

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 11 of the Commission's)	PS Docket No. 15-94
Rules Regarding the Emergency Alert System)	

**REPLY COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION
AND
ACA CONNECTS – AMERICA’S COMMUNICATIONS ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ and ACA Connects – America’s Communications Association (“ACA Connects”)² (hereinafter “Joint Commenters”) hereby submit these reply comments discussing the response to the Notice of Proposed Rulemaking issued by the Federal Communications Commission (“Commission”) in the above-captioned proceeding.³ Like Joint Commenters, a number of parties responding to the *NPRM* express concern with the proposal to require cable operators and other Emergency Alert System (“EAS”) participants to send pre-scripted, or “template” emergency alerts in multiple languages. Commenters point to the significant technical and practical hurdles that stand in the way of successful implementation of the proposal and that the *NPRM* fails to even recognize, much less,

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers and broadband providers, and many provide fixed and mobile wireless, video and other competitive services in rural America as well.

² ACA Connects represents approximately 500 smaller private and public broadband, video, and voice providers that pass more than 30 million households across the 50 states and U.S. territories, including seven million homes in rural areas.

³ *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Notice of Proposed Rulemaking, FCC 24-23 (rel. Feb. 16, 2024) (“*NPRM*”).

account for. Moreover, as the record shows, the proposal relies on implementation through technical capabilities that have yet to be developed. Even if these technical hurdles could be overcome, commenters also raise questions as to the utility of template alerts, thus raising the question of whether the costs the proposal would impose on EAS participants would outweigh the benefits to consumers. Thus, the logical and prudent next step in this proceeding, based on the record, should be to direct the Communications Security, Reliability, and Interoperability Council (“CSRIC”) to study the technical and operational feasibility of the proposal in more detail.

The record demonstrates that the *NPRM* fails to recognize the scope of the technical barriers – that go beyond mere software updates⁴ – standing in the way of implementing the multilingual template alerts proposal. As NCTA discusses at length, for analog and digital Quadrature Amplitude Modulation-based cable systems, many of which do not support IP-based set-top boxes, firmware and software development for the additional features needed to support multilingual alerts ceased several years ago.⁵ Even should such development restart, as NCTA also states, “[c]able operators would also need to re-engineer communications between non-IP set-top box controllers at the cable headend and the corresponding devices in each customer’s home.”⁶ NCTA goes on to discuss the implications for encoders, noting that this will require

⁴ Comments of and ACA Connects – America’s Communications Association (“ACA Connects”) and NTCA–The Rural Broadband Association (“NTCA”) (“Joint Commenters”), PS Docket No. 15-94 (Apr. 8, 2024), p. 3 (“While the *Multilingual EAS NPRM* intimates that such an endeavor could be accomplished with a simple software update, in truth, the Commission’s proposed rules could require a complete overhaul of existing network architecture, years-long efforts from industry and standards groups, and the costly replacement of equipment.”).

⁵ Comments of NCTA – The Internet & Television Association (“NCTA Comments”), PS Docket No. 15-94 (Apr. 8, 2024), pp. 4-5.

⁶ *Id.*, p. 5.

both software and hardware replacement.⁷ As Joint Commenters have stated, even for IP-based cable systems, the capability to issue multilingual alerts in multiple languages simultaneously would require numerous head-ends to be replaced entirely.⁸ *Critically, the NPRM altogether neglects these hardware-based barriers in its proposal.*⁹

In addition, as Joint Commenters and others highlight, implementation of the multilingual EAS alerts would require the use of hardware and software not yet in existence. Joint Commenters point to the need for “developing, testing, and implementing customer premises equipment,”¹⁰ while NCTA states that “given that cable EAS architecture is not currently designed to support multilingual alerting, implementing this capability would require standards development and deployment of new and complex software, a process that would take many years.”¹¹ Verizon notes, “[v]ideo providers like Verizon and others, however, cannot comply with the proposed rule using existing equipment, which does not have the ability to force tune to an alert that matches the language of the programming the viewer is watching.”¹² DirecTV

⁷ *Id.*, p. 6 (“In addition, EAS equipment vendors would need to make changes to encoder-decoders, another lengthy and involved process. Encoder-decoder software would need to be developed, tested, and deployed. Moreover, encoder-decoders currently in the field likely do not have processing power sufficient to support multilingual templates, requiring hardware changes. In fact, emergency alert testing conducted by one NCTA member in a different context indicated that their current encoder-decoders do not have the capacity to generate multiple alerts at once, as would be required for multilingual template alerting. As such, cable operators will likely need to replace their existing encoder-decoders—a challenging, time-consuming, and costly proposition, as a single operator may have hundreds of these devices across its IP systems. Implementing multilingual alerting, even for IP systems, would therefore be a far more substantial, lengthy, and costly undertaking than the NPRM suggests.”) (citations omitted).

⁸ Joint Commenters, p. 3.

⁹ See *NPRM*, ¶¶ 36-39 (containing several references to software updates the Commission appears to presume will be the predominant cost driver of its proposal).

¹⁰ Joint Commenters, p. 3.

¹¹ NCTA Comments, p. 5.

¹² Comments of Verizon, PS Docket No. 15-94 (Apr. 8, 2024), p. 1.

states that “there is no way for the EAS system to ‘know’ what language a given channel uses for its programming, or for a given channel to pass that language information to the EAS system. DIRECTV would have to build this capacity from scratch.”¹³

Moreover, even a sister federal agency raises questions about the value of template alerts in motivating appropriate and timely reactions by recipients. As FEMA states, template alerts may not convey “specific location, threat/hazard, and protective action guidance information to effectively elicit people in the warned area to respond appropriately to the emergency message.”¹⁴ NCTA notes as well that the proposal for two event codes – one issued under current rules and one under the proposed template – could be “confusingly duplicative” and disrupt programming for a longer period of time, thus delaying consumers’ ability to look to local news programming for additional information they may need.¹⁵ Thus, any rational cost-benefit analysis of the multilingual EAS template alerts proposal should consider whether this approach will in fact improve the utility of the EAS system for non-English speakers.

Joint Commenters support improvements to the EAS system, as EAS-issued alerts can enhance Americans’ situational awareness in the event of weather or other emergencies and ultimately save lives. Yet the *NRPM* underestimates the costs that its proposal will impose on cable operators and fails even to recognize the full range of substantial technical hurdles that stand in the way of the pre-scripted or template alerts. Beyond such cost concerns and practical technical considerations, the record provides no basis to conclude that the proposal will in fact benefit those the *NPRM* intends to protect through improved alerts. Thus, before proceeding

¹³ Comments of DIRECTV, LLC, PS Docket No. 15-94 (Apr. 8, 2024), p. 4.

¹⁴ Comments from the Federal Emergency Management Agency (“FEMA Comments”), PS Docket No. 15-94 (Apr. 8, 2024), p. 2. *See also*, NCTA Comments, pp. 9-10.

¹⁵ NCTA Comments, p. 10.

further, the Commission should seek review by and input from CSRIC, where EAS stakeholders¹⁶ could consider the issues discussed above and engage in a more robust and detailed cost-benefit analysis. At a minimum, as the Commission acknowledged with the 2023 WEA Report and Order,¹⁷ implementation of the multilingual alerts will require updates to standards, design development, and deployment efforts.¹⁸ The FCC should afford the same flexibility to EAS providers to allow for sufficient timeframes to implement any new multilingual alert requirements.

Respectfully submitted,

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May, 6, 2024

¹⁶ See FEMA Comments, p. 2 (“The NPRM as drafted does not acknowledge or discuss that implementation of EAS changes must include key stakeholders outside of the EAS participants, such as the vendor community that supplies alerting software and tools used by public safety agencies.”).

¹⁷ *Wireless Emergency Alerts; Amendments to Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-91 and 15-94, Third Report and Order, FCC 23-88 (Oct. 20, 2023).

¹⁸ *Id.*, ¶¶ 25-27.