

NEW EMERGENCY ALERT SYSTEM RULES

EAS-CAP

OCTOBER 2011

NEW RULES

On September 30, 2010 the Federal Emergency Management Agency ("FEMA") adopted a new digital messaging standard known as the "Common Alerting Protocol", referred to as "CAP", which will transform the Emergency Alert System (EAS) as we have known it. The new CAP standard is part of the next generation national emergency alert and warning network known as the Integrated Public Alert Warning System, or "IPAWS."

FEMA's purpose for the new system is to create a mechanism to reach as many people as possible by as many communications devices as possible, including radio, television, cell phones, personal computers and other communication devices. Its implementation is anticipated to make it easier for emergency agencies to generate and distribute emergency messages, the overriding purpose and focus of any emergency alert system.

EQUIPMENT REQUIREMENTS

With respect to equipment needs, the next generation EAS will communicate in language that permits links to voice, audio or data files, images, and multilingual translations of alerts, as well as links providing additional information. It will have authentication and encryption capabilities. Conversion of existing EAS equipment to CAP capability will require modification of existing EAS decoders and possibly full replacement, depending on the age of the equipment.

All of the existing manufacturers of EAS equipment are expected to offer equipment compliant with the new system. Some newer units are expected to be CAP compatible with a firmware upgrade while other older units will require CAP-to-EAS decoder boxes to translate the newer standard to the older one. In the case of still older equipment, full replacement of the EAS box will be necessary. Budget figures associated with a CAP converter are in the vicinity of \$1,350 and the range for new EAS receivers is currently between \$2,300 and \$6,500 although these costs could be higher once the final CAP needs are known.

WHEN WILL THE NEW RULES BECOME EFFECTIVE?

The FCC has postponed the previous September 30, 2011 deadline to install equipment capable of accepting CAP-based EAS alerts until June 30, 2012. In the recently released Fourth Report and Order in Docket 04-296, the Commission acknowledged that remaining uncertainties regarding availability and certification of CAP-capable equipment and what the specific regulatory requirements will be necessitate this postponement.

It is anticipated that the Commission will issue a subsequent Report and Order in this proceeding in the near term to finalize these outstanding issues. It also urges EAS participants to proceed promptly to order and install the required equipment as it appears likely that integrated CAP-capable equipment presently available will be able to meet whatever CAP-based requirements are ultimately adopted with minimum modification via firmware or software updates.

The National EAS Test is scheduled for approximately 2 PM ET on November 9, 2011. All participating stations are required to submit a report within 30 days of the test which describes both successes and problems that may have been encountered. The reports are to be filed electronically by a method to be established shortly. Additional information relating to the new EAS policies can be found on the FCC's website at www.fcc.gov/pshs and on FEMA's website at www.fema.gov/emergency/ipaws/eas-info.shtm.

The only stations that continue to be exempt from the requirement to utilize any EAS equipment are LPTV stations used a broadcast translator or booster, or an FM station used as a translator or booster dedicated entirely to the rebroadcast of programming of another broadcast station. Class D FM and low power TV stations are not required to have EAS encoders. All stations, except those totally exempt stations as noted above, must have EAS decoders.

Specifics related to the implementation of EAS-CAP should be discussed and addressed by your FCC legal counsel, qualified contract or chief engineer or consulting engineer.