

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

In the Matter of)	
)	
Petition Filed by the Minority Media and)	EB Docket No. 04-296
Telecommunications Council Proposing)	
Changes to the Emergency Alert System (EAS))	
Rules to Support Multilingual EAS and)	
Emergency Information)	

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

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EXECUTIVE SUMMARY

America's radio and television broadcasters support improved access to both Emergency Alert System (EAS) alerts and non-EAS emergency information for persons who do not speak English as their primary language. Recent events, including the deadly tornados that hit Arkansas in March of this year and Oklahoma in May 2013, demonstrate broadcasters' commitment to public warning and providing life-saving information before, during and after emergencies.

Given broadcasters' unique role as First Informers during emergencies, NAB appreciates the importance of industry coordination in maintaining operations during an emergency. As explained herein, NAB continues to believe that locally-based, voluntary solutions reflecting the needs of specific stations in differing types of emergencies in different local markets are preferable to any mandatory plan across all markets.

Federally mandating the creation of "emergency communications plans," such as the proposed "designated hitter" approach, is unnecessary to ensure the continued delivery of emergency information, including non-English programming. First, broadcast markets have changed since the time of the Hurricane Katrina disaster that prompted the designated hitter proposal. It is extremely unlikely that another emergency will occur when the only non-English station in a market is rendered inoperable. There has also been significant growth in the number of Spanish language stations since Katrina hit in 2005. NAB has determined that most markets with at least one Spanish language station have multiple such stations, thereby helping to ensure continuity of Spanish programming during an emergency.

In addition to market changes, evidence shows that voluntary cooperation among local stations, combined with Commission processes created since 2005, such as the

Disaster Information Reporting System, will ensure continued emergency programming, including non-English information, without federally mandated emergency communications plans suggesting a particular approach to local collaboration. Indeed, even state EAS plans are not suitable vehicles for such plans because State Emergency Coordination Councils (SECCs) vary widely in their membership and resources, and are not typically equipped to make arrangements regarding staff and programming among stations at the local level.

Finally, NAB submits that the primary responsibility for issuing multilingual EAS alerts should lie with the emergency managers and other officials that originate EAS alerts. Such an approach would help ensure the accuracy, timeliness and uniformity of EAS alerts, which could be compromised by requiring that EAS Participants evaluate, edit or translate such messages. The critical role that EAS Participants play in the EAS system as passive conduits of messages created by official decision-makers should be preserved. Federal law and the Presidential Executive Order establishing the Integrated Public Alert and Warning System also support this view. The Federal Emergency Management Agency (FEMA) is best situated to resolve challenges related to originating multilingual EAS alerts, and NAB urges the Commission to work with FEMA and state and local authorities to determine the most efficient method for issuing and disseminating non-English EAS alerts.

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The National Association of Broadcasters (NAB)¹ responds to the recent Public Notice in the above-captioned proceeding regarding multilingual emergency alerts and information.² NAB supports refreshing the record on ways to improve access to both Emergency Alert System (EAS) warnings and non-EAS emergency information for persons who do not speak English as their primary language. EAS PN at 2. We explain below that realizing these dual goals will turn on properly assigning primary responsibility for each task. Specifically, expanding the availability of non-English EAS warnings is best accomplished by the federal, state and local emergency managers and other authorities that originate EAS alerts, while improving the continuity of non-English

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, *Comment Requested to Refresh the Record in EB Docket No. 04-296, on Petition Filed by the Minority Media and Telecommunications Council Proposing Changes to Emergency Alert System (EAS) Rules to Support Multilingual EAS and Emergency Information*, EB Docket No. 04-296, DA 14-336 (*rel.* Mar. 11, 2014) (EAS PN). See also Petition for Immediate Interim Relief filed by the Independent Spanish Broadcasters Association, the Office of Communications of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council (MMTC), EB Docket 04-296 (filed Sept. 22, 2005) (“MMTC Petition”).

programming before, during and after an emergency should be left to the voluntary coordination of local EAS Participants familiar with the needs and demographics of their local communities.³

I. Introduction and Background

Local broadcasters are the backbone of the nation's EAS system. Given their ability to reach virtually all Americans – especially when other communications platforms fail – radio and television stations play an indispensable role in the distribution of public alerts and warnings. EAS enables the President to communicate with the public during emergencies, and is also an important public alerting tool of state and local governments. Alerts often include weather alerts, the majority of which are issued by the National Weather Service (NWS) as well as other important disaster information such as evacuation notices. Broadcasters are particularly proud of their role in the creation of AMBER alerts, which have led to the recovery of over 688 missing and abducted children.⁴

As First Informers during emergencies, broadcasters deliver timely, often life-saving information to their local communities, as evidenced by recent events. Arkansas Governor Mike Beebe praised the efforts of broadcasters to keep residents informed and safe during the series of devastating tornados that lashed central and southern parts of the U.S. last month.⁵ Similarly, Oklahoma Governor Mary Fallin thanked

³ EAS Participants include AM, FM and television broadcast stations, cable systems, wireless cable systems, Direct Broadcast Satellite systems, Satellite Digital Audio Radio Services, and others. 47 C.F.R. § 11.2(d).

⁴ AMBER: America's Missing: Broadcasting Emergency Response Alerts, <http://www.missingkids.com/KeyFacts> (last visited April 30, 2014).

⁵ See <http://www.katv.com/category/273536/live-stream-newscasts>.

broadcasters for their emergency coverage of deadly tornados that killed 24 people in Moore, Oklahoma in May 2013:

The media has done a superb job over the last couple of days of keeping people informed about the current weather conditions, especially our weathermen and those that have been on the ground driving and calling and tracking the storm itself...I had many people come up and say, because of the media and their rapid response and reporting on the track of the storms, they were able to get to a storm shelter and be safe.⁶

Broadcasters also supplement their on-air coverage of emergencies through a variety of other platforms. During the series of tornados in Arkansas, for example, local television stations provided simultaneous coverage through their station websites and mobile apps, as well on social media websites like Facebook and Twitter.⁷ The chief meteorologist for KOAM, which serves Joplin, Missouri, has 30,000 contacts on his Facebook site, which allows him to deliver real-time data to viewers unable to watch television when the power is out. As Keith Monahan, chief meteorologist of KARK (Little Rock, AR) stated, electricity in some areas went out more than ten minutes before the first tornado hit, and social media proved critical during this period, enabling him to continue providing important information to residents about the need to seek shelter.⁸

Broadcasters take pride in their unique ability to warn and inform the public before, during and after an emergency, and work hard to keep their audiences safe.

⁶ See Anne Marie Cumming, *Local Broadcasters: A Lifeline for Residents of Moore, OK* (July 1, 2103), available at <http://nabroadcasters.wordpress.com/2013/07/01/local-broadcasters-a-lifeline-for-residents-of-moore-ok/>. See also Ben Sisario, New York Times, *Media Decoder: After Hurricane Sandy, People Flock to Radio for Information* (Nov. 19, 2012), available at <http://query.nytimes.com/gst/fullpage.html?res=9A03E6DC1738F93AA25752C1A9649D8B63> (describing cooperative efforts of broadcasters during Hurricane Sandy).

⁷ Phil Kurz, *Stations Expand Scope of Tornado Warnings, TV NewsCheck* (May 1, 2014), available at <http://www.tvnewscheck.com/article/75997/stations-expand-scope-of-tornado-warnings>.

⁸ *Id.*

NAB believes that broadcasters' long experience with public alerting and emergency journalism provide important context for addressing the most effective methods for enhancing access to both non-English EAS warnings and programming during emergencies.

II. Establishment of “Emergency Communications Plans” in Local Markets Should Be Left to the Discretion and Voluntary Coordination of Local EAS Participants

The Commission seeks comment on MMTC's petition calling for “emergency communications plans” that would set forth procedures for broadcast stations to support each other during emergencies. EAS PN at 5. The Commission appears primarily concerned with situations where the only Spanish-language station in a given market is rendered inoperable during an emergency. MMTC suggests a “designated hitter” approach, or an arrangement that would allow an inoperable non-English station to access the facilities of another pre-identified station to broadcast non-EAS programming during an emergency.⁹ The Commission asks whether such plans should be mandatory, and if they are only needed in locations with a sizeable population of non-English speakers and that are relatively susceptible to natural disasters and severe weather. *Id.* The Commission also seeks comment on designating state EAS plans as a vehicle for implementing such a requirement. *Id.* at 8.

NAB appreciates the value of industry coordination in maintaining operations before, during and after an emergency. For example, thousands of radio and television stations voluntarily participate in the Commission's Disaster Information Reporting System (DIRS), which provides a mechanism for stations to report their operational

⁹ Letter from the Minority Media and Telecommunications Council to Marlene H. Dortch, Secretary, FCC, EB Docket No. 04-296, at 1 (filed Dec. 12, 2013) (MMTC Letter).

status to federal officials during emergencies.¹⁰ Many stations have used DIRS to seek assistance in obtaining fuel and other critical supplies needed to continue or resume operations during a disaster. NAB supports these efforts by relaying targeted notices that the Commission has activated DIRS to stations in a danger zone and by conducting extensive outreach programs to increase participation in DIRS.¹¹ NAB is also an active representative on the U.S. Department of Homeland Security's National Coordinating Center for Communications (NCC),¹² the Commission's Communications Security, Reliability and Interoperability Council (CSRIC), and the Communications Sector Coordinating Council (CSCC).¹³

Given these activities, NAB understands the importance of broadcaster communications during and after an emergency. Given developments since MMTC submitted its petition, however, NAB does not believe that rules mandating the establishment of "emergency communications plans" by EAS Participants in local markets are necessary to ensure the communication of emergency information, including non-English programming.

MMTC filed its petition in 2005 in the immediate wake of Hurricane Katrina, which shuttered the only Spanish radio station near New Orleans, KGLA-AM (Grenta, LA), for several days. Fortunately, as MMTC recognized, Hurricane Katrina was an

¹⁰ <http://transition.fcc.gov/pshs/services/cip/dirs/dirs.html>.

¹¹ See, e.g., <http://www.nab.org/documents/landingpages/dirs.asp>.

¹² The NCC monitors national and international events that may impact emergency communications, including acts of terrorism and natural events such as tornadoes, floods, hurricanes and earthquakes; <http://www.dhs.gov/national-coordinating-center-communications>.

¹³ The CSCC is a public-private partnership that facilitates the coordination of sector-wide policy-related activities and initiatives designed to improve both the physical and cyber security of the communications critical infrastructure sector; <http://www.commscc.org/>.

unprecedented event: “the worst natural disaster in the history of the United States.” MMTTC Petition at 5. Only four of 41 radio stations in the area remained operational after the storm hit. *Id.* To our knowledge, despite numerous deadly tornados, hurricanes, blizzards, floods, wildfires and other natural disasters since Hurricane Katrina devastated New Orleans nearly a decade ago, there has not been another emergency when the only non-English language broadcast station in a market was forced off the air and sought assistance from a neighboring station.

Moreover, NAB has analyzed the changing radio industry since Hurricane Katrina, and determined that only a fraction of radio and television markets today have only one non-English broadcast station. The total number of Spanish-language radio stations has grown from 745 in 2005 to more than 900 as of early 2012.¹⁴ The overwhelming majority of radio markets that contain at least one non-English station now contain multiple stations. In fact, as of early 2012, nearly 90 percent of the Hispanic population in Arbitron markets resided in markets with three or more Spanish-language stations, and over 81 percent of the Hispanic population located in Arbitron markets were receiving six or more Spanish programmed stations.¹⁵ Given this growth in the number of Spanish-language radio stations, it is increasingly unlikely that the only non-English station in a market will be knocked off the air during an emergency, particularly in markets with substantial Spanish-language speakers.¹⁶

¹⁴ BIA Kelsey, *Over-the-Air Radio Service to Diverse Audiences – 2012 Update* (Feb. 22, 2012), attachment G to NAB Comments, MB Docket No. 09-192 (Mar. 5, 2012).

¹⁵ *Id.*

¹⁶ For example, Los Angeles alone has 47 Spanish-language radio stations, and the 184th-ranked market, Laredo, Texas, has nine such stations. In contrast to 2005, New Orleans now has five Spanish-language radio stations.

Most importantly, even in the unlikely event that the only non-English station in a market is rendered inoperable during an emergency, evidence shows that voluntary coordination between local stations, aided by Commission mechanisms already in place, will be able to provide effective assistance without rules mandating emergency communications plans. Locally-based voluntary collaboration has occurred in emergencies across the country time and again. During Hurricane Sandy, for example, flooding at transmitter sites in the Meadowlands disrupted a number of AM radio stations. Many of these stations responded by making arrangements to shift their news operations to local FM stations, including WINS-AM to WCBS-FM, and New York Public Radio's WNYC-AM to WNYC-FM.¹⁷ Other stations partnered with local TV stations to provide continuous coverage during the storm, such as Buckley Radio's WOR-AM, which simulcast the programming of WNBC-TV, and WEPN-AM, which aired the news coverage of WABC-TV.¹⁸ Similarly, during Hurricane Irene in 2011, WBOC-TV partnered with six radio stations in the Delmarva area of Maryland to simulcast its coverage in the event the storm knocked out power. In fact, to further ensure the availability of emergency information, the television station issued a blanket approval for any radio station in the area to simulcast its programming during the storm.¹⁹

More recently, during the ice storms that paralyzed Atlanta in February of this year, all the local TV stations made arrangements with radio stations to keep their

¹⁷ Radio Magazine, *New York Stations Report on Sandy Storm Efforts* (Nov. 2, 2012), available at http://radiomagonline.com/currents/news/new_york_stations_report_on_sandy_storm_efforts_1102/.

¹⁸ *Id.*

¹⁹ *WBOC Coverage Available on Radio During Hurricane Irene*, (posted Aug. 26, 2011), available at <http://www.wboc.com/story/15341626/wboc-coverage-available-on-radio-during-hurricane-irene>.

audiences up-to-date on current weather conditions and emergency information in case the power went out. For example, Meredith's CBS affiliate WGCL partnered with WGST-AM to simulcast the television station's emergency news, while Fox's WAGA partnered with all-news WYAY-FM.²⁰

Examples of voluntary coordination among local broadcasters during times of emergency are common. Stations today also are aided by the Commission's establishment in 2007 of DIRS, a mechanism for identifying and assisting stations in need of assistance during an emergency. If DIRS had existed during Hurricane Katrina, it would have helped Station KGLA-AM resume operations as quickly as possible. The station could have uploaded its operational status to DIRS remotely, thereby informing both the FCC and the NCC of its needs, and in turn, neighboring stations in the market as well as the state broadcaster association, which would have quickly ensured that KGLA secured an alternative outlet for its non-English programming about the storm.

In light of developments since 2005, and ample evidence of station collaboration and use of a "mix of old and new technology" to inform the public during emergencies,²¹ the Commission should refrain from mandates in this context. Locally-based, voluntary solutions reflecting the needs of specific stations in differing types of emergencies are preferable to the imposition of emergency communication plans requirements across all markets.

For many of the same reasons, state EAS plans are inappropriate vehicles for implementing any policy concerning emergency communications plans, including a

²⁰ Kevin Eck, *Atlanta Stations Ready for Ice Storm with Mix of Old and New Technology*, (Feb. 11, 2014), available at http://www.mediabistro.com/tvspy/atlanta-stations-ready-for-ice-storm-with-mix-of-old-and-new-technology_b115295.

²¹ See supra note 7.

designated hitter approach. EAS PN at 8. State EAS plans are created by a State Emergency Coordination Council (SECC), consisting of volunteer experts on the EAS system.²² Emergency communications plans, as described in the EAS PN, are more suitably developed among radio and television stations in a particular local area, based on the geography and weather risks of that market, and the needs of the local audience and local stations. A state-level committee would not be equipped to address these locally oriented concerns. Nor would SECC members be authorized to make cooperative arrangements regarding emergency programming on behalf of their organizations.

State EAS plans, moreover, are intended only to map out the dissemination of EAS alerts within a state. EAS alerts are triggered by computer-generated, tone-based signals that automatically relay among EAS Participants without any human interaction. EAS alerts are crafted and issued by federal, state or local emergency managers, and do not include broadcaster-produced programming content. In contrast, the emergency communications plan envisioned by MMTC, in which one station in a market agrees to allow staff of an inoperable station to use its facilities to air non-English programming during or after an emergency, or similar arrangement, would clearly involve broadcast content and staff resources. State EAS plans simply are not designed to address these matters.

Furthermore, SECCs vary widely in their formality, resources, membership size, stakeholder involvement, and support from local emergency management.²³ Many

²² http://www.nws.noaa.gov/os/dissemination/NWS_EAS.shtml.

²³ Communications Security, Reliability and Interoperability Council (CSRIC) Working Group 3, Emergency Alert System, *State EAS Plans Subcommittee Final Report* (March

SECCs lack participation by the vast majority of EAS Participants in a state, as well as state or local emergency managers. Indeed, some SECCs consist of only a few members, or even only one individual shouldering the entire burden of drafting the state EAS plan. As a result, state EAS plans lack consistency in format, detail, and timeliness. The Commission should not expect state EAS plans and SECCs to take on additional tasks for which they may lack the expertise or resources.

III. The Efficient Distribution of Multilingual EAS Alerts Depends on the Formatting of Content at the Originating Source

The EAS PN seeks comment on expanding the dissemination of EAS alerts in Spanish. EAS PN at 6-7. Given the nature of EAS, the primary responsibility for issuing multilingual EAS alerts should rest with federal, state and other emergency managers that originate EAS alerts.

Radio and television stations and other participants in the EAS system are passive conduits of messages crafted and issued by government entities such as the National Weather Service (NWS), and state and local emergency managers and public safety officials. Broadcasters rely on EAS encoder/decoder platforms that monitor at least two local primary (LP) stations or sources for EAS warnings, and then automatically relay those messages to the public. The reliability of the EAS system depends largely on the resulting consistency throughout the entire system, which disseminates uniform messages to all citizens.

Requirements for EAS Participants to evaluate, edit or translate EAS alerts could undermine the accuracy, timeliness and uniformity of the information. Such a duty

2014), at 17; available at http://transition.fcc.gov/bureaus/pshs/advisory/csric4/CSRIC_IV_WG3_FINAL_03252014.pdf.

would increase the risk of imprecise translations of EAS messages and potential delays in alert dissemination. FEMA's IPAWS Program Management Office points out, for example, that some EAS encoder/decoder products may have limitations in text-to-speech conversions to non-English languages.²⁴

Primary responsibility for the distribution of multilingual EAS alerts should lie with the government and emergency management authorities that originate such messages. Earlier commenters agreed that originating multilingual alerts from a centralized point would be much more efficient than requiring thousands of individual EAS Participants to translate messages before relaying them to the public.²⁵

This approach also comports with federal law providing that the issuance of EAS alerts is largely the domain of government authorities, and is consistent with the nature of the system in which EAS Participants are conduits of the messages of decision-makers. The Presidential Executive Order establishing IPAWS charges the Secretary of the U.S. Department of Homeland Security with including "in the public alert and warning system the capability to alert and warn all Americans, including those with disabilities and those without an understanding of the English language."²⁶ Moreover, FEMA possesses primary authority over state and local emergency funding, and is authorized under the Stafford Act to work with state and local government on creating methods for disseminating EAS alerts to non-English speakers. 42 U.S.C. § 68 (Oct.

²⁴ Comments on behalf of Federal Emergency Management Agency (FEMA) Integrated Public Alert and Warning System (IPAWS) Program Management Office, EB Docket No. 04-296 (filed Mar. 31, 2014), at 1.

²⁵ Joint Reply Comments of the Named State Broadcasters Associations, EB Docket No. 04-296 (filed June 14, 2010), at 6.

²⁶ Executive Order No. 13407, Public Alert and Warning System, Sec. 2(a)(iv), 71 Fed. Reg. 36975 (June 28, 2006); see <http://www.gpo.gov/fdsys/pkg/WCPD-2006-07-03/pdf/WCPD-2006-07-03-Pg1226.pdf> (emphasis added).

30, 2000). FEMA is thus best situated to ensure that state and local governments are capable of originating and issuing multilingual EAS warnings. NAB urges the Commission to coordinate with FEMA and state and local authorities to determine the most efficient mechanism for originating multilingual EAS alerts.

Local broadcasters fully support wider dissemination of EAS alerts to non-English speakers. NAB believes that the most effective approach for doing so is to format EAS messages at the originating source, as directed by emergency managers and officials. The EAS system can then work as intended, with local broadcasters and other EAS Participants relaying alerts to the public without delay.

IV. Conclusion

NAB respectfully asks that the Commission properly assign the primary tasks for expanding multilingual access to EAS alerts and non-EAS emergency information as discussed above.

Respectfully submitted,



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