

# I. The FCC

## A. General Information

The Federal Communications Commission (FCC) was established under the Communications Act of 1934. The FCC is a United States government agency, directly responsible to Congress, which regulates communications by radio, television, wire, satellite, and cable. The FCC's jurisdiction covers the 50 States and territories. As it is the policy of the United States for federal agencies to consider persons with disabilities in their emergency preparedness planning, the FCC is committed to ensuring that people with disabilities have equal access to public warnings. For example:

- The Commission requires all distributors of video programming (including local broadcasters, cable operators and satellite television service providers) that provide emergency information to do so in a format that is accessible to persons with hearing and vision disabilities.
- When emergency information is provided in the audio portion of programming, critical details about the emergency and how to respond must be provided in a visual format, such as closed captioning, open captions, crawls, or scrolls.
- Emergency information provided by crawls, scrolls or other visual means should not block closed captioning, and closed captioning should not block any emergency information provided by crawls, scrolls, or other visual means.
- Emergency information that is provided in the video portion of a regularly scheduled, or unscheduled, newscast must also be made accessible to persons who are blind or have low vision.

- Emergency information provided by means other than closed captioning or video description should not block any closed captioning or video description and vice versa.

The FCC established the Emergency Alert System (EAS) in November of 1994 as a replacement for the Emergency Broadcast System. The Emergency Alert System provides the President (and national, state, and local authorities) with the capability to provide immediate communications and information to the general public at the National, State and Local levels during an emergency. The EAS uses digital technology to distribute messages, providing state and local officials with a new method to quickly send out important local emergency information targeted to a specific area. The information can be sent out through a broadcast station and cable system even if those facilities are unattended. Also, specially equipped consumer products, such as televisions, radios, pagers and other devices, can decode EAS messages. The consumer can program these products to "turn themselves on" for the messages they want to receive.

On August 4<sup>th</sup>, 2004 The Federal Communications Commission issued a Notice of Proposed Rulemaking (NPRM) concerning the Emergency Alert System, seeking comment on how EAS can be improved to be a more effective mechanism for warning the American public of an emergency. The FCC particularly invited comment on how individuals with disabilities can be notified of EAS activation or other emergency alerts by such means.

## **B. Updates on FCC**

### **11/30/05: FCC releases Notice of Proposed Rulemaking**

On November 30<sup>th</sup>, 2005 the FCC released a Notice of Proposed Rulemaking (NPRM) in the matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities - Access to Emergency Services.

Visit the following link to access the 11/30/05 NPRM document;  
[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-05-196A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-196A1.doc)

### **11/3/05: FCC updates EAS rules, also requests further commentary**

On Thursday November 3rd, 2005 the Federal Communications Commission issued its First Report and Order updating existing Emergency Alert Service rules to include providers of digital broadcast and cable TV, digital audio broadcasting, satellite radio and direct broadcast satellite services. All of these entities, except direct broadcast satellite, must adhere to these new requirements by December 31, 2006. Direct broadcast satellite services must comply no later than May 31st, 2007.

The FCC also put forth a Further Notice of Proposed Rulemaking that seeks suggestions as to how the Commission can best help develop a 21st Century alert and warning system that employs both advanced system architecture and common protocols, in order to use digital media to its fullest potential. Also, the Further Notice seeks comment on how a next-generation EAS can more effectively reach individuals with hearing and vision disabilities, as well as non-English speakers.

After the action, each FCC commissioner issued separate statements, which included comments regarding the significance of digital and alternative wireless technologies, the importance of providing timely information during an emergency, and the necessity for ALL Americans to have access to EAS information.

Please visit [www.EmergencyInfoOnline.org](http://www.EmergencyInfoOnline.org) for further updates on the FCC's amendments to the EAS rules.

For FCC's Notice of Proposed Rulemaking site, please visit;  
<http://www.fcc.gov/eb/Orders/2004/FCC-04-189A1.html>

For the FCC Amendments to the EAS Rules, please visit;  
[http://www.fcc.gov/Daily\\_Releases/Daily\\_Digest/2005/dd051104.html](http://www.fcc.gov/Daily_Releases/Daily_Digest/2005/dd051104.html)

**01/05/07: FCC SEEKS COMMENT ON IMPLEMENTATION OF A NATIONWIDE, BROADBAND, INTEROPERABLE PUBLIC SAFETY NETWORK IN THE 700 MHZ BAND**

Washington, D.C. – The FCC has adopted a *Ninth Notice of Proposed Rulemaking* that proposes a national, centralized approach to maximize public safety access to interoperable, broadband spectrum in the 700 MHz band. In addition, the initiative seeks to promote the deployment of advanced broadband applications, related radio technologies, and modern, IP-based system architecture. Specifically, this item proposes that the Commission

- (1) allocate 12 megahertz of the 700 MHz public safety spectrum from wideband to broadband use;
- (2) assign this spectrum nationwide to a single national public safety broadband licensee;
- (3) permit the national public safety broadband licensee also to operate on a secondary basis on the narrowband public safety spectrum in the 700 MHz band;
- (4) permit the licensee to use its assigned spectrum to provide public safety entities with voluntary access to a public safety broadband service on a fee-for-service basis;
- (5) permit the licensee to provide unconditionally preemptible access to its assigned spectrum to commercial service providers on a secondary basis, through leases or in the form of public/private partnerships;
- (6) facilitate the shared use of CMRS infrastructure for the efficient provision of public safety broadband service; and
- (7) establish performance requirements for interoperability, build-out, preemption of commercial access, and system robustness.

The proposals contained in this item are designed to meet the following public safety objectives:

- (1) opportunities for broadband, national, interoperable use of 700 MHz spectrum;
- (2) new sources of funding for the build-out and operation of the national public safety network;
- (3) economies of scale and scope in production and competition in supply to maximize cost effectiveness;

- (4) efficient spectrum use;
- (5) network robustness and survivability; and
- (6) flexible, modern IP-based wireless system architecture.

This *Ninth Notice of Proposed Rulemaking* seeks comment generally on the above proposals or alternatives, as well as on spectrum leasing and Section 337 issues.

Public Safety and Homeland Security Bureau Contact: Jeff Cohen (202) 418-0799, [jeff.cohen@fcc.gov](mailto:jeff.cohen@fcc.gov).

For more information about contacting the FCC, visit:  
<http://www.fcc.gov/contacts.html>

### **C. EAS State Plans**

ALABAMA	<a href="http://www.sbe.org/eas/aleascvr.html">http://www.sbe.org/eas/aleascvr.html</a>
ALASKA	<a href="http://www.ak-prepared.com/IMAWS/easplan.htm">http://www.ak-prepared.com/IMAWS/easplan.htm</a>
ARIZONA	<a href="http://www.azbroadcasters.org/media/ArizonaStateEASPlan.pdf">http://www.azbroadcasters.org/media/ArizonaStateEASPlan.pdf</a>
CALIFORNIA	<a href="http://eas.oes.ca.gov">http://eas.oes.ca.gov</a>
CONNECTICUT	<a href="http://www.ctba.org/emergency/index.html">http://www.ctba.org/emergency/index.html</a>
COLORADO	<a href="http://www.startcolorado.com/eas/">http://www.startcolorado.com/eas/</a>
DC	<a href="http://www.sbe37.org/html/eas2.html">http://www.sbe37.org/html/eas2.html</a>
FLORIDA	<a href="http://www.floridadisaster.org/bpr/EMTOOLS/Warning/eas.htm">http://www.floridadisaster.org/bpr/EMTOOLS/Warning/eas.htm</a>
HAWAII	<a href="http://www.scd.hawaii.gov/EAS_Plan.pdf">http://www.scd.hawaii.gov/EAS_Plan.pdf</a>
IDAHO	<a href="http://www.bhs.idaho.gov/bhslibrary/eas_stateplan-rev7b.pdf">http://www.bhs.idaho.gov/bhslibrary/eas_stateplan-rev7b.pdf</a>

KANSAS [http://www.accesskansas.org/kdem/pdf/commissions/eas\\_1998plan.pdf](http://www.accesskansas.org/kdem/pdf/commissions/eas_1998plan.pdf)

ILLINOIS [http://www.ilba.org/downloads/FCC/IL\\_2005\\_EAS\\_PLAN.pdf](http://www.ilba.org/downloads/FCC/IL_2005_EAS_PLAN.pdf)

INDIANA <http://www.wndu.com/eas/>

LOUISIANA <http://www.laeas.org/>

MAINE <http://www.mab.org/absolutenm/templates/?a=75&z=8>

MASSACHUSETTS <http://www.massbroadcasters.org/>

MICHIGAN <http://www.michmab.com/eas.html>

MINNESOTA <http://www.hsem.state.mn.us/uploadedfile/easplan.pdf>

MISSISSIPPI <http://www.msbroadcasters.org/home.html>

NEBRASKA <http://www.radiostation.com/sbe74/NE-EAS-PLAN.pdf>

NEVADA <http://www.nevadabroadcasters.com/mainfiles/amber.shtml>

NEW JERSEY <http://www.njsecc.net/>

NEW HAMPSHIRE <http://www.nhoem.state.nh.us/Mitigation/Capability.shtm>

NEW MEXICO [http://www.sbe34.org/EAS/NM\\_EASPLAN.PDF](http://www.sbe34.org/EAS/NM_EASPLAN.PDF)

NORTH CAROLINA <http://www.ncbroadcast.com/2005eas.pdf>

OHIO <http://www.sbe33.org/eas.html>

OKLAHOMA <http://www.oabok.org/index.html>

OREGON [http://www.broadcast.net/~sbe124/or\\_eas/or\\_plan.html](http://www.broadcast.net/~sbe124/or_eas/or_plan.html)

PENNSYLVANIA [http://www.pema.state.pa.us/pema/cwp/browse.asp?a=586&C=45242&pemaNav=#EAS%20Operational Plans](http://www.pema.state.pa.us/pema/cwp/browse.asp?a=586&C=45242&pemaNav=#EAS%20Operational%20Plans)

TEXAS <http://www.tab.org/>

TENNESSEE <http://www.tabtn.org/>

VERMONT [http://www.dps.state.vt.us/vem/EAS\\_PLAN\\_vt.PDF](http://www.dps.state.vt.us/vem/EAS_PLAN_vt.PDF)

VIRGINIA <http://www.jmu.edu/wmra/eas/vaplan.html>

WASHINGTON <http://www.wsab.org/eas/eas.html>

WISCONSIN <http://www.sbe24.org/eas/>

WYOMING <http://www.wyomingbroadcasting.org/>

More state's plans will be listed as the information becomes available.

**D. How to file a complaint if you believe that FCC requirements are not being complied with**

If you think that the FCC Emergency Alert System regulations are not being complied with, you may complain to the FCC. The FCC may take enforcement action if it determines that a violation of the rules has occurred. Your complaint should include.

- The name of the video programming distributor (and cable or satellite distributors, if applicable) against whom the complaint is alleged;
- The date and time of the omission of emergency information; and
- The type of emergency.

You may contact the FCC by letter, facsimile transmission, telephone (voice/TRS/TTY), Internet, e-mail, audio cassette recording, or Braille. Send your complaint to:

Federal Communications Commission

Consumer & Governmental Affairs Bureau

445 12th Street, SW

Washington, DC 20554

Phone: 1-888-225-5322 (voice); 1-888-835-5322 (TTY)

E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

Internet: <http://www.fcc.gov/cgb/complaints.html>

Fax: 202-418-0232

The FCC will notify the video programming distributor of the complaint, and the distributor will reply to the complaint within 30 days. Based on the information in the complaint and the response, and any other information the FCC may request from either party, the FCC will make its decision and take the appropriate action.

To learn more about the FCC's requirements for access to televised emergency programming, visit the Consumer & Governmental Affairs Bureau's Web site at [www.fcc.gov/cgb](http://www.fcc.gov/cgb).

## **E. FCC Links**

### **FCC Homepage**

**<http://www.fcc.gov/>**

### **The Emergency Alert System**

**<http://www.fcc.gov/cgb/consumerfacts/eas.html>**



## **Disability Information**

**<http://www.fcc.gov/cgb/dro>**

## **Accessibility of Emergency Video Programming To Persons With Hearing and Visual Disabilities**

**<http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html>**

## **Communicating During Emergencies**

**<http://www.fcc.gov/cgb/consumerfacts/emergencies.html>**

## **Closed Captioning**

**<http://ftp.fcc.gov/cgb/consumerfacts/closedcaption.html>**

## **Accessibility of Digital Wireless Phones to Individuals with Hearing Disabilities**

**<http://www.fcc.gov/cgb/consumerfacts/accessiblewireless.html>**

## **Section 255: Telecommunications Access For People With Disabilities**

**<http://www.fcc.gov/cgb/consumerfacts/section255.html>**

## **Filing Comments with the FCC**

**<http://wireless.fcc.gov/csinfo/comments.html>**

## **F. FCC Accessibility Resources**

This heading contains additional information regarding the FCC and accessibility. It may also contain content that can be found elsewhere on this site. These accessibility resources have been gathered together, in this separate section, to provide easy availability to those for whom accessibility is a foremost concern.

### **1. The American Foundation for the Blind's Comments to the FCC**

**<http://www.afb.org/Section.asp?SectionID=3&TopicID=156&DocumentID=1983>**

AFB's Comments to the FCC about Digital Broadcast Copy Protection with regard to "Access Issues for People Who Are Blind or Visually Impaired.

## **2. Disability Rights Office Homepage**

<http://www.fcc.gov/cgb/dro/>

The Consumer & Governmental Affairs Bureau (CGB) develops and implements the FCC's consumer policies, including disability access, CGB's Disability Rights Office (DRO) addresses disability-related telecommunications matters. DRO also provides expert advice on issues relevant to persons with disabilities. DRO initiates rulemakings, where appropriate, for the development of disability policy to support the FCC's goal of increasing accessibility of communications services and technologies for persons with disabilities.

## **3. Accessibility of programming providing emergency information**

[http://www.fcc.gov/cgb/dro/emergency\\_info\\_regs.html](http://www.fcc.gov/cgb/dro/emergency_info_regs.html)

The FCC's current rules and regulations, regarding the accessibility of programming that is providing emergency information.

## **4. Accessibility of Emergency Video Programming to Persons with Hearing and Visual Disabilities Fact sheet**

<http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html>

Fact sheet provides information including: What qualifies as an emergency? How does emergency information need to be made accessible? What information about the emergency must be provided?

## **5. FCC Fact Sheet on Closed Captioning**

<http://ftp.fcc.gov/cgb/consumerfacts/closedcaption.html>

**6. Accessibility of Wireless Phones Fact Sheet**

<http://www.fcc.gov/cgb/consumerfacts/accessiblewireless.html>

**7. Telecommunications Access For People With Disabilities Fact Sheet**

<http://www.fcc.gov/cgb/consumerfacts/section255.html>