

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

In the Matter of	)	
	)	
Equipment and Operational Issues Identified	)	EB Docket No. 04-296
Following the First Nationwide Test of the	)	
Emergency Alert System	)	

**REPLY COMMENTS OF HEARST TELEVISION INC.**

Hearst Television Inc. (“Hearst”),<sup>1</sup> by its attorneys, submits these reply comments in response to the Commission’s Public Notice, DA 13-1969, (the “Public Notice”) in the above-captioned proceeding.

Over time, Hearst personnel—at the executive level and at the station level—have served in various capacities as members of committees, boards, organizations, and ad hoc working groups involved in media security and reliability, state emergency management,

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<sup>1</sup> Hearst owns and operates two radio stations and 33 full-power television stations located in 25 different markets throughout the country, from Maine to Florida to Hawaii, which provide highly localized, award-winning service—including EAS alerts and other critical emergency information. In light of the important public service provided by local stations that air EAS alerts and other critical emergency information, NAB has suggested in its comments that the Commission address the issue of cable overrides at an appropriate time in this proceeding. *See* Comments of NAB, pp. 10-14. Cable overrides can cause confusion among viewers and often interrupt critical emergency information being provided by local broadcast stations, which is often more localized and detailed than the information provided in the cable overrides. Hearst supports NAB’s request that the Commission consider imposing mandatory selective override procedures for cable operators in order to consistently protect local broadcasters’ emergency programming. *See id.*

public safety, and the EAS. EAS participation is one of the many ways in which Hearst stations serve their local communities and the public interest.

As such, Hearst agrees with the comments submitted by others in this docket that the nationwide EAS test on November 9, 2011, was a worthwhile exercise for all EAS stakeholders, and the test demonstrated that EAS architecture is generally robust and fundamentally sound.<sup>2</sup> As observed in the Commission’s EAS Nationwide Test Report released in April 2013, the test revealed a few operational issues and areas for improvement.<sup>3</sup> Hearst supports the Commission in its efforts to ensure an appropriate degree of operational consistency of EAS nationwide through further testing and implementation and modification of EAS protocol.

Hearst believes that a principal strength of EAS resides in its automation and operational consistency.<sup>4</sup> Accordingly, Hearst agrees with FEMA that proper equipment and configuration are essential to maximizing the efficiency, reach, and “success” of any

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<sup>2</sup> See Public Notice, at 1; Comments of National Association of Broadcasters (filed Nov. 4, 2013) (“NAB Comments”), p. 3.

<sup>3</sup> See Strengthening the Emergency Alert System (EAS): Lessons Learned from the Nationwide EAS Test (April 12, 2013) (“EAS Nationwide Test Report”); see also NAB Comments, p. 3.

<sup>4</sup> Hearst’s stations have a high degree of uniformity in their EAS equipment. All 33 of the television stations use DASDEC gear that is configured virtually the same across all properties but Hearst’s two radio stations use Sage Endec equipment. Despite its own relative degree of uniformity in EAS equipment, Hearst agrees with NAB that the Commission’s approach here should not be to adopt a one-size-fits-all regime but should instead recognize that there is strength in diversity and that the goal should be consistency in performance and results, i.e., that EAS equipment, software, and protocol are developed, programmed, installed, and used in a manner that brings about consistent results—namely timely, successful receipt and retransmission of an EAN with minimal disruption and minimal public confusion.

nationwide Presidential alert.<sup>5</sup> Hearst shares the concern expressed in the Public Notice that “the way specific EAS equipment is designed and/or programmed to recognize and process EAS Header Code elements may have contributed to the performance discrepancies that occurred during the [nationwide] test.”<sup>6</sup> For these reasons, Hearst supports the development of, and adherence by EAS equipment manufacturers and programmers to, processing standards to ensure uniform implementation of EAS protocol nationwide.<sup>7</sup> The public-private partnership that has been the hallmark of the emergency alert system, as discussed and envisioned by NAB in its comments, is an appropriate forum in which to continue to improve and strengthen EAS.<sup>8</sup>

The November 9, 2011, nationwide test was, in substantially all respects, a success: Not only did most broadcast stations successfully receive and retransmit the EAN during the test, but, to the extent that imperfections were revealed, the Commission, FEMA, and other stakeholders have embarked on a course to further improve the system.

Nevertheless, as the Commission is aware, the receipt and retransmission of the test EAN was not perfect in all respects for all Hearst stations. For example, several Hearst stations experienced problems with poor audio quality and “echoing,” duplicative and disordered header and EOM codes, audio attention signal, and messages akin to those

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<sup>5</sup> See Comments on behalf of Federal Emergency Management Agency Integrated Public Alert and Warning System Program Management Office (filed Nov. 4, 2013) (“Comments of FEMA”).

<sup>6</sup> Public Notice, p. 4.

<sup>7</sup> See Comments of FEMA, p. 1.

<sup>8</sup> See NAB Comments, pp. 7-10.

discussed by the Commission in the EAS Nationwide Test Report.<sup>9</sup> In a few instances, Hearst stations did not receive (and were, consequently, unable to retransmit) the test EAN at all.<sup>10</sup>

Hearst is familiar with the phenomenon whereby some stations received and immediately retransmitted the test EAN while a smaller subset of stations received the EAN and experienced a delay in retransmitting it. Any delay in the processing of an EAN would effectively undermine the value of the EAN; after all, the basic premise of a Presidential alert is a critical need to immediately communicate with as many people nationwide as possible. Accordingly, Hearst supports a protocol whereby the time for an EAN is processed uniformly and consistently, which, as a practical matter, should mean that the Time of Release code would become irrelevant because immediate retransmission renders unnecessary and superfluous any code purporting to set forth any non-immediate time of release. So long as EAS equipment is configured and programmed to immediately process and retransmit an EAN, it would not and should not matter what the Time of Release code says. Obviously, during the nationwide test, some EAS equipment heeded the time stamp on the incoming alert rather than immediately passing the EAN through, i.e., the Time of Release code overrode the EAN nature of the alert, which should not happen. The fact that this occurred, however, provides a valuable opportunity for EAS

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<sup>9</sup> See EAS Nationwide Test Report, at 13-14.

<sup>10</sup> Test results were submitted by Hearst stations in their post-nationwide test reports and will not be repeated in detail here.

stakeholders to deconstruct the issue and develop and implement safeguards to prevent a recurrence.

Similarly, the use of a nationwide geographic location (or FIPS) code should be irrelevant—the critical point is simply that each station’s EAS equipment recognize that an incoming message is an EAN, and the special character of such a message should override any other aspect of the message, including the location element of the Header Code. To that extent, then, Hearst does not support or oppose the use of a singular nationwide geographic code (whether 000000 or otherwise), so long as the ultimate result is the uniform processing of an EAN so that it will be immediately retransmitted by all stations in all locations. In the event the Commission adopts a new location code to apply to Presidential messages, Hearst EAS boxes will require updating, which Hearst expects should be relatively inexpensive and straightforward via the Internet. To the extent that EAS gear used by other stations is not reprogrammable or updateable with the same degree of ease and expense, Hearst encourages the Commission to consider carefully how to minimize such impacts on other broadcast stations.

The November 2011 nationwide test was 30 seconds in length. Given that it was the first-ever nationwide test, 30 seconds was an appropriate length. Hearst believes that another important set of data may be revealed if the next nationwide test were to be longer than two minutes in length, namely data associated with the time-out limitations programmed into most EAS gear. More specifically, many EAS boxes are configured to terminate a non-EAN message if it exceeds two minutes in length—such lengthy EAS alerts are not processed and retransmitted by most EAS gear and are, instead, aborted and terminated. Not so with EANs, at least theoretically. When an EAS decoder verifies that

an incoming message is an EAN, the two-minute duration limitation functionality should cease to operate. Whether that will consistently happen in practice will remain unknown until it is tested.

Finally, the post-nationwide test reporting requirements provided an important and meaningful way for the Commission to collect and compile information about the performance of EAS during the nationwide test. NAB observed in its comments that many stations did not receive a confirmation message that their post-test reports were successfully submitted to the Commission.<sup>11</sup> Hearst agrees that a filing receipt—such as a “Submission Confirmed – Please print for your records”—screen would be useful in future nationwide tests to facilitate the ability of EAS participants to verify their own timely compliance with online filing requirements (and avoid duplicative filings).

Hearst respectfully submits the aforementioned for the Commission’s consideration to improve EAS operation and future testing. Again Hearst is pleased to have the opportunity to contribute to the Commission’s continued efforts to ensure consistent and reliable operation of the EAS in the public interest.

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<sup>11</sup> Comments of NAB, p. 4.

Respectfully submitted,

**HEARST TELEVISION INC.**

/s/

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