

STATEMENT OF CHAIRMAN AJIT PAI

Re: *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94; *Wireless Emergency Alerts*, PS Docket No. 15-91

In an episode of *The Office*,¹ Dwight Schrute decides to conduct a surprise fire drill for his fellow Dunder Mifflin employees. He starts a fire in a trash can, cuts the phone lines, and seals the office exits. Needless to say, this drill doesn't end well. Among other things, Angela's cat "Bandit" fell through a ceiling panel; Stanley suffered a heart attack; windows were smashed; and office equipment was destroyed. The absurd scene makes us laugh, but it also shows the dangers posed by false emergency alerts and poorly conducted emergency tests, as well as the consequences of not adequately preparing for real emergencies.

Today, we seek to improve emergency preparedness, facilitate better testing, and reduce the frequency of false alerts by making changes to our Emergency Alert System (EAS) rules. First, we amend our rules to recognize "Live Code Tests" as a separate category of alert exercise. This will enable alert originators to simulate an end-to-end test of the EAS. Live code testing can help identify gaps in training, assess the readiness of equipment, and ensure that alerts reach intended audiences. And to minimize public confusion and alert fatigue, we require that jurisdictions limit their tests to two per year and that each live code test explicitly state that the event is a test by text crawl and/or audio, as technically feasible.

Second, we amend our rules to allow EAS participants to include the two-tone Attention Signal in EAS public service announcements (PSAs). We also permit the use of a simulation of the Header Code tones—the familiar three audible tones that precede the Attention Signal. If used properly, PSAs can help raise public awareness and emergency preparedness. Therefore, the PSA must explain that the Attention Signal and/or simulated Header Code is only being used in the context of a PSA to familiarize and educate the public about emergency alerting.

Third, we require EAS participants to reconfigure their equipment to reject alerts that contain invalid digital signatures and alerts whose expiration time falls outside of an alert's specified time limits. This should reduce the frequency of false alerts reaching the American people.

Fourth, based on a report issued by the Public Safety and Homeland Security Bureau on Hawaii's false missile alert earlier this year, we require any EAS participant to notify the FCC's Operations Center no later than 24 hours after having actual knowledge that it has transmitted or otherwise sent a false alert to the public. We believe such notifications will help inform the FCC and the Federal Emergency Management Agency as we aim to identify and solve problems with the EAS.

And finally, in the *Further Notice*, we propose to require that State EAS Plans include procedures to help prevent false alerts and to swiftly mitigate their consequences should one occur. We also seek comment on whether we should do more to improve reporting on false alerts and a situation known as "lockouts," when multiple cable set-top boxes cannot return to normal operation after an EAS alert or test; whether we should take more steps to protect against false alerts at the state level; and how we can measure the accuracy and reliability of Wireless Emergency Alerts, or WEA, through technical criteria, performance standards, or public feedback.

¹ *The Office: Stress Relief* (NBC television broadcast Feb. 1, 2009), available at <https://www.youtube.com/watch?v=wEIUb6OcOSE>.

Getting back to *The Office*, when Michael Scott thought that his employees were trapped in a burning building during Dwight's fire simulation, he declared, "Everyone for himself!"² Fortunately, our nation's first responders don't embrace that attitude, and neither do the FCC's terrific staff. Speaking of, thanks to Steven Carpenter, Rochelle Cohen, Greg Cooke, Lisa Fowlkes, Nikki McGinnis, David Munson, Rasoul Safavian, Emily Talaga, and Michael Wilhelm from the Public Safety and Homeland Security Bureau; David Horowitz, Bill Richardson, and Anjali Singh from the Office of General Counsel; Chuck Needy from the Office of Strategic Planning and Policy Analysis; and Maureen McCarthy from the Enforcement Bureau.

² See also George Costanza, *Seinfeld: The Fire* (NBC television broadcast May 5, 1994), available at <https://www.youtube.com/watch?v=DOhNlt4Nsjo>.