

# Modifications to Emergency Alert System Rules

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The Commission has released a *Report and Order* implementing changes in its rules for the Emergency Alert System ("EAS").

EAS has been in place since January 1, 1997 for broadcast stations. Participation in national EAS alerts is mandatory, while involvement in state and local area EAS plans, although widespread, is voluntary. The changes adopted by the Commission reflect a need to upgrade and improve the system, based upon the industry's experience of the past five years and undoubtedly heightened by concerns triggered by September 11. The Commission has moderated several of its initial proposals over concern that the cost of a major retooling of the system might discourage upgrades and participation in its voluntary components.

The most significant of the changes are as follows:

**Event Codes** - The format of an EAS alert message includes a specific protocol for header codes which define the nature of the event or emergency (the "Event Code"), the location of the emergency ("Location Code"), the party that originated the emergency message and the duration of the alert. The Commission has adopted a naming convention for state and local event codes, in which the third letter would be either a "W" for warnings, an "A" for watches, an "E" for emergencies or an "S" for statements. Three existing codes which do not conform to this convention (TOR for tornado warning, SVR for severe thunderstorm warning and EVI for immediate evacuation) are to continue in use without being conformed. The Commission has added 21 new event codes, including a nuclear power plant warning (NUW) and a child abduction emergency (CAE); the latter is to be used for only the most serious cases where police believe a child is in danger of serious bodily harm or death, rather than for runaways or parental abductions. The Commission declined to adopt codes for school closings, dam breaks or the SKYWARN Volunteer Severe Weather Spotting Program, as it felt that such matters are already covered by other media or existing alerts. In rejecting these and other proposed event codes, the Commission expressed concern that overuse of the EAS, particularly for non-emergency messages, as well as for mere "watches" (that is, threatening events for which the onset time, probability of occurrence or location is uncertain) could overload the system's memory and desensitize audiences to more dire matters. The Commission also rejected the need for a cancellation code, as alerts themselves contain information concerning their probable duration.

**Location Codes** - The Commission has added to the state and territory codes currently in use marine area location codes for the Great Lakes, St. Lawrence River and off-shore ocean areas. The Commission considered but rejected the need for location codes to cover the entire country or for nine national regions, as all territory they would cover is already subject to a national alert or a combination of localized alerts anyway.

**Equipment Modification** - The Commission will not require that existing EAS equipment be upgraded to incorporate the new event and location codes.

However, any equipment installed after February 1, 2004, whether in new stations or to replace existing equipment, must be capable of receiving and transmitting the new codes. In addition, the current rules require EAS equipment to display and log every message received. The Commission is amending its rules to permit EAS equipment to be programmed to pre-select which EAS messages containing state and local event codes are to be displayed and logged. The Commission assumes that operators will exercise good judgment in making their choices. (Please note that this selective display and logging feature applies only to state and local events; national messages and all required weekly and monthly tests must be displayed and logged.) All EAS equipment manufactured after August 1, 2003 or installed after February 1, 2004 must be capable of selectively displaying and logging EAS messages with state and local event codes. Thus, after February 1, 2004 existing units may be replaced with used or older equipment only with an appropriate upgrade.

**Exemptions and Waivers** - The Commission will exempt from its EAS equipment installation requirement any satellite or repeater station which broadcasts 100% of the programming of its primary or hub station, on the assumption that the satellite will automatically broadcast all of the primary station's EAS alerts and tests. The Commission will also permit cable systems having fewer than 5,000 subscribers to use an FCC-certified decoder, rather than an encoder/decoder unit, but only if such a decoder-only device were to become available by the installation deadline of October 1, 2002. (At this point, it is not at all clear that manufacturers will have such units available, or if they do, whether the cost will be significantly less than that of a decoder/encoder unit.) The Commission will entertain hardship waiver requests, but only from small cable systems and not from broadcasters. Even so, the Commission is granting a temporary exemption to Low Power FM ("LPFM") licensees. The exemption from installing EAS equipment will last until one year after the Commission publishes in the *Federal Register* a public notice indicating that at least one EAS decoder has been certified.

**EAS Testing Retransmission Time** - The FCC has agreed to increase from 15 to 60 minutes the time for retransmitting a required monthly test once it has been received. The Commission intends that the longer relay window will provide EAS participants with more flexibility and reduce the risk of program disruptions without compromising their ability to deliver a real EAS message in a timely manner.

**Modulation Level** - The Commission has reduced the minimum required modulation level for EAS codes from 80% to 50% of the full channel modulation limits. The Commission believes that this amendment will bring the EAS rules into alignment with the actual modulation levels currently obtainable by broadcasters without impairing the ability of existing consumer weather radios to receive EAS alerts.

**Audio of Presidential Messages** - Broadcasters have pointed out that the quality of EAS audio feeds is far inferior to standard network connections and that television stations may face difficulty synchronizing an EAS audio feed with their video feed. The Commission will permit broadcast stations to override the EAS audio feed of the President's message during a national EAS

alert in order to substitute an audio feed from a higher quality audio source. The Commission emphasizes that all national EAS messages must be transmitted immediately upon receipt, and that the substitution of an alternative audio feed may not result in any transmission delay of an EAS message.

These changes are to take effect 30 days after publication in the *Federal Register*.

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