



Virginia Association of Broadcasters Legal Review



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EAS REMINDERS

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April 17, 2012

EMERGENCY ALERT SYSTEM DEADLINES APPROACHING; STATIONS STILL NEED TO FILE POST-NATIONWIDE EAS TEST REPORTS!

Several important emergency alert system (“EAS”) deadlines are on the horizon. All broadcasters should take steps to ensure timely compliance with the three items discussed below.

Post-Nationwide EAS Test Results Were Due in December 2011! Radio and TV stations will recall that the first nationwide EAS test was performed on November 9, 2011. Following the nationwide test, all stations were required to submit results to the FCC by December 27, 2011. We have been informally advised that, as of April 2012, *more than half of all stations have not yet submitted their post-test reports to the FCC.* Unfortunately, the FCC has terminated its online electronic post-test reporting system, and all stations that have not filed reports must now submit those reports on paper. Information concerning how to submit the reports is available on the FCC’s website at the following URL address: <http://www.fcc.gov/encyclopedia/emergency-alert-system-nationwide-test>. The FCC’s rules provide for the imposition of a \$3,000 fine for the failure to file required reports—thus, any station that has still not filed its post-nationwide test report would be well-advised to file it as soon as possible.

April 23, 2012: Text-to-Speech Functionality Must Be Disabled in EAS Equipment. When the FCC released its most recent EAS order earlier this year, it decided not to implement text-to-speech as part of the EAS protocol, and it prohibited its use, effective

as of April 23, 2012. (FEMA and others have filed petitions with the FCC requesting reconsideration of the text-to-speech prohibition.) Many radio and TV stations have gear that makes text-to-speech an optional function. Thus, all stations should check and double-check their EAS boxes to ensure that text-to-speech functionality is disabled prior to April 23. We are aware that some EAS equipment vendors have sent notices to their clients discussing this issue and providing instructions to assist stations with disabling the function. Stations that are unsure of whether their EAS equipment has text-to-speech functionality or of how to disable it should contact their EAS vendor for assistance.

June 30, 2012: Stations Must Be Able to Convert and Retransmit CAP-Formatted Messages. As we have previously advised, beginning June 30, 2012, radio and TV stations will be required to receive and convert messages in CAP format for redistribution over EAS equipment. All EAS participants must be able to convert CAP-formatted alert messages into EAS Protocol following to the conversion procedures set forth in the EAS-CAP Industry Group's Implementation Guide ("Guide"). (The Guide is available at http://eas-cap.org/ECIG-CAP-to-EAS_Implementation_Guide-V1-0.pdf.) Typically, of course, stations will rely on equipment manufacturers to ensure that their EAS gear is compliant with these requirements—equipment manufacturers are prohibited from marketing non-compliant gear, and it goes without saying that broadcasters should not alter, reprogram or operate the equipment in a manner that would interfere with its ability to perform the proper conversion. Stations that do not already have CAP-compliant EAS gear installed or on order need to move quickly to ensure they will meet the June 30, 2012, deadline.

We will continue to keep you apprised of further EAS developments.

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If you should have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

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