



Federal Communications Commission  
Washington, D.C. 20554

August 15, 2017

DA 17-770

## Small Entity Compliance Guide

### **Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief; Randy Gehman Petition for Rulemaking**

FCC 16-32  
EB Docket No. 04-296  
Released March 30, 2016

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket. This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. As a result, in any civil or administrative action against a small entity for a violation of a rule or rules, the content of the Small Entity Compliance Guide may be considered only as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
Fax: 1-866-418-0232

## **I. Objectives of the Proceeding**

In 2005, the Independent Spanish Broadcasters Association (ISBA), the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council (MMTC) (collectively, Petitioners) jointly filed a Petition for Immediate Interim Relief (Petition).<sup>1</sup> The Petition proposed certain revisions to the Commission's Emergency Alert System (EAS) rules to "provide for the dissemination of multilingual local, state and national emergency information via the EAS."<sup>2</sup> The Commission subsequently sought comment on the Petition on several occasions, asking, among other things, how the Petition's proposals could be implemented and inviting comment on any other proposals regarding how best to provide alerts to non-English speakers.<sup>3</sup>

On March 23, 2016, the Commission adopted an *Order* in this docket, which resolved the Petition, and revised the Commission's Part 11 EAS regulations to establish certain reporting requirements applicable to EAS Participants and State Emergency Communications Committees (SECCs).<sup>4</sup> These reporting requirements were designed to ensure that the Commission has sufficient and accurate information on any existing and planned multilingual EAS alerting activities at the state, local and EAS Participant levels.<sup>5</sup>

## **II. Compliance Requirements**

The requirements adopted in the *Order* are as follows:

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<sup>1</sup> The Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Interim Relief, EB Docket 04-296 (filed Sept. 22, 2005) (Petition). We note that MMTC is now called The Multicultural, Media, Telecom and Internet Council.

<sup>2</sup> Petition at 2.

<sup>3</sup> *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, 18657-58, para. 81 (2005) (*First Report and Order and Further Notice of Proposed Rulemaking*); *Review of the Emergency Alert System; Independent Spanish Broadcasters Association, The Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief, Second Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 13275, 13295 para. 41, 13306-07 para. 72 (2007) (*Second Report and Order*); *Public Notice, Comment Requested To Refresh The Record In EB Docket No. 04-296, On Petition Filed By The Minority Media And Telecommunications Council Proposing Changes To Emergency Alert System (EAS) Rules To Support Multilingual EAS And Emergency Information*, 29 FCC Rcd 2682 (PSHSB 2014) (*2014 Public Notice*).

<sup>4</sup> *Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief; Randy Gehman Petition for Rulemaking*, EB Docket No. 04-296, Order, 31 FCC Rcd 2414 (2016) (*Order*), *pet. for review pending sub nom MMTC v. FCC No. 16-1222* (D.C. Cir. filed July 1, 2016).

<sup>5</sup> *See Order*, 31 FCC Rcd at 2425-26, paras. 21-23.

First, EAS Participants must provide the following information to their respective SECCs on or by November 6, 2017:<sup>6</sup>

- A description of any actions taken by the EAS Participant (acting individually, in conjunction with other EAS Participants in the geographic area, and/or in consultation with state and local emergency authorities), to make EAS alert content available in languages other than English to its non-English speaking audience(s) (47 C.F.R. § 11.21(d)(i)); and
- A description of any future actions planned by the EAS Participant, in consultation with state and local emergency authorities, to provide EAS alert content in languages other than English to its non-English speaking audience(s), along with an explanation for the EAS Participant's decision to plan or not plan such actions (47 C.F.R. § 11.21(d)(ii)).

Second, SECCs must, on or by May 4, 2018, provide a summary of such information received from EAS Participants as an amendment to or as otherwise included as part of the State EAS Plan they administer (47 C.F.R. § 11.21(e); 81 Fed. Reg. 76515-01).

Third, with respect to the multilingual information that EAS Participants are required to report (but not with respect to multilingual information that may be voluntarily submitted), EAS Participants must, within 60 days of any material change to such information they have reported, submit letters describing such change to both their respective SECCs and the Chief of the Public Safety and Homeland Security Bureau. Such letters received by the Bureau will be considered amendments to the State EAS Plans on file with the Bureau (47 C.F.R. § 11.21(f)).

### **III. Recordkeeping Requirements**

Beyond those described above, the Commission did not create any new reporting, recordkeeping or compliance requirements.

#### *Optional Reporting by EAS Participants*

In addition to the foregoing, EAS Participants may, but are not required to, provide the following information to their respective SECCs:

- Any other relevant information that the EAS Participant may wish to provide, including state-specific demographics on languages other than English spoken within the state, and identification of resources used or necessary to originate

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<sup>6</sup> See 47 C.F.R. § 11.21(d); Federal Communications Commission, Amendment of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief, Final Rule; Announcement of Effective Date; 81 Fed. Reg. 76515-01 (Nov. 3, 2016).

current or proposed multilingual EAS alert content (47 C.F.R. § 11.21(d)(iii)). Such information might include, for example, pilot projects or other initiatives that involve translation technologies or other innovative approaches to providing non-English alerts and emergency information to the public.<sup>7</sup>

*Steps that an EAS Participant (Including those that are Small Entities) May Take to Comply with the New Rules*

EAS Participants, including those that are small entities, may comply with the new rules described herein by following these steps:

- Step one: prepare a written description of any multilingual EAS-related actions taken by the EAS Participant (acting individually, in conjunction with other EAS Participants in the geographic area, and/or in consultation with state and local emergency authorities) to make EAS alert content available in languages other than English to its non-English speaking audience(s). If no such actions are being taken, indicate as much in the description and explain why.

Include in the description any future actions planned by the EAS Participant, in consultation with state and local emergency authorities, to provide EAS alert content in languages other than English to its non-English speaking audience(s), along with an explanation for the EAS Participant's decision to plan or not plan such actions.

The EAS Participant may also include in its description any other relevant information that the EAS Participant desires to include, such as state-specific demographics on languages other than English spoken within the state, but inclusion of such information is purely voluntary.

- Step two: submit the description of multilingual activities to the SECC that administers the State EAS Plan covering the geographic area in which the EAS Participant is located. An Internet link to a listing of SECC Chairpersons is supplied below.
- Step three: notify the SECC and FCC of any material changes that occur with respect to the multilingual information that was required to be reported (but not with respect to multilingual information that the EAS Participant may have voluntarily included in its description). Specifically, within 60 days of a material change to such information they have reported, submit letters describing such change to both the SECC and the Chief, Public Safety and Homeland Security Bureau.

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<sup>7</sup> See Order at 2426, para. 22.

#### IV. Internet Links

- A copy of the *Order* is available at: [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-16-32A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-32A1.pdf)
- A copy of the Federal Register publication of the *Order* summary is available at: <https://www.gpo.gov/fdsys/pkg/FR-2016-05-06/pdf/2016-09059.pdf>
- A copy of the Federal Register Summary of OMB Approval of the *Order's* Information Collection Requirements: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-03/pdf/2016-26555.pdf>
- SECC Chairpersons and State EAS Plans: <https://www.fcc.gov/public-safety-and-homeland-security/policy-and-licensing-division/alerting/general/state-eas-plans>