

FCC Specifies CAP-Related Requirements for the Emergency Alert System (EAS)

February 2012

On January 10, 2012, the Federal Communications Commission (FCC) released a *Fifth Report and Order* (Fifth R&O) that specifies how Emergency Alert System (EAS) participants must implement the requirement to receive alert messages formatted in the Common Alerting Protocol (CAP). The Fifth R&O provides that EAS participants must be able to receive CAP-formatted alert messages and convert them into messages formatted in the current EAS Protocol, following procedures set forth in the EAS-CAP Industry Group's (ECIG) Implementation Guide. Under the rules, EAS participants who receive CAP-formatted alerts must create video crawls based upon the enhanced text in CAP messages to the extent such files are provided by the alert initiator.

The revisions to Part 11 of the FCC's rules enable EAS participants and alert initiators to integrate the EAS with other federal, state and local CAP-based alerting systems and are intended to improve the effectiveness and reliability of the current system. EAS participants must monitor the Federal Emergency Management Agency's (FEMA) Integrated Public Alert and Warning System (IPAWS) for federal CAP-formatted alert messages through an interface technology. However, the Commission eliminates the requirement that EAS participants receive and transmit CAP-formatted messages initiated by state governors, reasoning that such a requirement would be difficult and costly to implement and would duplicate features offered by the IPAWS.

The Fifth R&O clarifies that EAS providers are allowed to use intermediary devices in conjunction with their existing EAS equipment to satisfy their CAP-related obligations. By June 30, 2015, any intermediary devices must be functionally able to utilize the enhanced

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

text in CAP messages to provide a visual display. Further, any EAS devices that perform the functions of converting CAP-formatted messages into the EAS Protocol, including intermediary devices, must be certified under the FCC's Part 11 rules. The Fifth R&O also streamlines Part 11 rules governing the processing of Emergency Action Notifications (EAN) and eliminates as unnecessary other Part 11 provisions, including the Emergency Action Termination (EAT) event code and the Non-Participating National (NN) status.

EAS participants must comply with the CAP-related regulations by June 30, 2012. The Commission will consider granting waivers of the obligation to monitor, receive and process CAP-formatted messages on a case-by-case basis, and the physical unavailability of broadband Internet access offers a presumption in favor of a waiver. Such waivers will likely not exceed six months, the Commission notes, but the agency will provide the option of renewal if circumstances have not changed.