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For Immediate Release

FCC SETTLES INVESTIGATIONS INTO MISUSE OF EMERGENCY ALERT TONES BY BROADCAST TV, CABLE, AND RADIO OUTLETS

Agreements Levy Substantial Financial Penalties & Institute Compliance Plans

WASHINGTON, August 15, 2019—The Federal Communications Commission’s Enforcement Bureau today announced settlements reached with a TV broadcaster, cable TV networks, and a radio broadcaster for misusing Emergency Alert System (EAS) or Wireless Emergency Alert (WEA) tones. Episodes of ABC’s “Jimmy Kimmel Live!,” AMC’s “The Walking Dead,” and Discovery’s “Lone Star Law,” as well as promos aired by Meruelo Radio Holdings, LLC’s Los Angeles-area KDAY and KDEY-FM’s morning radio show, all aired actual or simulated alert tones in violation of the Commission’s rules.

Combined, the companies agreed to pay over \$600,000 in civil penalties, and each committed to a strict compliance plan to ensure such actions do not recur. The Enforcement Bureau has also released an Enforcement Advisory to reiterate existing law as it applies to the misuse of EAS tones.

The use of actual or simulated EAS tones during non-emergencies and outside of proper testing or public service announcements is a serious public safety concern. The FCC’s rules prohibit such broadcasting of EAS tones – including simulations of them – except during actual emergencies, authorized tests or authorized public service announcements. These rules aim to protect the integrity of the alert system by helping to avoid confusion when the tones are used, alert fatigue among listeners, and false activation of the EAS by the operative data elements contained in the alert tones.

The settlements announced today conclude FCC Enforcement Bureau investigations following these outlets’ illegal airing of alert tones. The specific settlements include:

- ABC’s “Jimmy Kimmel Live!” – On October 3, 2018, ABC broadcast an episode of the late-night show “Jimmy Kimmel Live!” which used a simulated WEA tone three times during a comedic sketch. ABC transmitted the episode nationwide to 250 TV stations, including eight of its owned and operated stations, which in turn broadcast the episode in their markets. ABC admitted to the violation, agreed to pay a \$395,000 civil penalty, and committed to a compliance plan.
- AMC’s “The Walking Dead” – In February 2019, AMC Networks twice included EAS tones in the “Omega Episode” of its television program, “The Walking Dead.” This was transmitted on eight separate instances across cable and satellite systems nationwide. AMC admitted to the violation, agreed to pay a \$104,000 civil penalty, and committed to a compliance plan.

- Animal Planet’s “Lone Star Law” – Discovery’s Animal Planet network broadcast an episode of “Lone Star Law” entitled “Thousand Year Flood,” which included an actual WEA Signal. The crew was filming Texas Game Wardens following Hurricane Harvey and caught the tone of a real wireless alert received by phones during filming. Discovery transmitted the episode eight times to cable and satellite systems nationwide from January to March 2018. Discovery admitted to the violation, agreed to pay a \$68,000 civil penalty, and committed to a compliance plan.
- Meruelo Radio Holdings – In the fall of 2017, Meruelo’s KDAY and KDEY-FM included a simulation of an EAS attention signal in a promotion for its morning show. The promotion was broadcast 106 times on KDAY and 33 times on KDEY-FM’s simulcast of KDAY. The company admitted to the violation, agreed to pay a \$67,000 civil penalty, and committed to a compliance plan.

In today’s [Enforcement Advisory](#), the Enforcement Bureau formally reminds the industry about the existing law as it applies to the misuse of emergency alert tones. The advisory states: “We remain concerned about the misuse of the EAS codes and EAS and WEA Attention Signals, or simulations thereof, to capture audience attention during advertisements; dramatic, entertainment, and educational programs, and at any other time that there is no genuine alert, authorized test, or authorized PSA about the EAS or WEA that is accompanied by an appropriate disclaimer. The FCC may issue sanctions for such violations, including, but not limited to, monetary forfeitures.”

The settlements announced today, formally known as Consent Decrees, are available at:

- Consent Decree with ABC, Inc. and American Broadcasting Companies, Inc. – <https://docs.fcc.gov/public/attachments/DA-19-620A1.pdf>
- Consent Decree with AMC Networks, Inc. – <https://docs.fcc.gov/public/attachments/DA-19-621A1.pdf>
- Consent Decree with Discovery, Inc. – <https://docs.fcc.gov/public/attachments/DA-19-626A1.pdf>
- Consent Decree with Meruelo Radio Holdings, LLC, licensee of stations KDAY(FM), Redondo Beach, California and KDEY-FM, Ontario, California – <https://docs.fcc.gov/public/attachments/DA-19-165A1.pdf>

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