking* on changes to Part 11 rules governing the Emergency Alert System (“EAS”) in order to streamline and enhance EAS’s overall effectiveness (“NPRM”).<sup>3</sup>

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<sup>1</sup> APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation’s 364 CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound noncommercial television service for the American public.

<sup>2</sup> PBS, with its nearly 360 member stations, offers all Americans — from every walk of life — the opportunity to explore new ideas and new worlds through television and online content. Each month, PBS reaches 124 million people through television and 20 million people online, inviting them to experience the worlds of science, history, nature, and public affairs; to hear diverse viewpoints; and to take front row seats to world-class drama and performances.

<sup>3</sup> Review of the Emergency Alert System, *Third Further Notice of Proposed Rulemaking*, EB Docket No. 04-296 (rel. May 26, 2011).

## INTRODUCTION

In 2007, as an initial step toward upgrading the EAS to incorporate the latest technologies and capabilities and to facilitate integration of public alerting at the national, state, and local levels, the Commission incorporated certain Common Alerting Protocol (“CAP”) related obligations into the Commission’s Part 11 EAS rules.<sup>4</sup> The NPRM builds on that effort by seeking comment on a wide range of tentative conclusions and proposed revisions to the Part 11 rules that would codify the CAP-related mandates in previous orders.<sup>5</sup> The proposed revisions seek to integrate CAP-based alert messaging into the existing EAS while laying the foundation for transitioning to next generation alert mechanisms.<sup>6</sup> While there are a wide number of comments sought in the matter, these comments are specifically directed to the Commission’s inquiry of whether EAS participants should be permitted to meet their CAP-related obligations by deploying intermediary devices.<sup>7</sup> Such devices would allow EAS members to receive a CAP-based alert and encode it into a Specific Area Message Encoding (“SAME”) formatted message.<sup>8</sup> Public Television urges the Commission to allow EAS participants to meet their CAP-related obligations through the use of intermediary devices. In addition, Public Television requests an extension of at least 120 days to the current CAP-compliance deadline in order to allow public

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<sup>4</sup> NPRM ¶ 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> NPRM ¶ 46.

<sup>8</sup> *Id.* The Commission noted: “We observe that these devices would appear to receive a CAP-based alert and encode it into a SAME-formatted message that is fed into the audio input of the EAS Participant's legacy EAS equipment, just as if that message had been received over-the-air from another station.”

television stations to adapt to any and all of the Final Order regulations adopted by the Commission in this proceeding.

## I. CURRENT USE OF INTERMEDIARY DEVICES

Generally, although CAP and SAME both convey data, the two protocols function in entirely different ways. SAME, adopted by the National Weather Service in 1988,<sup>9</sup> consists of a message composed of six possible elements<sup>10</sup> transmitted over-the-air under the use of a single tone at 1050 Hz.<sup>11</sup> On the other hand, CAP essentially represents an envelope in which data is packaged according to predetermined fields and packetized for transmission over various IP-based mediums, such as the Internet.<sup>12</sup> CAP is a simple but general format for exchanging all-hazard emergency alerts and public warnings over all kinds of networks<sup>13</sup> and it allows a consistent warning message to be disseminated simultaneously over many different warning systems, thus increasing warning effectiveness while simplifying the warning task.<sup>14</sup>

Public television stations have already begun purchasing and deploying intermediary devices to fulfill their CAP-compliance obligations. We estimate that nearly half of our member

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<sup>9</sup> <http://www.erh.noaa.gov/phi/wxradio/nwrfaq.htm#Watches>.

<sup>10</sup> “An NWR SAME transmitted data message consists of six possible elements in the following sequence: 1) Preamble; 2) Header code; 3) Warning Alarm Tone/Attention Signal; 4) Voice Message; 5) Preamble; 6) End Of Message (EOM).” NOAA Weather Radio (NWR) All Hazards Specific Area Message Encoding, Dep’t of Commerce - National Oceanic & Atmospheric Administration, NWSPD 10-17 (rel. February 12, 2007). Available at <http://www.weather.gov/directives/010/pd01017012c.pdf>.

<sup>11</sup> <http://www.erh.noaa.gov/phi/wxradio/nwrfaq.htm#Watches>.

<sup>12</sup> NPRM ¶ 14.

<sup>13</sup> Standards: Common Alerting Protocol, Federal Emergency Management Administration, <http://www.fema.gov/about/programs/disastermanagement/standards/cap.shtm> (last visited July 5, 2011).

<sup>14</sup> *Id.*

stations have already purchased equipment in response to the Commission's earlier proceedings and deadlines.<sup>15</sup> We believe that the vast majority of those have purchased intermediary devices. These devices provide a straightforward, effective, and cost-efficient means of adding CAP capabilities to already-compliant EAS installations. Stations are able to purchase and adapt this equipment without having to replace existing and fully functioning infrastructure. As a result, public television stations have invested time and money toward the acquisition, installation, and maintenance of intermediary devices that comply with FEMA standards and the Commission's rulings to-date. Any changes to CAP-related obligations that would prohibit or restrict the use of such devices would create a burden and detriment to public television stations throughout the nation that have worked diligently to comply and serve their communities when EAS is utilized. Therefore, Public Television urges the Commission to allow EAS participants to meet their CAP-related obligations through the use of intermediary devices.

## **II. CAP COMPLIANCE DEADLINE EXTENSION**

The Commission seeks comment on whether the September 30, 2011 deadline for CAP compliance should be extended and further seeks justification for an extension.<sup>16</sup> Public Television respectfully requests an extension of at least 120 days in order to allow public television stations to adapt to any and all of the Final Order regulations adopted by the Commission.

As the deadline for reply comments is set for early August, it is likely a Final Order by the Commission will be released relatively close to the current CAP-compliance deadline. This

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<sup>15</sup> PBS survey results indicate that just over 40% of our member stations have already purchased CAP equipment.

<sup>16</sup> NPRM ¶ 109-111.

could make it extremely difficult for stations to comply with newly revised regulations by the current deadline. As a result, given the uncertainty introduced by this rulemaking (including as to whether intermediary devices are permissible) and the fact that a Final Order may be released with only a few weeks remaining until the deadline, Public Television believes that stations will need additional time to adapt. Public television stations will work diligently to comply with the Commission's revised EAS regulations as soon as they are released, but stations would greatly benefit from receiving sufficient time in which to ensure full compliance.

## **CONCLUSION**

Public Television continues to serve as a vital resource in the national dissemination of emergency messages due to our universal service mission. In fulfilling this mission, numerous intermediary devices have already been deployed to notify communities when emergencies arrive in the form of floods, wildfire, tornadoes, hurricanes, or other matters of public safety. The use of these devices should continue to be permitted to meet CAP-related obligations. Finally, as it is our shared goal to timely meet all EAS requirements set forth by FEMA and by the Commission, Public Television requests an extension of the CAP-compliance deadline in order to provide our member stations with sufficient time to deploy the necessary equipment and comply with all applicable regulations.

Respectfully submitted,

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