

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

In the Matter of)	
)	
Public Safety and Homeland Security Bureau Seeks)	PS Docket No. 17-344
Comments on Response Efforts Undertaken During)	
2017 Hurricane Season)	

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

I. Introduction and Summary

The National Association of Broadcasters (NAB)¹ submits the following response to the above-captioned Public Notice, in which the Commission’s Public Safety and Homeland Security Bureau seeks comment on the reliability of communications networks, emergency communications, and government engagement during the 2017 hurricane season.² NAB appreciates this opportunity to describe the critical, often life-saving emergency warnings and information that broadcasters provided during those devastating storms.

This inquiry is well-timed, and we support the Commission’s review of lessons learned during 2017 and ways to improve going forward. In fact, NAB organized a conference on this very same topic only last month, featuring remarks by Chairman Pai and Commissioner Rosenworcel, and expert advice from Bureau staff, the Federal Emergency Management Agency (FEMA), broadcasters and journalism professors. The conference, entitled “Eye of the Storm: Broadcasters’ Role in Emergencies,” discussed the balance that

¹ The National Association of Broadcasters 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 Safety and Homeland Security Bureau Seeks Comment on Response Efforts Undertaken During 2017 Hurricane Season*, PS Docket No. 17-344, Public Notice, 32 FCC Rcd 10245 (2017) (Notice).

broadcasters must strike between keeping their audiences informed while ensuring the safety of their staff, as well as best practices for disaster preparation and recovery. Archived video of this conference can be found on [NAB's website](#).³

As the most trusted source for emergency warnings and news coverage, broadcasters are Americans' first choice for obtaining the information they need to keep safe during a disaster. Local stations are part of the communities they serve, and broadcasters do not hesitate to place themselves in harm's way to provide critical information to their neighbors. Whether it is preparing their community for the coming storm, helping them access needed supplies and shelter during a disaster, or helping towns and cities rebuild in the aftermath, local broadcasters take seriously their unique role as "first informers" and their commitment to protect the public.⁴

Broadcasters invest time and money to ensure they can remain on the air during times of disaster. Stations typically have back-up power sources, such as generators and fuel reserves, automatic fail-over processes, and auxiliary transmission systems and processes. Moreover, given the redundant, decentralized nature of the broadcast infrastructure, local broadcasters are sometimes the only communications medium available during disasters, even when cell phone and wireless networks are unreliable. Last month, Chairman Pai stated:

[B]roadcasters play a critical role in helping keep the American people safe. Broadcasters warned Californians to evacuate areas threatened by deadly wildfires and mudslides. And on the East Coast, New Englanders relied heavily on their local broadcasters to help get through the "bomb cyclone" winter storm that brought record snowfalls, ice, and hurricane-like wind speeds to some of

³ Two guides setting forth continuity best practices can be found at that [website](#): (1) Manny Centeno, Program Manager, DHS, FEMA, IPAWS, *Continuity of Broadcast Operations Every Station Should Have a Plan*; and (2) NAB, *Ten Steps to Disaster Preparation and Recovery*.

⁴ See, e.g., Va. Code Ann. § 44-146.18:3 (2014) First informer broadcasters; coordination with Department of Emergency Management.

the hardest-hit areas. But this is nothing new. Broadcasting and public safety have been lifelong companions. . . The bottom line is that whenever disasters strike, audiences will turn to broadcasters because they trust that broadcasters will help them.”⁵

Federal Emergency Management Agency (FEMA) officials have also noted that in times of emergency there is no more reliable source of information than local broadcasters.⁶

This unique combination of reliability and trust is why, in addition to detailed news coverage of emergencies, local broadcasters are the backbone of the Emergency Alert System (EAS). At their own expense, radio and television stations play an indispensable role in the dissemination of public alerts, enabling the President to communicate during emergencies, and providing an efficient public warning system for state and local governments, and the National Weather Service (NWS). Broadcasters play an integral role in making sure the EAS system is efficient and reliable.

The critical emergency service that broadcasters provide was never more apparent than during the recent series of hurricanes, despite the difficult challenges posed by the storms. As described below, radio and television stations from Houston to Florida to Puerto Rico made heroic efforts to trigger business continuity plans that enabled them to stay on the air despite intense winds, flooding and power outages. Many stations planned to simulcast emergency news from neighboring stations, including competitors. And nearly all radio and television broadcasters supplemented on-air coverage with digital information on

⁵ Remarks of FCC Chairman Ajit Pai at the National Association of Broadcasters, Washington, D.C. (January 18, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0118/DOC-348765A1.pdf.

⁶ Mario Trujillo, *FEMA Administrator Warns of Cellphone Vulnerabilities During Disasters*, The Hill (Oct. 20, 2014), <http://thehill.com/policy/technology/221301-fema-administratorwarns-of-cell-vulnerabilities-during-disasters>.

their websites and social media. In the aftermath, broadcasters led the way in raising relief funds for victims of the storms.

NAB also offers several recommendations to further support broadcasters' efforts to keep their communities safe during times of emergency. First, the Commission should consider ways to help communications providers receive priority status to obtain fuel and have commercial power restored. Second, the Commission should support the transition to Next Gen TV in a way that allows broadcasters and viewers to fully realize the benefits of the new standard during times of disaster. Finally, NAB renews its request that the Commission amend its rules that allow cable TV providers to unilaterally force-tune consumers' cable boxes to a designated EAS channel and away from a broadcaster's detailed coverage of an emergency.

II. Advanced Preparation and the Resilient Broadcasting Infrastructure Allowed Broadcasters to Help their Communities Safely Weather the Storms

The 2017 hurricane season devastated vast swaths of the southern United States. Hurricane Harvey hit Louisiana and Texas in three lingering landfalls, dropping 27 trillion gallons of rainwater and causing extreme flooding. Hurricane Irma was the strongest Atlantic basin hurricane ever recorded, with intense winds and storm surges that caused approximately \$200 billion of damage to Florida, Georgia and South Carolina. And Hurricane Maria caused nearly all of Puerto Rico's two million residents to lose power, with thousands still lacking basic necessities almost five months later.⁷

Fortunately, broadcasters routinely prepare for disaster throughout the year, so that when the time comes, they can simply trigger existing business continuity plans and go wall-

⁷ A.J. Willingham, *A Look at Four Storms from One Brutal Hurricane Season*, CNN.com (Nov. 21, 2017), <https://www.cnn.com/2017/10/10/weather/hurricane-nate-maria-irma-harvey-impact-look-back-trnd/index.html>.

to-wall with commercial-free news and information for hours or days on end.⁸ For example, WFLX, the Raycom Media-owned Fox affiliate in West Palm Beach, examines its hurricane preparation every April. The station reviews and practices its disaster plan, including a full review of the transmitter site, fuel reserves, and other systems needed to stay on the air.⁹ Sinclair Broadcast Group, with several stations in Florida and the Gulf Coast, makes sure that all its properties have hurricane plans and proactively prepares for emergencies. Sinclair's stations collect provisions for staff who may have to ride out a hurricane at the studio, runs practice drills, and identifies vulnerabilities. At the station group level, Sinclair creates "go teams" of staff that can quickly travel to stations affected by a disaster to provide needed assistance.¹⁰

Similarly, Cox Media Group's cluster of radio stations in the Houston area conducts a walk-through of its operation continuity plan every May, running through various potential scenarios, such as flooding, extreme wind, and loss of power. According to market manager Mark Krieschen, these measures proved invaluable during Hurricane Harvey. Although Houston had not experienced a major hurricane in nine years, these table top exercises helped to train and prepare staff that joined Cox's team in the interim.¹¹

All broadcasters know that the most effective preparation for emergencies occurs long before disaster strikes and take steps to ensure the resiliency of their operations. These measures include identifying the most likely kind of emergency to occur in a station's

⁸ Notice at 3.

⁹ Phil Kurz, *Broadcasters Ready to Take on Hurricane Irma*, TV Technology (Sep. 8, 2017), <http://www.tvtechnology.com/news/0002/broadcasters-ready-to-take-on-hurricane-irma/281800>.

¹⁰ *Id.*

¹¹ *Eye of the Storm: Experts Say Prep is Best Advice*, Inside Radio (Jan. 22, 2018), http://www.insideradio.com/free/eye-of-the-storm-experts-say-prep-is-best-advice/article_e67da964-ff4f-11e7-99de-777fdd1bf4d7.html.

area, engaging senior leadership to prioritize disaster planning, reviewing and reinforcing back up operations, arranging for reserve fuel and priority facility repairs, and ensuring alternative ways to transmit programming should an essential link go down.¹²

In Puerto Rico, such efforts enabled radio broadcasters to provide essentially life-line service in the wake of Hurricane Maria. As one citizen stated, “You live glued to the radio. . . Cell, internet, TV, landline – everything was down. For literally days, the only form of communication for 90 percent of the island was a single radio station that was broadcasting nonstop, 24 hours. . . That how we are finding out about things – and that’s how people were letting other people know they were okay.”¹³ Indeed, radio was the only way for Governor Ricardo Rosella to communicate with residents for days after the storm. He used the local news/talk WAPA network to inform residents about the government’s goals to reopen seaports and airports, so aid shipments can arrive. WAPA and other stations were able to stay on the air because they had a backup generator and fuel reserves.¹⁴

Many broadcasters also make alternative arrangements to receive and disseminate news and information in case their station is forced off the air, or to leverage another station’s weather and reporting resources. For example, in Florida, numerous television and radio stations make such informal partnerships, such as WFLX-TV, which provided ESPN Radio with a simulcast of its news and information during Hurricane Irma.¹⁵ The Florida

¹² Notice at 3.

¹³ Jen Kirby, *Radio, World of Mouth, and the Fleeting Cell Signal: How Puerto Rico Struggled to Communicate After Hurricane Maria*, *New York Magazine* (Oct. 1, 2017), <http://nymag.com/daily/intelligencer/2017/10/how-puerto-rico-struggled-to-communicate-after-maria.html>.

¹⁴ *In Puerto Rico, Handful of Stations Bear Weight of Communications*, *Inside Radio* (Sep. 22, 2017), http://www.insideradio.com/free/in-puerto-rico-handful-of-stations-bear-weight-of-communication/article_03cd4acc-9f67-11e7-9b65-cff4eab44483.html.

¹⁵ See *supra* note 9.

Public Radio Network, a non-profit association founded by 13 Florida public radio stations and the Florida Division of Emergency Management, covered 99 percent of the state with critical news during the storm.¹⁶ In Houston, CBS Radio simulcasted the news of KHMV-TV on a host of non-news format radio stations,¹⁷ and in Tampa, Beasley Broadcasting had a turnkey arrangement to air simulcasts of WFTS-TV across its cluster of radio stations in the area. A separate arrangement ran into trouble, however. Beasley's Spanish-language radio station, WHUU, had turned its airwaves over to the local Univision Spanish-language TV network, but experienced technical problems aligning the coverage. Fortunately, Nio Fernandez, a midday host on WHUU, recognized the problem, and took it upon himself to broadcast in Spanish for the 19 consecutive hours, sharing information from various news sources and taking an "endless parade of calls – with no commercials."¹⁸ His calming presence helped many listeners during the storm's most dangerous moments.

These are only a few examples of the planning and partnerships that stations undertake to stay on the air during emergencies. Broadcasters use additional tools to keep their viewers and listeners informed and safe, such as websites and social media. In general, the websites of local radio and television stations are among the most popular sources of news. During emergencies, traffic spikes, such as for CBS Houston, which received seven million website hits in just four days of Hurricane Harvey coverage.¹⁹ iHeart,

¹⁶ Comments of National Public Radio, Inc., PS Docket No. 17-344, (filed Jan. 22, 2018), at 4.

¹⁷ Rich Appel, *During Hurricanes Harvey and Irma, Radio Stations Help Communities Weather the Storm*, *Billboard* (Sep. 19, 2017), <https://www.billboard.com/articles/business/7968837/hurricane-harvey-irma-radio-stations-help-communities-weather-storm>.

¹⁸ First Informers: Nio Fernandez, "92.5 Maxima" WHUU Tampa, *Inside Radio* (Sep. 13, 2017), http://www.insideradio.com/free/first-informers-nio-fernandez-maxima-wyuu-tampa/article_65071368-985f-11e7-990f-4f097243c86f.html.

¹⁹ See *supra* note 17.

the nation's largest radio station operator, carried updates on Hurricane Irma and live coverage on Facebook Live and other social media platforms, and promoted its emergency coverage on Clear Channel Outdoor's digital billboards. In the words of one radio executive, radio is "no longer being confined within four walls and microphone."²⁰

Broadcasters also play an important role in helping their communities recover following a disaster. Radio and television stations serve as megaphones for charities and relief efforts, raising awareness and providing a venue for Americans to participate. In the aftermath of the 2017 hurricane season, stations across the country broadcast the nationwide telethon "Hand in Hand: A Benefit for Hurricane Relief," which raised more than \$55 million to aid the victims of Hurricanes Harvey and Irma, as well as "One Voice: Somos Live!," which raised more than \$35 million for victims of Hurricane Maria. Broadcasters also led the way in local fundraising efforts, such as Univision's awareness campaign "Unidos por los Nuestrros," that raised \$6.8 million for those impacted in Mexico, Puerto Rico, the Caribbean, Florida and Texas,²¹ and a joint effort of Telemundo Networks and NBC-owned stations that raised more than \$12.9 million for the Red Cross relief efforts for the victims of the recent natural disasters in Mexico, Puerto Rico, Texas, Florida and the Caribbean islands.²² Stations also held local telethons, food and coat drives, hosted displaced families

²⁰ *Id.*

²¹ Press Release, *Unprecedented Joint Broadcasts Help Bring Total Funds Raised to \$6.8 Million For Natural Disaster Relief* (Sep. 29, 2017), <https://corporate.univision.com/corporate/press/press-releases/2017/09/29/unprecedented-joint-broadcasts-helps-bring-unidos-por-los-nuestrros-total-funds-raised-6-8-million/>.

²² Press Release, *Telemundo's "Todos Unidos" And Company-Wide Relief Efforts Raise Over \$12.9 Million For Mexico, Puerto Rico, Texas And Florida Natural Disasters* (Sep. 29, 2017), <https://www.prnewswire.com/news-releases/todos-unidos-y-los-esfuerzos-de-telemundo-recaudan-mas-de-129-millones-para-los-desastres-naturales-de-mexico-puerto-rico-texas-y-florida-648699833.html>.

in their buildings, and made substantial direct monetary donations to aid projects, among other projects.²³

Broadcasters are proud of the vital role they played during the 2017 hurricane season, from providing critical warnings and comprehensive news and information before, during and after a disaster, and helping their communities survive and recover.

III. The Commission Should Consider Certain Measures to Support Broadcaster Efforts During Emergencies

The Notice seeks comment on actions the Commission could take to improve the communications industry's response to hurricanes.²⁴ Below, NAB offers several recommendations the Commission should consider that could help broadcasters overcome some of the challenges posed by future disasters and assist their efforts to keep Americans safe and informed during times of emergency.

A. Fuel Priority

Often, the biggest challenge to broadcasters during a disaster is obtaining fuel to run a generator when on-hand reserves expire. In Puerto Rico, where most lost electrical power for weeks and months following Hurricane Maria, fuel availability was limited, with long lines at gas stations and fuel depots. Compounding this problem, many stations could not afford to purchase fuel because most commerce on the island was stalled in the aftermath of the storm, including radio advertising.²⁵ In Florida, supplies were so dire that gas deliveries were escorted by state police and the National Guard.²⁶

²³ A compiling of broadcasters' efforts to help storm victims can be found on [NAB's website](#).

²⁴ Notice at 4.

²⁵ James Careless, *Puerto Rico Stations Face Obstacles*, Radio World (Dec. 7, 2017), <http://www.radioworld.com/news-and-business/0002/puerto-rico-stations-face-obstacles/340860>.

²⁶ Rachel Layne, *Gas in Florida Gets Armed Escort as Hurricane Irma Bears Down*, CBS MoneyWatch (Sep. 7, 2017), <https://www.cbsnews.com/news/gas-in-florida-hurricane-irma-police-escort-bears/>.

We agree with other commenters that the Commission could play a meaningful role in helping communications providers receive priority status for emergency fuel or to have commercial power restored to vital communications facilities,²⁷ such as transmitters and studios. Sometimes during a disaster, miscommunication among emergency managers, local police and communications providers can hamper recovery efforts by making it more difficult for radio and television stations to access fuel. The Commission should consider ways to facilitate this coordination, perhaps along the lines of recent legislation considered by Congress that would have helped broadcasters gain formal status as “first informers,” and facilitate restoration of transmitters sites and refuel generators.²⁸

B. Next Gen Television

NAB is pleased that the Commission recently approved a petition requesting permission for television stations and receiver manufacturers to voluntarily adopt the world’s first Internet Protocol (IP)-based terrestrial television transmission standard, ATSC 3.0, also known as Next Gen TV.²⁹ Not only will Next Gen TV allow broadcasters to deliver ultra HD images, immersive sound, interactive features and customizable content, it will enable an even more effective dissemination of news and information to the public during disasters.

Given the advanced alerting capabilities of Next Gen TV, a broadcaster will be able to simultaneously deliver geo-targeted, rich media emergency alerts to an unlimited number of fixed, mobile and handheld devices. Instead of simply running an EAS alert over regularly

²⁷ Comments of Comcast Corporation, PS Docket No. 17-344, (filed Jan. 22, 2018), at 14.

²⁸ Randy J. Stine, *Broadcasters Gain First-Informer Status*, Radio World (Sep. 13, 2017), <http://www.radioworld.com/news-and-business/0002/broadcasters-gain-firstinformer-status/340421>.

²⁹ *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930 (2017).

scheduled programming that reaches only those viewers who are watching at the time, a Next Gen TV signal could wake up enabled devices and reach the entire universe of devices within its signal contour, substantially improving the efficiency of EAS warnings. Next Gen TV also will enable broadcasters to provide targeted, neighborhood-specific alerts that include both text and graphics, such as Doppler radar animations, dynamic evacuation maps, pictures and detailed video-on-demand descriptions. This depth of information will substantially expand upon the critical emergency service that broadcasters already provide.

NAB encourages the Commission to support the transition to Next Gen TV in a manner that allows both broadcasters and viewers to fully realize the benefits that Next Gen TV will provide during times of emergency.

C. Cable EAS Overrides

NAB renews its request that the Commission review its rules that allow its rules that allow cable TV providers to fulfill their EAS obligations by unilaterally force-tuning every consumers' cable box to a designated channel that displays the EAS message.³⁰ Under the current policy, viewers may be automatically switched away from a broadcaster's live, detailed coverage of an emergency in favor of a cable operator's blue screen that carries only the bare-bones EAS message slide or crawl.

For instance, on March 18, 2013, NewsChannel 5 in Nashville, Tennessee, was airing live coverage of a tornado with 105 mph winds when the local cable operator force-turned viewers to a black slide that offered no information beyond an NWS Tornado Warning. More recently, cable TV customers in Morris County, New Jersey, were startled by blue-screen interruptions of their regular programming announcing an emergency that

³⁰ Comments of NAB, PS Docket Nos. 15-94 and 15-91, (filed June 8, 2016), at 7-10; 47 C.F.R. §§ 11.51(g)(4) and (h)(4).

turned out to be a false alarm. In that case, viewers could not get the EAS alert off their screen, nor access their local television station for more information.³¹

Automatic cable overrides of broadcast programming also hinder AMBER Alerts, as noted by the National Center for Missing & Exploited Children:

“Our work with the AMBER Alert system has made us well aware of the challenges with cable over-ride, whereby viewers’ TV screens have been interrupted with a blue slate and a crawl that states the existence of an emergency but fails to describe the type of emergency or where to go for further details. This has confused and distressed many viewers as to what to do in these situations. Lack of information has been a problem with cable-overrides. Moreover, overrides frighten people. In light of these concerns, this provision [permitting cable overrides] should be eliminated, or alternatively, broadcasters should retain the right to selective override”³²

The Commission should require local cable operators to implement “selective override” so that certain channels can be selectively omitted during a cable operator’s automatic system-wide EAS interruption. The current rules allow broadcasters to negotiate with cable operators to implement selective override for local broadcast channels,³³ but too often such negotiations are fruitless. Cable operators routinely claim an inability to implement selective override because of equipment constraints.

However, NAB understands that the technology to implement selective override is available. Indeed, some cable operators have corrected the problem, including the provider in Tennessee mentioned above. If some cable operators can fix the problem, others should be able to do likewise. Moreover, there is no need to force-tune broadcast stations that participate in the EAS system. These television stations relay the same EAS content that the

³¹ William Westhoven, *False Alarm: “Emergency” Alert Jolts Morris Cable TV Viewers*, Daily Record (Jan. 18, 2018), <https://www.dailyrecord.com/story/news/2018/01/18/false-alarm-emergency-alert-jolt-morris-cable-tv-viewers/1045339001/>.

³² Comments of the National Center for Missing & Exploited Children, EB Docket No. 04-296, at 10, (Oct. 29, 2004).

³³ 47 C.F.R. §§ 11.51(g)(4) and (h)(4).

cable operator provides on its designated channel, and do so without interrupting their live, detailed emergency news. The better approach would be to prohibit cable operators from switching away from a television station that also transmits EAS alerts.

IV. Conclusion

NAB applauds the Commission for reviewing the performance of telecommunications providers during the 2017 hurricane season. Broadcasters played an integral role in helping to keep Americans informed and safe during those storms, and we look forward to working with the Commission, FEMA and local emergency managers to further improve our response going-forward.

Respectfully submitted,

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