



FCC Proposes Rules for National EAS Testing

On January 14, 2010 the FCC released a *Second Further Notice of Proposed Rulemaking* (in EB Docket 04-296) proposing to amend Part 11 of the Rules governing the Emergency Alert System (EAS) to provide for national testing and collection of data from such tests. The FCC says it is taking this action because, while the current Part 11 rules provide for “[p]eriodic [n]ational [t]ests” and “special tests” at the state or local level, there are not rules that specifically describe testing of EAS at the national level. In addition the Second Notice states that: “the EAS has never been tested nationally in a systematic way, *i.e.*, by use of a test methodology that can identify system flaws and failures comprehensively and on a nationwide basis. We believe that development of such a test methodology is critically important to ensuring that the EAS works as intended, now and in the future.”

Specifically the FCC seeks comment on their proposal to amend Section 11.61(a) (3) with the following language:

“National Tests. All EAS Participants shall participate in national tests as scheduled by the Commission in consultation with the Federal Emergency Management Agency (FEMA). Such tests will consist of the delivery by FEMA to PEP/NP stations of a coded EAS message, including EAS header codes, Attention Signal, Test Script, and EOM code. The coded message shall utilize EAS test codes as designated by the Commission’s rules or such other EAS codes as the agencies conducting the test deem appropriate. A national test shall replace the required monthly test for all EAS Participants in the month in which it occurs. Notice shall be provided to EAS Participants by the Commission at least two months prior to the conduct of any such national test. Test results as required by the Commission shall be logged by all EAS Participants and shall be provided to the Commission’s Public Safety and Homeland Security Bureau within thirty (30) days following the test.”

In connection with national testing, the FCC proposes to require EAS Participants to record and submit to the Commission the following test-related diagnostic information for each alert received from each message source monitored at the time of the national test:

- Whether they received the alert message during the designated test;
- Whether they retransmitted the alert;
- If they were not able to receive and/or transmit the alert, their ‘best effort’ diagnostic analysis regarding the cause or causes for such failure.

The Commission also anticipates asking EAS Participants to provide: a description of their station identification and level of designation (PEP, LP-1, etc.); the date/time of receipt of the Emergency Action Notification (EAN) message; the date/time of PEP station acknowledgement of receipt of the EAN message; the date/time of initiation of actual broadcast of the Presidential message; the date/time of receipt of the Emergency Action Termination (EAT) message; who they were monitoring at the time of the test, and the make and model number of the EAS equipment that they utilized.

Comments in the Docket are due on March 1, 2010 and reply comments are due March 30. The Second Further Notice is available on the FCC’s EAS Web site at <http://www.fcc.gov/pshs/services/eas/>.

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