



Virginia Association of Broadcasters Legal Review



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Legal Memorandum

TWO-WEEK COUNTDOWN:
Nationwide EAS Test Scheduled for August 7
**** All Broadcast Stations Must Participate ****

The FCC and FEMA today issued a [Public Notice](#) (the “Notice”) reminding broadcasters that the [nationwide EAS test](#) will take place in **two weeks**, on August 7, 2019, at 2:20 p.m. ET. As discussed below, the **Form Two EAS Report is due the same day, on August 7.**

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. Stations should ensure that EAS gear is functioning, assign responsibility for the filing of the second and third nationwide EAS test reports, and review the FCC’s [EAS Operating Handbook](#).

According to today’s Notice, the August 7 test “will evaluate the readiness of the national alerting capability in the absence of internet connectivity. The test will be approximately one minute long, have a limited impact on the public with only minor interruption of radio and television programs, and will be similar to regular monthly EAS tests.” (The backup date for the test, if needed, is August 21.)

Preparations for the August 7 Nationwide EAS Test. Stations will recall that three forms must be completed and filed in connection with the nationwide EAS Test—creatively called Form One, Form Two, and Form Three, respectively. Stations were required to complete and file Form One by July 3. If your station has not yet done so, we recommend you reach out to communications counsel for guidance.

With the test just two weeks away, stations are encouraged to prepare now by taking the following steps:

- 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;
- Upgrade, as needed, EAS equipment software and firmware to the most recent version;
- 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 August 7. Form Two requires stations to report “day of test” information. **Form Two must be completed by 11:59 p.m. Eastern Time on August 7.** Most of Form Two’s fields will auto-populate using the data each station provided in Form One. 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](#)).

We will have more information regarding completion of Form Three in a future memo. Remember that it is critically important that broadcasters provide truthful information in their EAS reports. Please consult with your FCC counsel if you have any concerns about your EAS compliance and/or nationwide testing issues.

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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