



**Minority Media &
Telecom Council**

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December 12, 2013

Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication, EB Docket No. 04-296 (Review of the Emergency Alert System) and EB Docket No. 06-119 (Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina)

Dear Ms. Dortch:

This reports on a meeting held on December 11, 2013 with Rear Admiral, David Simpson, Chief of the Public Safety and Homeland Security Bureau, Lisa Fowlkes, Deputy Chief, and Greg Cooke, Associate Chief of the Policy Division. I represented MMTC along with Jacqueline Clary, Senior Counsel and John W. Jones Fellow.

The purpose of the meeting was to reiterate the compelling case for requiring broadcasters to have a structured emergency plan for multilingual emergency communications before, during, and after a disaster, with some measure of accountability, as a core tenet of broadcasters' public interest obligations.

This issue has already been through seven rounds of pleadings¹ and has been the subject of an Independent Panel review,² yet eight hurricane seasons later it is still awaiting action by the Commission.

¹ In the aftermath of Hurricane Katrina, several parties filed a petition for Interim Relief to effectuate multilingual emergency communications. See Petition for Immediate Interim Relief, EB Docket No. 04-296 (Sept. 22, 2005), available at <http://apps.fcc.gov/ecfs/document/view?id=6518165932> (last visited Dec. 12, 2013).

² See Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, NPRM, EB Docket No. 06-119 (June 19, 2006) at Appendix B, Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, Report and Recommendations to the Federal Communications Commission Appendix B, available at http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-06-83A1.pdf (last visited Dec. 12, 2013).

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At its core, this is a very simple concept: requiring broadcasters to work together. and with state and market counterparts. to develop a plan that communicates each party's responsibility based on likely contingencies. Finally the rule should encourage accountability – e.g. awareness of the plan/responsibilities – by requiring broadcasters to certify or explain their role in such a plan upon filing for license renewal.

Such a plan could be modeled after the current EAS structure that could include a designated hitter approach to identify which stations would step in to broadcast multilingual information if the original non-English speaking station was knocked off air in the wake of a disaster.³ Broadcasters should work with one another and the state and/or local government to prepare an emergency communications plan that contemplates reasonable circumstances that may come to pass in the wake of an emergency. The plan should include a way to serve all portions of the population, regardless of the language they speak at home. One market plan might spell out the procedures by which non-English broadcasters can get physical access to another station's facilities to alert the non-English speaking community – e.g. where to pick up the key to the station, who has access to the microphones, how often multilingual information will be aired, and what constitutes best efforts to contact the non-English broadcasters during and after an emergency if personnel are unable to travel to the designated hitter station.

In terms of accountability and compliance, the goal would be to ensure that each broadcaster knows its role in the plan and who it is relying on to provide multilingual service throughout a disaster that knocks the non-English language programming off the air. Broadcasters could check a box during license renewal to certify to their understanding and role in the state or community plan.

Respectfully submitted,

David Honig

David Honig
President

³ See e.g. Reply Comments of the Minority Media and Telecommunications Council, EB Docket No. 04-296 (June 14, 2010), p. 2-6, available at <http://mmtconline.org/lp-pdf/EAS%20Reply%20Comments%20061410.pdf> (last visited Dec. 12, 2013).