

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

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

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

The National Association of Broadcasters (NAB)¹ submits these reply comments to the above-captioned Notice of Proposed Rulemaking regarding nationwide testing of the Emergency Alert System (EAS).² As discussed below, NAB agrees with the majority of commenters who support use of the existing National Periodic Test Code (NPT) for the next nationwide EAS test, and a flexible, practical approach to enhancing the accessibility of EAS alerts for persons with disabilities. We also endorse certain minor changes to the proposed EAS Test Reporting System (ETRS).

I. Using the National Periodic Test Code (NPT) for the Next Nationwide EAS Test Would Fulfill the Needs of Government and Industry Stakeholders

The record demonstrates that use of the NPT, as currently configured, is the only reasonable way to accommodate another nationwide EAS test in the next 12-15

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Review of the Emergency Alert System*, Notice of Proposed Rulemaking, EB Docket No. 04-296 (rel. June 26, 2014) (Notice). The Notice follows a related Public Notice in which the Commission sought comment on concerns raised by the first nationwide EAS test. *Public Safety and Homeland Security Bureau Seeks Comment Regarding Equipment and Operational Issues Identified Following the First Nationwide Test of the Emergency Alert System*, EB Docket No. 04-296, Public Notice, DA 13-1969 (rel. Sept. 23, 2013) (EAS PN).

months.³ An NPT-based test also would clearly indicate the testing nature of the exercise to the public, while allowing for a sufficient assessment of the EAS system.⁴

Moreover, EAS equipment manufacturers confirm that almost all devices in the market already support the NPT or can be enabled through simple software updates.⁵ Using the existing NPT is therefore consistent with FEMA's recommendation that the Commission consider the costs to industry of other approaches, such as reconfiguring the NPT to emulate an Emergency Action Notification (EAN) code, or conducting another EAN-based test.⁶

Implementing a reconfigured NPT that mimics the behavior of an EAN will require a substantial level of technical and operational coordination between FEMA, the Commission, equipment manufacturers and EAS participants, particularly if the modified NPT must trigger a test immediately upon receipt and that test is to be of unlimited duration (*i.e.* longer than two minutes). NAB agrees with the consensus of commenters

³ The Federal Emergency Management Agency (FEMA) is apparently targeting "late 2015 for another national EAS test." Leslie Stimson, RadioWorld, *FEMA IPAWS Targets 2015 for Next National EAS Test* (July 28, 2014), available at <http://www.radioworld.com/article/fema-ipaws-targets--for-next-national-eas-test/271525>.

⁴ Society of Broadcast Engineers Inc. (SBE) Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 3; National Cable & Telecommunications Association (NCTA) Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 6; AT&T Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 2. Those aspects of the EAS system that would not be addressed by an NPT-based test could be measured in a lab environment, on a closed circuit basis, or on a less frequent basis. Trilithic Inc. Comments, EB Docket No. 04-296 (filed Aug. 12, 2014), at 1.

⁵ Monroe Electronics, Inc. Comments, EB Docket No. 04-296 (filed Aug. 14, 2014) at 2; Trilithic Comments at 1-2; Sage Alerting Systems Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 5.

⁶ FEMA Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 2.

that the benefits of reconfiguring the NPT do not outweigh the associated technical and operational complexities.⁷

II. Minor Changes to the EAS Test Reporting System (ETRS) Would Facilitate Efficient Reporting

EAS participants propose a minor change to the reporting system used for gathering data on nationwide EAS tests that would improve the system without compromising the accuracy of the data. Form One of the ETRS required EAS participants to self-identify their physical plant (e.g., physical system, local cable system, radio or television station), on an individual, per-facility basis. Form Two indicated whether an EAS participant received the nationwide alert code and was able to forward the alert as appropriate, and Form Three required more detailed information on the receipt and propagation of the test code, including a full explanation of any problems that arose in distributing the test.

The structure and format of the reporting system made it impossible for entities to submit consolidated results of the nationwide test that covered more than a single facility.⁸ Entities with multiple radio or television stations were unable to create and submit company-wide data, in a spreadsheet or similar format. Accordingly, completing the reporting forms, one station at a time, was needlessly complicated and time-consuming for certain participants.

⁷ Trilithic Comments at 2. If the Commission nevertheless decides to undertake this effort, we agree with NCTA that a period of no less than three years would be needed for full-scale implementation. NCTA Comments at 6.

⁸ Verizon states that its particular network architecture forced it to submit reports manually, defeating the purpose of the electronic system. Verizon Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 2.

NAB thus supports proposals in the record to modify the ETRS to allow participants to submit consolidated (“batch”) reports. This approach would facilitate more efficient and timely reporting. In the context of broadcasting, doing so would be particularly helpful because many radio and television station groups, both large and small, have a dedicated engineering team or individual that will oversee EAS participation and who will be responsible for preparing the ETRS forms for the next nationwide EAS test. Allowing these broadcasters to prepare forms covering all their stations in a single spreadsheet would expedite the reporting process for both industry and the Commission. NAB respectfully requests that the Commission consider this modification to the ETRS as it prepares the reporting system for the next nationwide test.

III. The Commission Should Establish a Collaborative Public-Private Task Force to Address the Accessibility of EAS Text Crawls

The Notice sought comment on enhancing the accessibility of EAS alerts by imposing new standards for the speed, completeness and placement of EAS text crawls. Notice at ¶¶ 34-35. NAB supports improving the presentation of EAS messages for persons with disabilities and other consumers. We agree it is important that EAS alerts be accessible to as many people as possible. As discussed below, however, the record highlights many of the complex issues raised by this inquiry, which supports NAB’s suggestion for convening a public-private collaborative group to examine these issues and develop recommendations for best practices that serve the interests of all the relevant stakeholders.⁹

⁹ NAB also renews its call for a “selective override” policy that would let broadcast stations opt out of a cable system-wide forced retuning during an EAS event. NAB Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 9-10. Cable overrides

For instance, the speed of EAS text crawls can vary among device manufacturers, in terms of pixels per frame and characters per second. Indeed, not all EAS devices are even capable of crawling text.¹⁰ There are also obstacles to ensuring the completeness of crawls, such as the inability of some equipment to control the duration of the text display.¹¹ Regarding crawl placement, it is not technically practical -- despite the best intentions of device manufacturers and EAS participants -- to ensure that text crawls not “block other important visual content on the screen,”¹² because there is simply no way for EAS equipment to know where such content may be located on the screen.¹³

Other complexities include: (1) the many factors that impact the readability of crawls, such as a person’s reading speed and vision, distance from the set, and room lighting; (2) the variety of sources that format, originate and deliver EAS messages and emergency information to television stations, most of which stations do not control (e.g., local emergency managers, NWS, IPAWS); and (3) the limited opportunity for a station to modify an EAS text crawl in real-time.¹⁴

interrupt broadcasters’ emergency information, including the same EAS alert carried on the cable system. NCTA itself explains: “[C]able customers are automatically tuned to a channel with a blank screen displaying full page static text with no other visual content” NCTA Comments at 8. Selective override will improve the effectiveness of any new standards for EAS text crawls by increasing the continuity of EAS alerts carried on local television stations.

¹⁰ Trilithic Comments at 2.

¹¹ *Id.*

¹² Notice at Appendix B, proposed rule 47 CFR § 11.51(d)(1).

¹³ *Id.*; Verizon Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 4.

¹⁴ NAB Comments at 10-12; NCTA Comments at 9 (“Each manufacturer designs the text crawl elements which are generated automatically by the EAS equipment and are best suited to address textual crawls in their equipment.”)

All of these issues identified in the record underscore the challenges involved in creating specific standards for EAS crawls. We therefore continue to urge the Commission to establish a collaborative task force with representatives of the disabled community, EAS participants, device manufacturers, FEMA, NWS and the Commission, to examine these questions and develop a consensus-based set of voluntary best practices for enhancing the accessibility of EAS. Expert public interest groups agree, including Wireless RERC, which urges the Commission to gather user feedback from people with disabilities before moving ahead: “[W]e recommend that the FCC create a working group tasked with designing and deploying a research methodology to capture data on EAS crawl[s]. . . .”¹⁵ Sufficient data and cooperation among stakeholders are key ingredients in a workable program for enhancing the accessibility of EAS text crawls.

Finally, NAB takes this opportunity to address some of the issues raised by the requests of certain commenters that EAS alerts be made available in American Sign Language (ASL).¹⁶ According to these parties, there is a community of deaf and hard of hearing who rely primarily on ASL and have difficulty understanding written English, as used in EAS text crawls. Wireless RERC Comments at 6.

As discussed in the Commission’s proceeding concerning multilingual EAS alerts, radio and television stations and other participants in the EAS system are

¹⁵ Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC) Comments, EB Docket No. 04-296 (filed Aug. 14, 2014), at 6.

¹⁶ Wireless RERC Comments at 5-6; Comments of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), *et al.*, EB Docket No. 04-296 (filed Aug. 14, 2014), at 5.

passive conduits of messages crafted by EAS message originators.¹⁷ Requirements that thousands of individual EAS participants edit or translate EAS alerts into ALS could reduce the accuracy, consistency and timeliness of EAS messages distributed to the public. Moreover, requiring EAS participants to translate messages into ASL before airing them would be much less efficient and practical than originating messages in the required formats from a centralized point, such as state or local emergency managers or NWS. Accordingly, if EAS messages are to be disseminated in ASL, they must be created and issued pre-formatted in ASL by alert originators before distribution to EAS participants.

This approach is also consistent with federal law providing that initiation of EAS alerts is the domain of public safety authorities. The Presidential Executive Order establishing the Integrated Public Alert and Warning System (IPAWS) assigns the Secretary of the U.S. Department of Homeland Security with the duty to include “in the public alert and warning system the capability to alert and warn all Americans, including *those with disabilities and those without an understanding of the English language.*”¹⁸ FEMA has primary authority over state and local emergency funding, and is authorized under the Stafford Act to work with state and local government on creating ways to disseminate EAS alerts to non-English speakers. 42 U.S.C. § 68 (Oct. 30, 2000). NAB encourages the Commission to coordinate with FEMA on how best to ensure that state

¹⁷ NAB Comments, EB Docket No. 04-296 (filed May 28, 2014), at 10; NCTA Comments, EB Docket No. 04-296 (filed May 28, 2014), at 2 (“The cable system’s role in disseminating EAS messages . . . is to retransmit emergency information on an automated basis as it is received from . . . an EAS originating source. . .”).

¹⁸ Executive Order No. 13407, Public Alert and Warning System, Sec. 2(a)(iv), 71 Fed. Reg. 36975 (June 28, 2006); see <http://www.gpo.gov/fdsys/pkg/WCPD-2006-07-03/pdf/WCPD-2006-07-03-Pg1226.pdf> (emphasis added).

and local governments are capable of originating and issuing EAS warnings in ASL and other non-English formats.

IV. Conclusion

NAB respectfully requests that the Commission consider the suggestions above concerning use of the NPT for the next nationwide test, the ETRS, and the most efficient approach to developing voluntary best practices for enhancing the accessibility of EAS text crawls.

Respectfully submitted,



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