



LEVENTHAL SENTER & LERMAN PLLC

To: All Broadcast Clients

July 27, 2007

**FCC MODIFIES EMERGENCY ALERT SYSTEM RULES;
SEEKS FURTHER COMMENT**

The FCC recently adopted a *Second Report and Order* modifying the rules for the Emergency Alert System (EAS) and seeking further comment on additional EAS issues. The rule changes will become effective 30 days after the *Second Report and Order* is published in the Federal Register.

Under the new rules, the FCC will require EAS participants to accept messages using Common Alerting Protocol (CAP) within 180 days after FEMA announces its adoption of CAP. EAS participants will also be required to incorporate CAP security functions within 180 days after FEMA publishes related authentication and validation standards. CAP is a standardized system, which should decrease the likelihood of operator error, can operate over multiple platforms, and is able to provide text and audio messages to serve those with hearing and sight disabilities.

In addition, in recognition of the future development of alternative distribution systems, EAS participants will be required to adopt "Next Generation" EAS delivery systems within 180 days after FEMA releases standards for those systems.

Because some traditional telephone companies have begun to provide multichannel video programming services via fiber optic connections, the FCC will require such wireline video providers to

comply with the same EAS requirements as digital cable system providers.

Although EAS participants are currently only required to disseminate Presidential alerts, the new rules will require that EAS participants transmit state and local EAS alerts originated by state governors or their designees, or by FEMA or its designees on behalf of a state, provided that the state in question has an FCC-approved EAS plan providing for delivery of such state and local alerts. Satellite radio providers and DBS satellite service providers will not be subject to the state-level alert requirements due to their national broadcast area.

The FCC is also seeking comment on how EAS and other emergency information can be made more accessible to disabled individuals and non-English speakers, whether local, county or other state governmental agencies should be allowed to initiate mandatory state and local alerts, and ways to evaluate proper emergency EAS performance.

Should you have any questions concerning EAS, or if you would like to file comments in this proceeding, please contact our office.

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This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired. To discuss any of the issues presented here, please contact any attorney in our office.