

News from the Beltway

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FCC sets basis for first-ever national EAS test.

The following analysis of key impacts of the FCC's recent Third Report and Order (R&O) on the Emergency Alert System (EAS) (released February 3, 2011).

The Third Report & Order provides overall guidelines for national EAS testing, some clarifications relating to usage of the national alert codes, and additional questions still to be addressed. These additional questions are to be resolved by the FCC's Public Safety and Homeland Security Bureau (FCC PSHSB) or the Federal Emergency Management Agency (FEMA).

The Third R&O **clears the way for a national EAS test, under which all EAS Participants must participate.**

When the national EAS test occurs – likely in Fall 2011 – the following will occur:

- there will be a 2-month notice from the FCC before the test,
- the first test will use the Emergency Alert Notification (EAN), the live event code for nationwide Presidential alerts
- the national test will replace the Required Weekly Test (RWT) and Required Monthly Test (RMT) for that week and month
- results of the test must be submitted by all EAS Participants to the FCC. However, the FCC is unclear in the R&O whether EAS Participants need to respond within 45 days.
- there will be an electronic (on-line) method established for submitting test data. The FCC will collect, among other things, manufacturer and model information of EAS units in use, and test results.
- test data collected from EAS Participants is considered confidential by the FCC, but may be shared with other Federal and state emergency management agencies on a confidential basis.

The R&O delegates several key questions to the FCC Public Safety and Homeland Security Bureau for further consideration and clarification before the national test occurs:

- What EAS location code should be used for the test? Will a FIPS of 00000 be used during the national EAS Test? Will that FIPS code be used operationally?

- Should the Emergency Action Termination (EAT) Event Code will be sent as part of the test?
- Should subsequent national EAS tests use a different code (other than the live EAN, such as NPT)?

Another area to be clarified is how the EAT is used. The FCC PSHSB will clarify at a later date whether the EAT message include unlimited audio duration, like the EAN, or is it limited to two-minutes like other EAS codes. However, the Commission did reiterate that, after an EAN is received, normal programming does not resume until after the EAT is received. (During the Alaska EAN tests on 2010 and 2011, no EAT code was issued, and normal programming resumed immediately after the EAN. The FCC will need to clarify this before the national EAN test).

The R&O leaves it up to the FCC PSHSB to determine the time of day and length of the test, and whether the 2-month advance notice should be extended for this first national test.

FEMA will determine if the test will be conducted in any or all of Puerto Rico, American Samoa, and the other territories.

The Commission will not grant waivers to EAS Participants who happen to have EAS encoder-decoders that are no longer supported by their manufacturer, in the case that those units cannot meet the national testing requirements. Those stations can request Non-participating National (NN) status (or conversely take the opportunity to acquire a CAP EAS encoder-decoder, as they are supposed to do by September 2011 anyway).

This first national EAS test will not include new Common Alerting Protocol (CAP) capabilities being required by the FCC of all EAS Participants. This national EAS test will test – for the first time – the existing EAS daisy chain system. The FCC and FEMA have not weighed in on whether and when CAP capabilities would be tested on a national basis.

However, the FCC has signaled its expectations on CAP EAS equipment readiness. The FCC notes that for EAS participants that have implemented EAS encoder/decoders that can receive either a CAP- or SAME-formatted alert “should not need to upgrade again once the one year deadline has passed... we see no benefit in delaying the first national test until one year after FEMA implements CAP.”

The implications here are:

- The FCC does not appear to be contemplating an extension to the CAP deadline again, and
- The FCC expects all EAS Participants to have implemented new CAP-EAS encoder/decoders by that September 2011 deadline.