

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



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I. INTRODUCTION

The American Cable Association (“ACA”) submits the following reply comments in response to the Public Safety and Homeland Security Bureau’s (“Bureau”) Public Notice in the above-captioned docket and comments by interested parties.¹

ACA appreciates that the Bureau seeks comment from stakeholders before developing possible recommendations for Commission action in response to various equipment and operational issues identified following the first nationwide test of the Emergency Alert System (“EAS”) conducted by the FCC and Federal Emergency Management Agency (“FEMA”) on November 9, 2011 (“Nationwide Test”). The comments submitted in response to the Public Notice illustrate how certain changes to the existing EAS protocol, discussed below, could result in significant costs for EAS participants, particularly for those who operate small cable systems. We ask that the Bureau carefully review proposals to modify the EAS system or protocol and to make recommendations to the Commission that minimize additional burdens on EAS participants, particularly for smaller cable operators, while still meeting its goals of ensuring a reliable and accessible EAS.

II. APPLICATION OF EAS HEADER CODE ELEMENTS TO A PRESIDENTIAL ALERT

Commenters illustrate how changes to the treatment of the EAS message header, or a mandate for uniform visual display of the alerts, could prove challenging for existing equipment to accommodate. The record shows that requiring changes to how EAS equipment is currently designed to treat the Time of Release header code could cause disruptions in EAS message processing and remedying such disruptions would likely prove costly.² Further, adoption of a nationwide EAS Location header code could also have cost implications for some systems if done

¹ *Public Safety And Homeland Security Bureau Seeks Comment Regarding Equipment And Operational Issues Identified Following The First Nationwide Test Of The Emergency Alert System*, Public Notice, EB Docket No. 04-296, DA 13-1969 (rel. Sept. 23, 2013) (“Public Notice”).

² See Comments of DIRECTV, LLC at 1-2 (filed Nov. 4, 2013); Comments of Sage Alerting Systems, Inc. at 7 (filed Nov. 4, 2013) (“Sage Comments”); Comments of National Cable & Telecommunications Association at 3 (filed Nov. 4, 2013) (“NCTA Comments”).

outside normal software upgrade cycles.³ Similarly, operators could face substantial costs if the Commission were to rapidly require that emergency alerts be displayed according to certain uniform specifications that operators' existing equipment may not support.⁴

As the Commission well understands, costs associated with such regulatory mandates are burdensome and can be particularly onerous for smaller cable operators that often operate in sparsely populated locations where distances are large, fixed costs are high, and subscribers are relatively few. Indeed, these operators often have very small cable systems that serve only a few hundred subscribers where substantial investment is not financially sensible. For such systems, the very small number of subscribers available over which to spread fixed costs makes each and every purchasing decision, even smaller ones, critical. It is an unfortunate fact that for many of these very small systems, an additional significant financial investment may lead an operator to cease operations entirely.⁵ The burden of such costs also becomes magnified given these operators' recent investment in upgrading their systems to be CAP-compliant. Given these realities, before recommending any proposed changes to the EAS protocol, the Bureau must carefully weigh alternatives and avoid recommending changes that may impose significant additional costs on small operators especially since the record shows that some of the consequences of these changes on existing EAS participant network architecture are not yet fully understood.

³ NCTA Comments at 4 ("The Commission also should take into account that re-programming thousands of pieces of EAS equipment to accommodate the new national code has cost implications, particularly when undertaken outside of the normal software upgrades.").

⁴ *Id.* at 5.

⁵ See Reply Comments of the American Cable Association at 10-11 (filed Aug. 4, 2011) (operators intend to shut down their small systems because the cost of EAS system upgrades cannot be economically justified); Letter from Stephen R. Ross, Attorney for Allegiance Communications, LLC, to Marlene Dortch, Secretary, FCC at 1 (filed June 1, 2012) (Allegiance is considering shutting down their small systems in light of CAP equipment compliance costs); *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 12-203, Fifteenth Report, 28 FCC Rcd 10496 ¶ 78 (2013) (discussing the closure of nearly 800 cable systems in small and rural communities).

A. Recognition and Processing of Header Code Elements.

The Bureau explained in the Public Notice that the “header code” is an essential part of the EAS alert which contains two important elements: (1) the date and time of release of the message by its originator, i.e., the “Time of Release” Code; and (2) the geographic location for the alert, i.e., the “Location Code.”⁶ The Public Notice sought comment on changes to both of these elements given issues identified during the Nationwide Test, noting that a discrepancy in the Time of Release code transmitted during the test caused some participants to delay transmission of the Emergency Action Notification (“EAN”).⁷

The Public Notice also recited that the Bureau and FEMA used the Location Code for Washington, DC as a simple expedient to send a national alert because other options, such as use of a six-zeros (000000) national Location Code, could have required equipment reprogramming.⁸ In light of problems experienced during the Nationwide Test, the Public Notice sought input about whether “the fact that an EAN is a national event that must be broadcast immediately upon receipt obviate[s] the need for location and Time of Release codes.”⁹ It also asked about the feasibility of adopting the six-zeros nationwide geographic location code.¹⁰

Commenters generally agreed that the integrity of the header codes must be maintained by retaining the Time of Release and Location codes in the EAS protocol. ACA believes this to be a prudent approach. NCTA described how each element of the header exists to “ensure the accurate processing and relay of emergency notifications by event type, location affected, time issued, and

⁶ Public Notice at 3.

⁷ *Id.* at 3-4.

⁸ *Id.* at 7.

⁹ *Id.* at 4.

¹⁰ *Id.* at 8.

expected duration.”¹¹ Ignoring or improperly configuring the Time of Release header could mean that the EAS “message may not be processed properly in downstream systems,”¹² a result the Commission should avoid. Moreover, the delayed transmission of the EAN by some participants during the Nationwide Test was caused by an error in the Time of Release code sent by the EAN originator.¹³ EAN synchronization can therefore be foremost addressed by ensuring quality control in the message that is sent rather than engaging in the costly and complex endeavor of modifying the EAS protocol.¹⁴

In contrast, establishing a national location code of six zeros (000000) appears to be a less radical change to the EAS protocol.¹⁵ However, ACA agrees with NCTA that “further research, testing and evaluation with [cable operator] vendors to ensure that the use of a new location code 000000 is properly supported by the embedded base of deployed EAS equipment” should occur prior to the Commission adopting use of this code.¹⁶ The risks of adopting an unsupported change, as Trilithic explains, are substantial: changes to the header codes that “violate the EAS protocol” would “require significant changes, and therefore costs to the EAS Participants.”¹⁷ We urge the Bureau to carefully consider, including gathering information about, the costs that its adjustments to the EAS protocol would impose on EAS participants.

¹¹ NCTA Comments at 3. *See also* Sage Comments at 3 (“[T]he presence of all of the elements of the EAS header code elements is mandatory no matter what the event code is, whether or not the elements are interpreted differently, or even ignored, for the EAN.”).

¹² NCTA Comments at 3.

¹³ Public Notice at 5 (the alert included a Time of Release of 2:03pm EST in the Header Code, despite being sent at 2:00pm EST, therefore causing some EAS participants to delay sending the EAN until 2:03pm).

¹⁴ *See* NCTA Comments at 3-4.

¹⁵ *See, e.g., id.* at 4 (“NCTA’s members generally support amending the EAS rules to establish a national location code of six zeros”); Comments of Trilithic Incorporated at 5 (filed Oct. 24, 2013) (“Trilithic Comments”) (“The Commission should add the location code ‘000000’ to Part 11 to identify the United States (and territories)” and “[t]he cost of implementation would be virtually non-existent”).

¹⁶ NCTA Comments at 4.

¹⁷ Trilithic Comments at 3.

B. Visual Crawl and Audio Accessibility Issues.

In the Public Notice, the Bureau noted that the EAS protocol requires that EAS participants generate “a visual text crawl” containing certain parts of the EAS message, but that the Commission’s rules do not specify any particular “language, type size, font or crawl speed” for this display.¹⁸ The Nationwide Test revealed that in some cases the text crawl was in different languages, or “unreadable because it scrolled across the screen too fast or was in a font that was not readily readable.”¹⁹ The Public Notice sought comment on whether the Commission should address this problem by remedying the inconsistencies and potentially establishing minimum specifications for the manner in which EAS participants present text crawls.²⁰

ACA fully supports efforts to ensure the readability of EAS alerts. At the same time, we recommend that the Bureau first develop a full understanding of the costs involved in standardizing diverse character generator systems, and consider alternatives, such as working through industry groups, before recommending that the Commission impose inflexible readability mandates. As commenters explain, the costs involved in rapidly standardizing the display of the text crawl across all affected EAS equipment can be significant.²¹ If software updates to existing equipment were even feasible, the Commission should endeavor to minimize the “significant cost and resource implications” for EAS participants and phase in such a requirement so that EAS participants could adopt the new specification through typical equipment lifecycles.²² ACA also joins with NCTA in

¹⁸ Public Notice at 9.

¹⁹ *Id.*

²⁰ *Id.*

²¹ 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”).

²² See NCTA Comments at 5.

generally supporting “the development of guidelines and best practices for text crawls to ensure that all EAS messages are fully readable.”²³ NCTA’s proposal that the FCC’s Communications Security, Reliability and Interoperability Council address this issue appears like a reasonable approach.²⁴

III. CONCLUSION

In closing, ACA stresses that concerns identified by the Bureau with the EAS Time of Release and Location codes and visual display of text crawls addressed in these comments, while important, do not constitute an exhaustive list of ACA’s concerns. ACA’s members, consisting primarily of smaller cable operators, are particularly sensitive to any additional regulatory mandates that could require them to buy, replace, or modify equipment to ensure compliance. This is particularly true since they have recently had to make expenditures required by the Commission to achieve EAS CAP-compliance, leaving their ability to absorb further regulatory costs severely limited, at best. Indeed, the burden becomes even more acute for operators of very small systems who may elect to shut down such systems in the face of additional costs. We encourage the Bureau to carefully review proposals to modify the EAS system or protocol and to make recommendations to the Commission that minimize additional burdens on EAS participants, particularly for smaller cable operators, while still meeting its goals of ensuring a reliable and accessible EAS.

²³ *Id.*

²⁴ *Id.*

Respectfully submitted,

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