

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Review of the Emergency Alert System;	)	EB Docket No. 04-296
	)	
Independent Spanish Broadcasters Association,	)	
The Office of Communication of the United	)	
Church of Christ, Inc., and of Minority Media	)	
and Telecommunications Council, Petition for	)	
Immediate Relief	)	
	)	
Randy Gehman Petition for Rulemaking	)	

**REPLY COMMENTS OF  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

Pursuant to Sections 1.415 and 1.419 of the Commission’s rules,<sup>1</sup> the National Association of Broadcasters (NAB)<sup>2</sup> submits these brief reply comments on the above-captioned proceeding.<sup>3</sup> NAB appreciates the Commission’s efforts to upgrade the Emergency Alert System (EAS), and continued recognition of broadcasters’ indispensable role as crucial public warning sources during times of emergency. As discussed in our initial comments,<sup>4</sup> recent events in Alabama, Missouri, and North Dakota have demonstrated the critical role of broadcasters in delivering both EAS alerts

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<sup>1</sup> 47 C.F.R. §§ 1.415, 1.419.

<sup>2</sup> NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>3</sup> Review of the Emergency Alert System; Independent Spanish Broadcasters Association, The Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief, Randy Gehman Petition for Rulemaking, *Third Further Notice of Proposed Rulemaking*, EB Docket No. 04-296 (*rel.* May 26, 2011) (“Third Further Notice”).

<sup>4</sup> Comments of the National Association of Broadcasters, EB Docket No. 04-296 (July 20, 2011) (NAB Comments).

and ongoing, in-depth emergency information.<sup>5</sup> Broadcasters are proud of their commitment to EAS, and welcome the opportunity to comment on the Commission's proposed revisions to the Part 11 rules designed to facilitate a modernized, integrated EAS.

The record of comments demonstrates remarkable agreement among EAS Participants<sup>6</sup> on the major issues raised in the Third Further Notice. Most importantly, almost all commenting EAS Participants, and even one EAS equipment manufacturer, supported an extension of the current deadline of September 30, 2011 for participants to modify their equipment to comply with the Common Alerting Protocol (CAP).<sup>7</sup> Indeed, the Commission itself recognized the potential for such a step, given that it sought comment on what factors or events might justify a further extension. Third Further Notice at ¶ 109-111.

NAB thus joined with a coalition of EAS Participants to submit a Petition on July 29, 2011, requesting that the Commission further extend the CAP-compliance deadline

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<sup>5</sup> NAB Comments at 2-4. NAB also described the life-saving benefits of mobile DTV in Japan, particularly given cellular network and power outages, as well as the enhanced public safety that would result from expanded availability of radio-enabled mobile phones. *Id.*, at 5.

<sup>6</sup> EAS Participants include AM, FM and television broadcast stations, cable systems, wireless cable systems, Direct Broadcast Satellite systems, Satellite Digital Audio Radio Services, and others. 47 C.F.R. § 11.1.

<sup>7</sup> See, e.g., Comments of the State Associations, EB Docket No. 04-296, at 13 (July 20, 2011); Comments of NCTA, EB Docket No. 04-296, at 4 (July 20, 2011); Comments of ACA, EB Docket No. 04-296, at iv (July 20, 2011); Comments of APTS and PBS, EB Docket No. 04-296, at 4 (July 20, 2011); Comments of Prometheus Radio Project, EB Docket No. 04-296, at 2 (July 20, 2011); Comments of Verizon, EB Docket No. 04-296, at 1 (July 20, 2011); Comments of Broadcast Warning Working Group, EB Docket No. 04-296, at 44 (July 20, 2011) (BWWG Comments); Comments of TFT, Inc., EB Docket No. 04-296, at 6 (July 20, 2011).

by at least an additional 180 days.<sup>8</sup> We respectfully refer the Commission to that Petition for a fuller discussion of the reasons in favor of a further extension, and request that the Commission resolve the Petition on an expedited basis.

Commenters also largely agree with NAB's view that the Commission should not be overly specific or prescriptive in crafting revisions to Part 11. NAB Comments at 6-8. For example, most parties support the flexibility provided by the Commission's proposed transitional approach in which the existing EAS is retained for some period of time, while a digital CAP-based EAS is introduced as a parallel system.<sup>9</sup> Although some parties are concerned that this approach may hinder deployment of the next generation EAS by reducing incentives to invest in advanced technology,<sup>10</sup> we believe these concerns are outweighed by benefits of a transitional approach, which will leverage the familiarity of EAS Participants with the current system, and provide valuable redundancy of public warning systems.<sup>11</sup> It also takes into account that the Federal Emergency Management Agency (FEMA) only recently announced its intent to include the existing EAS as an ongoing part of the Integrated Public Alert and Warning System (IPAWS).

Relatedly, the record reveals broad support for the flexibility provided by intermediary EAS devices, which enable EAS Participants to fulfill their federal

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<sup>8</sup> Petition for an Expedited Further Extension of the 180-Day "CAP" Compliance Deadline, EB Docket No. 04-296 (filed July 29, 2011).

<sup>9</sup> Third Further Notice at ¶¶ 24–29. See, e.g., Comments of State Associations, EB Docket No. 04-296, at 8-9 (July 20, 2011) (State Association Comments); Comments of National Cable & Telecommunications Association, EB Docket No. 04-296, at 15 (July 20, 2011) (NCTA Comments); Comments of Monroe Electronics, Inc., EB Docket No. 04-296, at 3-4 (July 20, 2011) (Monroe Comments); Comments of Sage Alerting Systems, Inc., EB Docket No. 04-296, at 4-5 (July 20, 2011) (Sage Comments).

<sup>10</sup> The Broadcast Warning Working Group (BWWG) argues that the transitional approach should be a very short-term option, to avoid undue delay of the full implementation of a solely CAP-based EAS. BWWG Comments at 1-2.

<sup>11</sup> NAB Comments at 7-8; see also State Associations Comments at 8.

obligations to accept and convert CAP-formatted EAS messages into the existing EAS protocol for transmission to the public.<sup>12</sup> On the other hand, some manufacturers call into question the functionality of intermediary devices, and whether such devices can fully implement the Commission's requirements of EAS Participants. Monroe Comments at 13; Sage Comments at 9. Sage states the intermediary devices undermine the time, effort and money invested in upgrading EAS to CAP because they restrict the warning information that is actually broadcast to the public to the same information that is delivered using the existing EAS, and fails to take advantage of all the capabilities that CAP offers. Sage Comments at 9. These parties urge the Commission, at a minimum, to test and certify intermediary EAS equipment to resolve any lingering concerns.<sup>13</sup>

NAB takes this opportunity to clarify its position regarding a Commission equipment certification program, particularly with respect to intermediary devices. Specifically, NAB believes that Commission equipment certification process for intermediary devices is unnecessary and the Commission should recognize and rely on FEMA's equipment conformance testing program. One commenter, Monroe, erroneously suggests that NAB supports a Commission certification program for such devices by virtue of our general support for the final report issued by the

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<sup>12</sup> Third Further Notice at ¶¶ 45-47. See, e.g., Comments of Prometheus Radio Project, EB Docket No. 04-296, at 1-2, (July 20, 2011); Comments of Trilithic Incorporated, EB Docket No. 04-296,, at 3 (July 20, 2011); Comments of , Inc., EB Docket No. 04-296,, at 1-2 (July 20, 2011); Comments of James Gorman, EB Docket No. 04-296,, at 1 (July 20, 2011); NCTA Comments at 10-11; State Association Comments at 9.

<sup>13</sup> Monroe Comments at 14; Sage Comments 11.

Communications Security, Reliability, and Interoperability Council (CSRIC).<sup>14</sup> It is important to recognize, however, that at the time the CSRIC report was created in September 2010, FEMA had not yet finalized its equipment conformance program and it was still unclear whether it would include the assessment of CAP-to-EAS intermediary devices. Thus, under a presumption at the time that FEMA may not include an assessment of CAP-to-EAS converters, both CSRIC and NAB encouraged the Commission to consider certification of these devices. Subsequently, FEMA adopted the EAS-CAP Industry Group (ECIG) Implementation Guide (ECIG Guide),<sup>15</sup> and included CAP-to-EAS conversion in its equipment conformance program.

In any event, NAB supports intermediary devices as particularly useful alternatives for certain smaller broadcast stations and other stations with fewer financial resources. NAB Comments at 18. For the time being, such devices allow EAS Participants to fulfill their federal obligations. Moreover, as a practical matter, many EAS Participants have already purchased intermediary devices, with the intent of using them to fulfill their federal obligations, until it is necessary to upgrade them consistent with revised Part 11 rules. *Id.* APTS also notes that a significant number of public television stations have already deployed intermediary EAS devices.<sup>16</sup>

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<sup>14</sup> Monroe Comments at 14 citing CSRIC, Working Group 5A, CAP Introduction, Final Report, § 5.1 (“CSRIC Final Report”) *available at* <http://www.fcc.gov/pshs/docs/csric/CSRIC%205A%20Working%20Group.pdf>.

<sup>15</sup> ECIG Recommendations for a CAP EAS Implementation Guide, Version 1.0 (May 17, 2010, EB Docket No. 04-296 (filed May 17, 2010), *available at* <http://eas-cap.org/documents.htm>.

<sup>16</sup> Comments of Association of Public Television Stations and the Public Broadcasting Service, EB Docket No. 04-296, at 3-4 (July 20, 2011).

Finally, certain commenters also concur that the Commission should not be overly prescriptive concerning obligations to monitor the federal EAS originator.<sup>17</sup> Specifically, the Commission proposes to require that EAS Participants specifically monitor the Really Simple Syndication (RSS) feed for EAS messages. Third Further Notice at ¶¶ 38-39. We believe it is unnecessary for the Commission to specify a particular method of monitoring because, for instance, FEMA may later decide to use a distribution system other than RSS, and that everyone involved would be better served by an agnostic, flexible rule that merely mandates monitoring of whatever method FEMA employs. NAB Comments at 14. Indeed, several parties point out that FEMA has already announced that it will use another method of feeding EAS messages than RSS.<sup>18</sup> As Sage observes, comments on a Notice of Proposed Rulemaking are not the best way to determine technical details; rather, the Commission should “merely set out what needs to be accomplished, while allowing ongoing development of technical specification and best practices to continue in the appropriate venues.” Sage Comments at 7. NAB agrees, and respectfully urges the Commission to leave these kinds of implementation details to industry.

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<sup>17</sup> Comments of Gary Timm, EB Docket No. 04-296, at 2 (July 20, 2011) (Timm Comments); Monroe Comments at 6; Sage Comments at 7.

<sup>18</sup> See, e.g., Timm Comments at 2; Sage Comments at 7.

For the reasons stated above, NAB respectfully requests that the Commission amend its regulations governing EAS as indicated in these reply comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jane E. Mago".

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