



## NAB Files Comments in Commercial Loudness Mitigation Act (CALM Act) Notice of Proposed Rulemaking

The FCC issued a Notice of Proposed Rulemaking seeking comment on how to implement the Commercial Advertisement Loudness Mitigation Act (“CALM Act”) in order to deal with the perceived loudness of television commercials. NAB filed comments on July 8, 2011 that asked the FCC to establish commercially reasonable rules.

In 2009, the ATSC published a Recommended Practice ([ATSC A/85](#)) which provides guidance on the proper production and encoding of AC-3 audio. Congress, in the CALM Act then directed the FCC to incorporate into its rules by reference and make mandatory the use of A/85 and any successor thereto to mitigate excessively loud commercials in television transmissions. After that Act was passed, the ATSC added Annex J to specifically set forth all necessary steps to effectively control the loudness of commercial advertising in AC-3 bit streams transmitted by broadcast television stations (and others). According to Section J.1 of ATSC A/85, Annex J “contains all the courses of action necessary to perform effective loudness control of digital television commercial advertising.”

The CALM Act outlined a safe harbor for stations to be deemed to be in compliance with the FCC rules for implementing the CALM Act if the station installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software necessary to comply with the ATSC A/85 Recommended Practice.

NAB’s comments specifically encouraged the Commission to: (1) confirm that television stations will be subject only to the requirements of Annex J in ATSC [A/85](#); (2) focus on commercially reasonable efforts when applying Annex J’s requirements and the CALM Act’s safe harbor compliance provision; (3) adopt a blanket waiver for small businesses and small markets and apply a reasonable deadline for requesting waivers in advance; (4) avoid any interpretation requiring stations that qualify for the safe harbor to demonstrate compliance on a per-commercial basis.



**ATSC’s A/85 Exhibit at the NAB Show**

NAB specifically advocated that a station’s practices should be deemed “commercially reasonable” if the station:

- obtains and readies for use equipment that measures the loudness of commercials transmitted to consumers consistent with ATSC A/85 Annex J;
- for commercials that the station inserts, uses the equipment in the ordinary course of business to properly measure the loudness of the content and to ensure that the dialnorm metadata value correctly matches the loudness of the content when encoding the audio into AC-3 for transmitting the content to the consumer;
- for commercials inserted by third-party programming providers, (1) contractually requires that the third-party make the measurements of the loudness of the commercials and the program content in a manner that is compliant with ATSC A/85 Annex J; (2) contractually requires that the third party either communicate the measured values to the

broadcaster or conform the audio to a uniform loudness value; and (3) performs regular quality control measurements of the delivered audio to ensure that the third-party programming provider is meeting these contractual obligations; and

- performs periodic calibration of its equipment to ensure that the equipment continues to function in a proper manner and repairs malfunctioning equipment within 60 days.

Our comments also encourage the Commission to provide flexibility for small businesses and stations in small television markets, as well as providing a blanket waiver for many small stations.

Reply comments are currently due July 21, 2011.

## FEMA Holds EAS National Test Webinar

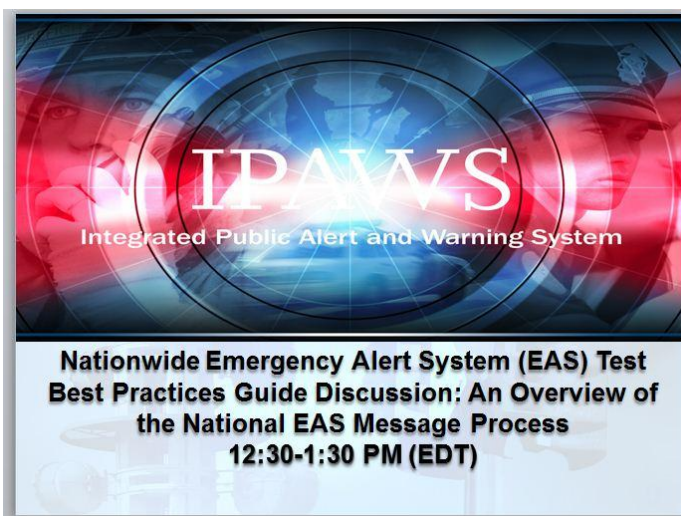
On Thursday July 7, the FEMA IPAWS program office held a webinar to outline and discuss EAS best practices that broadcasters and other EAS participants should employ in order to be ready for the first-ever National EAS Test. The national test will occur on November 9, 2011 at 2:00 p.m. Eastern time.

The participants on the webinar were Manny Centeno, EAS test program manager with the FEMA IPAWS office, Kelly Williams, senior director, engineering and technology policy with NAB's Science and Technology Department and Chris Brandt, a head-end engineer from Alaska. There were over 400 on-line attendees.

FEMA announced during the webinar that they will be producing a Best Practices and Test Procedure document that will be released in late September. The best practices guide will include information and ideas proposed on the IdeaScale website and discussed during the virtual roundtables and EAS Test Update webinars. The dates and topics for the future on-line events are:

- August 15 – EAS Participant Virtual Roundtable – First Draft of the Best Practices Guide
- September 1 – Nationwide EAS Test Update Webinar – EAS Equipment Operation and Maintenance
- September 30 – EAS Participant Virtual Roundtable – Best Practices Guide Final Recap Discussion & Release
- October 13 – Nationwide EAS Test Update Webinar – Test Preparations and Procedures

Slides from the July 7 webinar are available on the IdeaScale [website](#). While there you can also submit your thoughts about the National Test.



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