



To All Clients

November 17, 2005

EMERGENCY ALERT SYSTEM REQUIREMENTS EXTENDED TO DIGITAL BROADCAST TECHNOLOGIES; FCC SEEKS COMMENTS ON EXPANDED DISTRIBUTION OF STATE AND LOCAL ANNOUNCEMENTS

The FCC has extended the Emergency Alert System requirements to digital television and radio, digital cable television, direct broadcast satellite television and satellite digital radio services to make the system more pervasive among different technologies, particularly emerging digital technologies. The national EAS rules will apply to digital television and radio, digital cable, and satellite radio beginning December 31, 2006, and to direct broadcast satellite beginning May 31, 2007.

As of the effective date of the new rules, all broadcast, cable and satellite television providers, whether analog or digital, will be required to participate in national EAS activations. EAS messages must be carried on every program stream.

Participation in state or local EAS activations will remain voluntary. The FCC encourages satellite digital radio licensees to develop and implement a distribution system that includes the ability to receive state and local EAS alerts and to disseminate those alerts on local traffic and weather channels offered by satellite digital radio licensees. The FCC will require satellite digital radio licensees and direct broadcast satellite providers to inform their subscribers which channels will be capable of supplying state and local EAS alerts.

The FCC also initiated a rulemaking proceeding to consider changes to the EAS

rules in light of continuing technological developments. In particular, the FCC requested comments on the following questions:

- whether EAS messages should be distributed directly to media outlets rather than through the current EAS distribution system;
- whether a satellite-based system should be used;
- whether EAS messages should be distributed over the Internet;
- whether a common messaging protocol should be adopted;
- whether EAS participants should be required to transmit EAS messages issued by the Governors of the States in which they provide service and whether direct broadcast satellite and satellite digital radio providers should be required to deliver state and local EAS messages, given their authorized non-local, national-focused programming;
- whether wireless telephone companies should be required to deliver EAS messages;
- whether telephone companies that offer high definition digital content to customers' homes through fiber optic connections should be required to provide EAS alerts;
- how EAS alerts can be made more accessible to persons with disabilities; and

- whether current methods of providing alerts and warnings to non-English speaking persons are adequate.

The deadline for filing comments in this proceeding is 60 days after publication of the FCC's order in the Federal Register,

which our firm will monitor. Please let us know if you have any interest in participating in the rulemaking proceeding.

Leventhal Senter & Lerman PLLC

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired.
To discuss any of the issues presented here, please contact any attorney in our office.