

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
)
Amendment of Part 11 of the Commission's Rules ) PS Docket No. 15-94
Regarding the Emergency Alert System )

ORDER

Adopted: February 20, 2026

Released: February 20, 2026

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. In this Order, the Public Safety and Homeland Security Bureau (Bureau) considers a request filed by Sun Broadcasting, Inc. (Sun) seeking a limited waiver of the Commission's rule addressing operational readiness for Emergency Alert System (EAS) equipment as applied to two broadcast radio stations (WRXK-FM and WXKB)1 that Sun seeks to relocate. For the reasons discussed herein, the Bureau grants Sun's limited waiver request.

II. BACKGROUND

2. The EAS is a national system used to disseminate public warnings of impending emergencies over broadcast, cable, and satellite networks to consumers' radios, televisions, and other audio and video devices.2 EAS Participants are required to have devices installed and capable of sending and receiving EAS tests and messages.3 In particular, section 11.35 of the FCC's rules requires EAS Participants to ensure that their EAS equipment is "installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation."4 EAS Participants may operate without EAS equipment for up to 60 days pending the repair or replacement of defective equipment.5

3. Sun is a licensee for broadcast radio stations WRXK-FM and WXKB, which are EAS Participants that operate EAS equipment.6 On February 10, 2026, Sun filed a petition seeking a waiver of section 11.35 to allow the relocation of the EAS equipment of stations WRXK-FM and WXKB, which

1 In its supplemental waiver request, Sun refers to its station as WRXK. The Commission's records in the Licensing and Management System (LMS) indicate that the call sign of this stations as WRXK-FM. The Bureau refers to Sun's station as represented in LMS because it is the system of record for call-sign facility association. See 47 CFR § 73.3550.

2 See 47 CFR § 11.2(b) (defining "EAS Participants").

3 See, e.g., 47 CFR §§ 11.11(a) (summarizing EAS encoder and decoder requirements for broadcasters); 11.52(a) (requiring EAS Participants to be capable of receiving the attention signal and emergency messages of other broadcast stations); 11.56(a) (requiring EAS Participants to have deployed equipment that can receive and process Common Alerting Protocol messages from the Integrated Public Alert and Warning System).

4 47 CFR § 11.35(a).

5 Id. § 11.35(b); see also id. § 11.35(c) (requiring EAS Participants to submit a request to the FCC for additional time if the repair or replacement is not completed within 60 days).

6 See Sun Broadcasting, Inc. – Limited Waiver of the EAS Equipment Rules, PS Docket No. 15-94 (filed Feb. 10, 2026) (Sun Waiver Request).

Sun had recently acquired from Beasley Media Group, to its own facilities.<sup>7</sup> The petition also sought a limited waiver of section 11.35 to allow EAS equipment used by four other stations to be relocated as part of an office move.<sup>8</sup> The Bureau granted a narrow waiver for these four stations but denied, without prejudice, Sun's request with respect to stations WRXK-FM and WXKB because the request did not specify the dates on which EAS equipment would be taken offline, describe its plans regarding the operational status of those stations during the equipment move, or include any argument as to whether deviating from section 11.35 will serve the public interest.<sup>9</sup> The Bureau found, therefore, that Sun's waiver request lacked sufficient specificity for it to consider the request.<sup>10</sup>

4. On February 17, 2026, Sun filed a supplemental waiver request for stations WRXK-FM and WXKB.<sup>11</sup> In its petition, Sun states that it needs to move the EAS equipment to Sun's facilities on February 23, 2026. Sun further states that the EAS equipment will be inoperable for two hours or less, that the equipment will not be moved in the event that an emergency appears imminent, and that there are no stations that depend on Sun to relay EAS messages for their own operability.<sup>12</sup> Sun also argues that a waiver would "allow the stations to resume their ability to transit EAS signals quickly and reliably" and avoid a situation in which the stations might be forced to stop broadcasting while the EAS equipment is moved.<sup>13</sup>

### III. DISCUSSION

5. A provision of the Commission's rules "may be waived by the Commission on its own motion or on petition if good cause therefor is shown."<sup>14</sup> The Commission may find good cause to grant a waiver "if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."<sup>15</sup> The waiver applicant generally faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.<sup>16</sup> Based on the circumstances described, we conclude there is good cause to grant Sun a limited waiver of the Commission's EAS requirements to facilitate the relocation of WRXK-FM's and WXKB's EAS equipment for a period not to exceed two hours on February 23, 2026. This limited waiver is conditioned on Sun's statement that it will not proceed with the move if there appears to be any risk of an emergency event.<sup>17</sup> This limited waiver is also conditioned on Sun not proceeding with the move if it would conflict with a required EAS test.

6. The Bureau finds that special circumstances exist and that it is in the public interest to grant Sun a narrow waiver to facilitate the relocation of the EAS equipment of WRXK-FM and WXKB. Sun

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.* The stations were WFSX-FM and corresponding translators W290DB 105.9 (W290DB) and W277AP 103.3 (W277AP), WFFY, WHEL, and WARO.

<sup>9</sup> See *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Order, DA 26-161 (PSHSB Feb. 13, 2026).

<sup>10</sup> See *id.*

<sup>11</sup> See Sun Broadcasting, Inc. – Limited Waiver of the EAS Equipment Rules, PS Docket No. 15-94 (filed Feb. 17, 2026) (*Sun Supplemental Waiver Request*). We construe Sun's filing as a request to waive all rules, such as 11.11(a), 11.35(a), 11.52(a), and 11.56(a), that may require continuous operation of EAS equipment.

<sup>12</sup> *Id.* at 2.

<sup>13</sup> E-mail from Christina Burrow, Counsel to Sun Broadcasting, to James Graves, FCC (February 19, 2026, 4:04 PM).

<sup>14</sup> 47 CFR § 1.3.

<sup>15</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

<sup>16</sup> See *WAIT Radio v. FCC*, 418 F.2d at 1157.

<sup>17</sup> See *Sun Supplemental Waiver Request* at 2.

explains that to ensure continued support of EAS at these stations, the EAS equipment needs to be moved from the facilities of the equipment's prior owner to Sun's facilities.<sup>18</sup> Without a waiver, compliance with the EAS rules would require these stations to cease broadcasting until the EAS equipment was installed at its new location.<sup>19</sup> The Bureau finds that the relocation of the equipment serves the purpose of continued EAS participation by WRXX-FM and WXKB and that the public interest would best be served by allowing these stations to continue broadcasting to the public during the short duration of the move. In view of this public safety benefit, along with the limited duration of the waiver and Sun's assurance that it will not proceed with a relocation during a planned EAS test or if there appears to be any risk of an emergency event, we conclude that the risk of harm to the public will be minimized.

#### IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), and section 1.3 of the Commission's rules, 47 CFR § 1.3, sections 11.11(a), 11.35(a), 11.52(a), and 11.56(a) of the Commission's rules, 47 CFR §§ 11.11(a), 11.35(a), 11.52(a), and 11.56(a), ARE WAIVED, as to stations WRXX-FM and WXKB as specified herein.

8. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Zenji Nakazawa  
Chief  
Public Safety and Homeland Security Bureau

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<sup>18</sup> See *Sun Supplemental Waiver Request* at 2; E-mail from Christina Burrow, Counsel to Sun Broadcasting, to James Graves, FCC (February 19, 2026, 4:04 PM).

<sup>19</sup> See *id.*; 47 CFR § 11.35(a).