Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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

COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.
ASSOCIATION OF LATE-DEAFENED ADULTS;
DEAF & HARD OF HEARING CONSUMER ADVOCACY NETWORK;
NATIONAL ASSOCIATION OF THE DEAF;
DEAF-HEARING COMMUNICATION CENTRE;
HEARING LOSS ASSOCIATION OF AMERICA;
CEREBAL PALSY AND DEAF ORGANIZATION;
CALIFORNIA COALITION OF AGENCIES SERVING
THE DEAF AND HARD OF HEARING;
AND AMERICAN ASSOCIATION OF THE DEAF-BLIND

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), Association of Late-Deafened Adults, Inc. ("ALDA"), National Association of the Deaf ("NAD"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), California Coalition of Agencies Serving the Deaf and Hard of Hearing ("CCASDHH"), Deaf-Hearing Communication Centre ("DHCC"), Hearing Loss Association of America ("HLAA"), Cerebral Palsy and Deaf Organization ("CPADO"), and American Association of the Deaf-Blind ("AADB") (collectively, the "Consumer Groups"), hereby respectfully submit these comments in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding[1].

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[1] *In the Matter of Review of the Emergency Alert System*, Notice of Proposed Rulemaking, EB Docket 04-296 (June 26, 2014)

1. COMMENTS

In the NPRM, the Commission seeks specific comments on what actions it should take to strengthen the capabilities and capacities of the Emergency Alert System (EAS). These issues were identified as a result of the first-ever Nationwide Emergency Alert System test in November 2011 that transmitted an Emergency Action Notice (EAN) to EAS participants across the country.

In the months leading up the test, representatives from the Consumer Groups met frequently with representatives from the Commission and the Federal Emergency Management Agency (FEMA) to discuss significant concerns regarding the accessibility of the test itself. As a result, the Commission and FEMA worked diligently to provide information to deaf, hard of hearing, late-deafened, or deaf-blind individuals across the country in advance of the test. Additionally, the Commission worked closely with other stakeholders to provide additional accessibility elements during the test itself, such as visual background notifications, to remind viewers that it was only a test.

2. EAS TEST EXPERIENCE & RECOMMENDATIONS

Despite a positive reception by the Commission and FEMA to our concerns, Consumer Groups and members of the public noticed many shortcomings with

respect to accessibility. However, none of these were addressed in the EAS Nationwide Test Report[2].

Consumer Groups noticed several shortcomings with respect to the test itself and made comments regarding those items in a filing with the Commission on November 7, 2013[3]:

1. A survey conducted by the Wireless RERC found that 53.8% of individuals polled did not receive the text crawl of the emergency alert in any shape or format. [4]
2. The survey found that when the crawl was visible, it was either too small or too fast to be read. [5]

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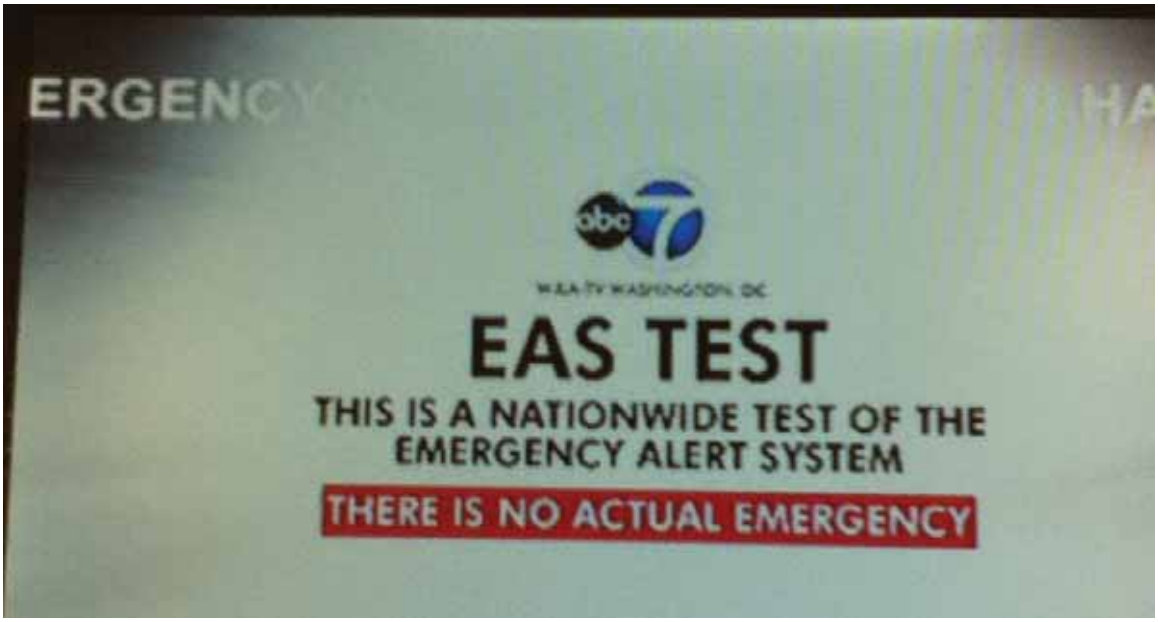
[2] *EAS Nationwide Test Report*, April 2013

[3] *Reply Comments of Consumer Groups in response to Public Notice*, Telecommunications for the Deaf and Hard of Hearing, Inc., et al, November 7, 2013

[4] Wireless RERC Comment, Oct. 23, 2013, http://apps.fcc.gov/ecfs/document/view?id=7520950223 at 5

[5] Wireless RERC Comment, Oct. 23, 2013, http://apps.fcc.gov/ecfs/document/view?id=7520950223 at 7

3. Backgrounds chosen by individual broadcasters often made text crawls unreadable or invisible.



4. Community members have noticed significant disparities in the accessibility of regular EAS alerts. In August 2012, KNBC broadcasted an EAS alert re: a tornado and severe thunderstorm warning for Palm Springs, CA. While the crawl displayed information about the general warning, the voice portion outlined the specific areas that were under immediate threat from a tornado on-the-ground. Significant portions of emergency information including safety instructions were not made accessible to the whole community.

Accordingly, we are happy to see that the Commission is turning attention to the issue of accessibility in this NPRM.

In the earlier filing from the Consumer Groups related to the EAS Nationwide Test, we strongly recommended[6]:

- Standardizing the appearance of EAS messages
- Reducing the speed of the text crawl
- Increasing the size of the text crawl
- Improving the quality of audio for the benefit of individuals who have the ability to hear/understand those messages
- Always provide visual and audio formats of content for all types of alerts
- Utilizing standards established by the Described and Captioned Media Program (DCMP) related to closed captioning for the purpose of text crawls
- Ensuring that access to emergency alerts is also provided in American Sign Language

[6] *Reply Comments of Consumer Groups in response to Public Notice*, Telecommunications for the Deaf and Hard of Hearing, Inc., et al, November 7, 2013

Beyond these initial efforts toward establishing criteria for the accessibility elements of the alerts, we also strongly believe that opportunities for collaboration need to be increased between local broadcasters and members of the broader disability community. Therefore, we recommend that the Commission:

- Require local broadcasters to documentate having met periodically with representatives of people who are deaf, hard of hearing, late-deafened, and deaf-blind along with representatives for organizations for individuals who are blind or have low-vision
- Identify and promote collaborative efforts to identify best practices in providing outstanding accessible alerts and to ensure that compliance with FCC rules for EAS alerts

3. ISSUE: USE OF THE NATIONAL PERIODIC TEST (NPT)

In the NPRM, the Commission asks commenters to provide input regarding the value of having regular tests of the Emergency Alert System by utilizing the National Periodic Test (NPT) Code. Doing so would bypass some of the challenges people who are deaf and hard of hearing faced during the EAS Nationwide Test where many stations were unable to display a message indicating that it was only a test.[7]

However, Consumer Groups do not agree that the NPT should be utilized as an alternative to the use of an actual EAS programming code. Many of the shortcomings of the original EAS Nationwide Test were accessibility-related and we do not believe it is wise to programmatically bypass the full capability of the EAS system.

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[7] *In the Matter of Review of the Emergency Alert System*, Notice of Proposed Rulemaking, EB Docket 04-296 (June 26, 2014) Section 15

While Consumer Groups cannot provide estimates or input as to the costs of providing a true EAN-emulation experience for the NPT, the incredibly varied experience in re: accessibility during the original EAS Nationwide Test should highlight the importance of having the tests fully emulate the actual alerts they are intended to support.

4. ISSUE: EAS TEST REPORTING SYSTEM (ETRS)

As noted earlier, one of the difficulties during the run-up to the EAS Nationwide Test was trying to make sure people who are deaf, hard of hearing, late-deafened, or deaf-blind were fully aware of the planned events of November 9, 2011 and understood that there was no national emergency and it was just a test.

However, after the event, there were no formalized collection efforts to bring the accessibility issues individuals noticed to the attention of the Commission or to the Federal Emergency Management Agency. Those efforts were informally conducted by members of the Consumer Groups and the Wireless RERC.

The Consumer Groups propose that the ETRS system be expanded to allow individuals to share concerns and reports regarding accessibility issues they may have during future tests of the EAS system or any of its components.

As always, the expanded ETRS system should be accessible for individuals with a variety of disabilities to access and 508-compliant.

5. ISSUE: VISUAL CRAWL ACCESSIBILITY

In the NPRM[8], the Commission asks for feedback about the visual crawl that appeared during the EAS Nationwide Test. We applaud the Commission for rejecting industry arguments that "accessibility is expensive" and making strong moves toward making minimum accessibility requirements for all future EAS activities.

In section 36, the Commission asks about the speed at which visual text elements appear, any research that has been done on the topic, and whether or not the Commission's own rules for captioning should be applicable.

The Consumer Groups recommend that the standard established by The Described and Captioned Media Program (DCMP) be utilized for all visual text elements used in the EAS program. [9] Based on research compiled by the DCMP, it is suggested that the speed of visual text elements be limited to 120 words per minute (wpm).[10]

We agree with the Commission (Section 37) that the captioning and the visual text crawl must run for the duration of the message. If individuals who can hear a television station from another room and continue to listen as the alert is read; individuals who are deaf, hard of hearing, late-deafened or deaf-blind are not watching television at the time are typically are notified of an alert through alternative means (for example, an alert through the WEA system to a mobile

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[8] *In the Matter of Review of the Emergency Alert System*, Notice of Proposed Rulemaking, EB Docket 04-296 (June 26, 2014) Sec 31

[9] See: http://www.dcmp.org/captioningkey/presentation_rate.html

[10] See: http://www.dcmp.org/captioningkey/captioning_presentation_research.pdf

device). These individuals need extra time to arrive at the television to receive the message.

Finally, we agree with the Commission that all visual elements of the EAS Alert shall be place in locations that do not obscure or conflict with other visual elements. As noted above, the visual text crawl at the top of the screen was completely obscured because the background was the same color as the body of the text. The Commission should require that all elements have distinctive contrast between the foreground and the background. In practice, this requires a dark background with bright foreground text.

6. ISSUE: PROPOSED EFFECTIVE DATES

Consumer Groups recognize that the Commission is attempting to be pragmatic in trying to balance the needs of a wide-variety of stakeholders, its inter-governmental partners (FEMA), and the citizens it serves by proposing a six-month deadline after the rules are made effective.

However, the Commission, FEMA, and the National Council on Disability have also noted repeatedly that the shortcomings in accessibility often expose people who are deaf, hard of hearing, late-deafened or deaf-blind to extremely dangerous situations. We do not believe it is in the best interests of our community that accessibility standards take six months to become effective, especially in light of natural disasters this country has experienced since the EAS Nationwide Test.

Consumer Groups note the Rehabilitation Act and the Americans with Disabilities Act have been the law of the land for over 40 and 20 years (respectively)

and that there should be no further delay in enabling individuals with all types of disabilities the same protections and services Americans enjoy today. That includes the ability to receive notification and direction in event of emergency.

Thus, we respectfully recommend that the proposed timeline be shortened, no longer than three months, subject to requirements with the Federal Register and the Administrative Procedure Act, from the time the Commission renders a Report and Order for this proceeding.

Respectfully submitted,

Claude L. Stout

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