

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

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

**REPLY 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 & 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 proceeding¹.

1. EXECUTIVE SUMMARY

On August 14th, the Consumer Groups filed comments with the FCC regarding the recent NPRM focusing on the Emergency Alert System. In our document, we outlined many of the challenges faced by our constituents during the November 19, 2011 EAS Test and reiterated several recommendations regarding the accessibility of the System. We further encouraged the Commission to:

- 1.** Design the EAS system to conduct regular tests that would provide the most direct experience rather than using a “test code”. By using a test code, we are concerned that issues related to accessibility may be overlooked.
- 2.** There is no centralized reporting system to allow individuals with disabilities including people who are Deaf, hard of hearing, late-deafened, or Deaf-Blind to provide information to appropriate agencies re: accessibility concerns.
- 3.** We also provided feedback on the topic of visual crawl accessibility and how the hard-coded crawl can co-exist with closed-captioned reporting.
- 4.** Finally, we stress that there should be no further delay with implementing the accessibility portions of this rulemaking as shortcomings in accessibility often expose people who are Deaf, hard of hearing, late-deafened, and Deaf-Blind to extremely dangerous situations.

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

² National Cable and Telecommunications Association Comment, Aug 14, 2014,

2. RESPONSE TO NATIONAL CABLE AND TELECOMMUNICATIONS ASSOCIATION (NCTA)

In their comments, the NCTA stated:

*"With regard to imposing new standards for accessibility, we believe such rules are unnecessary, and in the case of the proposed audio accessibility requirement, are not suitable given the manner in which EAS works on cable systems today. And it is important to note that compliance with new standards may impose significant cost if they require significant modification or, in some cases, replacement of the variety of EAS equipment."*²

The Consumer Groups regret the position that NCTA has taken. Receiving information from the Emergency Alert System in an accessible format is a civil right that all Americans have, regardless of their background, race, or disability.

The purpose of the NPRM process is to ensure that all stakeholders have the opportunity to make the Emergency Alert System and its various components the most accessible system it can be. We support the work of the Commission and FEMA in developing standards that are open-sourced. However, open-source standards are not enough and regulation is required to ensure accessibility.

We have repeatedly seen that when solutions for accessibility issues are left to broader market forces, as the NCTA suggests, they will often lag far behind (or until regulation compels action).

The NCTA's position is, unfortunately, a sad reminder that that we cannot leave the planning and implementation of this crucial system to the industry and market forces.

² National Cable and Telecommunications Association Comment, Aug 14, 2014, <http://apps.fcc.gov/ecfs/document/view?id=7521763094>

2. RESPONSE TO SAGE AND OTHER INDUSTRY PARTICIPANTS

In their comments, Sage Alerting Systems and others who produce and program the equipment that will distribute Emergency Alert System notifications are resisting the idea of deadlines or effective dates. Sage, in their comments stated:

"Sage believes that one year is a more appropriate implementation deadline, especially for users that must acquire new hardware, a longer deadline will be needed for some industry segments if an NPT is to be implement as an EAN." ³

Consumer Groups do not agree with this rationale. As stated in our original comments:

"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."⁴

We maintain our recommendation 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.

³ Sage Alerting Systems, Written Comment, Aug 14, 2014 <http://apps.fcc.gov/ecfs/document/view?id=7521762952>

⁴ Consumer Groups, Written Comment, Aug 14, 2014 <http://apps.fcc.gov/ecfs/document/view?id=7521760468>

3. RESPONSE TO INDIVIDUAL COMMENTERS

The Consumer Groups also appreciate comments made by many individuals who expressed support for more discrete and explicit warnings for a number of events. For example, several individual comments expressed support for creating new event codes in the Emergency Alert System that would separate critical elements of hurricane experiences into storm surge and extreme wind watches and warnings.

The Emergency Alert System needs to be as clear as possible and as relevant as possible, especially during emergencies and disasters. Having overly simple event codes does not help individuals who are Deaf, hard of hearing, late-deafened, or Deaf-Blind become active participants in their own safety and preparedness efforts.

4. RESPONSE TO ASIAN AMERICANS ADVANCING JUSTICE (AAJC)

The Consumer Groups support comments filed by AAJC stressing the need for a truly multi-lingual emergency alerting system.⁵ AAJC notes, correctly, that the message originators should make every effort to ensure their messages are available in multiple languages. This is relevant to Consumer Groups because many of our community members need emergency information to be presented in American Sign Language. Equally important, some of our constituents who are Deaf and hard of hearing rely on Spanish and other languages as their primary language.

⁵ Asian Americans Advancing Justice, written comment, July 3, 2014
<http://apps.fcc.gov/ecfs/document/view?id=7521367531>

We agree with the suggestion that all message originators (in this case, emergency authorities) should develop pre-translated alerts of common warnings that broadcasters can access.

6. RESPONSE TO NATIONAL ASSOCIATION OF BROADCASTERS (NAB)

The Consumer Groups are glad to see that NAB agrees about the importance of accessibility.⁶

NAB states they do not agree with the suggestion that EAS visual alert messaging standards should comply with the same standards for closed captioning because Video Programming Distributors (VPD) and broadcasters do not have control over the content of the messages. While we appreciate their position, we believe this is irrelevant to the question of whether or not the closed captioning rules could be a good model for EAS. Along those lines, they could simply be applied to the NWS or whoever *is* in control. This would be consistent with the Commission's ongoing shift toward imposing captioning responsibility on parties other than VPDs.

We agree with NAB that EAS messages should be explicitly clear and avoid the usage of acronyms. The practice of using acronyms is a violation of closed captioning quality rules and this, again, makes it doubly-important for those rules to apply to EAS

⁶ National Association of Broadcasters, Written Comment, 8/14/2014
<http://apps.fcc.gov/ecfs/document/view?id=7521761899>

Furthermore, the multiplicity of sources that may provide EAS messages provides reason *to* impose standards for visual presentation. The right target for the standards may be someone other than broadcasters, but that's not a reason not to impose the rules at all.

Finally, the NAB has suggested that a collaborative approach be utilized for developing criteria for EAS text crawls. While we have no objection to being part of a collaborative approach, this should not bar any interim rules regarding accessibility and should only be used to further refine those rules.

5. RESPONSE TO VERIZON AND WIRELESS RERC

In their comments, Verizon is to be commended for being perhaps the only industry representative to not only embrace the proposed accessibility rules, but go further to suggest that the language of the Commission's rules be clarified for the benefit of the ultimate consumers.⁷ The Consumer Groups support the language proposed by Verizon.

⁷ Verizon, Written comments, 8/14/2014, <http://apps.fcc.gov/ecfs/document/view?id=7521762946>

The Consumer Groups also support the comments submitted by the Wireless RERC.⁸ Many of their comments echo positions that we have already taken in our original filing. In their comments, they also suggest a working group to further define and refine the standards necessary for accessibility in EAS notification. As noted above, the Consumer Groups believe interim rules should be implemented to ensure some form of accessibility is available in the short-term with eventual refining of those standards through the working group.

Respectfully submitted,

/s/

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⁸ Wireless RERC, 8/14/2014 <http://apps.fcc.gov/ecfs/document/view?id=7521760440>

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