



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

Reminder: Rescheduled Nationwide EAS Test Set for October 3

This is a reminder to broadcasters that the live, [nationwide test of the Emergency Alert System](#) (“EAS”) is scheduled to take place in two days—on Wednesday, October 3, 2018. As discussed below, the **Form Two EAS Report is due the same day, on October 3**. The test is scheduled to occur at 2:20 p.m. Eastern Time. (The FCC and FEMA had originally scheduled the test for September 20, but it was rescheduled due to Hurricane Florence.)

Remember that **all broadcast stations are required to participate in the EAS**, as the FCC no longer recognizes “non-participating” status for stations in the EAS rules.

Preparations for the October 3 Nationwide EAS Test. Stations are encouraged to take the following steps in preparation for the October 3 test:

- Upgrade, as needed, EAS equipment software and firmware to the most recent version (more on this below);
- Ensure that the station’s EAS equipment operates in compliance with the FCC’s EAS rules, such as being capable of receiving and processing the NPT (national periodic test) code and the “six zeroes” national location code;
- Review the station’s state EAS plan;
- Ensure that a copy of the July 2017 version of the EAS Operating Handbook is located at normal duty positions or EAS equipment locations and is immediately available to operators;
- Review the EAS Operating Handbook to become familiar with and prepare for the actions that will need to be taken upon receipt of the test alert; and
- Manually synchronize EAS equipment clocks to the official time provided by NIST (the National Institute of Standards and Technology), if the station’s equipment does not automatically synchronize to an Internet time source.

Form Two EAS Report Due October 3. Form Two requires stations to report on “day of test” information. **Form Two must be completed and submitted by 11:59 p.m. Eastern Time on October 3**. Most of Form Two’s fields will auto-populate using the data each station provided in

Form One, which was due August 27. Form Two will ask broadcasters whether they received the nationwide EAS test message and whether they retransmitted the nationwide EAS test message. Form Two is intended to provide the FCC and FEMA only with a quick snapshot of the nationwide test. Form Two (like Forms One and Three) must be filed using the FCC's ETRS ([EAS Test Reporting System](#)).

Form Three EAS Report Due November 19. Form Three is the report on which stations will describe any issues with receipt or retransmission of the nationwide test. Form Three will be due by 45 days after the nationwide test, meaning that Form Three is now due by November 19, 2018. We will be sure to remind you later about the third report.

It is critically important that broadcasters provide truthful information in these EAS reports. Please consult with your FCC counsel if you have any concerns about your EAS compliance and/or nationwide testing issues.

Updating EAS Equipment Software and Firmware. As with so much technology these days, broadcasters' EAS equipment is frequently updated and upgraded, and stations should stay up to speed with their EAS equipment and service providers to ensure they aren't missing any critical updates. With the nationwide EAS test looming, it is recommended that broadcasters check with their EAS manufacturers to see whether they need to install any updates. Here are hyperlinks to the relevant websites for several of the major EAS equipment providers:

- [Sage Alerting Systems](#)
 - [Digital Alert Systems](#)
 - [Monroe Electronics](#)
 - [Trilithic](#)
 - [Gorman-Redlich](#)
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If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

Tim Nelson, Editor

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