

ALERT

Reminder: Nationwide EAS and WEA Tests Coming October 4, 2023

October 3, 2023

As a reminder, on October 4, 2023, at 2:20 p.m. Eastern Daylight Time, the Federal Emergency Management Agency (FEMA) in coordination with the Federal Communications Commission (FCC) will conduct a nationwide test of the Emergency Alert System (EAS). A test of the Wireless Emergency Alerts (WEA) will begin two minutes earlier, at 2:18 p.m. A secondary test date is scheduled for October 11, 2023, if conditions on October 4 require the test to be rescheduled.

It is important to remember that the FCC's rules prohibit any transmission of the EAS codes or attention signal or any simulation thereof outside of an actual emergency or authorized test. Accordingly, stations should not use any sounds consisting of or resembling the EAS tones in news stories about the national test. Stations that will be broadcasting live during the test should also ensure that personnel in the studio or the field have disabled the alerts or turned off their phones to avoid inadvertently transmitting the WEA tones on air.

All EAS Participants are required to participate in the EAS test. EAS participants include radio and television stations (including LPFM, Class A, and LPTV stations), cable systems, DBS, and SDARS services. Wireless providers that participate in the WEA are also required to participate in the test.

Subject to the exemptions listed below, all EAS Participants must:

(1) have filed a Form One through the EAS Test Reporting System (ETRS) on or before February 28, 2023;

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- (2) submit “day-of-test” information by filing a Form Two on or before October 5, 2023; and
- (3) submit detailed post-test data by filing a Form Three on or before November 20, 2023.

The following EAS Participants are exempt from registering and filing in ETRS: TV translator stations, FM booster stations and FM translator stations that “entirely rebroadcast the programming of another local FM broadcast station,” and broadcast stations that are satellites or repeaters of a hub station and “rebroadcast 100 percent of the programming” of that primary or hub station. For TV Translator stations, please check your station designation in LMS. If your station is designated as a LPTV station, the FCC will expect your station to file the ETRS forms. If your station is acting as a TV Translator, please update the station designation before the filing deadlines.

Broadcasters can file the ETRS forms through the ETRS system, found [here](#). If you do not have a FCC Username, you can obtain one [here](#). If you have forgotten the password associated with your FCC Username, you can reset it [here](#).

If you need assistance filing any forms in the ETRS system, please contact the Wiley attorney who regularly handles your FCC matters or one of the attorneys listed on this client alert.