

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

In the Matter of)
)
Petition Filed by the Minority Media and) EB Docket No. 04-296
Telecommunications Council Proposing Changes)
To Emergency Alert System (EAS) Rules to)
Support Multilingual EAS and Emergency)
Information)

To: The Commission

COMMENTS OF EDUCATIONAL MEDIA FOUNDATION

Educational Media Foundation (“EMF”), by its attorneys, hereby submits its comments in the above-referenced proceeding. EMF is perhaps the largest noncommercial broadcaster in the country, holding licenses for more than 300 full-power noncommercial educational broadcast radio stations (NCE) operating in communities large and small across the country. EMF appreciates the importance of the timely provision of Emergency Alert System (“EAS”) messages to all Americans. However, as set forth in more detail below, the proposals put forward in this proceeding may be difficult and potentially expensive to implement. As such, any new obligations on broadcast licensees regarding multilingual EAS broadcasts should either exempt NCEs, or allow NCEs to opt out of participation in their particular markets.

The Minority Media and Telecommunications Council’s (“MMTC”) Petition¹ proposes that broadcasters work together with local authorities to develop a plan that communicates each party’s responsibility for delivering multilingual EAS alerts during emergency situations based

¹ See Petition for Immediate Interim Relief filed by Independent Spanish Broadcasters Association, the Office of Communications of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, EB Docket 04-296 (filed Sept. 22, 2005) (“Petition”).

on likely contingencies. Specifically, MMTC stated, “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.”² The Petition raises numerous practical issues teed up in the Commission’s request for comments that potentially pose significant burdens on any station that would have to comply with the new rules. For instance, what level of a non-English speaking population would trigger such a requirement? What if there is no station that serves the non-English speaking market – who would be required to provide emergency information to that population, and at whose cost? Even if there is such a station, and it is forced off the air in an emergency, how does the “designated hitter” station get the information to warn the foreign language speakers of the issues? And how does the non-English speaking population get notice of the station to which they are supposed to turn in the wake of an emergency, especially if the responsibility to serve as that “designated hitter” station rotates?³

These questions need to be answered for any station that may be subject to any new rules. But, for noncommercial stations, these rules take on even more significance. NCE stations perpetually operate with limited resources to carry out their sometimes broad nonprofit mandates. These limited resources and competing public interest demands on these resources, raise real and substantial issues in determining how to provide emergency information to non-English speaking populations in their service areas. NCEs simply do not have the resources to provide for a simultaneous translation staff to be on call 24 hours a day, 7 days a week in order to step in as the “designated hitter.”

² See Petition.

³ See Comment Requested to Refresh Record in the EB Docket 04-296, On Petition Filed by the Minority Media and Telecommunications Council Proposing Changes to Emergency Alert System (EAS) Rules to Support Multilingual EAS Emergency Information, EB Docket No. 04-296, *Public Notice*, DA 14-336 p.5-6 (rel. March 11, 2014).

The FCC has many times recognized that noncommercial broadcasters, whose principal funding comes directly from their listeners, are often limited in their resources. For this reason, in many cases, the FCC has exempted NCE stations from certain regulatory burdens that could impose additional costs on these stations, or it has minimized their regulatory burdens knowing that some costs may prove difficult for the noncommercial broadcaster to meet. They operate their nonprofit businesses with the need to weigh choices between competing demands for their resources just like any commercial broadcaster – yet they do so in a world where these choices are perhaps even more difficult, as their flexibility to find a means to pay for the costs imposed by any choice is more limited by their status as a noncommercial, nonprofit licensee.

Section 11.11(b) of the FCC’s rules recognize that satellite stations retransmitting the 100% of the programming of parent stations, which may be located some distance away, do not even need local EAS receiver. Many noncommercial stations operate as part of networks, with such satellite operations. Section 11.11(b) exempts these satellites from even the obligation to have a local EAS receiver. The potentially much more burdensome obligation to have multilingual EAS capabilities available on an as-needed basis would be even more difficult to administer, even where the satellite station receives less than 100% of its programming from the parent stations. In such a case, the transmission of multilingual EAS alerts on a “pinch-hitter” basis to a local community served by the satellite may be difficult or impossible. Clearly, such stations should be exempt from any new obligations imposed on broadcasters regarding multilingual EAS service.

The burdens on noncommercial stations are great, and financing operations can be a challenge. The FCC should not impose additional burdens on these stations. Thus, as set forth above, EMF requests that the Commission either exempt noncommercial broadcasters from any

new regulations promulgated to require the provision of multilingual EAS alerts, or allow these stations to opt out of any “designated hitter” rule that may be adopted.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

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