



FCC RELEASES DETAILS OF ITS NEW EAS RULES

On November 10, 2005 the FCC released the text of its *First Report and Order and Further Notice of Proposed Rulemaking* regarding the review of the Emergency Alert System (EAS). The *Report and Order* portion expands the current EAS rules (Part 11) to include providers of digital broadcast and cable TV, digital audio broadcasting (DAB), satellite radio, and direct broadcast satellite services (DBS). The *Further Notice* portion seeks comment on how best to foster the develop a next-generation alert and warning system and how to ensure that EAS messages more effectively reach individuals with hearing and vision disabilities and non-English speaking individuals.

The FCC now explicitly requires that all DTV (including digital low power television and digital Class A television) and DAB (IBOC) radio stations will have the same EAS obligations as analog stations. This includes installing and maintaining an encoder/decoder and conducting periodic tests. In addition, if DTV and DAB broadcasters participate in EAS activations, they must provide the EAS message on all program streams—including subscription services—that the broadcaster provides over a particular channel (this does not apply to data services). The FCC is allowing broadcasters the flexibility to determine the method they will use to distribute EAS messages to all program streams, as long as everyone receives the same EAS message regardless of the program stream to which he or she is tuned. In addition, the FCC is requiring Digital Cable services to comply with same EAS rules as analog cable. All of these services must comply with the new rules by **December 31, 2006**.

New rules have now been added that explicitly require satellite radio (SDARS) e.g. XM and Sirius and Direct Broadcast Satellite (DBS) e.g. DIRECTV and Dish Network to participate in EAS. The new rules will require SDARS and DBS licensees to interrupt programming and transmit national level EAS messages on all channels. In addition, both services are required to perform periodic tests in accordance with the existing rules and to keep records of all tests. The new rules for SDARS also take effect on December 31, 2006, but DBS has until May 31, 2007 because of the anticipated technical and operational complexities required to implement EAS for satellite television.

The *Further Notice of Proposed Rulemaking* asks a number of questions regarding the development of a comprehensive next-generation public warning and alerting system. The Commission is seeking comments on general topics such as: System architecture/message distribution, should there be a Common Alerting Protocol, will performance standards be necessary to ensure that public alert and warnings arrive in an accurate and timely fashion. In addition there are questions specific to particular technologies. Such as:

- Should DBS and SDARS providers be required to deliver state and local messages?
- Should the Commission require wireless carriers to provide alerts and warnings?
- Should wireline companies that deliver video services be required to provide alerts and warnings?

The FCC also wants to know whether the rules should be amended to require licensees to transmit EAS messages issued by the governor of a state(s) in which the licensee provides service.

Finally the FCC seeks comment on how any next-generation, digitally-based alert and warning system can be developed in a manner that assures that persons with disabilities will be given equal access to alert and warnings as other Americans.

A copy of the *First Report and Order and Further Notice of Proposed Rulemaking* (EB Docket No. 04-296) is available on the FCC web site at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-

191A1.pdf. Comments on the *Futher Notice* portion will be due 60 days after the document is published in the Federal Register.

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