

**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 DIRECTV, LLC AND DISH NETWORK L.L.C.**

DIRECTV, LLC (“DIRECTV”) and DISH Network L.L.C. (“DISH”) hereby submit brief reply comments related to the creation of visual crawls accompanying Emergency Alert System (“EAS”) Alerts.<sup>1</sup> DIRECTV and DISH agree with the Commission and all commenters both that EAS alerts must be accessible to the blind and visually impaired and that such alerts must be delivered “in a format that is readily understood by the public.”<sup>2</sup> DIRECTV and DISH also agree, however, with the numerous commenters<sup>3</sup> who point out that the Commission’s closed captioning rules may not provide useful guidance with respect to EAS—particularly with respect to the stated goal that “the audio and visual elements should contain the same message.”<sup>4</sup>

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<sup>1</sup> *Review of the Emergency Alert System*, Notice of Proposed Rulemaking, FCC 14-93 (rel. June 26, 2014) (“*Notice*”). Unless otherwise indicated, all references to comments herein were filed in EB Docket No. 04-296 on August 14, 2014.

<sup>2</sup> *Id.*, ¶ 35.

<sup>3</sup> *See, e.g.*, Comments of the National Association of Broadcasters at 10 (“NAB Comments”); Comments of the National Cable and Telecommunications Association at 8-9 (“NCTA Comments”).

<sup>4</sup> *Id.*, ¶ 39

In the closed captioning world, programmers are responsible for captioning format. They must also ensure that captioning is accurate, synchronous, complete, and properly placed.<sup>5</sup> They must ensure, in other words, that the “audio and visual elements” match up. Distributors like DIRECTV and DISH, in turn, must pass through the closed captioning they receive.<sup>6</sup>

EAS crawls work differently. To begin with, no person generates them. Rather, as the Commission observes, “the visual element of an EAS alert (*i.e.*, the text crawl) is generated from header codes (location, event, *etc.*) that are preprogrammed into EAS equipment, whereas the audio portion may be recorded by the alert originator (*e.g.*, the National Weather Service).”<sup>7</sup> More specifically, EAS codes direct equipment to generate specific text from among a “menu” of pre-selected messages, in a format determined by the equipment itself. For this reason, the audio and visual elements of any given EAS alert may not contain the same message. The on-screen crawls are limited to predefined content determined by the EAS equipment as designed by the manufacturer, EAS crawls will not and cannot possibly

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<sup>5</sup> *Closed Captioning of Video Programming Telecommunications for the Deaf & Hard of Hearing, Inc. Petition for Rulemaking*, 29 FCC Rcd. 2221, ¶ 3 (2014) (“*Captioning Quality Order*”) (“Accuracy: To be accurate, captions must reflect the dialogue and other sounds and music in the audio track to the fullest extent possible based on the type of the programming, and must identify the speakers. Synchronicity: In order to be synchronous, captions must coincide with their corresponding dialogue and other sounds to the fullest extent possible based on the type of the programming, and must appear at a speed that can be read by viewers. Program Completeness: For a program's captions to be complete, they must run from the beginning to the end of the program, to the fullest extent possible, based on the type of the programming. Placement: For proper placement, captions may not cover up other important on-screen information, such as character faces, featured text, graphics, or other information essential to the understanding or accessing of a program's content.”).

<sup>6</sup> 47 C.F.R. § 79.1(c).

<sup>7</sup> *Notice*, ¶ 39. *See also, e.g.*, NAB Comments at 11 (“crawls are automatically generated by the particular EAS code triggered by an EAS message originator”).

contain all of the possible details of a given audio message for a particular emergency.<sup>8</sup> Thus, to use an example offered by Trilithic, an EAS code might direct equipment to construct a text for an Amber Alert for all of California, but that text will not contain all of the information contained in the audio portion of that message.<sup>9</sup> Nor can crawl format be changed by the distributor (other than by purchasing different equipment).

Because EAS crawls differ from captions, the Commission should treat them differently in two respects. First, because EAS equipment itself generates crawl formatting, distributors should have no obligations beyond installing, maintaining, and monitoring compliant equipment.<sup>10</sup> Were the Commission to impose formatting requirements for EAS crawls,<sup>11</sup> EAS equipment providers would presumably incorporate such requirements into the equipment they provide satellite carriers. DIRECTV and DISH, in turn, would continue to pass through crawls in whatever format generated by the equipment. The Commission's rules should not require distributors to do any more—and certainly should not make them directly responsible for the formatting of crawls they have no role in generating.

Second, at least with existing EAS technology, the Commission cannot mandate “caption-like” crawls that fully match the audio.<sup>12</sup> While “fully accessible” EAS alerts, in

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<sup>8</sup> *Id.* (noting that “[t]he audio message typically includes much more detail” than the crawl”).

<sup>9</sup> Trilithic Comments at 2 (noting that the crawl might state: “A Civil Authority has issued a Child Abduction Emergency for the following Areas: Entire State of California. Effective until 9:20 PM on July 23” but that the “audio message typically includes much more detail about the child and the circumstances, such as the child’s age and appearance, where they were last seen, possible suspects, *etc.*”).

<sup>10</sup> Such obligations would track those in the *Captioning Quality Order*, ¶¶ 88 *et seq.*

<sup>11</sup> *Notice*, ¶ 36 *et seq.* (proposing requirements for crawls related to speed, completeness, and placement).

<sup>12</sup> As NCTA points out, “if FEMA uses the Common Alert Protocol (‘CAP’), there may be a greater opportunity for message originators to create audio and visual messages that mirror each other.” *Id.* at 10. It warns, however, that “even with CAP, providing identical audio and visual EAS

which the audio and video elements “convey the same message,” may be a worthy goal, existing equipment simply cannot achieve it.

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Because EAS crawls do not operate in the same way as closed captioning, the Commission should not regulate them in the same way.

Respectfully submitted,

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messages is out of the hands of the EAS participants and is the responsibility of EAS message originators.” *Id.*