

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 the Fort Myers Broadcasting Company (FMBC) 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 (WJPT-FM and WWCN-FM) that FMBC seeks to relocate to new a new facility. For the reasons discussed herein, the Bureau grants the 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.1 EAS Participants are required to have devices installed and capable of sending and receiving EAS tests and messages.2 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."3 EAS Participants may operate without EAS equipment for up to 60 days pending the repair or replacement of defective equipment.4

3. FMBC is the licensee of broadcast radio stations WJPT-FM and WWCN-FM, which are both EAS Participants that operate EAS equipment.5 FMBC recently acquired the stations from Beasley Media Group, LLC.6 On February 18, 2026, FMBC filed a petition seeking a waiver of section 11.35 to allow the relocation of these stations' EAS equipment from Beasley's facilities to FMBC's office location

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

2 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).

3 47 CFR § 11.35(a).

4 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).

5 See Fort Myers Broadcasting Company - Limited Waiver Request of Rule 47 C.F.R. § 11.35, PS Docket No. 15-94 (filed Feb. 18, 2026) (FMBC Waiver Request). We construe FMBC'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.

6 Id. at 1.

in Fort Myers, Florida.⁷ To complete this relocation, FMBC represents that it will need to “to uninstall, pack, move, and reinstall the EAS equipment,”⁸ thereby causing its stations to not meet the Commission’s EAS requirements for a period not to exceed two hours. FMBC argues that it “needs to integrate these newly acquired Stations into its facilities” and that “the unavoidable outage will be limited in duration and scope, and there are no countervailing harms to the public interest.”⁹ FMBC states that “No other EAS participants rely on the Stations’ EAS signal so the unavoidable outage will briefly impact only” FMBC’s stations.¹⁰ FMBC states that it has confirmed that its relocation “will not occur during a planned EAS test” and states that it “will not proceed with the move if there appears to be any risk of an emergency event during the brief outage.”¹¹

III. DISCUSSION

4. 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.”¹² 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.”¹³ The waiver applicant generally faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.¹⁴ Based on the circumstances described herein, we conclude there is good cause to grant FMBC a limited waiver of the Commission’s EAS requirements to facilitate the relocation of WJPT-FM’s and WWCN-FM’s EAS equipment for a period not to exceed two hours on February 23, 2026. Both of these limited waivers are conditioned on FMBC’s statement that it will not proceed with the move if there appears to be any risk of an emergency event or a planned EAS test.¹⁵

5. The Bureau finds that special circumstances exist and that it is in the public interest to grant FMBC a narrow waiver to facilitate the relocation of EAS equipment for WJPT-FM and WWCN-FM. According to FMBC, it is necessary to relocate the EAS equipment from the previous station owner’s offices to continue using that equipment.¹⁶ 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.¹⁷ The Bureau finds that the relocation of the equipment serves the purpose of continued EAS participation by WJPT-FM and WWCN-FM 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. Because of the limited duration of the waiver and FMBC’s assurance that it will not relocate the equipment 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

6. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and (j) of the

⁷ *Id.* at 1-2.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² 47 CFR § 1.3.

¹³ 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)).

¹⁴ *WAIT Radio v. FCC*, 418 F.2d at 1157.

¹⁵ *FMBC Waiver Request* at 2.

¹⁶ *Id.* at 1.

¹⁷ 47 CFR § 11.35(a).

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 WJPT-FM and WWCN-FM as specified herein.

7. 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