

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

In the Matter of)
)
Review of the Emergency Alert System) **EB Docket 04-296**
)

To: The Commission

**COMMENTS OF THE SOCIETY OF
BROADCAST ENGINEERS, INCORPORATED**

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,500 members nationwide, hereby respectfully submits its comments in response to the *Second Further Notice of Proposed Rule Making*, FCC 10-11, released January 14, 2010 (the Notice). The Notice proposes to amend the Commission’s Part 11 rules governing the Emergency Alert System (EAS) to provide for national testing of the EAS and collection of data from such tests. For its comments, SBE states as follows:

1. SBE’s members possess a wealth of operational information on the current EAS system. They are uniquely qualified to offer constructive input on needed advancements and evolutionary changes in emergency alerting, based upon hands’-on experience with the EAS system as it is presently configured. SBE has an advisory committee of experts in EAS and these comments reflect their views, and input gathered by that Committee. SBE currently participates as a member of standards setting organizations relating to emergency alerting, and actively participates in industry EAS planning. These comments

are the result of extensive, refereed discussions of members of SBE's Emergency Alert System Advisory Committee.

2. SBE is supportive of national EAS tests. The utility of EAS has been questioned from time to time by some in the broadcast industry, and successful national tests may quell some of that controversy. It seems obvious that absent periodic national EAS tests, there is no way to determine how effective EAS will be during a wide-area emergency in which access to the public by the President is a necessity. For this reason, national EAS tests are long overdue. The system should be tested in a comprehensive manner periodically.

3. While SBE encourages the implementation of national EAS testing, it is constrained to admonish the Commission, in the process of enacting EAS rules, to be sensitive to the imposition of substantial additional regulatory or financial burdens on broadcasters. The current economic conditions, which have been particularly difficult for radio and television broadcasters, make it a uniquely inopportune time to impose additional regulatory or expense burdens on broadcast licensees. Additional regulatory obligations imposed by Commission regulation are not conducive to voluntary EAS participation, and therefore the outcome of this proceeding can (but need not) be self-defeating. In this same vein, SBE recognizes that effective EAS performance necessitates scrupulous compliance by broadcasters with certain EAS regulatory requirements and careful attention to accurate monthly EAS tests, etc. However, the Commission's history of zealous enforcement in this area, and the fact that EAS tests have been a frequent source of monetary forfeitures for the Commission's enforcement Bureau, serve as a discouragement to broadcast station participation in EAS. For these reasons, SBE

recommends that National EAS tests should be viewed by the industry, and the Commission should treat them, as national “exercises”, rather than as “tests”. The emphasis should be on encouraging participation, and as a public/private “partnership” of entities involved in a program for the common good, not as a program that will result in Commission sanctions for relatively minor errors or omissions by participants acting in good faith.

4. Turning to the operational aspects of the Notice, the Commission, at paragraph 25, asks for comment on the specific language of the proposed rule and whether or not it is sufficient in order to ensure an adequate framework for the conduct of national tests implemented by the Commission in collaboration with FEMA and other Federal partners. The proposed rule states, in part, that “Such [national] tests will consist of the delivery by FEMA to PEP/NP stations of a coded EAS message, including EAS header codes, Attention Signal, Test Script, and EOM code. The coded message shall utilize EAS test codes as designated by the Commission’s rules or such other EAS codes as the agencies conducting the test deem appropriate.” This is unclear. SBE cannot determine from this whether or not the test will involve sending an EAT alert following the EAN alert to replicate a real alert sequence. If so, that fact should be included in the proposed rule.

5. The Notice, at paragraph 26, proposes to implement the national EAS tests on a yearly basis, and seeks comment on this proposed timetable. SBE believes that a yearly test is adequate, and agrees with the Commission that such should be done on different dates each year, in order to avoid complacency. Part of the problem with the current weekly and monthly tests is that the public becomes somewhat dulled to these tests. Changing the date for the annual national test each year will retain some of the sense of

spontaneity that a national test should have. Similarly, at paragraph 27, the Commission proposes a two-month notice period prior to the National EAS Test. Two months is adequate prior notice for this event. Paragraph 28 proposes that the annual National test would replace the required monthly test for the month in which it occurs. It would be unnecessary and overly burdensome to require an RMT during the same month each year that the National EAS Test is run. The National Test should clearly supersede and obviate the need for an RMT for that month.

6. At paragraph 29 of the Notice, in connection with national testing, the Commission proposes to require that EAS participants record and submit to the Commission test-related diagnostic information, as follows:

[F]or each alert received from each message source monitored at the time of the national test: (1) whether they received the alert message during the designated test; (2) whether they retransmitted the alert; and (3) if they were not able to receive and/or transmit the alert, their 'best effort' diagnostic analysis regarding the cause or causes for such failure. We also anticipate asking EAS Participants to provide us with a description of their station identification and level of designation (PEP, LP-1, etc.); the date/time of receipt of the EAN message by all stations; the date/time of PEP station acknowledgement of receipt of the EAN message to FOC; the date/time of initiation of actual broadcast of the Presidential message; the date/time of receipt of the EAT message by all stations; who they were monitoring at the time of the test, and the make and model number of they EAS equipment that they utilized.

Though the Commission did not specifically request comment on this information the Commission proposes to request from stations after the tests, SBE suggests that it is not realistic for the Commission to ask for this volume of information. In one respect, it asks for information that many EAS participants will not be able to provide. At many stations, the principal data that such broadcasters will have available is what is shown on the EAS unit printout. SBE recommends that the Commission request only the date and time that

the alert was received; the date and time that the alert ended (i.e. when the EOM was received); and the station from which the alert was received. This should be provided to the Commission for all instances of the alert that were received, including any latent relayed alerts. It is further suggested that, within the response mechanism, the opportunity should exist for the EAS participant to provide additional comments, such as the audio quality received or the nature of any noted anomalies, though such should of course not be mandatory. Finally, it is suggested that the make and model of EAS equipment used is a matter that is within the discretion of the individual station and the Commission should not have any interest in that data, other than a requirement that the equipment be approved through the normal equipment authorization program.

7. Additionally, it is noted that the Commission is requesting “the date/time of receipt of the EAT message.” It is unclear whether the Commission and FEMA intend to send an EAN message followed by a totally separate EAT message. An EAN alert is terminated by an EOM code, not an EAT code. Perhaps what was intended was that the date and time of the EOM following the EAN should be reported to the Commission. However, if the Commission and FEMA intend to send two alerts as part of the National EAS exercise (an EAN alert followed by a separate EAT alert), then the public awareness announcements and information provided to EAS Participants should make this clear.

8. The Notice, at Paragraph 30, proposes to require that the information above should be provided to the Commission no more than thirty (30) days following the test date, and that this information be made publicly available. In SBE’s view, a 30-day reply window is adequate.

9. The Notice, at paragraph 31, states that the Commission believes that it is

unnecessary to specifically state in the rule that the Commission will coordinate with FEMA on a regular basis. However, it nonetheless asks whether this should in fact be written into the rule. SBE suggests that coordination with FEMA should be mentioned in the rule, as a means of describing the comprehensive nature of the national EAS tests. This is, we believe, a transparency issue. SBE also broadly supports the involvement of broadcasters, broadcast associations and EAS equipment manufacturers in this process as well; the national tests should illustrate a broad public and private partnership to support the next generation of EAS.

10. Paragraph 32 of the Notice states that it has been brought to the Commission's attention that different ENDEC manufacturers may have programmed their devices to receive and transmit EANs in different ways, which may affect the ability of some ENDECs to properly relay an EAN. SBE assures the Commission that the difference in how these ENDECs are programmed can result in breaks in the EAS daisy chain. This is one of the dangers of this system architecture, and it is a weak point in the system. It could impact the relay of an EAN test message during a national EAS test because, if an LP station's EAS unit fails to recognize an EAN it receives from a PEP station due to its decoder requiring a FIPS code, then the EAN will not be passed on. As to what actions the Commission should take to address this problem prior to a national test, SBE suggests that the Commission should conduct conformance lab testing and limited field testing of all currently-approved and fielded EAS units to determine each unit's true reaction to an incoming EAN message. The laboratory tests should first identify the actual issues with each given EAS unit. The Commission should then meet with the EAS unit's manufacturer (if it is still in business; some original manufacturers are not), to determine

solutions either globally or in individual EAS units. Depending on the outcome of the testing recommended herein, the Commission should consult with manufacturers as to what solutions are actually possible and practical, such as, for example, a requirement that all ENDECs relay an EAN message irrespective of any FIPS code.

11. As to the cost of implementing such requirements prior to a national test, the equipment manufacturers will have to provide cost estimates. However, because not all original EAS equipment manufacturers are still in business, correcting issues in EAS units from those manufacturers, or implementing new Commission-mandated equipment changes may not be possible without incurring substantial expense. National level FIPS codes may not be feasible in existing hardware.

12. Finally, as to non-regulatory actions the Commission might take, SBE suggests that a public/private FCC Advisory Committee should be established and maintained on an ongoing basis, to solicit and assess input from EAS participants and others in the EAS community regarding this and other EAS issues, along the model of the former EAS National Advisory Committee.

Therefore, the foregoing considered, the Society of Broadcast Engineers,

Incorporated urges the Commission to proceed with national level EAS exercises in accordance with the suggestions and comments contained hereinabove.

Respectfully submitted,
**Society of Broadcast Engineers,
Incorporated**

By: _____/s/_____
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