Broadcast LAW BLOG



Last Minute Thoughts on Nationwide EAS Test - Filling Out the Forms, Be Careful About Post-Event News Coverage

November 8, 2011 by David Oxenford

Tomorrow (November 9) will be the first ever **Nationwide test of the Emergency Alert System**, and last minute questions and issues continue to come in. One caution relayed to us from a very experienced broadcast technical consultant concerns **post-test news coverage**. This consultant surmises, probably accurately, that news reports, and perhaps comedy writers, will want to do bits about the test, and may be tempted to use a recording of the test itself in their on-air programs. As we wrote several months ago, if your station broadcasts the EAS tones in any such story or comedy bit, the tones will trigger the EAS monitoring system of any station down the 'daisy chain" line, and thus the emergency information associated with these tones (in this case a national emergency) could end up being broadcast on other stations. The broadcast of the EAS tones where there is no real emergency is a violation of the FCC's rules - so warn your on-air staff now to avoid any use of the real tones in post-alert broadcasts.

Second, there have been many questions about the forms to be used to report on the tests. The instructions to the on-line forms have been posted (here), even though only Form 1 is still the only form available (not Form 3, which will actually report the results of the test, and which will apparently form the basis of the paper form that stations can file if decide not to file electronically). The instructions make clear several points. This includes the fact that each fullpower station should file a separate report, even if they are commonly owned and operate from a common studio with common EAS equipment. The Instructions also suggest that the FCC would like to get information about translators, boosters and other secondary stations that carry the test, so that the FCC can get a complete picture as to how far the test was disseminated. While the instructions suggest that information about the translators can be filed in a separate paper filing (and that information about translators is apparently a request, rather than an order), they do indicate that some reference to that filing should be made. presumably in a comment section in the as yet unavailable Form 3. So look carefully at these instructions, so that you can be ready to supply the information requested by the FCC by the December 27 filing deadline. For more information about the test, see our previous posts here and here.

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