

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

In the Matter of)	
)	
Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System)	PS Docket No. 15-94
)	
Wireless Emergency Alerts)	PS Docket No. 15-91

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. Introduction and Summary

For over 60 years, America's broadcasters have served as the backbone of the Emergency Alert System (EAS), and supported government initiatives intended to improve public safety. The National Association of Broadcasters (NAB)¹ thus appreciates the Commission's forward-looking consideration of how EAS alerts may be disseminated through the internet,² consistent with the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.³ The public interest benefits of expanded access to EAS alerts via internet services are plain, and we applaud Congress for requesting a study of this question. However, at least for the time being, certain technical challenges and open policy questions make it extremely burdensome, and likely infeasible, to update the EAS system to enable alerts to consumers provided through the internet, including through

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 *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, Wireless Emergency Alerts*, PS Docket Nos. 15-94 and 15-91, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 21-36 (rel. Mar. 19, 2021) (Notice).

³ Pub. L. 116-283, 134 Stat. 3388 (NDAA21), § 9201(e). The NDAA21 includes the Reliable Emergency Alert Distribution Improvement (READI) Act, in which the relevant provisions were initially adopted.

streaming services.⁴ These challenges and questions should be reflected in the Commission’s report to Congress required by the NDAA21.

II. Extending EAS Obligations to Internet Streaming Services Would be Complicated, If Not Infeasible

Of the many ways that local broadcasters serve the public interest, none is more important than preserving and protecting the safety of viewers and listeners. Local television and radio broadcasters’ ability to reach virtually all Americans allows local stations to play a unique role in the distribution of emergency warnings and information, and a reliable EAS system is an integral part of this capability. EAS enables the President to communicate with the public during emergencies, and is also a critical public alert and warning tool of state and local governments. Alerts can include weather warnings, many of which are issued by the National Weather Service (NWS), AMBER alerts⁵ and other disaster information such as evacuation notices. Recent events, such as the devastating 2020 hurricane season, California wildfires and floods in Michigan all highlight the need for a reliable, robust EAS.⁶

Broadcasters also provide timely, detailed news and information about disasters and other emergencies. They are “first informers,” having been formally designated as “essential service providers” under the Consolidated Appropriations Act, 2018 (amending the Stafford Act), which empowers radio and television stations to access disaster areas.⁷ In addition to

⁴ *Id.*

⁵ Broadcasters are proud of their role in creating AMBER Alerts in 1996 and distributing alerts that have led to the recovery of more than 940 missing and abducted children. The America’s Missing: Broadcasting Emergency Response (AMBER) Alert Program is jointly administered by the National Center for Missing & Exploited Children (NCMEC), broadcasters, transportation agencies, law enforcement agencies, and the wireless industry. Statistics available at <https://www.missingkids.org/footer/media/keyfacts>, (last visited April 13, 2021).

⁶ See, e.g., <https://www.scientificamerican.com/article/a-running-list-of-record-breaking-natural-disasters-in-2020/>.

⁷ 42 U.S.C. § 5189e.

their on-air facilities, radio and television stations also use other platforms including station websites, mobile apps and social media accounts to inform Americans. Local radio and television stations play an essential role in the distribution of public alerts and information to their community, before, during and after an emergency.

This has never been more apparent than during the ongoing COVID-19 nationwide emergency. As the pandemic unfolded last year, Americans turned to their local radio and television stations for accurate, reliable information. For example, a survey by the Television Bureau of Advertising, conducted in April and October 2020, showed that twice as many people considered broadcast television their best source for information about the pandemic compared to cable TV news.⁸ Moreover, in an age of media skepticism, people place their most trust in local TV news versus other sources.⁹ Local broadcasters were also the primary means for federal, state and local authorities and public health officials to update the public on developments.

Regarding EAS, broadcasters lead the way in ensuring the reliability of the system. Local radio and television stations diligently implemented the ability to receive alerts from FEMA's Integrated Public Alert & Warning System (IPAWS), routinely test and upgrade their EAS equipment as needed and take other steps – both voluntary and mandated – to support EAS, and at their own expense. In addition, broadcasters are often the leaders (and in some cases the only engaged members) of their State Emergency Coordinating

⁸ TVB, [COVID-19 Media Usage Study Update](#) (Sep. 2020). See also Elisa Shearer, *Local news is playing an important role for Americans during COVID-19 outbreak*, Pew Research Center Factbreak (Jul. 2, 2020); Frank Mungeam, [Local TV News Surges as Trusted Source During Coronavirus](#), Knight-Cronkite News Lab (Apr. 2020) (local TV news was Americans' primary source of local news (41 percent); a majority of those surveyed reported watching local TV news on-air (82 percent), and using a local station's news app (57 percent); 75% respondents also saying local TV news coverage "met or exceeded" their expectations).

⁹ *Id.*

Committees (SECCs). NAB and individual broadcast companies also partner with the FCC and FEMA on various emergency-related initiatives and advisory groups intended to further improve public alerting.

Expanding EAS alerts to Internet services, however, is another matter entirely. NAB's understanding is that doing so would be extremely difficult, and in fact, is likely infeasible at this time. As a preliminary matter, the Notice asks whether any streaming services already support EAS alerts.¹⁰ To NAB's knowledge, there are no pure-play independent streaming services that participate in EAS. We understand that the only online audio outlets that may retransmit EAS messages are websites and apps while simulcasting radio stations, and similar online video outlets while simulcasting local television news programming, as well as over-the-top (OTT) services that livestream local television channels. Broadcasters may do so on their own website or through audio apps like TuneIn or digital media players like Roku TV, or through an OTT streaming service. As a general matter, the streaming feeds at the broadcast station are originated upstream of the EAS encoder/decoder in the programming chain, meaning that an EAS alert is typically relayed only if it occurs while a station's own programming is broadcast on-air.¹¹ If an alert occurs during a commercial break in the on-air programming, when different content is inserted into the online stream, the EAS alert is not usually retransmitted to the listener or viewer. OTT video services that livestream local television stations retransmit the same EAS messages as the simulcasted station.

Pure-play online content streamers are not "well-positioned to participate in the existing EAS ecosystem" for live streaming feeds or on-demand content.¹² The main

¹⁰ Notice at ¶ 58.

¹¹ Comments of Gary E. Timm, PS Docket Nos. 15-94 and 15-91, at 9 (Mar. 30, 2021).

¹² Comments of Donald Walker, PS Docket Nos. 15-94 and 15-91, at 3 (Apr. 14, 2021).

obstacles are two-fold. First, with respect to ingesting EAS alerts, the FCC states that streaming services' "large geographic service areas" presents a monitoring challenge. Of course, "large" does not begin to describe the reach of a cloud-based service which is available everywhere access to the internet is available. Video and audio streaming services routinely have thousands or even millions of customers worldwide.

NAB understands that the current web-based design and architecture of online streaming services does not typically incorporate or even contemplate any localized infrastructure that would enable a streaming service to monitor for EAS alerts based on either geography or the type of event. Nor would be it practical for streaming services to have monitoring assignments akin to broadcasters and other EAS participants. They simply lack the infrastructure and local presence to monitor other EAS Participants or alert originators for EAS messages. Even if such a mechanism could be created, requiring streaming services to somehow monitor, manage and prioritize all EAS alerts from the thousands of sources in every municipality (or EAS operational area) across the entire country would be extremely problematic. Nor does NAB believe that creating a process for streaming services to differentiate between market areas they serve when determining what kinds of EAS alerts to monitor, even with advice from state and local government officials, would help solve this problem.¹³

Second, and even more challenging, is how streaming services could route EAS alerts to only the areas and consumers for whom an alert is relevant.¹⁴ The limitless nature of streaming makes it virtually impossible to geo-target the transmission of EAS alerts. As stated in the record, specific geolocation of users would be quite challenging for streaming

¹³ Notice at ¶ 59.

¹⁴ *Id.* at ¶ 59.

services when the software used does not specifically request or have access to a subscribers' location data.¹⁵ IPAWS uses FIPS codes to determine EAS alerting areas, which broadcasters and other EAS Participants monitor for alerts. If streamers were required to install EAS equipment, they would need a mechanism for monitoring all FIPS codes across the U.S., and distributing alerts only to the pertinent areas.¹⁶ Such a mechanism neither exists nor could it be efficiently incorporated into current streaming systems.

Using IP addresses to geofence the dissemination of alerts could raise even more problems.¹⁷ First, fixed-location internet service providers (ISPs) often cannot accurately pinpoint a user's location. Second, consumers are increasingly using virtual private networks (VPNs) to connect to the internet,¹⁸ which are designed to enhance the privacy of one's internet presence by masking their IP address, or accessing internet resources that may otherwise be unavailable from the public internet. Given that more than 31 percent of all internet users rely on a VPN,¹⁹ and this figure is expected to increase further, it would be extremely difficult for streamers to ensure that people are receiving the appropriate EAS alerts based on their IP address.

Without accurate location information, streaming services have no way of discerning where the consumer is located. For example, a viewer in California could be streaming a Virginia-based TV station's newscast, or streaming a Florida-based radio station while in O'Hare Airport. This could lead to dangerous confusion if EAS alerts are not properly

¹⁵ Walker Comments at 3.

¹⁶ Troy Harper, [Should EAS Alerts Be Issued Through Netflix and Pandora?](#), GCN.com (Aug. 7, 2019).

¹⁷ Notice at ¶ 65.

¹⁸ Aliza Vigderman, [2021 VPN Usage Statistics](#), Security.org (Apr. 13, 2021).

¹⁹ Ilana Vojinovic, [VPN Statistics for 2021 – Keeping Your Browsing Habits Private](#), [www.DataProt.com](#) (Mar. 21, 2021).

distributed to only the relevant areas or consumers. Also, if consumers are inundated with irrelevant alerts from streaming services because of an inability to accurately geofence distribution, it could desensitize the public to EAS alerts, causing them to ignore alerts of particular importance.

To a certain extent, the question of how EAS alerts may be issued through internet streaming services parallels the FCC's past consideration of how to extend EAS obligations to DBS providers. There, the FCC recognized the technical difficulties of requiring DBS providers to distribute alerts to only the pertinent portions of their subscribers and wisely confined their EAS participation accordingly.²⁰ In the case at hand, internet streamers would likely have to design and create an entirely new localized, geo-aware mechanism for both ingesting and distributing EAS alerts to participate in EAS. At best, implementing such a requirement would be extremely cumbersome, and invoke a long list of unknown consequences related to complexity, user privacy and cost.

Even if these challenges to the monitoring and geo-targeting of alerts could be resolved, certain thorny policy issues may raise additional obstacles to extending EAS obligations to online streamers. Most obviously, online video and audio streamers like Netflix, Hulu and Spotify are generally unregulated by the Commission. In addition, many streaming services are based outside the U.S. or are partially owned by foreign shareholders. Also, NAB understands that many such services often operate from a centralized platform using hardware and servers they do not own or directly control. All of these factors would raise questions of how the FCC could effectively extend the EAS rules to

²⁰ *Review of the Emergency Alert System*, EB Docket No. 04-296, Second Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 13276, 13303 (2007).

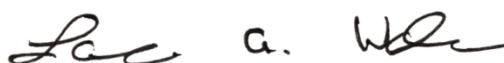
internet streamers, how streaming services could ensure the security and reliability of EAS operations, and what would happen if they failed to execute EAS alerts.

In light of all these challenges, NAB urges the Commission to report to Congress that EAS should not be extended to internet-based services at this time.

III. Conclusion

As described above, the web-based architecture and infrastructure of streaming services make it impractical for such providers to monitor for EAS alerts or distribute alerts to only the areas and consumers for which an alert is pertinent. Moreover, it remains unclear how the FCC could extend the EAS rules to largely unregulated Internet streamers or ensure the reliability and security of EAS over the Internet. Therefore, NAB respectfully submits that the Commission should report to Congress that enabling EAS alerts to consumers provided through the Internet would be too complex and likely infeasible at this time. We appreciate the opportunity to provide our views in this inquiry, and look forward to assisting the FCC as it considers ways to further enhance the EAS system.

Respectfully submitted,



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May 14, 2021