



Federal Communications Commission
Washington, D.C. 20554

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DA 08-1301

Small Entity Compliance Guide

Next Generation Emergency Alert System Regulations Part 11 of the FCC's Rules

FCC 07-109
EB Docket No. 04-296

This Guide is prepared in accordance with the requirements of Section 212 of The Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the above-referenced FCC rules. This Guide is not intended to replace the rule, and final authority rests solely with the rule. While we have attempted to cover all parts of the rule that might be especially important to small entities, the coverage may not be exhaustive. In any civil or administrative action against a small entity for a violation of a rule, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. This Guide may not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be made based on the statute and regulations. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update text. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

TTY: 1-888-TELL-FCC (1-888-835-5322)

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COMPLIANCE REQUIREMENTS

Objectives of the Proceeding

The Next Generation Emergency Alert System regulations adopted recently by the Commission¹ have five objectives. First, in order to ensure the efficient, rapid, and secure transmission of Emergency Alert System (EAS) alerts in a variety of formats (including text, audio, and video) and via different means (broadcast, cable, satellite, and other networks), we adopted a requirement for EAS Participants to accept a message using a common EAS messaging protocol, Common Alerting Protocol v1.1 (CAP), no later than 180 days after FEMA publicly publishes its adoption of such standard. Second, we required EAS Participants to adopt Next Generation EAS delivery systems no later than 180 days after FEMA publicly releases standards for those systems. Third, we preserved the current EAS network but enhance its effectiveness, scope, and redundancy by enabling EAS delivery system upgrades and by including wireline common carriers providing video programming (“Wireline Video Providers”) in EAS. Fourth, we required EAS Participants to transmit state and local EAS alerts that are originated by governors or their designees no later than 180 days after FEMA publishes its adoption of the CAP standard, provided that the state has a Commission-approved EAS state plan that provides for delivery of such alerts. Fifth, we concurrently adopted a Further Notice of Proposed Rulemaking to explore further certain EAS-related issues. In sum, by accomplishing these objectives, we will increase the reliability, security, and efficacy of the nation’s EAS network and will enable the President, the National Weather Service (NWS), and state officials to rapidly communicate with citizens in times of crisis, over multiple communications platforms.

Impact and Compliance Requirements on Small Business

This EAS Small Entity Compliance Guide contains instructions for small entities to comply with the most recent addition to EAS compliance, next generation EAS. Specifically, we provide instructions for small entities to become familiar with an emergency message format using common EAS messaging protocol CAP, no later than 180 days after the Federal Emergency Management Agency (FEMA) publicly publishes its adoption of such standard. At the time of this writing, FEMA has not yet acted to adopt the CAP standard, so the instructions for CAP herein are informational in nature and designed to familiarize EAS participants with CAP. We also provide instructions for wireline video providers that are small entities and are now required to comply with the next generation EAS regulations, as a result of the most recent FCC action. We note that wireline video providers are EAS Participants, however, only to the extent they provide video services; our EAS rules do not impose mandatory EAS obligations on wireline telephone companies providing traditional landline telephone services.

¹ Review of the Emergency Alert System, *Second Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd. 13275 (2007), EB Docket No. 04-296 (*Second EAS Report and Order*).

Steps a Small Entity Must Take to Comply with the New Rules

EAS requirements have been in place since 1994, and are mandatory for all entities that have been issued spectrum licenses, and more recently to both cable and wireline video providers.² The steps required of small entities that must conform to EAS regulations have been codified in Part 11 of the Commission's rules, 47 CFR Part 11. These same instructions have been extracted from the Commission's rules and written into step-by-step handbooks for each category of entity required to comply. A comprehensive listing of Internet links to the relevant portions of Part 11 is provided below for the convenience of small entities.

As shown below, the Commission has provided URL links to EAS operator handbooks and state EAS plans to help EAS participants comply with the Rules and effectively issue EAS alerts. The handbooks are also available in Spanish (see link below). Operator handbooks are provided for each type of EAS participant (*e.g.*, television station, radio station, cable provider, etc.). The EAS Plan link listed below contains sub-links to each state EAS Plan, which should also be reviewed for state-specific protocols.

Internet Links

- *Second EAS Report and Order*: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-109A1.pdf
- Major EAS Orders: <http://www.fcc.gov/pshs/services/eas/orders.html>
- EAS equipment vendors authorized by the FCC:
<http://www.fcc.gov/pshs/services/eas/vendors.html>
- EAS Federal Handbooks En Español:
<http://www.fcc.gov/pshs/services/eas/handbooks.html>
- EAS TV Station Compliance Guide:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278628A5.pdf
- EAS AM/FM Radio Station Compliance Guide:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278628A3.pdf
- EAS Cable TV System Operator Compliance Guide:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278628A2.pdf
- EAS Satellite TV System Operator Compliance Guide (for TV and digital audio radio service): http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278628A4.pdf

² EAS requirements were first implemented in 1994. Prior to that, similar requirements were in place under the Emergency Broadcast System (EBS), which was established in 1963. See Review of the Emergency Alert System, *First Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Red. 18625 ¶ 4, EB Docket No. 04-296. Many of EAS Participants are classified as small entities.

- EAS Wireline Video System Operator Compliance Guide: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-278628A6.pdf
- FCC Regulations for EAS: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=75127c72007aa6a3f1ce8fda8cb814e2&rgn=div5&view=text&node=47:1.0.1.1.10&idno=47>
- State EAS Plans: <http://www.fcc.gov/pshs/services/eas/chairs.html>