

## [Updates on EAS - A Nationwide Test, and Lots of Questions About CAP Implementation Including Whether More Time is Needed](#)

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June 13, 2011

The date for a nationwide test of the **Emergency Alert System ("EAS")** [was announced by the FCC](#) last week, at the same meeting at which the [Future of Media report](#) was delivered. The first ever national test of EAS will occur at 2 PM EST on November 9, 2011. As [we wrote in February](#), the FCC amended its rules to provide for a nationwide test, in addition to the weekly and monthly tests that are already part of the FCC rules. The nationwide test is to assess the reliability and effectiveness of EAS in being able to convey to the public a Presidential alert. This test comes at the same time as the FCC has issued a [Notice of Proposed Rulemaking](#) to consider amendments to its rules to provide for the conversion to a new method of disseminating EAS alerts - using the **Common Alert Protocol (CAP)** which is IP based, rather than reliant on the daisy chain over-the-air system that has been used for so long. One question is whether the deadline for CAP implementation, presently set for September 30, should be extended. Thoughts about the test and the FCC proposals for CAP implementation are set out below.

The Nationwide test, even though it will not use the CAP system (which in and of itself may show that the Commission has already recognized that the September 30 CAP implementation deadline will be extended), is still very important for broadcasters. The FCC, in coordination with the **Federal Emergency Management Agency ("FEMA")**, will use the results of the test to determine what problems exist in the EAS system and what improvements are necessary to ensure that the EAS functions as a robust public warning system. As broadcasters in recent years have highlighted their participation in EAS, and the important role that it plays in alerting communities to emergency situations, in connection with many initiatives (including the push to put FM chips in cell phones), broadcasters want to make sure that their performance during the upcoming test will be up to the level that the FCC expects. As all EAS participants will have to report to the FCC on the results of the test, all participants should use the period between now and November to assure that their systems are working and ready to fulfill their obligations under the rules. No broadcaster, cable system or other participant wants to be in the position of having to report to the FCC that their equipment was malfunctioning on the date of the test. And, certainly, no participant wants to forget to file the necessary report when due.

The FCC itself has [suggested](#) that various trade associations representing EAS participants work with their members to assure that they are ready for the test. Participants in state plans should also review those plans to make sure that they have been updated to take into any changes that may have occurred since the plan was written, including, for instance, facilities changes in broadcast stations or stations signing off the air. Any daisy chain is only as effective as its weakest link. This test will be important, so make sure that all is working well.

## **CAP Implementation Rulemaking**

The FCC's announcement regarding the national EAS test date comes on the heels of the FCC's [Third Further Notice of Proposed Rulemaking](#), which was released on May 26, 2011 ("NPRM"). In the NPRM, the FCC outlined a number of proposed changes to its Part 11 rules governing the EAS. These changes are intended to integrate CAP based alert messaging into the existing EAS while laying the foundation for transitioning to next generation alert mechanisms. The current "SAME" protocol (Specific Area Message Encoding) will continue to be used. But CAP messaging, which allows for more information to be conveyed with each alert, would be overlaid on the system. CAP is an IP based system, with messages delivered to stations by the Internet, and then converted into SAME for broadcast by the participating stations. The many questions asked by the Commission include fundamental issues about receiver design and the specifics of the CAP implementation process - questions that are so basic that one wonders how the FCC could ever mandate that the conversion be complete by September 30. The Commission also asks questions about the implementation of a recent decision to require that governors be allowed to issue EAS alerts, if the governors are acting pursuant to a state EAS plan that has been approved by the FCC. Questions posed by the NPRM include:

- Whether the FCC's proposal to implement CAP now, while still retaining the over-the-air SAME protocol until a Next Generation EAS architecture is rolled out, is a good idea, and what the costs and benefits of this plan are
- Specific methodologies for converting CAP encoded messages for delivery by the SAME system - including questions of whether there can be separate boxes for the conversion of CAP into SAME and the delivery of the SAME messages by the stations over-the-air, or whether there needs to be an integrated box
- Other questions about the specific design of the CAP box
- What should the CAP receivers at each station should be monitoring to receive their alerts?

- Should there be a time table for conversion to a Next Generation of EAS when such a system is adopted by FEMA?
- Should the FCC have to certify all CAP decoders, even though they do not themselves feed broadcast signals, but are instead converted into the SAME protocol for broadcast? If so, what standards should be used?
- How to include governor's alerts into the new CAP EAS system, and into the SAME system as well. These questions include questions of priority between governor's messages and those that come from other sources, how to deal with nonparticipating EAS stations when dealing with state alerts, what to do with stations serving multiple states, etc.
- Should local and tribal authorities have the ability to initiate EAS alerts?

With these critical issues still to be decided, the FCC also asks whether to extend or modify the current September 30, 2011 deadline for CAP-compliance. Questions about the extension include:

- Should implementation wait for the various certifications that need to take place?
- How long will the certification process take, and how quickly can receivers be produced and installed once certification is complete?
- Are there special implementation issues for rural stations that may not have reliable Internet access at their stations from which they could receive the CAP alerts?
- What are the costs and benefits of delay?

The FCC will open a public comment period regarding these issues and the proposed changes to Part 11 once they are published in the Federal Register.

I will be a panelist on Town Hall Webinar on these issues, to be held on Thursday, June 16, 2011, sponsored by the National Alliance of State Broadcast Associations and the NAB. For more information about the webinar, you can check [here](#).

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