



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU UPDATES GUIDANCE FOR FILING STATE EMERGENCY ALERT SYSTEM (EAS) PLANS AND MONITORING ASSIGNMENT AMENDMENTS IN THE ALERT REPORTING SYSTEM (ARS)

PS Docket 15-94

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) announces changes to the process for State Emergency Communications Committees (SECCs) to file and seek the Bureau's approval of amendments to State Emergency Alert System (EAS) Plans (EAS Plans) in the Alert Reporting System (ARS) database.¹ Specifically, the changes described in this Public Notice will allow for filing of updates to EAS Plans throughout the year and will streamline the Bureau's review and approval process for updated plans. In addition, this Public Notice provides guidance for SECCs on amending their EAS plans to seek approval for updated monitoring assignments.

Updated ARS Plans May Now Be Submitted Year-Round

SECCs are required to update their State EAS Plans and submit them for Commission review and approval "not less frequently than annually."² Previously, SECCs could file EAS Plans in ARS for review and approval only once annually. Once the Bureau approved a filed EAS Plan, the SECC could make and save changes to it in ARS but could not submit such changes for Bureau approval until 30 days prior to the date when its annual update was due.

The Bureau now has implemented changes to ARS to enable SECCs to submit changes to their previously approved EAS Plans and seek the Bureau's approval of such changes at any time. Bureau staff will review such submissions as they are filed.

Use of ARS for Amending Monitoring Assignments

This ARS system enhancement will allow SECCs to submit and seek Bureau approval for updated monitoring assignment amendments in their EAS Plans at any time throughout the year. This feature will enable SECCs to update their EAS Plans for new monitoring assignments that may occur at

¹ State EAS Plans describe EAS operations and delineate the responsibilities of EAS Participants (*i.e.*, broadcast stations, cable systems, and certain other entities) to monitor signals from other, specified EAS Participants in order to receive and transmit certain emergency alert messages. ARS is the online system that SECCs use to file their State EAS Plans and that the Bureau uses to review and approve them. *See* 47 CFR §§ 11.2(b), 11.11(a) (defining and listing categories of EAS Participants that are subject to EAS rules); *id.* § 11.21 (specifying contents of State EAS Plans); *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, Report and Order, PS Docket No. 15-94, 33 FCC Rcd 3627 (2018) (establishing ARS); *PSHSB Announces Deadline for Compliance with State EAS Plan Content Requirements and EAS Designations*, Public Notice, PS Docket 15-94, DA 21-869 (July 20, 2021) (announcing July 5, 2022 deadline for compliance with 2018 revisions of sections 11.18 and 11.21(a)(1)-(7)).

² 47 U.S.C. § 1206(b)(1)(B); *see also* 47 CFR § 11.21.

irregular intervals and keep their plans up to date. It also will make it largely unnecessary for SECCs or EAS Participants³ to request waivers⁴ to obtain approval of such changes before the annual update. Although the traditional monitoring waiver process will continue to be available, the Bureau encourages SECCs to use the newly automated EAS Plan amendment process incorporated into ARS whenever possible.⁵ The Bureau also urges EAS Participants to begin monitoring new EAS sources that they can reach immediately when they can no longer receive an old source reliably, without waiting for formal Bureau approval, to ensure the EAS system is consistently functioning during emergencies.

This monitoring assignment amendment option will be available to SECCs that are submitting or have already submitted complete EAS Plans in ARS. A monitoring assignment amendment submission will be treated as a newly submitted EAS Plan. If the Bureau approves the submission, the SECC will be considered to have satisfied its annual filing requirement for another year, and its next annual update will be due one year later.

Descriptive Narrative Attachment. In order to ensure prompt review and approval of monitoring changes, the Bureau recommends that SECCs submitting monitoring amendments via ARS include an attachment identifying the specific EAS Participants whose monitoring assignments are being modified and the new assignments for which they seek approval.

Planned Monitoring Assignment Changes

In addition, we clarify that any EAS Plan filing – whether an annual updated plan or an amendment to specific monitoring assignments outside the regular update cycle – may contain monitoring assignments that EAS Participants are in the process of carrying out but have not yet fully implemented. For example, if the SECC has assigned or is in the process of assigning a satellite monitoring source to an EAS Participant, but the EAS Participant has not yet acquired the receiver equipment for that signal, the SECC may include that planned assignment in its EAS Plan submission in the appropriate monitoring table. SECCs submitting such planned monitoring assignments should indicate in an attachment which assignment changes have not yet been implemented and the date by which completion is expected. If, during the process of implementation, the SECC's actual assignments to EAS Participants change from what was planned and reported, SECCs should promptly update and resubmit their EAS Plans to reflect the final monitoring assignments.

Simplifying EAS Monitoring Assignments

For purposes of expediting approval of proposed State EAS Plans and amendments, the Bureau further recommends that SECCs configure their monitoring assignments by assigning as many EAS Participants as possible to *directly* monitor (with no intermediate links) one or more sources that receive the National Emergency Message (EAN) signal directly from the Federal Emergency Management Agency (FEMA). By way of background, participants in the National Public Warning System (NPWS) – previously known as the Primary Entry Point (PEP) system – deliver the EAN alert from FEMA to the

³ EAS Participants are the entities that are required to comply with the Commission's EAS rules, e.g., analog radio and television stations, and wired and wireless cable television systems, DBS, DTV, SDARS, digital cable and DAB, and wireline video systems. 47 CFR §§ 11.2(b), 11.11(a)-(c).

⁴ See 47 CFR § 11.52(d)(3) (“If the required EAS message sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the Chief, Public Safety and Homeland Security Bureau. In an emergency, a waiver may be issued over the telephone with a follow up letter to confirm temporary or permanent reassignment”).

⁵ When doing so, the SECC also should provide notice of the proposed changed monitoring assignments to any EAS Participants that, under the terms of the existing EAS Plan, are assigned to monitor (directly or indirectly) the signals transmitted by the EAS Participant whose assignments would be changed by the proposal. The ARS automatically notifies Bureau staff when such filings are submitted.

EAS Participants.⁶ FEMA has designated 77 broadcast radio stations that collectively serve 90 percent of the nation's population, as well as three satellite networks, each covering virtually the entire continental United States, to play this role.⁷ The broad geographic availability of these sources should make it possible for most EAS Participants to monitor signals from one or more of them directly, regardless of whether such EAS Participants are designated as Local Primaries (LPs), Participating Nationals (PNs), or any other status in the EAS Plan. The Bureau recommends that EAS Plans, whenever possible, minimize the number of intermediate links for EAS Participants to monitor such sources. Appendix A to this Public Notice illustrates recommended configurations of monitoring assignments.

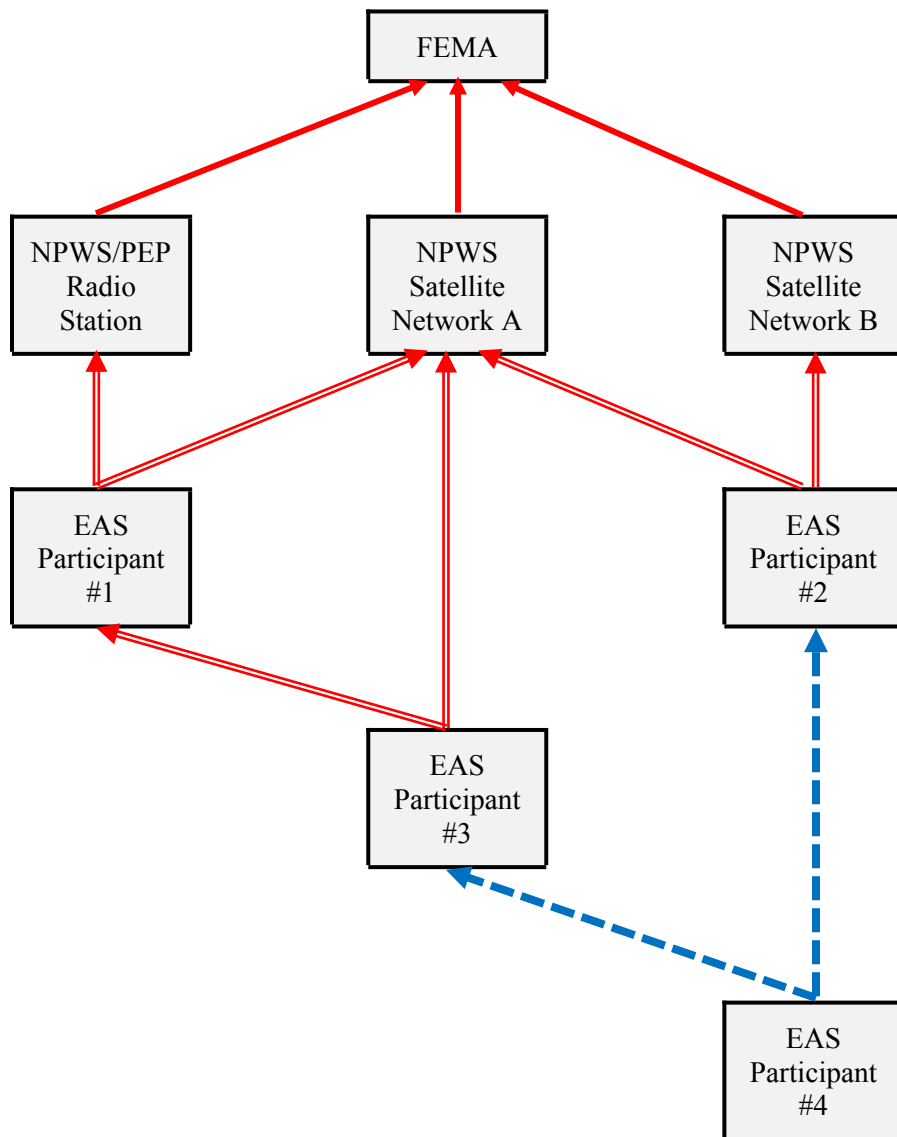
For questions regarding this Public Notice, please contact Maureen Bizhko, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0011 or Maureen.Bizhko@fcc.gov, or Chris Fedeli, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-1514 or Christopher.Fedeli@fcc.gov.

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⁶ See FEMA, "Broadcasters and Wireless Providers," National Public Warning System, available at <https://www.fema.gov/emergency-managers/practitioners/integrated-public-alert-warning-system/broadcasters-wireless> (accessed June 5, 2023).

⁷ See FEMA, "FEMA and Audacy's WWL Radio Unveil New Emergency Broadcast Studio," (June 28, 2022), at 4 ("Currently, there are 77 PEP stations that reach more than 90 percent of the U.S. population...."), available at <https://www.fema.gov/press-release/20220628/fema-and-audacys-wwl-radio-unveil-new-emergency-broadcast-studio>.

Appendix A: Recommended Monitoring Assignment Configurations



The diagram above shows two EAS Participants that directly monitor signals from two FEMA-designated NPWS sources: EAS Participant #1 monitors an NPWS/PEP radio station and an NPWS satellite network, while EAS Participant #2 monitors two different NPWS satellite networks. The diagram also shows a third entity (EAS Participant #3) that directly monitors signals from one NPWS source (a satellite network) and indirectly monitors signals from a different NPWS source by directly monitoring EAS Participant #1, which in turn directly monitors the NPWS/PEP radio station.

While the rules permit assignments like those shown for EAS Participant #4 in the illustration, which directly monitors signals from two EAS Participants with diverse connections to different NPWS sources (thus avoiding any potential single points of failure), such arrangements are not ideal. If possible, most EAS Participants should have at least one direct monitoring connection to an NPWS source, like EAS Participant #3 in the diagram; or two such direct connections, like EAS Participants #1 and #2. As shown in the diagram, EAS Participant #4 has no such direct connections and therefore it needs multiple intermediate connections to pick up the EAS signal from FEMA. While this arrangement is permissible under the rules, it is not preferred because it is more likely to result in audio signal attenuation or loss and increases the risk of transmission failure through multiplication of links.