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

In the Matter of)
)
Review of the Emergency Alert System)EB Docket No. 04-296)
)
Independent Spanish Broadcasters Association,)
the Office of Communication of the United)
Church of Christ, Inc., and the Minority Media)
and Telecommunications Council, Petition for)
Immediate Relief)
)
Randy Gehman Petition for Rulemaking)

Comments from Mr. Kenneth Evans

Comments to paragraph 83 - 85

According to paragraph 83 The FCC wants everyone to transmit the same (meaning consistent) EAS message. To do this they propose that we must wait for CAP and base the television visual message only on the S.A.M.E. radio technology methods which establish information about the Alert message being received form the header codes. However they want FEMA to be ready with the Next Generation EAS before we are supposed to be allowed to utilize the vocal text message from the CAP message format. If that is the case the FCC is violating its own rules by not recognizing EAS as an emergency message, or by making it inaccessible for people of handicap conditions, as section 79.2 requires video programmers to carry the full vocal emergency message in some visual as well as aural form. Unless this document is the FCC's notice that until further notice just the header codes are required, and there by suspending the equal access to emergency information rules, then the FCC is basically making EAS less useable, non-automatic, and incomplete. Is it the intentions here to require a separate crawl for the EAS Alert headers and another one for the Vocal text information? Or can we agree on the vocal text being appended to the end of the crawl making it all one Emergency message?

As for guidance on how to do that consistently, I do not think we should hold up the Part 11 rules for a full solution now. But the rules must be written broad enough to allow any future adjustments and acceptance is needed in those rules for the way things are being done right now, as without good leadership and specific guidance the states and those of the industry involved have been left to their own devices to fulfill their obligations to the FCC and the people of this country. Believe it or not the CAP message we currently use when we need EAS is far more accurate and specific than the S.A.M.E. message can be.

It must be noted here that the header codes provide just a basis of information about the emergency. Because it uses generalities, that message can be sometimes incorrect and misleading. For instance a disaster that needs an area to evacuate immediately can say on a television screen that decodes the headers used, that the emergency calls for immediate evacuation of an entire county, when the vocal message states that those within a one half mile radius from a disaster scene might be the only ones

needing to evacuate. But that is not what they saw in their TV screen! The generality of the S.A.M.E. message is the cause of this confusion. And right now that is the only message that a EAS box will generate automatically! The rest has to be put together from whatever sources one can find and run a separate crawl with that information. And in an emergency any delay can be costly.

The more automatic, the more complete the message, the less trouble we have and the easier it is to deliver Emergency Messages to the people who need it using the Emergency Alert System.

What I propose is that the part 11.51 rule include a reference to the inclusiveness rules that for persons with disabilities, so that it might be minimally cross referenced here in this section so that all the requirements on video program sources understand the message is an Emergency Communication and everyone has the right to receive that message as mentioned in section 79.2 as mentioned in paragraph 189.

I also propose that in 11.51 sub paragraph (d) be more inclusive of all media that provide video programming not just Broadcast television as shown here. It might be explained that given the current rules apply basically to television broadcasters, but the future holds more internet use and as these sources are variable and may in the future be a requirement of internet providers. At least to my thinking all of these of this area are sources that fall under the telecommunications rules in some way be it by telephone, telephone DSL, or cable, or wireless methods, all available methods to carry the President's message must be made available. With RSS this should not be too hard. And the people using these devices too can get the warnings needed to save lives. And I realize this may be a long way into the future in some cases. But if the rules are written too narrowly, they will have to be rewrote soon again. In my opinion I think we need to broaden our sights and be more inclusive.

That is my suggestions and thoughts on this parts of the commentary and rule making.

Governor's Messaging -

I agree with Para. 119 - as I believe CAP message will have greater ability in the future, and by being compatible with the IPAWS requirements this will enable the alert to start at one point and be done just once while the message can be disseminated in multiple formats to make use of the most effective warning possible.

Paragraph 119 asks if a governor code is necessary. I believe it is. This will prevent use of EAN for anything other than the Presidential messages, and more easily keep the code within the same state, not having EAS boxes captured all across the country by an EAN to hear another Governor's message in an unaffected area of the country.

Paragraph 124 Cross state border alerts - I deal with this all the time. Every time I get an alert at work it is broadcast into multiple states because that is where the broadcast signal can be seen. And emergency messages for our viewers should be sent so long as the area is specified and it is within our broadcast area. I worry about things like CAE (Amber Alerts). If the crawl says dial 911, do all the different 911 centers know about the alert? And I remind the officials responsible for sending out the messages to be sure to advise all those 911 call centers even in neighboring states so no one is unprepared for the sudden calls about the event. But I believe the message should be done where a large enough percentage of the broadcast viewers are involved in the area effected by the emergency. But to be sure of this I endeavor to work closely with the State committees for 2 states. So to this I say yes. Someday I would like to see an area wide plan established, but until that happens we will

follow the State Plan of two states concerning initiating alerts for those respective states. Of course our monitoring assignments come from our state of license. The nice thing is all the local area states use the same relay system for initiating alerts, making it easy to do the necessary alerts from across the border when needed.

Para. 125 Geo-targeting specific areas for emergency alerts is a good idea and hopefully will one day enable Emergency Alert messages to only be seen if the viewer is in the actual area being effected, where the warning is actually needed. For that however the FCC would have to build the infrastructure by specifying receivers be constructed with GPS chips that will know its own current location and only accept messages if it is within the warning grid. We are not there yet. But we do use graphic systems that can pinpoint the target area on a map and display it for our viewers.

The CAP message is better capable to do something similar. S.A.M.E. has a facility for subdivisions of a FIPS area, but these are very rarely used as it requires added set up, the areas to be defined by the authorities, and extra time to set up the alert. One NWS person said "our counties are too small to be bothered". But their real message was not that the counties were too small, but that they (the NWS) had moved way beyond being restricted by FIPS codes to using a geographical plotting system that more accurately depicts the warning area. Such advanced computerized systems can easily calculate the specific FIPS areas and subdivisions and send it out so that they map smaller areas to be warned more accurately. But it does take more time to run a string of FIPS codes as the subdivision method increases the number of codes having to be sent. So the cost of doing this might be higher. So this is mostly for the future with CAP and currently is more easily done and faster too using non-EAS weather graphic systems that take the NWS data string and plot them to a map.

Paragraph 129 - I believe that the Governor's message should be like the Presidential message, which is mostly reserved for extremely big emergencies that effect large areas of a state. It should not be used for normal events. Uses for this event should be covered in the State Plan.

Paragraph 153 - I believe that it is true without EAT as a code ending the process that there is no need for the FCC EAS handbook. And without EAT the EAN process becomes much more automatic and would require virtually no human intervention for it to run correctly. But if we did away with the EAS Handbook, what would instruct participants about the rules that govern EAS?

A state plan can contain the parts needed to remind everyone of the requirements of the Part 11 rules. But the requirement for a state plan to be approved might leave some without any guidance if the state plan is not approved for some reason. So it makes me wonder if it is advisable. I know this from experience as having participated in helping to write a State plan that was reportedly turned down before. While I have no objections to fixing the problems that might be noted, and resubmitting the plan. It is important that communication be done broad enough to make sure at least the SECC members understand what needs to be done. If the communication is only between the FCC and the SECC chairperson, and the one person fails to forward it on to the committee members, the whole process quickly falls apart. This could leave an entire state of our country without guidance for receiving and sending warnings to their people. I would recommend that while it may be one person who submits the State plan, that the FCC communicate with the entire committee. I would also ask the question: What if there is "No Officially approved" EAS plan for a state? What then would a broadcast station do? Would a plan approved by the people from the state representing the broadcasters and those from the State's Emergency Management officials carry any weight if the FCC has not approved it?

While I have used the FCC EAS Handbook to help train broadcast station employees, and even have developed a quiz to be sure the material was read and understood, I feel it might be more efficient to just provide a Quick Guide to cover the basic needed information. (Sort of like a quick setup brochure you get when buying some electronics.) Such a sheet could provide the basic information in a concise form to provide an over all understanding of the rules from Part 11. It could also stand in for a missing State Plan if no usable plan existed for any particular state, although it would leave the station lacking the required monitoring assignments.

Another question comes on the basis of the SECC, how they are established, and recognized? In essence, is it an appointment system? And if so, appointment by who (federal or state officials)? Or is it as I have mostly experienced it, a group of knowledgeable and experienced people elected from a meeting of industry and emergency management professionals that represent the participants of the EAS program? Is there any legal basis to consider that could provide guidance to the members of the State Committee? I understand that these committees may date back to the days before EBS. But the person helping me research this could not find anything in the rules on the topic since EBS days.

One last comment I would like to make but am not sure where it fits in has has been the topic of many discussions at different SECC meetings. That concerns the intent of the purpose of the Required Monthly Test. Basically the question is, "Who should start the RMT?" In my opinion the RMT is designed to test the system from start to finish, or basically it is a practice in preparation for an emergency. This is where we examine our readiness to carry the EAN of the President if ever needed, and any other EAS messages we might receive. During this test we can see if the different entry points for alerts will work. This is from the daisy chain, to the state relay, and even NOAA Weather Radio. The idea would be to test the redundancy of the system, and at the same time give those who will start the warnings practice in doing just that. This way we can find the weaknesses and strive to fix it or improve it. But the past it was always the job of the big broadcasters (State Primary) to start it. And while I feel this is something mostly left to the State plan to decide, I would hope that Part 11 might define the purpose of the RMT so that our state plans can build a better model to test the system itself.

I submit this in all due respect, with the hopes that I have done it correctly, and contributed something worthwhile.

Sincerely,

Kenneth Evans