

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

In the Matter of)
)
Reliability and Continuity of Communications) PS Docket No. 11-60
Networks, Including Broadband Technologies)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ submits these comments in response to the recently issued Public Notice regarding the reliability of 9-1-1 services following the derecho storm that impacted parts of the United States on June 29, 2012.² The inquiry also seeks comment on the soundness of communications services and networks generally. Public Notice at 2. Television and radio broadcasters are an essential part of our nation’s emergency communications response system, through our role as the backbone of the Emergency Alert System (“EAS”) and the provider of timely, comprehensive information during times of emergency.

I. Broadcasters are Vital “First Informers”

Keeping the public informed during emergencies is the hallmark of broadcasters’ public service. For almost a century, broadcasters have served as America’s “first informers” during disasters and emergencies, delivering a powerful, unique combination

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 Public Notice, *Public Safety and Homeland Security Bureau Seeks Comment on 9-1-1 Resilience and Reliability in Wake of June 29, 2012, Derecho Storm in Central, Mid-Atlantic, and Northeastern United States*, DA 12-1153 (rel. July 18, 2012) (“Public Notice”).

of EAS warnings and detailed, ongoing, local information concerning storm paths, shelter directions, evacuation routes, and other potentially life-saving information. During an emergency – particularly one that arises with little notice – no other outlets can match the ability of broadcasting to deliver timely warnings and updated information. Broadcasting is ubiquitous, as local television reaches 98% of the approximately 116 million households in the U.S., while local radio reaches an audience of more than 245 million listeners on a weekly basis. Americans know to turn to their local broadcasters for in-depth coverage when disaster strikes.

The Commission, Congress, and the Federal Emergency Management Agency (“FEMA”) has recognized broadcasters’ special role in emergencies.³ This was confirmed during the recent derecho storms, when broadcast stations delivered comprehensive, reliable and continuous news coverage that provided residents in many states with vital information and safety instructions while the power and other communications services were down. For example, WMOA(AM) in Mariette, Ohio, deployed its generator for 60 hours until electric power was restored, and worked around the temporary loss of internet access to provide critical emergency information during and after the storm.⁴ WMOA’s staff, including a former local government public information officer with close contacts among local first responders, was able to provide

³ See Federal Communications Commission, *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, at 79 (June 2011); *Members of Congress Recognize Broadcasters’ Critical Role as First Informers*, National Association of Broadcasters (June 13, 2012), available at <http://www.nab.org/documents/newsroom/pressRelease.asp?id=2748>; <http://www.cnn.com/video/#/video/bestoftv/2011/08/25/exp.am.craig.fugate.cnn> (instructing Americans to listen to their local radio stations as Hurricane Irene approached the East Coast in 2011).

⁴ Paul McLane, *WMOA, Committed to Local Service*, RadioWorld (July 17, 2012), available at <http://radioworld.com/article/-wmoa-committed-to-local-service/214457>.

a lifeline service to local residents in the dark and heat of a multi-day blackout. The station's email, voicemail and Facebook account filled with expressions of appreciation from the public, such as:

"It was real comforting to have WMOA on the air during the storm aftermath. Loved receiving the hourly updates and knowing what was going on."

"Great coverage under trying circumstances this weekend. My hat is off to you."

"You have offered us calm during this time. I still don't have power . . . but have battery powered radio and you all as company."⁵

II. Broadcast is the Most Robust, Reliable Communications Service During Times of Emergency

Despite the growth of cable, satellite and the Internet, broadcasting continues to be the primary means of communicating with the public before and after disasters. This is due largely to the unique characteristics of broadcasting. First, even when the electricity is out, causing the Internet and cable television to falter, over-the-air broadcasting can still be on the air and easily accessed by Americans with battery-operated receivers. Broadcasters also exemplify redundancy because, during even a wide-spread disaster, at least one (and usually several) radio and television stations in a local market have generator(s) and other back-up equipment and systems that enable the station(s) to continue broadcasting. In such situations, it is also common for an operating station to rebroadcast portions of a down station's programming, such as emergency instructions in foreign languages, or to simulcast on other stations with fewer news resources.

Second, the "one-to-many" architecture of broadcasting is more robust than the "one-to-one" architecture of other platforms. Delivery of critical information during must

⁵ *Id.*

be reliable during heavy usage, which typically occurs during crises. Broadcast networks cannot be overwhelmed, unlike other platforms such as mobile phones and websites.⁶ This was evident during Hurricane Katrina,⁷ the devastating tornado in Joplin, Missouri,⁸ and most relevant to this inquiry, during the derecho storms, when millions of residents lost power, landline service and mobile phone service. For more than a day after the storm, more than one-third of T-Mobile subscribers in the Washington, DC area still lacked service,⁹ and for three days after the storm, 750,000 people still lacked power, making it hard to access internet service or charge mobile phones.¹⁰ Compare this to the area's radio stations, which coordinated the delivery of local all-news programming and provided "wall-to-wall" coverage as events unfolded, foregoing commercial breaks to provide uninterrupted news and information to local residents.¹¹

Third, local broadcast stations have personnel and facilities that allow them to both create and distribute content. Local television and radio stations employ many locally-based on-air staff and reporters with experience in providing up-to-the-minute

⁶ For a more detailed discussion of the advantages of broadcast network architecture, see NAB Comments, PS Docket No. 11-60 and 10-92, EB Docket No. 06-119 (filed July 7, 2011), at 7-9 ("NAB Network Reliability Comments").

⁷ *Good Morning, New Orleans*, Newsweek (Sept. 21, 2005), at 14 (when phone networks failed, residents "huddled around battery-operated devices, seeking comfort from the on-air voices."); Reginald F. Moody, *Radio's Role During Hurricane Katrina: A Case Study of WWL Radio and the United Radio Broadcasters of New Orleans*, *Journal of Radio & Audio Media*, 16 (2), p. 160-180, at 164 (2009).

⁸ See, e.g., Jay Sherder, *Radio Station Connects Joplin Tornado Victims After Other Communications Were Cut Off*, KY3 News, May 25, 2011, available at http://articles.ky3.com/2011-05-25/joplin-tornado-victims_29584175.

⁹ Amrita Jayakumar, *Verizon, AT&T, Sprint & T-Mobile: How D.C.'s storm affected major cellphone companies*, Post Local (June 30, 2012).

¹⁰ *Cell Phones Fail as Radio Moves into Disaster Mode*, Inside Radio (June 30, 2012).

¹¹ *Id.*

information on emergencies and disasters. Many local broadcasters also employ sophisticated weather tracking systems that can provide detailed information on severe weather.¹² For these reasons, local broadcasters can provide their communities with emergency services that no other communications outlets can match.

III. Broadcasters are Working to Expand Americans' Access to Radio and Television Emergency Information

The derecho storms were only the most recent emergency demonstrating the robust nature of the broadcasting system and its unrivaled ability to reliably deliver vital and detailed emergency information. These storms also reconfirmed the importance of efforts to expand mobile access to radio and television.

First, it is time to seriously consider steps needed to improve consumer access to free, over-the-air radio via smartphones and other mobile devices. Currently, the vast majority of mobile phones sold in the U.S. already include the microchips needed to receive over-the-air radio, because the radio chip is typically included in the chip set that runs other functions like Bluetooth. However, these radio chips have been activated in only a small percentage of handset models, and not in any of the most popular models. While the wireless industry may contend there is no consumer demand to activate these chips,¹³ some observers believe that the wireless industry has competitive incentives to

¹² Broadcasters' investment in emergency journalism is substantial. See *Congress Recognizes Zimmer for Tornado Coverage*, Radiolnk (Jan. 6, 2012) (Missouri congressman congratulating Zimmer Radio for providing live, commercial-free, 24-hour news for an entire week following the May 2, 2011 tornado in Joplin); *The Economic Realities of Local Television News – 2010*, attached to NAB Comments in GN Docket No. 10-25 (filed May 7, 2010) (a single season's hurricane coverage cost one station \$160,000 – not counting lost advertising revenue).

¹³ Testimony of Christopher Guttman-McCabe, CTIA – The Wireless Association, before the House Subcommittee on Communications & Technology (June 6, 2012), available at

retain tight control over handset features, to the ultimate detriment of consumers.¹⁴ Specifically, wireless providers may be reluctant for competitive reasons to provide consumers with a free audio alternative to fee-based radio streaming apps that can rapidly exhaust one's monthly data usage plan.

Beyond relegating activated radio chips to a minority of their least popular mobile devices, the wireless industry has also made it difficult for consumers to identify even those few phones that are radio-enabled. For example, NAB has reviewed the websites of the two largest operators, and found no consumer-friendly way to determine whether particular models include radio as a feature. Both Verizon and AT&T allow consumers to narrow their phone choices by searching among numerous features, but neither includes radio as a search option, despite surveys that show the desirability of radio-enabled mobile phones.¹⁵ Similar obstacles exist at mobile phone retail stores, where it is virtually impossible to find a device display card that lists radio as one of the features available on a particular phone.¹⁶ Indeed, most retail salespersons will steer customers

<http://republicans.energycommerce.house.gov/Media/file/Hearings/Telecom/20120606/HHRG-112-IF16-WState-Guttman-McCabeC-20120606.pdf>.

¹⁴ See Dan Terzian, *How Apple, Google and Your Wireless Carrier Control Your Phone*, New Media Rights (Jan. 16, 2012)(describing how wireless carriers and others exercise gatekeeper control over smartphone features and applications), <http://www.newmediarights.org/blog/how-apple-google-and-your-wireless-carrier-control-your-phone>.

¹⁵ *NAB Hails Nationwide Poll Showing Growing Consumer Demand For Radio-Capable Cell Phones* (May 8, 2012), available at <http://www.nab.org/documents/newsroom/pressRelease.asp?id=2740> (showing that 81% of cell phone owners would consider paying a one-time fee to access local radio through a built-in radio chip).

¹⁶ Study of Radio-Enabled Handsets in the U.S., The Insight Research Corporation (Sep. 2010), available at http://www.nabfastroad.org/Reports/FM-Enabled_Cell_Phones_9-16a.pdf.

toward fee-based, data-intensive radio streaming apps when asked to identify devices that include free, over-the-air radio.¹⁷

Given the Commission's interest in promoting competition, consumer access to information, and public safety, the Commission should consider ways to encourage the wireless industry to provide improved online and retail information so as to allow consumers to identify mobile devices that include free, over-the-air radio. Broadcasters believe that, with more transparent consumer information, market demand for radio-enabled mobile devices will increase, and in turn, the availability of such devices will improve. To be clear, NAB is not seeking any kind of federal mandate that wireless operators incorporate and activate radios chips in mobile devices.

With respect to television, many local stations are rolling out mobile DTV services, which will enable viewers to receive live, local digital television programming – including important emergency information -- on smart phones, laptop computers and tablets. With little cost, broadcasters can install mobile DTV encoding equipment on existing TV transmission systems and gain the ability to transmit a robust, digital mobile TV signal. Consumers will receive that signal on various mobile DTV devices. As of June 2012, over 130 local broadcast stations were transmitting mobile DTV, which represents a jump of more than 70% over the past year.¹⁸ Also in June, MetroPCS and Samsung announced the launch of a Dyle-branded mobile DTV phone in 15 markets, where more than 45 stations are already broadcasting Dyle-compatible programming.

¹⁷ *Id.*

¹⁸ More information can be found at <http://www.openmobilevideo.com/>.

The venture expects to roll out more mobile DTV devices, and expand participating stations, in the coming months.¹⁹

PBS and LG Electronics are rolling out a Mobile Emergency Alert System (“M-EAS”). M-EAS offers several benefits, including the one-to-many architecture of broadcasting; the ability to receive timely, critical warnings while on the move; and access to technologies previously unavailable to broadcasters, such as geo-targeting and delivery of non-real-time (NRT) data that can supplement warnings with other valuable information.²⁰ A year-long pilot program in three markets successfully concluded earlier this year, and sets the stage for industry standardization efforts and evaluation by the U.S. Department of Homeland Security’s Federal Emergency Management Agency.²¹

Mobile DTV has the potential to extend access to EAS warnings and the comprehensive news coverage of local emergencies provided by television stations to millions Americans who will access television on mobile devices. The value of such

¹⁹ See *Mobile DTV Goes Live with MetroPCS Dyle Launch*, Rapid TV Business News (June 8, 2012), available at <http://www.rapidtvnews.com/index.php/mobile-dtv-goes-live-with-metropcs-dyle-launch.html>; *Our Look at First Mobile DTV Smartphone with Dyle TV Service*, Communications Daily, at 10-12 (Aug. 10, 2012).

²⁰ Phil Kurz, *Mobile EAS strengths illustrated by Seattle tsunami scenario – Part 1*, Broadcast Engineering (Feb. 16, 2012), available at <http://broadcastengineering.com/RF/Mobile-EAS-strengths-Seattle-tsunami-scenario-Part-1-02162012>.

²¹ *Mobile-Emergency Alert System Pilot Project Proves Viability of Mobile DTV for Emergency Alerts*, PR Newswire (Apr. 16, 2012), available at <http://www.prnewswire.com/news-releases/mobile-emergency-alert-system-pilot-project-proves-viability-of-mobile-dtv-for-emergency-alerts-147577325.html>.

access to live broadcast television via mobile devices has already been demonstrated in other markets.²²

IV. Conclusion

Accordingly, NAB respectfully urges the Commission to consider the public service benefits of local radio and television broadcasting during times of emergency, and to consider ways to ensure -- and expand -- Americans' access to these services.

Respectfully submitted,



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²² More than 75 percent of mobile phones in Japan have a mobile DTV chip and the service is routinely used by more than 40 percent of the population. Following the devastating earthquake and tsunami in Japan in March 2011, residents lacking power or access to television were able to receive emergency warnings and information over their mobile phones. NAB Network Reliability Comments at 4-5.