

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Review of the Emergency Alert System) EB Docket No. 04-296

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA)¹ hereby submits its reply comments in response to the *Public Notice* released in the above-referenced proceeding.² The comments filed in response to the *Public Notice* generally support the view that modifications to the EAS protocol would be counterproductive to the security and effectiveness of the Emergency Alert System (EAS). Moreover, the record shows the need for the Public Safety and Homeland Security Bureau to take into account the significant cost and resource implications of requiring any changes to EAS equipment before it recommends any Commission action. Indeed, regulatory mandates are not necessary to address the equipment issues identified in the nationwide EAS test, except, perhaps, for the creation of a nationwide location code following adequate testing and evaluation of such change on the embedded base of equipment. The EAS Working Group under the FCC’s Communications Security Reliability and

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of broadband service after investing over \$200 billion since 1996 to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to more than 23 million customers.

² See FCC, Public Notice, *Public Safety and Homeland Security Bureau Seeks Comment Regarding Equipment and Operational Issues Identified Following the First Nationwide Test of the Emergency Alert System*, DA 13-1969, EB Dkt. No. 04-296 (rel. Sept. 23, 2013) (“*Public Notice*”).

Interoperability Council (CSRIC) is the appropriate forum to address many of the EAS equipment and operational issues and best practices.

I. THE RECORD AMPLY SUPPORTS THE NEED TO MAINTAIN ACCURATE EAS HEADER INFORMATION FOR ALL EAS MESSAGES AND RELIANCE ON THE CSRIC EAS WORKING GROUP FOR GUIDELINES ON TEXT CRAWLS

As NCTA and other entities discussed in initial comments, the equipment issues identified following the EAS nationwide test may be addressed through improved encoding by message originators, public-private collaboration through the CSRIC EAS working group,³ and further research and testing.⁴ First, inconsistencies in the transmission of the Emergency Action Notification (EAN) may be corrected by ensuring that message originators properly encode the “time of release” element of the header protocol to reflect the time that the message is actually released.⁵ The time of release information in the header code is a critical component of all EAS messages because it ensures that notifications are transmitted securely and routed accurately; its integrity should be maintained for national level EANs.

Other commenters addressed the importance of using consistent header information throughout the Emergency Alert System for both EAN and non-EAN messages.⁶ As Trilithic and Sage Alerting Systems noted in their comments, the time of release header is a key piece of data that helps EAS equipment reject duplicate messages.⁷ The system should function properly

³ CSRIC advises the Commission on matters related to security and public safety. The CSRIC EAS working group is comprised of a cross-section of EAS participants and stakeholders who work to achieve consensus recommendations on EAS.

⁴ See generally NCTA Comments; Trilithic Comments; Sage Alerting Systems (“Sage”) Comments; Nat’l Ass’n of Broadcasters (“NAB”) Comments.

⁵ NCTA Comments at 3.

⁶ See, e.g., Trilithic Comments at 2; Broadcast Warning Working Group (“BWWG”) Comments at 2; Sage Comments at 3; NCTA Comments at 3.

⁷ See Sage Comments at 7; Trilithic Comments at 3.

downstream if the messages that begin the alert are properly encoded. NCTA and others urge the Commission to work with the Federal Emergency Management Agency (FEMA) to ensure that message originators issue messages with accurate time code information.⁸

Second, with regard to the creation of a nationwide EAS location code, NCTA generally agrees with those commenters seeking to amend the EAS rules to adopt a nationwide location code to ensure uniform delivery of the EAN across the nation.⁹ However, as noted in our initial comments, cable operators would need to conduct further research, testing and evaluation with their EAS equipment manufacturers to ensure that the use of a new location code 000000 is properly supported by the embedded base of deployed EAS equipment.¹⁰ The Bureau should not follow DIRECTV's suggestion to formalize use of the Washington, D.C. location code for EAN messages when the cleaner technological solution – the nationwide location code – exists.¹¹ As Sage Alerting Systems and others noted, requiring equipment manufacturers to compensate in a national level alert with a workaround adds unnecessary complexity to the system.¹² Adopting a national location code of 000000, as FEMA suggests, also aligns EAS location codes with those of CAP v. 1.2 IPAWS, making it easier for alerts to be distributed across different technologies.¹³

Although a national location code is a desirable technological solution, reprogramming thousands of pieces of equipment to accept the code is not so simple, as NCTA and Sage

⁸ See NCTA Comments at 2; Trilithic Comments at 1; Sage Comments at 7.

⁹ See NCTA Comments at 4; Sage Comments at 8; BWWG Comments at 2; FEMA Comments at 2; Trilithic Comments at 4.

¹⁰ See NCTA Comments at 4.

¹¹ See DIRECTV Comments at 2.

¹² See Sage Comments at 8; NCTA Comments at 4; Trilithic Comments at 4.

¹³ See FEMA Comments at 2.

Alerting Systems noted in their comments.¹⁴ The Commission should provide a reasonable phase-in period to allow operators to test the new location code before integrating it into their systems safely.¹⁵

NCTA and its members share the common goal of creating a reliable national alert system. As many commenters have indicated, the Emergency Alert System will be reliable only when downstream EAS participants can rely upon the header information transmitted by message originators. The Commission should work with FEMA and EAS Participants to help ensure that message originators transmit accurate, well-formatted header information so that cable operators can disseminate national level alerts to the public quickly and efficiently.

Third, regarding the issue of text crawls, the National Association of the Deaf et al. recommend standardization of the appearance of EAS messages, including speed, size, and audio quality.¹⁶ As NCTA explained in its comments, cable operators generally support the development of guidelines and best practices for text crawls to ensure that all EAS messages are fully readable.¹⁷ But the Bureau should recognize the significant costs associated with standardizing the display of text crawls across the various types of EAS equipment in cable headends.¹⁸ In lieu of government mandates, we recommend that the CSRIC EAS working

¹⁴ See Sage Comments at 8; NCTA Comments at 4.

¹⁵ See Sage Comments at 8; NCTA Comments at 4.

¹⁶ See Nat'l Ass'n of the Deaf et al. ("NAD et al.") Reply Comments at 2-3.

¹⁷ See NCTA Comments at 5.

¹⁸ See, e.g., Trilithic Comments at 6 ("Specifying fonts, crawl speeds, font sizes, or even (for example) left to right crawls could result in astronomical costs to the cable, and wireline industries, and significant costs to broadcasters. Much of the multi-use hardware involved in message display may need to be replaced"); Sage Comments at 10 ("As the cost of a character generator is typically three to six times the cost of an encoder/decoder for centralized text insertion, and the number of set top boxes is larger than the number of encoder/decoders by a few orders of magnitude for cable and IPTV, the costs of too-specific requirements for presentation could be high").

group address the need to improve the readability of EAS crawls in certain equipment.¹⁹ The record supports the CSRIC EAS working group as the appropriate forum to examine issues raised by advocates for the deaf and hard of hearing regarding the appearance and timing of EAS messages.²⁰

The National Association of the Deaf et al. also suggest that EAS messages be provided in closed captions enabling Braille displays allowing users to manipulate the appearance of the messages.²¹ Unfortunately, cable operators typically do not have the ability to create or edit closed captioning streams and pass through closed captioning exactly as it is received. Similarly, cable operators merely pass through EAS messages to their subscribers as those messages are received from EAS alert originators to their subscribers as received. Finally, the EAS architecture does not support closed captioning since messages are already delivered in both audio and video (text) formats.

II. BROADCASTERS' ATTEMPT TO SHOEHORN THE UNRELATED "SELECTIVE OVERRIDE" ISSUE INTO A PUBLIC NOTICE SEEKING COMMENTS ON THE NATIONWIDE EAS TEST SHOULD BE REJECTED

While the Bureau's purpose in issuing the *Public Notice* is to address equipment issues related to the nationwide EAS test, the National Association of Broadcasters (NAB) calls for unrelated "selective override" regulation in its comments. Imposing mandatory selective override rules on cable operators would require operators to install equipment to *selectively* override only non-broadcast channels with EAS alerts, which means that broadcast channels would pass through the system without the EAS message when a cable operator activates an all-channel EAS message override as required under the Commission's rules. More than once, the

¹⁹ See NCTA Comments at 5.

²⁰ See, e.g., NAB Comments at 7; Sage Comments at 16; BWWG Comments at 3.

²¹ See NAD et al. Reply Comments at 3 - 4.

Commission has previously concluded that whether selective override is beneficial to the public may depend upon local facts and circumstances and that in some cases it could be detrimental to cable's ability to alert customers to local emergencies.²² Moreover, even if selective override were deemed appropriate, there are costly technology constraints to implementing a universal selective override mandate.

The Bureau should not re-open this well-settled issue in the context of its request for comment on EAS nationwide test issues. Nevertheless, NCTA will again briefly respond to NAB's faulty assertions about the capabilities of existing digital cable headend and set top box equipment.²³ For example, NAB asserts that "the cost of implementing selective override in a digital cable facility is practically zero" and that "the equipment needed to implement selective override may already be in place."²⁴ These are not accurate statements. While selective override technology has been developed, deploying it in a digital environment is a huge task given the complexity of supporting many set top box platforms. The challenges include working with the many set top box manufacturers to support this feature through software upgrades and interfacing the various platforms' controlling systems with cable guide and billing systems. Moreover, in cable systems using more than one set top box platform, instituting selective override must be accomplished in an all or nothing scenario. This is an expensive and resource-intensive process. As cable operators deploy more advanced set top boxes, the cost to facilitate

²² See, e.g., *In re Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Third Report & Order, 14 FCC Rcd 1273, 1282 (1998); *In re Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, Report & Order, 17 FCC Rcd 4055 (2002). While many broadcast stations provide detailed emergency information, it is also the case that many stations have no news departments and hence do not provide coverage of emergency situations. And, in some instances cable systems provide local alerts unique to their service areas. In some smaller communities outside metropolitan areas, cable alerts are the only source of emergency information specific to those areas. Thus, adoption of NAB's mandatory selective override proposal could result in a cable viewer watching a broadcast station on a cable system being deprived, in some cases, of *any* emergency information if the broadcaster does not provide it.

²³ See NCTA Reply Comments at 4, EB Dkt. No. 04-296 (filed June 14, 2010).

²⁴ NAB Comments at 13.

selective override may decrease, but this has to be consistent with their customers' local alerting needs and absent any franchise-based all-channel emergency alerting requirements.²⁵

Cable operators have a strong interest in providing their subscribers with emergency information, whether originated by a broadcaster or a cable operator, based on local facts and circumstances. They need to retain the ability to make the selective override decision where it is technically feasible and makes sense for their customers, utilizing the Part 11 provision allowing operators and broadcasters to negotiate on the implementation of selective override.

²⁵ Cable systems operating under franchise-required, all-channel override requirements for EAS and non-EAS alerts would have the added cost and burden of operating two different systems: one for mandatory federal selective override EAS and one for mandatory all-channel local non-EAS franchise alerting, unless the Commission preempts local franchise agreements.

CONCLUSION

NCTA and its member companies were pleased to support the federal government's efforts to test the effectiveness of the nation's EAS infrastructure for warning the public in the event of a national emergency. We also appreciate the opportunity to provide input on EAS equipment issues before the Bureau makes any recommendations on next steps in response to the nationwide test. NCTA urges the Bureau to take into consideration the technical and operational costs and challenges posed by proposed changes to the EAS protocol for EAS Participants before it makes recommendations for Commission action. And we encourage the Commission to work through these issues, where appropriate, under the auspices of its public-private advisory group, CSRIC.

Respectfully submitted,

/s/ **Rick Chessen**

Andy Scott
Vice President, Engineering
Science & Technology

Galen Pospisil
Research Assistant

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Rick Chessen
Loretta P. Polk
National Cable & Telecommunications
Association
25 Massachusetts Avenue, N.W. – Suite 100
Washington, D.C. 20001-1431
(202) 222-2445