

FCC Focus

Keeping EAS Operations Legal

by Alan Alsobrook

[ST. AUGUSTINE, Florida - November 2003] When doing Alternative Inspections, right behind the Public File, for the most legal problems, comes EAS (Emergency Alert System) operations.

EAS is a simple system and most of the problems I have seen have been from either a lack of attention, or basically just not caring how the system works. Since the FCC has been getting really feisty lately on EAS problems, many stations are now receiving NALs (Notices of Apparent Liability) rather than NOVs (Notices Of Violation). If you are not familiar with the difference between the two items, you should be.

The NOV used to be the most common piece of paper received from the FCC after a visit. Your engineer could usually answer it within ten days stating how the problem was corrected, and you then seldom heard from the FCC again. (You would now have a history with the FCC but you did not have to pay anything.) On the other hand the NAL requires a higher degree of response – and the FCC is already wanting your cash. Your best course of action is to notify your attorney and correct any problems as quickly as possible.

Now let us examine what you need to do to keep your EAS system legal.

HAVING THE RIGHT ANSWERS

The first item usually asked is: "Is this station a participating or non-participating EAS station?" Unless you have a letter from the FCC stating you are a "Non Participating National station" (as required by section 11.41(b)), your answer should be "We are a participating station." This rule only applies to the national messages.

While there is no requirement to participate in state and local events, if you are a Non-Participating National station you should be ready to show your means of signing off the air immediately in the event of a national message. While not required for the majority of participating stations, I recommend that you also keep a letter indicating your national participation status, as well as any local and state plans and station procedures, along with the EAS handbook. Doing so may well save you some grief.

You cannot find your EAS handbook? While this could be a problem in an inspection, you can solve it quickly, right now. The EAS Operators Handbook is published by the FCC and is available easily for download on their website: <http://www.fcc.gov/eb/eas/>. Remember, you *must* have a copy of this handbook at each EAS operator position or EAS equipment control location, preferably both, if they are separate.

EQUIPMENT CHECKOUT

After the handbook has been found, we can move on to the actual EAS Equipment, which must be certified for EAS use, installed and in operational condition. If you have any question about that refer to <http://www.fcc.gov/eb/eas/certsel.html>. If the equipment is set up for manual operation, it must alert your EAS operator *instantaneously* at all times.

Since it is always possible for an operator to be out of the room and miss an alert, my personal suggestion is to protect yourself by having your equipment installed so there need not be an operator intervention for any national message to go on the air immediately or to get a Required Monthly Test (RMT) on the air within 60 minutes. Installing and programming the equipment that way does not preclude you

from screening all other emergencies, or putting the RMT into a regularly scheduled break within one hour.

When checking your EAS equipment, verify which signals you are monitoring to get your messages. You must monitor two different LP (Local Primary) stations. You determine what stations are your local primary stations from your state plan. As long as you are monitoring those two assigned LPs you are free (and encouraged) to monitor as many additional sources of EAS information as possible.

Since state plans *do* change from time to time, be certain you review them often enough to be sure your monitoring assignments have not changed. If you are unable to monitor one or both of your assigned LP stations then you should contact your LECC (Local Emergency Communications Committee) or SECC (State Emergency Communications Committee) and determine other possible sources. After you have done this, you must contact the FCC EB (Enforcement Bureau) field office for your area, and obtain a waiver for your monitoring requirements.

TESTING ... TESTING

Approaching the last of the EAS requirements, we need to give attention to the required tests. Your testing requirements are that you must *receive* at least one RWT (Required Weekly Test) or activation from *each* of your two local primaries each week. You also have to *transmit* one RWT each week.

Yes, it is acceptable to forward the RWTs you receive, as long as at least one of them is *random*, since your RWT transmissions should occur at random days and times. However, do remember that where LRNs (Local Relay Networks) are initiated by local governments, they are not bound like broadcasters to part 11 and therefore may not run their RWTs randomly.

We should also note – as there has been much confusion on this – there is no rule saying you can not send *more than one* RWT in a week. In fact 11.61(a) specifically allows additional tests. One of the stations I take care of is a college radio station; each semester as a new group of board operators comes in they have to learn the EAS operator responsibilities.



WFCF Student Operator Serena Forrester, receiving EAS instruction from station manager Dan McCook. Flagler College, St. Augustine, FL

During this time, I will often see eight to ten RWTs transmitted in a week. Then, a few weeks later they will miss one. Unfortunately, you not allowed to "bank" RWTs, in case one is missed. As a "failsafe" I like to program an automatic RWT about 3:00 AM every Monday morning in addition to the random test. This test does two things for me: It gives me an

easily identified break on the EAS log each week and it is there as a backup should the operators miss an RWT send.

The RMT is designed to better test the entire EAS message chain. You have to receive and retransmit within 60 minutes one of these tests each month. (This test alternates; odd months it is between 8:30 AM and sunset, while in even months it is between sunset and 8:30 AM.) When these tests are run, you should be seeing them arrive from each of your LP stations and most other stations you are monitoring.

There is a slight hierarchy worth mentioning here: An RMT replaces the RWT in the week it occurs. An actual alert also can be used to replace an RWT, and if it is retransmitted with full data encoding and EAS alert tone, it can replace the RMT as well.

Unless you are fully automatic, all of your operators should be familiar with the operation of your EAS system. Normally, I seldom ask for an operator to perform a test during an inspection, especially if the logging indicates a well-run system, since it would interrupt airtime. However, when I ask the operator on duty about the EAS system and they seem to be lost or confused, I may ask them to explain how one is done, or occasionally even will ask for a test.

MAKE SURE IT IS LOGGED

Finally, we get down to logging requirements – one of the more important aspects of keeping your station out of trouble with the FCC. You must keep logs of each EAN, EAT, RMT, and RWT received, along with any transmission made. Of course logging all events received and transmitted is perfectly fine.

I am often asked, "What should we do if we miss a test transmitted or received?" Obviously once a test is missed you cannot go back and do it. When this happens you should log the reason why the test was missed in your EAS log. On a missed reception, your receivers should be fully checked for proper operation. If no problem is found, then you should check with the LP from which the test was missed to see if they had a problem and *note it into the log*. If no problem is found *note that* in the log and pay very close attention for the next test.

"When does the week start?" is another common question. *You* determine your week; typically it is either Sunday to Saturday, or Monday to Sunday. Whichever week you use make sure you are consistent (a small note somewhere on the log indicating the beginning of your week would not hurt). If you happen to use a different week than your LPs do, you occasionally may have two tests in one week and none in the next. Again the protection is to indicate on the log the test was received in the previous or following week.

Another inspection checkpoint: The EAS log must be reviewed once each week. It is highly recommend you design easy to read and review EAS logs. It makes your job easier each week, and if the FCC should happen to drop by for a friendly visit, they will be in and out of your EAS records in minutes! Just keep in mind the longer the FCC has to look through your logs to find what they need to see, the more problems they are likely to find.

Finally, from my personal perspective: I think EAS is a vitally important tool we broadcasters have to help serve our community. If you are not aware, the FCC has recently added new event and coastal location codes. One of the very important new codes is the CAE (Child Abduction Emergency) also known as the AMBER Alert. If your equipment has not been updated to accept this and other new codes, now would be a very good time to do it. Support your local LECC & SECC. If you do not have one of these in your area, speak with your local Emergency Management people and be the first on your block to get one started.

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