

ALERT

FCC Grants Limited Extension of EAS Compliance Deadline for Customers Using Sage Equipment

November 29, 2023

On November 28, 2023, the Federal Communications Commission (FCC or Commission) granted a limited extension of the deadline to prioritize Common Alerting Protocol (CAP)-formatted emergency alerts for customers of equipment vendor Sage Alerting Systems (Sage). Emergency Alert System (EAS) Participants that are Sage customers now have until March 11, 2024, to comply with the requirement.

In September 2022, the FCC adopted new rules requiring EAS Participants to transmit the CAP version of an EAS alert, rather than the legacy version, if a CAP version is available. EAS Participants must wait at least 10 seconds to transmit a legacy alert unless they confirm that a CAP version is not available by polling the Integrated Public Alert and Warning System (IPAWS) feed. The new rules take effect on December 12, 2023.

However, Sage has indicated that it will not release the necessary firmware updates until shortly before the compliance deadline, which also runs against the holidays. As a result, REC Networks (REC) and the National Association of Broadcasters (NAB) requested a 90-day extension to comply with the requirement.

In the Order, the FCC found good cause to grant the REC and NAB extension request for Sage customers. The Commission agreed with REC and NAB's argument that the delayed Sage firmware update would prevent "hundreds, if not thousands, of EAS Participants" from complying with the deadline. Additionally, the FCC found that the upcoming holidays hinder EAS Participants' ability to meet the

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deadline. The Commission noted that the public will continue receiving EAS messages during the extension.

All EAS Participants that are not Sage customers are still expected to comply with the December 12, 2023, deadline.

For additional information, please contact one of the attorneys listed on this alert or the Wiley attorney who regularly handles your FCC matters.