

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

In the Matter of:)
) EB Docket No. 04-296
Review of the Emergency Alert System)

To: The Commission

**REPLY COMMENTS OF INDEPENDENT SPANISH BROADCASTERS
ASSOCIATION, OFFICE OF COMMUNICATION, UNITED CHURCH OF CHRIST,
INC., AND MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL**

The Independent Spanish Broadcasters Association, the Office of Communication, United Church of Christ, Inc., and the Minority Media and Telecommunications Council (collectively “Petitioners”) respectfully submit these Reply Comments in response to the Further Notice of Proposed Rulemaking issued in the above referenced proceeding.¹

I. The Commission Should Emphatically Reject State Broadcasters’ Premise That Sizeable Groups Of Non-English Speakers Do Not Deserve Reliable And Intelligible Information In An Emergency

Faced with a hurricane, earthquake, nuclear incident or terrorist attack, every person living within our nation’s boundaries needs and deserves to know where to go for emergency information and how to increase the chance of survival and a safe return home. Yet in this most information-rich nation, not everyone enjoys this fundamental right to life and safety during an emergency. During natural disasters and other emergencies, the consequence of lacking fluency in English could mean devastating loss, injury or death.

Developing a more comprehensive method of protecting a greater number of people when they are the most vulnerable is a top priority of this great nation and a top public interest obligation of the nation’s broadcasters. Reasonable people may disagree on the methods to meet

¹ See *Review of the Emergency Alert System*, EB Docket No. 04-296, *First Report and Order and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 18625 (2005).

this imperative need,² but only one group questions the actual need to ensure that such information is provided in a language people can understand. That group is the Named State Broadcasters Associations (State Broadcasters), which includes 37 of the 50 state broadcast associations.

In a section of its comments which (oddly) speaks to “EAS Accessibility by the Disabled,”³ State Broadcasters offers no multilingual broadcasting proposals of its own, and instead questions the need for global multilingual EAS:

First, is the relief necessary? The FCC’s EAS rules already permit a broadcast station to transmit EAS messages and tests in the primary language of the station (emphasis added).

Thus, State Broadcasters would have the Commission regard a state’s EAS plan as acceptable even if a market has no stations broadcasting in the language of tens of thousands of its citizens,⁴ and even if a market’s non-English language stations are knocked off the air in an emergency

² See, e.g., Comments of National Association of Broadcasters (NAB), filed January 24, 2006 (discussed *infra*).

³ See Comments of Named State Broadcasters Associations, filed January 24, 2006, p. 16. A person who doesn’t speak English is not “disabled.” To the contrary, it is Americans’ limited multilingual fluency that disables our ability to defend the homeland, as President Bush has correctly recognized. See U.S. Department of State, Remarks by President Bush to the U.S. University Presidents Summit on International Education, January 5, 2006 (“That makes sense, doesn’t it, to have a language-proficient military - to have people that go into the far reaches of this world and be able to communicate in the villages and towns and rural areas and urban centers, to protect the American people So our short-term strategy is to stay on the offense, and we’ve got to give our troops, our intelligence officers, our diplomats all the tools necessary to succeed. That’s what people in this country expect of our government. They expect us to be wise about how we use our resources And a good use of resources is to encourage foreign language speakers from important regions of the world to come here and teach us how to speak their language.”)

⁴ As of Fall 2005, only 92 radio markets had Spanish language stations. *R&R Today*, February 10, 2006, p. 1. Thus, 204 rated markets do not have Spanish language stations - including Detroit, with over 100,000 Latinos.

and there is no plan for the surviving stations to reach the largest groups of non-English speaking listeners or viewers.⁵

Broadcasters who remain on the air during a disaster should naturally be ready to deliver emergency information to the known limited- or non-English speaking groups that live in their communities. Meeting this obligation would not cost broadcasters a great deal of time or money. This public service obligation would likely be met by simply seeking a capable bilingual employee, or interviewing police officers, firefighters, Red Cross personnel or other civic officials who can deliver the urgent message needed at the time. In a rare moment of grave danger, it hardly seems burdensome to look for someone to say on the air “and now for our large Vietnamese, Russian or Yiddish speaking neighbors we would like address them in their language and give them the same message we just gave you: ‘the entire east side of Houston is being evacuated due to a major explosion and the rupture of a gas main. The police have given orders to evacuate; please obey those instructions immediately, and when you return home, please don’t light the pilot light.’”

We do not believe that this nation’s rank and file broadcasters share State Broadcasters’ sense of burden, indifference or callousness to whether all of their listeners and viewers understand the emergency information that so often spells the difference between life and death.⁶

⁵ That is exactly what happened during Hurricane Katrina. *See* Petitioners’ Comments, filed January 24, 2006, p. 2 (“During Hurricane Katrina and in its immediate aftermath, as many as 300,000 people were without emergency information because they did not speak English fluently and emergency information was unavailable in languages other than English.”) This can cut both ways. Suppose the next hurricane that hits Brownsville, Texas knocks all of the English language stations off the air. Should Brownsville’s Spanish language broadcasters transmit warnings in English? They would – and they should.

⁶ *See, e.g.*, NAB Comments, pp. 13-16, and The Association for Maximum Service Television, Inc. (MSTV) Comments, filed January 24, 2006, p. 10 (expressing support for the Commission’s multilingual broadcasting goals while offering fair questions about methods).

II. The Commission Should Ask Its Hurricane Katrina Independent Panel To Develop A Comprehensive Multilingual EAS Plan

Last month, the Commission created the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (the “Hurricane Katrina Independent Panel”).⁷ The Panel is composed of top-rated experts, including officials of two of the nation’s largest civil rights organizations with hurricane relief programs, the NAACP and LULAC. Petitioners have confidence that if asked to do so, the Panel could evaluate evidence and make recommendations on how an effective multilingual EAS system can be created and configured. Several commenters offered well-considered suggestions the Panel should consider, including:

- Ensuring that state and local governments can receive “adequate funding and strong federal guidance to ensure that all jurisdictions are able to meet the public warning needs and first responders’ needs of their communities, for both English and non-English speakers alike.” NAB Comments, p. 15.
- Using NWR-based Public Alert certified receivers to complement EAS in serving multilingual populations, since these devices “provide an accepted standard for text in English, Spanish and French.” Consumer Electronics Association Comments, filed January 24, 2006, p. 7.
- Ensuring the greater participation of DTV, DAB, digital cable, DBS, and SDARs, and transmitting EAS on all DTV program streams “since EAS messages are too important to risk missing because a person is tuned to the wrong channel.” Rehabilitation Engineering Research Center on Mobile Wireless Technologies for Persons with Disabilities (Wireless RERC) Comments, filed January 23, 2006, p. 4 and n. 2.
- Having “multilingual EAS tracks transmitted within a single EAS alert” by taking advantage of DTV broadcasters’ ability to broadcast multiple audio streams. MSTV Comments, p. 12.
- Adopting a common alerting protocol (CAP) as a “common messaging protocol for a future digitally based alert system.” Wireless RERC Comments, p. 3; *see also* MSTV Comments, pp. 5-6.

⁷ See FCC Public Notice, “Notice of Appointment of Members to Serve on Federal Communications Commission’s Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks,” DA 06-57 (January 12, 2006) (“Katrina Independent Panel Public Notice”)

- Building a wireless EAS platform that would “be an excellent tool to alert non-English speakers...[m]essage templates can be created in advance in multiple languages, and the recipient simply opts in for his or her language of choice.” Airt2me, Inc. Comments, filed January 24, 2006, p. 5; *see also* Cingular Wireless LLC Comments, filed January 24, 2006, pp. 10-11 (enumerating several threshold technical questions in need of resolution before a wireless EAS system is introduced).
- Using, for multilingual communications, an XML-based Internet system that can deliver content “whether or not it is in English, Spanish or any other non-character-based text.” Active Data Exchange, Inc. Comments, filed January 24, 2006, p. 4.
- Conducting a public education campaign to ensure that the general public is “aware about what an EAS alert means.” Wireless RERC Comments, p. 14.

III. The Commission Should Act Expeditiously To Adopt A Multilingual EAS Plan

In just a matter of months, the 2006 hurricane season will be upon us. Now is the time for action to ensure that limited- or non-English speaking persons will have the same access to emergency information as those whose primary language is English. The Katrina Independent Panel will tender its recommendations by June 15, 2006,⁸ and that is a reasonable deadline to resolve the multilingual issue as well.

Consequently, the Commission should direct the Katrina Independent Panel to produce, by June 15, 2006, a multilingual EAS messaging plan that will ensure that in any EAS-level emergency, significant limited- or non-English speaking populations will not again be left out on the cold as to the vital stream of emergency information that could save their lives and those of their neighbors and family members.

⁸ *See* Katrina Independent Panel Public Notice, *supra*.

Respectfully submitted,

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February 22, 2006

CERTIFICATE OF SERVICE

I, David Honig, hereby certify that I have this 22nd day of February 2006 caused a copy of the foregoing "Reply Comments" to be delivered by electronic mail to the following:

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