

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Resilient Networks)	PS Docket No. 21-346
)	
Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	PS Docket No. 15-80
)	
New Part 4 of the Commission’s Rules Concerning Disruptions to Communications)	ET Docket No. 04-35
)	

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

The National Association of Broadcasters (“NAB”)¹ hereby submits reply comments on the above-captioned Second Further Notice of Proposed Rulemaking, in which the Commission proposes to mandate that all radio and television stations file reports in the Disaster Information Reporting System (DIRS), when that system is activated, and the Network Outage Reporting System (NORS), when service is disrupted by issues caused by circumstances others than a disaster.²

The Second Further Notice suggests that too few broadcast stations file DIRS reports under the existing voluntary process, which leaves an “information gap” that can affect the ability of emergency response authorities to allocate resources and disseminate emergency-

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 *Resilient Networks; Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Second Report and Order and Second Further Notice of Proposed Rulemaking, PS Docket Nos. 21-346 and 15-80; ET Docket No. 04-35 (rel. Jan. 26, 2024) (Second Report and Order or Second Further Notice), at ¶¶ 41-48 and 49.

related information.³ The FCC also states that not requiring NORS filings from broadcasters limits its ability to know on a timely basis when a station’s operations have been impacted by power failures, cyber disruptions, and other non-disaster events. Thus, the FCC and other government officials may be unaware when a broadcast station is off the air and not retransmitting government notices about an emergency or emergency alert system (EAS) messages.⁴ The FCC states that mandating DIRS reporting for all broadcast stations would help close these information gaps.

A handful of self-styled “consumer advocate” groups endorse the Commission’s plans to impose these additional information collection paperwork obligations on broadcasters.⁵ For example, TURN states that mandatory DIRS reporting will help officials better “understand how to disseminate emergency or public safety information to their communities,” and “facilitate more effective decision-making” by emergency responders.⁶ Similarly, NCC and Public Knowledge claim simply that mandatory DIRS reporting will improve the FCC’s situational awareness.⁷

However, these groups fail to make any meaningful and specific case for what public authorities would actually do with this additional information, or how it would benefit the public or broadcasters. For these groups, additional burdens on broadcasters never matter;

³ *Id.* at ¶ 45.

⁴ *Id.* at ¶ 48.

⁵ Comments of Public Knowledge, Communications Workers of America, and New America Open Technology Institute (Public Knowledge) at 1, PS Dockets Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024); see also Comments of the Utility Reform Network (TURN), PS Dockets Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024); Comments of Next Century Cities (NCC), PS Dockets Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

⁶ TURN Comments at 5-7.

⁷ NCC Comments at 5; Public Knowledge Comments at 7.

they have no incentive to take into account how these additional requirements hinder broadcast operations.⁸ NCC apparently believes that officials could use the additional information to “target where restorations efforts are best placed,”⁹ and TURN claims it would “enable authorities to allocate resources.”¹⁰ TURN even asserts that, if a smaller station is inoperative due to a commercial power outage, local officials could “coordinate backup power to stand up the service temporarily.”¹¹ Although perhaps excellent ideas in another world in the multiverse, these suggestions do little more than demonstrate these groups’ woeful lack of real-world experience or understanding of emergency communications in this one.

Of course, if actually plausible, assistance like this would be welcome. However, broadcasters report that emergency responders simply have too many critical demands on their limited resources during a disaster to help a broadcaster restore service. To NAB’s knowledge, a DIRS filing has *never* led to government action that actually helped a radio or television station obtain fuel or repair a transmitter, although some local officials have tried to help when asked directly by a local station. Stations understand these challenges and do not expect the filing of a DIRS report to produce any concrete official assistance that would help them restore service, and neither should these consumer groups. The groups do not explain how the filing of additional DIRS reports will somehow increase the bandwidth of emergency responders during a disaster.

⁸ Although some commenters give a nod toward streamlined reporting for small stations, all still push for mandatory reporting for all stations, including stations not affected by a disaster, and therefore ignore the practical capabilities of broadcast stations during a disaster. TURN Comments at 7; Public Knowledge Comments at 11.

⁹ NCC Comments at 6.

¹⁰ TURN Comments at 7.

¹¹ *Id.* at 8.

Nor do these advocates suggest any policy or practical changes that would result from requiring every radio and television station to file DIRS reports, especially stations that are unaffected by a disaster. More DIRS and NORS reports will not affect the dissemination of EAS messages, as message originators will continue to broadcast alerts through the legacy system and IPAWS OPEN platform.¹² Similarly, state and local officials will continue to broadcast emergency announcements and instructions as widely as possible. Stations will continue to share facilities and programming as needed to broadcast such information. At bottom, the goal of the FCC's proposals is to merely improve the FCC's situational awareness.

As the record shows, the most likely result of mandatory DIRS reporting would be the distraction of broadcasters from their core duty to stay on the air to report critical, life-saving news and information in real time during a disaster. Cumulus explains that, when “disasters occur, Cumulus must assess the damage, often remove fallen trees that are blocking access to the transmission site, and coordinate with personnel that can acquire the necessary equipment to make the repairs.”¹³ These kinds of efforts require the “undivided attention” of a station’s staff.¹⁴ The Public Broadcasters and REC Networks add that, unlike other communications providers, many broadcast stations are leanly staffed and do not have a large corporate structure housed outside the disaster area that can handle government

¹² Contingencies already exist for inoperable PEP or LP stations.

¹³ Comments of Cumulus Media, Inc. at 2-3, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024). See also Comments of Public Broadcasters at 2; PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

¹⁴ *Id.* at 3. See also Comments of Foster Garvey Coalition at 2-3, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

filings.¹⁵ The Foster Garvey Coalition provides several compelling examples of the real world obstacles that small stations face during an emergency, and the competing burdens that mandatory DIRS reporting would impose.¹⁶ All of these examples show that, although well-intentioned, the FCC's proposal to mandate DIRS reporting for all broadcast stations is ill-advised because it would deter stations from devoting all their efforts to staying on the air to report on the situation at hand.

NPR notes further that local officials already collaborate with local broadcasters during a disaster and do not need to check a government database to determine if a station is operational.¹⁷ Moreover, as REC Networks critically explains, radio and television service are uniquely redundant. Unlike wireline, wireless, and MVPD service, individuals are not tied to one broadcast provider. If a person loses access to a radio or television station, they can easily switch to another stations; thus, there is not a critical need for every broadcaster to be accounted for in DIRS or NORS.

In the Second Report and Order, the Commission adopted a requirement that entities subject to DIRS reporting file a final report within 24 hours following the deactivation of DIRS to provide the FCC with information on whether any communications services remain inoperable and an estimate of when any such issues may be resolved.¹⁸ NAB does not object to this requirement to file one additional DIRS report, although such reports should

¹⁵ Public Broadcasters Comments at 2; Comments of REC Networks at 9, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 11, 2024).

¹⁶ Foster Garvey Coalition Comments at 2-6.

¹⁷ Comments of National Public Radio, Inc. (NPR) at 5, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

¹⁸ Second Report and Order at ¶¶ 27-29.

only be required of stations that are still experiencing problems. Requiring reports from stations unaffected by the DIRS event would serve no purpose.

In addition, the FCC proposes to require the filing of an “after action report” within 60 days after the deactivation of DIRS that would describe how communications networks fared during and after an event, and the effectiveness of their pre-disaster response plans.¹⁹ The Commission believes that collecting this information could better inform its “analysis and any subsequent assessment or action that the Commission may take in the aftermath of disaster events.”²⁰

The Commission and commenters discuss this proposal in the context of communications services with networks like wireless and wireline providers, and do not mention broadcasting.²¹ For example, the FCC describes these reports as “detailing more specifically how their networks fared” after the event, and seeks comment on the overlap between this proposal and reports filed pursuant to the Mandatory Disaster Response Initiative (MDRI), which are only required from mobile wireless providers.²² NAB agrees that requiring such after action reports from broadcasters is inapposite. Radio and television stations do not have network outages like other telecommunications providers. NAB sees no benefit to the Commission of collecting information that a particular radio station could not obtain fuel for its generator or that its antenna was inoperable for a few days. There is nothing the FCC could or would do to prevent such problems in the future, so it makes no sense to force individual broadcasters to spend the time and money to research, draft, and

¹⁹ Second Further Notice at ¶ 77-78.

²⁰ *Id.* at ¶ 79.

²¹ Public Knowledge Comments at 13-14 (after action reports would be important to “network resilience”).

²² Second Further Notice at ¶¶ 77 and 79.

obtain legal and corporate review of such reports just to increase the FCC's situational awareness about an event that has already ended. And again, NAB notes that broadcast stations are uniquely redundant, so if one station is knocked off the air during a disaster, there are others that members of the public can tune to for timely information. For these reasons, NAB urges the Commission to exempt broadcasters from this proposed additional paperwork collection, or at a minimum, make the filing of such reports voluntary.²³

Finally, NAB has previously explained why mandating NORS reports from broadcasters is unnecessary and would serve no purpose. We noted that, even if the FCC requires stations to report when they lose service for a few hours or a day or two because of a power outage, cyber disruption, or some other reason, it has no obvious ability to help stations repair such problems or prevent them in the future. Moreover, EAS alert originators and local public safety authorities are not going to change their practices of disseminating alerts and emergency announcements because a few broadcast stations are off the air.²⁴

We also discussed the unique burdens that NORS filing would impose on many radio and television broadcasters that, unlike telecommunications providers that currently file NORS reports, have very small staffs, including maybe one technical staffer capable of diagnosing and reporting the required information. Also, as NCTA explains, the FCC substantially understates the time and costs of filing NORS reports, especially if the FCC adopts ambiguous criteria for filings. For instance, the FCC's estimate that each report will take only 10 minutes to prepare and submit is absurdly low as it seems to assume that the relevant time is that needed by a station employee to physically enter the data. However, the

²³ Comments of US Telecom – The Broadband Association at 4-6; PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

²⁴ Comments of the National Association of Broadcasters at 20-22; PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

FCC ignores the time needed to determine the nature of the problem, prepare a draft report, and obtain corporate and legal review.²⁵ NAB further noted that the FCC already ruled on this question years ago when it found that mandatory NORS reporting is important for VOIP and ISP providers given the importance of the reliability of broadband service for the nation's 911 system.²⁶ Broadcasting is simply different because members of the public can always access other broadcast stations for emergency information but cannot easily access 911 service or contact friends and family during a disaster. Thus, we see no obvious purpose to imposing NORS reporting on broadcast stations.

Accordingly, NAB respectfully submits that broadcaster participation in DIRS should remain voluntary, and broadcasters should not be required to file reports in NORS.

Respectfully submitted,



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²⁵ Comments of NCTA – The Internet Association at 7, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (May 13, 2024).

²⁶ NAB Comments at 21.