

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System)	PS Docket No. 15-94
)	
Wireless Emergency Alerts)	PS Docket No. 15-91
)	

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these comments in response to the Notice of Proposed Rulemaking (*Notice*) in the above-captioned proceedings, in which the Commission proposes to add a new event code for Missing and Endangered Persons (MEP) to the Emergency Alert System (EAS).¹ NCTA’s members are active participants in EAS and provide tens of thousands of alert messages each year to cable subscribers nationwide. NCTA’s members support efforts to improve and enhance EAS and do not oppose adoption of an MEP event code, which could help facilitate rapid dissemination of critical information regarding missing and endangered persons. In these comments, we highlight a few steps the Commission should take to maximize the effectiveness of an MEP event code.

As the Commission is aware, there is only one existing EAS event code that specifically pertains to missing persons—Child Abduction Emergency (CAE), the event code for missing and endangered children alerts, also known as AMBER Alerts. For emergencies concerning missing persons who do not meet the AMBER Alert criteria, alert originators currently use a

¹ See *Wireless Emergency Alerts; Amendment of Part 11 of the Commission’s Rules Regarding Emergency Alert*, Notice of Proposed Rulemaking, FCC 24-30, PS Docket Nos. 15-91 & 15-94 (rel. Mar. 15, 2024) (*Notice*).

variety of other event codes that are not specific to missing persons emergencies.² Recognizing the gap in emergency communications support for missing adults, Congress in 2018 passed the Ashanti Alert Act.³ The Act requires the Department of Justice (DOJ) to establish a national communications network in coordination with state, local, and tribal entities to help facilitate regional and local search efforts for missing adults.⁴

Consistent with the Ashanti Alert Act, the Commission now proposes to adopt a new MEP event code specifically for missing and endangered person incidents. EAS equipment manufacturers would be required to integrate the MEP event code into equipment yet to be manufactured and make necessary software upgrades available to EAS Participants no later than twelve months from the effective date of the rules.⁵ NCTA members agree that the new code could help facilitate the delivery of alerts regarding missing adults in a uniform and consistent manner, and therefore do not oppose its adoption. Should the Commission move forward, NCTA recommends the following actions to help ensure successful implementation of the MEP event code.

First, as proposed in the *Notice*, the Commission should allow EAS Participants to implement the new event code on a voluntary basis by installing new equipment programmed to contain the MEP code or through a software upgrade to install the code into equipment already in

² *See id.* ¶ 13.

³ *See id.* ¶ 6; Department of Justice, Fact Sheet, *National Ashanti Alert Network* (July 2020) bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/National-Ashanti-Alert-Network-Fact-Sheet.pdf.

⁴ The Ashanti Alert Act also requires the DOJ to coordinate its efforts with other missing person alert systems already in existence, such as the Silver Alert communications network. Silver Alerts pertain to missing adults over the age of 65. This alert does not have a dedicated event code and is not used in all states.

⁵ *Notice* ¶ 28.

place.⁶ This is consistent with the voluntary nature of non-Presidential emergency alerts and is appropriate for incorporating the new code into the EAS rules.

However, while the *Notice* correctly proposes a flexible and voluntary approach to implementation, we note that it underestimates the time and engineering effort required to deploy a new EAS code. For NCTA’s members, the assumption that “new alert codes could be implemented by EAS Participants via minimally burdensome and low-cost software downloads” is an oversimplification, and the Commission’s estimate that this process will not exceed five hours of labor for each EAS Participant is off by orders of magnitude.⁷ As NCTA explained in the Commission’s EAS multilingual rulemaking proceeding, cable EAS architecture is highly complex and operators exercise great care in testing new software and/or deploying new equipment on a wide-scale basis in their systems.⁸ In fact, the Commission has acknowledged that this meticulous process is critical to ensuring the quality and integrity of emergency notifications.⁹

The same is true in this instance. Full implementation of the new MEP code will require operators not only to download and install software in each of their EAS encoder/decoders, but also to test the new software on a variety of downstream devices, operating systems, and signaling formats and protocols in their video distribution systems end-to-end. *This process takes*

⁶ *Id.* ¶ 29.

⁷ *Id.* ¶ 34.

⁸ See Comments of NCTA – The Internet & Television Association, PS Docket No. 15-94, at 3-4 (filed Apr. 8, 2024) (detailing the complexities of cable EAS architecture and alert delivery methodologies).

⁹ See, e.g., *Review of the Emergency Alert System*, Sixth Report and Order, 30 FCC Rcd. 6520, 6521 ¶ 55 (noting that the Commission’s goal in EAS rulemakings “is to ensure that the EAS is efficient and secure,” “acknowledg[ing] that this goal would not be furthered by requiring any EAS Participant to short circuit their testing process for new rules,” and accordingly granting EAS Participants one year to come into compliance with new National Periodic Test event code requirements).

weeks to months, not a few hours as the Notice suggests. We urge the Commission to take notice of this process as necessary to ensure the successful deployment of the MEP event code across cable operators' national footprints.

Second, the Commission should strongly encourage state, local, and tribal officials to establish clear guidelines for use of the adopted MEP code, to guard against potential overuse for non-emergency situations. Issuance of MEP alerts in non-emergency situations or without sufficient information for the public to assist in recovery efforts risks desensitizing the public to the significance of emergency alerts and would be detrimental to the alerting system.

Last, to the extent the MEP code is used to distribute Ashanti Alerts, the Commission should make clear that cable EAS Participants may deliver the alerts to all subscribers served by their cable headend(s) in the relevant alerting area, as is currently the case for all other alerts.¹⁰ Such delivery is consistent with the Ashanti Alert Act, which requires that the alerts be “limited to the geographic areas that the missing adult could reasonably reach” to the “extent practicable,”¹¹ and with the complex automated process through which cable operators deliver alerts.

* * *

NCTA's members are strongly committed to delivering emergency information to cable subscribers and are proud of the cable industry's ongoing efforts to help ensure that consumers receive relevant emergency and public safety information through EAS. Should the Commission adopt a new MEP event code, it should take the steps discussed above to ensure the code's efficacy and successful deployment.

¹⁰ See Notice ¶ 19 (seeking comment on the geotargeting requirement in the Ashanti Alert Act).

¹¹ 34 U.S.C. § 21904(b)(2).

Respectfully submitted,

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