

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**REPLY COMMENTS OF  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

**I. INTRODUCTION AND SUMMARY**

The National Association of Broadcasters (NAB)<sup>1</sup> hereby submits reply comments on the Notice of Inquiry (NOI) in the above-captioned proceeding regarding the Emergency Alert System (EAS).<sup>2</sup> The NOI explores whether and how the legacy EAS architecture could be redesigned to improve the effectiveness and accessibility of EAS warnings, especially for persons who are deaf or hard of hearing.<sup>3</sup> The NOI extends the FCC's consideration of related specific proposals to enhance the accessibility of legacy EAS tests and alerts in a Notice of Proposed Rulemaking (NPRM) in the same proceeding.<sup>4</sup> As discussed below, NAB agrees with the majority of commenters that, instead of undertaking a complex redesign of the entire legacy EAS system, the FCC should promote broader use of IP-based Common Alerting Protocol (CAP) EAS alerting, and its superior accessibility capabilities, while preserving the

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<sup>1</sup> The National Association of Broadcasters (NAB) is the nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>2</sup> *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, Notice of Proposed Rulemaking and Notice of Inquiry, PS Docket No. 15-94 (rel. Dec. 15, 2021) (NPRM or NOI).*

<sup>3</sup> *Id.* at ¶ 25

<sup>4</sup> See *supra* note 2.

legacy EAS system as a vital back-up to ensure EAS continuity when IP networks are disrupted.<sup>5</sup>

## **II. THE FCC SHOULD PROMOTE WIDER USE OF CAP ALERTING WHILE PRESERVING LEGACY EAS AS A CRITICAL COMPLEMENT TO ENSURE EAS REDUNDANCY**

The NOI seeks comment on whether or how the legacy EAS system could be modified to facilitate the display of visual information that matches the audio component of a legacy EAS alert.<sup>6</sup> NAB has previously described the greater capabilities of CAP alerting compared to the legacy EAS system. The former allows an alert originator to include a transcription of the audio EAS message in an enhanced text field, which EAS participants use to construct the visual crawl of the message, thereby allowing an originator to ensure that the audio and visual components of a CAP alert are consistent. On the other hand, the visual crawl of a legacy EAS message is automatically constructed from the EAS fixed header codes chosen by an alert originator for a specific event, while the originator separately creates the audio component. Thus, the audio and visual components of legacy alerts sometimes do not match.<sup>7</sup>

Given this and other advantages of CAP alerting, such as the ability to include data files and URL links to streaming audio or video,<sup>8</sup> NAB submits that the better approach is to promote wider use of CAP alerting, instead of overhauling the legacy system. First, as Sage notes, CAP alerting is the primary method of EAS, and its origination and dissemination

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<sup>5</sup> Comments of ACA Connects (ACA) at 5, PS Docket No. 15-94 (Apr. 11, 2022); Comments of NCTA – The Internet & Television Association (NCTA) at 3-5, PS Docket No. 15-94 (Apr. 11, 2022); Comments of Digital Alert Systems, Inc. (DAS) at 2-6, PS Docket No. 15-94 (Apr. 11, 2022); Comments of Sage Alerting Systems, Inc. (Sage) at 2-5, PS Docket No. 15-94 (Apr. 11, 2022).

<sup>6</sup> NOI at ¶ 24.

<sup>7</sup> Comments of NAB at 2-3, PS Docket No. 15-94 (Apr. 11, 2022).

<sup>8</sup> NPRM at ¶ 5.

systems are available most of the time.<sup>9</sup> Although internet connectivity can be affected by weather and other extreme conditions, the legacy EAS system is always available to provide a resilient, redundant pathway when internet outages occur. Also, as NCTA explains, IP-based EAS transmission does not necessarily mean reliance on a single internet connection or only on the commonly-understood public internet. NCTA states that other countries have implemented CAP or similar IP-based systems using a combination of terrestrial broadband and dedicated satellite connectivity, thereby providing multiple alert monitoring options and further increasing the continuity of IP-alerting.<sup>10</sup>

Second, the FCC proposed in the NPRM to increase the use of CAP alerting by requiring that EAS Participants, when receiving a legacy-based EAS state or local alert, poll the IPAWS CAP EAS server to verify if there is a CAP version of the same alert, and if so, process the CAP version instead.<sup>11</sup> NAB agrees with DAS that such immediate or “triggered” polling could substantially address the FCC’s goals to promote the wider use of CAP alerting and enhance the accessibility of EAS alerting,<sup>12</sup> and if implemented, another reason that promoting use of CAP alerting by alert originators would be preferable to addressing the obstacles to redesigning the legacy EAS system.

Certain technical concerns may further undercut the usefulness of redesigning the legacy system. Chief among these are the technical issues that currently prevent the National Weather Service (NWS) from disseminating CAP-formatted alerts,<sup>13</sup> especially given that the

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<sup>9</sup> Sage Comments at 3.

<sup>10</sup> NCTA Comments at 4.

<sup>11</sup> NPRM at ¶ 18.

<sup>12</sup> DAS Comments at 1-4.

<sup>13</sup> NPRM at ¶ 2.

fact that the NWS issues the vast majority of EAS alerts.<sup>14</sup> The NWS details the technical challenges and IPAWS limitations that affect its ability to relay CAP alerts in its comments, noting that it does not currently transmit CAP message to the IPAWS EAS channel due to the risk of duplicate EAS activations.<sup>15</sup> The FCC’s Communications Security, Reliability, and Interoperability Council (CSRIC) has considered potential solutions to NWS’s technical issues,<sup>16</sup> and NAB respectfully encourages the FCC, NWS, and FEMA to work together to resolve this situation to reduce the roadblocks to wider use of CAP alerting.

In addition, as Sage and others discuss, redesigning the legacy EAS system to provide all the capabilities of CAP alerting could be risky. For example, doing so could make the legacy system less robust by increasing the amount of data that must be transmitted through long-distance radio links that can be negatively affected by the increasing noise floor.<sup>17</sup> Changing the legacy system could also decrease its compatibility with the universe of existing EAS receivers in the field.<sup>18</sup> EAS Participants would have to upgrade their EAS devices, and in some cases, replace their existing equipment at considerable cost.<sup>19</sup> Also, the “millions” of individuals and entities that use National Weather Radio receivers to monitor weather and alert products would be impacted because such radios rely on the legacy EAS protocol.<sup>20</sup>

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<sup>14</sup> NPRM at ¶ 18 note 44.

<sup>15</sup> Comments of NOAA/NWS at 4-6, PS Docket No. 15-94 (Apr. 11, 2022).

<sup>16</sup> CSRIC VII, Working Group 1, *Report on Recommendations To Resolve Duplicate National Weather Service Alerts* (March 10, 2021), available at <https://www.fcc.gov/aboutfcc/advisory-committees/communications-security-reliability-and-interoperabilitycouncil-vii>.

<sup>17</sup> Sage Comments at 3.

<sup>18</sup> *Id.*; NOAA/NWS Comments at 2; DAS Comments at 6.

<sup>19</sup> DAS Comments at 6.

<sup>20</sup> *Id.*; see also NOAA/NWS Comments at 2; Sage Comments at 3.

Finally, federal, local, and other authorities that originate alerts would likely have to upgrade or replace their alert origination systems, including the NWS's network of transmission sites.<sup>21</sup>

For these reasons, NAB submits that the costs of redesigning the legacy EAS system is likely to outweigh the benefits, provided the legacy EAS system is preserved as a vital complement to CAP alerting. CAP alerting is available for most situations, and when internet connectivity is disrupted, legacy EAS can provide redundant fill-in service. The latter is more robust and survivable during disasters and, unlike CAP alerting, not dependent on Internet access. Thus, even as CAP becomes the primary pathway for EAS alerts, the legacy system will continue to provide vital redundancy.<sup>22</sup> We also note that FEMA has physically hardened a substantial number of Primary Entry Point radio stations,<sup>23</sup> which help ensure the distribution of a Presidential EAS alert via the legacy system in the event of a catastrophic emergency. This investment should be protected. The importance of maintaining the legacy system as a back-up further supports refraining from making major changes to the system, given the potential risks described above.<sup>24</sup> Instead, the better approach is to further leverage the capabilities of CAP alerting by expanding its use by alert originators, including the NWS.

### III. CONCLUSION

Accordingly, NAB supports the FCC's goals in the NOI to further consider ways to improve the accessibility of EAS, however, we support a more practical approach focused on

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<sup>21</sup> *Id.* at 4.

<sup>22</sup> ACA Comments at 5.

<sup>23</sup> See, e.g., *FEMA and WBZ NewsRadio Boston to Unveil New Emergency Broadcast Studio*, FEMA Press Release (Oct. 15, 2021), available at <https://www.fema.gov/press-release/20220214/fema-and-wbz-newsradio-boston-unveil-new-emergency-broadcast-studio>.

<sup>24</sup> *Id.*

promoting broader, primary use of CAP alerting, while preserving the legacy EAS system as a redundant, more resilient pathway when internet connectivity is disrupted.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

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Rick Kaplan

Larry Walke

Kelly Williams

May 10, 2022