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	)	
	)	
Protecting the Nation's Communications	)	PS Docket No. 22-329
Systems from Cybersecurity Threats	)	

REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters (NAB)[1] hereby submits reply comments regarding our Petition for Rulemaking requesting certain clarifications or amendments of the Commission's rules, as necessary, to allow Emergency Alert System (EAS) participants to use software-based EAS encoder/decoder (ENDEC) technology instead of a legacy physical hardware device to process EAS messages.[2]

I. THE RECORD OVERWHELMINGLY SUPPORTS NAB'S PROPOSAL

NAB appreciates the near unanimous support in the record for our proposal from all corners of the EAS ecosystem, including television broadcasters,[3] commercial[4] and

[1] The National Association of Broadcasters (NAB) is a 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.

[2] National Association of Broadcasters Petition for Rulemaking, PS Docket Nos. 15-94 and 22-329 (filed Mar. 31, 2025) (Petition).

[3] Comments of CMG Media Corporation, PS Docket Nos. 15-94 and 22-329 (May 2, 2025).

[4] Comments of Jacob Wood, Ridgeline Radio, Inc., PS Docket Nos. 15-94 and 22-329 (May 2, 2025); CMG Comments at 1-3.

noncommercial radio broadcasters,[5] the cable industry,[6] the foremost professional organization of broadcast engineers,[7] a leading manufacturer of broadcast transmitters,[8] and perhaps most telling, Sage Alerting Systems, which has more than 30 years of experience providing EAS systems and services to EAS Participants.[9]

As Sage explains, the Part 11 rules mandate the use of a physical hardware EAS device that meets certain audio, data, and environmental requirements. However, this makes it impractical to add EAS functionality to other components of a station's air chain.[10] Commenters also note that today's broadcast stations use "tried-and-true technology and standards from the IT industry" to implement software solutions for nearly all other parts of their operation,"[11] leaving EAS as essentially the only element of the modern broadcast air chain without an option for a software approach.[12] The Joint Public Radio Broadcasters confirm that NAB's proposed approach could "be integrated seamlessly into the legacy EAS

[5] Comments of Aldon Caron, KPOV-FM, PS Docket Nos. 15-94 and 22-329 (April 28, 2025); Joint Comments of New York Public Radio, University Radio Foundation, Inc., and J. Paxton Durham, Chairman, Roanoke, VA Extended EAS Operational Area, PS Docket Nos. 15-94 and 22-329 (May 2, 2025) (Joint Public Radio Broadcasters).

[6] Comments of NCTA – The Internet & Television Association, PS Docket Nos. 15-94 and 22-329 (May 2, 2025).

[7] Comments of The Society of Broadcast Engineers, Inc. (SBE), PS Docket Nos. 15-94 and 22-329 (May 2, 2025).

[8] Comments of Nautel Maine, Inc., PS Docket Nos. 15-94 and 22-329 (April 28, 2025).

[9] Comments of Sage Alerting Systems, Inc., PS Docket Nos. 15-94 and 22-329 (April 3, 2025).

[10] *Id*. at 1. *See also* SBE Comments at 2 (FCC rules currently require EAS Participants to purchase an EAS dedicated rack-mounted "box" that contains specialized hardware and software).

[11] Joint Public Radio Broadcasters Comments at 2.

[12] Nautel Comments at 1-2; NCTA Comments at 2.

system without impacting baseline EAS functionality,"[13] and various commenters highlight some of the benefits that would accrue, including:

- Shortened recovery time in case of failure through automated, instantaneous fail-over of multiple software instances;[14]

- Faster implementation of system repairs, upgrades, and updates through software patches -- stations would no longer have to "locate, schedule, and deploy a contract engineer to physically diagnose and repair" a device,[15] or ship a device to a manufacturer for changes or repair;[16] and

- Improved security through reduced time to implement security patches and faster response time to vulnerabilities.[17]

The watchword for NAB's proposal is flexibility. A software-based ENDEC would allow stations to optimize their air chain by customizing the integration of EAS within their operations.[18] Sage also notes that the voluntary nature of NAB's proposal would allow stations to continue using a dedicated physical device, or use mixed purpose hardware, or run EAS software on a personal computer or server.[19] As the Joint Public Radio Broadcasters state: "NAB's proposal will improve EAS continuity, security, flexibility, and agility."[20]

Several supporters explain that allowing NAB's proposal is vital to the future of EAS. Sage, one of the two primary providers of EAS equipment, recently announced plans to

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[13] Joint Public Radio Broadcasters Comments at 2.

[14] *Id*. at 3; SBE Comments at 5 (a "flexible software-based approach could meaningfully alleviate delays and other difficulties many broadcasters currently face when dealing with ES equipment maintenance and repair").

[15] SBE Comments at 4.

[16] Joint Public Radio Broadcasters Comments at 3; CMG Comments at 2.

[17] Joint Public Radio Broadcasters Comments at 2; CMG Comments at 2

[18] Caron Comments at 1; Sage Comments at 1-2 (EAS hardware can be "ruggedized" to suit a station's specific operation, i.e., small stations would not have to pay for unnecessary functions).

[19] Sage Comments at 2.

[20] Joint Public Radio Broadcasters Comments at 4.

cease production of its hardware EAS device[21] This development raises significant concerns about the continued functionality of EAS because the legacy EAS system relies heavily on local radio stations for its backbone, of which the vast majority utilize Sage hardware. SBE states that allowing the use of a software-based ENDEC could fill this gap and help prevent a similar situation in the future by facilitating more diverse EAS solutions.[22] We also note that Sage partially attributed its decision to supply chain challenges to obtaining legacy parts for its devices, which of course will not exist in a software environment.

II. THE ONLY OBJECTOR TO NAB'S PROPOSED SOFTWARE-BASED APPROACH IS THE LAST STANDING PRIMARY MANUFACTURER OF HARDWARE EAS DEVICES

Digital Alert Systems (DAS) is the lone naysayer in the record,[23] filing 46 pages of overblown concerns that are clearly intended to portray NAB's proposal as impossibly complicated and burdensome, and thereby delay FCC action on the Petition. NAB submits that DAS's doomsday warnings against a software-based EAS option should be taken with a large grain of salt. DAS's self-interest is even more pronounced when compared to Sage's willingness to tackle the technical challenges that NAB's proposal may raise. NAB first approached both vendors in 2021 to discuss the concept of a software-based ENDEC, but only Sage has engaged constructively and agrees that "the time for a software-only option has come."[24] On the other hand, DAS has consistently focused on potential trapdoors and

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[21] Sage Alerting Systems, Inc., *Announcements, News, and Other Items of Interest: ENDEC 3644 Hardware,* (Dec. 3, 2024) https://sagealertingsystems.com, (Harold Price, President of Sage stating: "Some parts for the ENDEC are no longer available."),

[22] SBE Comments at 4; NCTA Comments at 2; Wood Comments at 1; Caron Comments at 1; CMG Comments at 3 (stating that the FCC should not force EAS Participants to rely on only one EAS provider when there are viable alternatives).

[23] Comments of Digital Alert Systems, Inc., PS Docket Nos. 15-94 and 22-329 (May 2, 2025).

[24] Sage Comments at 1-2.

confusing, inaccurate claims that its hardware/software hybrid platform already provides all the capabilities NAB seeks, when DAS's implementations still require EAS Participants to purchase, house, and maintain separate legacy physical devices that are cumbersome and expensive to integrate in modern ecosystems.[25] With all due respect for DAS's expertise in emergency alert processing, NAB submits that the Commission should rely more heavily on EAS Participants' familiarity with their own system architecture for guidance on whether a software-based ENDEC can be successfully implemented into their systems. DAS's comments display an outdated attachment to a hardware environment that should not impede or delay development of a common-sense, modernized approach to processing EAS messages.

DAS also asserts that the Petition raises a variety of allegedly "unanswered questions and significant issues" that should have been resolved before the Petition was filed.[26] For example, DAS exaggerates a litany of concerns related to the certification, security, and FCC oversight of NAB's software-based approach,[27] all issues that are properly considered within a rulemaking proceeding. For nearly four years, NAB has discussed our software-based EAS proposal with EAS Participants, the FCC, the FEMA IPAWS Program Management Office, Sage, DAS, and other stakeholders. At this stage, we are merely asking the Commission to advance the Petition to a Notice of Proposed Rulemaking so that any open matters can be identified, considered, and hopefully resolved in a way that allows EAS Participants an option to use a software-based ENDEC. Trying to present the FCC with a fully-baked, bullet-

[25] Letter from Larry Walke, NAB, to Ms. Marlene H. Dortch, PS Docket Nos. 15-94 and 22-329 (Dec. 17, 2024).

[26] DAS Comments at 45-46.

[27] *Id*. at 5-12.

proof Petition for Rulemaking that anticipates and answers every conceivable question DAS can conjure up would only delay progress even more, and perhaps indefinitely, which may well be DAS's goal.[28] NAB submits that DAS's dissent should not stall FCC action on the Petition, nor preclude other trusted EAS manufacturers from developing modern software EAS solutions that better align with EAS Participants' needs.That said, NAB appreciates DAS's careful review of our proposal and we sincerely hope to work together on the steps and software needed to allow EAS Participants the option to virtualize elements of their EAS system.

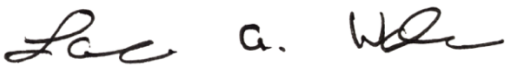
III. CONCLUSION

For the reasons stated above, NAB respectfully requests that the Commission promptly advance our Petition for further consideration in a rulemaking proceeding. The record consists of nearly unanimous support, with only one self-interested detractor. NAB is not asking the FCC to ignore DAS's concerns. Rather, the FCC should explore any reasonable open issues that our proposal may raise in a rulemaking. NAB has full confidence that the Commission, with input from industry experts, will be able to identify and properly address such issues. EAS is the last link in modern broadcast air chains that remains stuck in a

[28] DAS's ludicrous characterization of the Petition as "premature" stands alone in the record. *Id*. at 45.

hardware world. NAB submits that it is long past time for the Commission to allow EAS to similarly evolve into a software-based environment.

Respectfully submitted,



Rick Kaplan
Larry Walke
Kelly Williams
David Layer

National Association of Broadcasters
1 M Street, SE
Washington, DC 20003
(202) 429-5430

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