pillsbury Antenna™
AN UPDATE ON COMMUNICATIONS LAW & ISSUES
December 2021

Stay Denied for Foreign Sponsorship ID Rule

The FCC's Media Bureau has rejected broadcasters' request for a stay of a *Report and Order* (FCC 21-42) adopted by the FCC in April in Docket 20-299 that requires on-air disclosures when a station broadcasts certain programming provided by a foreign government entity. The Bureau's *Order Denying Stay Petition* (DA 21-1518) responded to *Petition for Stay Pending Judicial Review* filed in September jointly by the National Association of Broadcasters, the Multicultural Media, Telecom and Internet Council, and the National Association of Black Owned Broadcasters. The petitioners have asked the U.S. Circuit Court of Appeals for the D.C. Circuit to review the *Report and Order*.

To succeed on a request for a stay, the petitioners must demonstrate that: (1) they are likely to prevail on the merits; (2) they will suffer irreparable harm absent the grant of preliminary relief; (3) other parties will not be harmed if the

continued on page 5

Settlement Window Open for NCE Mutually Exclusive Groups

The FCC's Media Bureau has begun processing the 1,282 applications for new noncommercial FM stations that were filed during the November filing window. The Bureau has released a *Public Notice* (DA 21-1476) to report on the event, explain future steps, and instruct applicants in the mutually exclusive groups how to resolve their conflicts. There are 231 mutually exclusive groups comprising 883 applications. Many applications not involved in mutually exclusive circumstances with another application (known as singletons) have been already been accepted for filing, meaning that they have passed a preliminary review by FCC staff. Publication of the notice that an application has been accepted for filing triggers the beginning of a 30-day period for the filing of petitions to deny the application.

The Media Bureau opened a 60-day window for mutually exclusive applicants to negotiate settlements and/or file

continued on page 4

Clarifications Proposed for Video EAS Test

The FCC has proposed adopting a standard script for the video portion of the alert message during a nationwide test of the Emergency Alert System ("EAS") in a *Notice of Proposed Rulemaking* (FCC 21-125) in Docket 15-94. The Commission states that it intends this rule amendment to improve the clarity of the visual message associated with nationwide EAS tests so that it will be more easily accessible for members of the public who are unable to hear the test's audio message. The Commission also proposes to change the definition for the nationwide EAS test event code ("NPT") from "National Periodic Test" to "Nationwide Test of the Emergency Alert System," so that the visual message constructed for Common Alerting Protocol (CAP)-formatted nationwide EAS tests is clearer.

The traditional method for distributing alerts to broadcast stations is the transmission from one EAS broadcast participant to another following a matrix of monitoring assignments set forth in state EAS plans. The header codes

continued on page 7

IN THIS ISSUE

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EAS 'Stunt' to Cost $20K

The FCC's Enforcement Bureau is proposing a $20,000 forfeiture against KDWN(AM), Las Vegas, Nevada, for the broadcast of Emergency Alert System ("EAS") attention signals in the absence of an actual emergency, an authorized test, or a qualified public service announcement ("PSA"). The Bureau's action comes in the form of a *Notice of Apparent Liability for Forfeiture* (DA 21-1353). KDWN is owned by Beasley Media Group Licenses, LLC.

On October 7, 2020, the FCC received a complaint alleging that KDWN had aired EAS tones (or a simulation of them) on September 26 during *The Doug Basham Radio Show*. The Enforcement Bureau issued a Letter of Inquiry on January 5, 2021. In its response, Beasley admitted that the EAS tones had been broadcast and it submitted an audio clip of the show that appeared to contain portions of an EAS Attention Signal. Beasley further admitted that at the time of broadcast, there was no actual emergency or authorized test, nor was the broadcast part of a permissible PSA about the EAS. Beasley's response included copies of emails from the station's master control operator, the station's program director, and the vice president/market manager, all admitting that the EAS signal had been broadcast.

According to the Bureau's narrative description, *The Doug Basham Radio Show* is a talk program broadcast as a paid programming block purchased by Doug Basham. The program airs live on KDWN with recorded audio clips produced and provided by Basham. The EAS signal was in the content provided by Basham. Immediately upon hearing the EAS signal on the air, the KDWN board operator informed Basham that his content was impermissible, and also immediately informed station management. In a subsequent email, Basham said that he used the EAS tones as a "stunt."

On this evidence, the Enforcement Bureau concluded that Beasley apparently willfully violated Section 11.45(a) of the FCC's Rules. This rule prohibits the broadcast of the EAS attention signal other than during an actual emergency, an authorized test, or certain informational programming intended to educate the public about the EAS. The FCC has previously imposed $8,000 as the base forfeiture for violations of Section 11.45(a). In proposing a fine, the Commission has the discretion to adjust the base amount, taking into account the facts of the particular case.

The most significant factor considered by the Enforcement Bureau in this case was the potential audience reach of the illicit EAS broadcast. KDWN is rebroadcast on Beasley's FM station, KKLZ-HD2, which in turn is rebroadcast on FM translator station K268CS. These stations collectively cover Las Vegas, a top-50 radio market. The Bureau said that the potential harm that could be caused by the errant broadcast was magnified by the potential reach in such a large market. The Bureau therefore concluded that an upward adjustment of the proposed forfeiture from $8,000 to $20,000 was warranted.

Beasley has 30 days in which to petition for the reduction or cancellation of the proposed forfeiture.

Audio Description Requirement Comes to Markets 71-80

As of January 1, 2022, certain television stations in markets 71 through 80 will be subject to the mandate to transmit a minimum amount of television programming that includes audio description. In 2020, the FCC amended Section 79.3 of its rules to require certain stations to implement audio description in a Report and Order (FCC 20-155) in Docket 11-43. This is an element of the FCC's implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010. This law authorized the Commission to phase in description requirements in up to 10 new markets each year if the costs for program owners, providers, and distributors are reasonable, with the option to grant waivers to entities in specific markets if appropriate.

The description process makes video programming more accessible to visually impaired members of the audience by inserting audio-narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue. This narration is typically provided on the secondary audio channel.

Currently, each of the commercial television stations in the 70 largest markets affiliated with one of the top four television networks (ABC, CBS, Fox, and NBC) is required to provide at least 50 hours of audio-described programming per calendar quarter during prime time or during children's programming, and an additional 37.5 hours per calendar quarter at any time between 6 a.m. and midnight.

Consistent with the statutory schedule, these requirements for the affiliates of these networks are scheduled to become effective in the smaller market as follows: markets 71-80 – January 1, 2022; markets 81-90 – January 1, 2023; and markets 91-100 – January 1, 2024.

Television markets ranked 71 to 80 are: Omaha; Wichita-Hutchinson; Springfield, Missouri; Charleston-Huntington; Columbia, South Carolina; Rochester, New York; Flint-Saginaw-Bay City; Huntsville-Decatur; Portland-Auburn; and Toledo.

DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

December 1	Deadline to file license renewal applications for radio stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island,** and **Vermont**, and television stations in **Colorado, Minnesota, Montana, North Dakota,** and **South Dakota**.
December 1	Deadline to place EEO Public File Report in Public Inspection File and on station's Internet website for all nonexempt radio and television stations in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota,** and **Vermont**.
December 1	Deadline for all broadcast licensees and permittees of stations in **Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota,** and **Vermont** to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).
December 1	Deadline for television stations that provided ancillary or supplementary services during the 12-month period ending September 30, 2021, to file annual Ancillary/Supplementary Services Report.
December 1	Deadline for all full power radio, and full power, low power, and Class A television stations to file Biennial Ownership Report with snapshot date of October 1, 2021.
December	Radio stations in **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island,** and **Vermont**, and television stations in **Colorado, Minnesota, Montana, North Dakota**, and **South Dakota** begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.
January 10	Deadline to place quarterly Issues/Programs List in Public Inspection File for all full service radio and television stations and Class A TV stations.
January 10	Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.
January 10	Deadline for Class A TV stations to place certification of continuing eligibility for Class A status in Public Inspection File.
January 31	Deadline for Children's Television Programming Reports for all full power and Class A television stations for 2021.
February 1	Deadline to file license renewal applications for radio stations in **New Jersey** and **New York**, and television stations in **Kansas, Nebraska**, and **Oklahoma**.
February 1	Deadline to place EEO Public File Report in Public Inspection File and on station's Internet website for all nonexempt radio and television stations in **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York**, and **Oklahoma**.
February 1	Deadline for all broadcast licensees and permittees of stations in **Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York**, and **Oklahoma** to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).
February	Radio stations in **New Jersey** and **New York**, and television stations in **Kansas, Nebraska**, and **Oklahoma** begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.

SETTLEMENT WINDOW FOR GROUPS OF MUTUALLY-EXCLUSIVE NONCOMMERCIAL FM APPLICATIONS CLOSES

JANUARY 28, 2022

DEADLINES TO WATCH

Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Docket 21-346; NPRM (FCC 21-99) Network resiliency	December 16	January 14
Docket 21-449; Public Notice (DA 2-1444) Full power TV Auction 112		December 23
Docket 21-422; NPRM (FCC 21-117) Computer modeling for FM directional antennas	December 30	January 14
Docket 16-142; 2nd FNPRM (FCC 21-116) Multicasting in Next Gen TV	February 11	March 14
Docket 15-94; NPRM (FCC 21-125) Video EAS messages	FR+30	FR+45
Docket 15-94; NOI (FCC 21-125) Improving legacy EAS	FR+60	FR+90

FR+N means the filing deadline is N days after publication of notice of the proceeding in the Federal Register.

Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
Requests for Special Temporary Authorizations	Feb. 14
Equipment performance tests	Feb. 14

Lowest Unit Charge Schedule for 2022 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. A lowest-unit-charge period is imminent in the following state.

STATE	ELECTION EVENT	DATE	LUC PERIOD
Texas	State Primary	March 1	Jan. 15 - Mar. 1

Settlement Window Open for NCE Mutually Exclusive Groups *continued from page 1*

minor technical amendments to free themselves from the mutually exclusive group. Elements of a settlement can include technical amendments and/or dismissals, with or without compensation. Unilateral amendments and settlements among multiple applicants must result in at least one singleton application that is no longer in conflict with other applications. Acceptable amendments must be technical minor changes and must not create a new overlap with another application or increase an existing overlap. It is permissible to compensate a dismissing applicant with a monetary payment not exceeding the applicant's legitimate and prudent expenses. The settlement agreement must be in writing and submitted to the FCC for approval.

The 60-day window will close on January 28. The FCC will not render decisions about mutually exclusive groups until that date. The Bureau states that after January 28, it will expedite processing of all complete and rule-compliant settlement agreements and technical amendments. If parties are continuing to negotiate settlements after January 28, they can inform the Media Bureau and ask the staff to continue withholding further comparative processing on such cases.

Stay Denied for Foreign Sponsorship ID Rule *continued from page 1*

stay is granted; and (4) the public interest would favor grant of the stay. The Media Bureau was not persuaded on any of these points.

In the *Report and Order*, the Commission amended Section 73.1212 of its rules so as to mandate on-air disclosure of the ultimate source or sponsorship of programming in circumstances where a broadcast station sells airtime to an entity representing or related to a foreign government. This requirement covers programming for which the source or sponsor is an entity or individual that is a foreign government, a foreign political party, an agent acting on behalf of such entities, or a U.S.-based foreign media outlet. A broadcast licensee must exercise reasonable care to determine if an entity to which it is considering leasing airtime would trigger the need for on-air disclosures about a foreign government connection. Such diligence would include, at a minimum, the following:

(1) informing the lessee at the time of agreement and at renewal of the foreign sponsorship disclosure requirement;

(2) inquiring of the lessee at the time of agreement and at renewal whether it falls into any of the categories that qualify it as a foreign government entity.

(3) inquiring of the lessee at the time of agreement and at renewal whether it knows of anyone further back in the chain of producing/distributing the programming that will be aired pursuant to the lease qualifies as a foreign government entity and has provided some type of inducement to air the programming;

(4) if the lessee does not identify itself as an entity that would be subject to the disclosures, independently confirming the lessee's status at the time of agreement and at renewal by consulting the Department of Justice website maintained under the Foreign Agents Registration Act and the FCC's semi-annual reports of U.S.-based foreign media outlets; and

(5) memorializing these inquiries and investigations to track compliance in the event that documentation is required to respond to a future Commission inquiry on the issue.

When disclosures are required, an announcement is to be aired at the beginning and conclusion of the programming block, and at 60-minute intervals if the leased segment is longer than 60 minutes. A record of the on-air disclosures is to be placed in the station's online public inspection file.

The petitioners argued that their appeal to the Court of Appeals would succeed because the *Report and Order* violates Section 317(c) of the Communications Act, is arbitrary and capricious, and contravenes the First Amendment of the Constitution. The Bureau rejected each of these assertions.

Section 317 of the Communications Act requires broadcasters to air a disclosure announcement when programming has been sponsored. Subsection (c) provides that the broadcaster must "exercise reasonable diligence" in obtaining information about the source of programming from employees or other parties with whom it deals. The petitioners asserted that the *Report and Order* demanded more due diligence of them than Section 317 requires. The Media Bureau replied that if a direct inquiry to the airtime lessee yielded a negative response, the broadcaster's only obligation would be to consult two publicly accessible websites to research the lessee's status. The Bureau found this to be within the ordinary meaning of "reasonable diligence." The Bureau said that the petitioners' claim that a station must undertake an independent investigation of the lessee was either a misrepresentation or a misunderstanding of the new rule. The Media Bureau concluded that properly interpreted, the new rule does not violate Section 317 of the Act.

The petitioners asserted that the new rule was arbitrary and capricious under the Administrative Procedure Act which requires administrative agencies to conduct rulemaking proceedings where new regulations are adopted that are the logical result or outgrowth of systematic consideration of well-reasoned proposals. The Media Bureau disagreed with the petitioners' analysis that the FCC had failed to establish a "problem warranting the nationwide regulation of *all* leased programming at *all* of the . . . commercial television . . . and . . . radio stations across the country." The Bureau countered that there is no requirement for a minimum amount of public harm before regulatory intervention is justified. The Bureau said that it had properly identified and articulated an appropriate concern about programming originating from foreign governments, and adopted rules tailored to address harm on the basis of the record developed in the rulemaking proceeding. By focusing on programming broadcast pursuant to leasing agreements, the Bureau said that the Commission had fashioned the rules to avoid burdening more programming and more stations than necessary.

The petitioners had argued that the FCC's imposition to air disclosures about the source of foreign programming violated the First Amendment, and should be subject to "at least exacting [or intermediate] scrutiny." The Bureau rejected this claim also, noting that the courts have been less rigorous in their First Amendment review of broadcast regulation than in other contexts because of the spectrum scarcity rationale. In any event, as the Bureau observed, the Commission found that the government has a compelling interest in ensuring that the public is aware that a party has sponsored content on a broadcast station. Further, the broadcasters' obligation was specifically tailored to the limited number of circumstances involving leased air time.

The petitioners also claimed that the *Report and Order* violated the First Amendment because it was fatally underinclusive in that it does not apply to cable and satellite television, social media, or the Internet. The Bureau dismissed this argument by citing the Supreme Court. A regulation "is not fatally underinclusive simply because an alternative regulation, which would restrict more speech or the speech of more people, could be more effective." The Bureau said that the Commission had acted in response to an actual problem in broadcasting. What could or should be done about the same issue in other media was beyond the scope of this proceeding. All told, the Media Bureau concluded that

continued on page 6

Stay Denied for Foreign Sponsorship ID Rule *continued from page 5*

the petitioners would not be successful in their argument that the new rule violates the First Amendment.

The petitioners' plea that they would suffer irreparable harm without a stay was also rejected. The Bureau quickly concluded that the harm they alleged was conjectural, consisted of economic injuries (i.e., the cost of consulting two websites) that were not severe enough to qualify as irreparable harm, and was not imminent.

The Media Bureau also summarily dispatched the petitioners' argument that a stay would prevent harm to other parties and would be in the public interest. It reiterated that Section 317 and its implementing regulations are intended to create the transparency necessary for a well-functioning marketplace of ideas. The need for transparency is particularly acute when programming from foreign governments is involved. The Bureau concluded that any delay in the effectiveness of the new sponsorship rule actually would be harmful to the public and contrary to the public interest.

The new provisions of Section 73.1212 created by the FCC in the *Report and Order* – i.e., the requirement to broadcast announcements about the foreign government sponsorship of programming and to maintain public inspection file records in Subsections (j) and (k) – are subject to review by the Office of Management and Budget under the Paperwork Reduction Act. That review is still in progress. Although the FCC denied the request for a stay, the new regulations cannot become effective until that review is completed.

Clarifications Proposed for Video EAS Test *continued from page 1*

in alerts broadcast by monitored source stations are decoded by the monitoring EAS participants' EAS devices, and if the alert covers an alert event type and location relevant to that monitoring EAS participant, the EAS participant will rebroadcast the alert. Because this architecture has been in place since the adoption of the EAS, and continues to serve as the core distribution mechanism for Presidential alerts due to its resiliency, it is often referred to as the "legacy" EAS.

In the legacy EAS message distribution system, a message originator at the local, state, or national level encodes a message using the EAS protocol. Under this protocol, the EAS alert is constructed as a four-part message in the following sequence: (1) preamble and EAS header codes (which identify (i) the originator of the alert; (ii) the type of emergency, (iii) the location(s) to which the alert applies; and (iv) the valid time period of the alert – collectively, the "who, what, where and when" of the alert); (2) audio attention signal; (3) audio message; and (4) preamble and End of Message codes terminating the alert. The entire alert is encoded in audio format for transmission over the audio carrier of the EAS participant's broadcast. The alert originator selects the EAS header codes based on the circumstances of the emergency and may record an audio message up to two minutes in length (with the exception of the Presidential message, which is not time-limited) including whatever information the alert originator deems appropriate. In contrast, the visual message associated with the alert is constructed automatically from the header codes, which are fixed codes with predetermined terminologies that cover specific emergency events. Accordingly, the alert originator has no control over the content of the visual message beyond selection of the header codes.

Because the legacy EAS does not relay text or other visual information, video service EAS participants (e.g., TV broadcasters or cable providers) must construct a visual message (as a text crawl that scrolls across the top of the video screen, or as block text overlaid on the screen) from the alert's header codes. The terms used are taken directly from the EAS protocol, but there are no requirements for transitional language between the required elements, thus, there may be slight wording variations among the various EAS device models in use. Because the visual message is derived from these predefined terms, if the terms are unclear, the resulting visual message may be unclear. Furthermore, because currently the content of the visual message generated from legacy EAS alerts is limited to the fixed header code terms, while the audio message content is not limited (except for duration), and may include whatever information the alert originator deems appropriate, the visual crawl and audio message will match only if the alert originator records an audio message that verbalizes only the header code-based informational elements used to generate the visual crawl.

Since June 30, 2012, emergency alert authorities also have been able to distribute EAS alerts over the Internet to EAS participants by formatting those alerts in CAP for distribution through the Integrated Public Alert and Warning System Open Platform for Emergency Networks ("IPAWS"), which is administered by the Federal Emergency Management Agency.

The two alert formats - legacy and CAP - differ significantly both in terms of their capabilities to relay information and their basic structure. While legacy EAS alerts are audio-based in their entirety and designed to be transmitted as an audio signal in over-the-air broadcasts, a CAP message is an IP-based alert that can convey substantially more and different types of information than a legacy EAS message, including data files, picture files, text, audio files, video files, and links to streaming audio or video. Because legacy EAS is considered more robust and survivable in the event of a national emergency, when the FCC adopted the CAP rules, it retained legacy EAS as the backbone of the EAS, with CAP serving as a parallel mechanism for alert originators to distribute alerts to EAS participants. Accordingly, EAS participants are required to convert CAP EAS alert messages into alert messages that

continued on page 7

Clarifications Proposed for Video EAS Test *continued from page 6*

comply with the audio-based EAS protocol requirements for redistribution over the legacy EAS. As a result, an EAS participant processing a CAP alert containing a map, photos or video file could broadcast those to its local audience over the video portion of its broadcast, but the audio portion of its alert broadcast must comply with the legacy EAS protocol format.

In the context of these technological differences, the FCC proposes to require video service EAS participants to use the following script as the visual crawl or block text whenever they receive a legacy EAS protocol-formatted alert containing the NPT event code and the "All-U.S." geographic location code (instead of generating a visual crawl or block text from the header codes):

> This is a nationwide test of the Emergency Alert System issued by the Federal Emergency Management Agency covering the United States from [time] until [time]. This is only a test. No action is required by the public."

The FCC believes that requiring video service EAS participants to use the proposed script for the nationwide test will offer the benefit of providing additional language beyond the header code elements to make the script more readily understandable, and will create a visual message that is uniform across all EAS device models. In addition, because the nationwide EAS test does not reflect an actual emergency, a single scripted message should be capable of sufficiently and comprehensively conveying the critical informational elements of the test in plain language. Additionally, using this more easily-understood scripted visual message creates the opportunity for the test message originator to arrange for the audio component of the message to match the visual component, should it choose to do so.

This proposed mandatory script would only apply to legacy EAS nationwide tests, and not CAP-based nationwide tests because CAP already provides a mechanism to include enhanced text in the visual crawl. However, the Commission proposes a clarification related to the visual portion of the CAP message. The header-code based information is always included at the beginning of the nationwide test visual message. The Commission proposes to change the terminology for the nationwide test event code from "National Periodic Test" to "Nationwide Test of the Emergency Alert System." Under this proposal, the system event code would remain "NPT." The terminology that this code represents (which is what the public sees) would change to language that the FCC suggests would be more readily understood by the public.

The IP-based CAP system is obviously capable of supporting and transmitting more information than the legacy system. Consequently, the FCC wants to encourage its use. The Commission proposes to require EAS participants, when they receive a local or state legacy EAS alert, to poll the IPAWS CAP EAS server to find out whether there is a CAP version of that alert. If there is a CAP version, the Commission proposes to require the participant to use it in lieu of the legacy version. The Commission expects that this proposal would improve access to more informative visual text information from the EAS for the public.

The FCC solicits comment on these proposed changes to Part 11 of its rules. The due date for comments will be 30 days after notice of this proceeding is published in the Federal Register. Reply comments will be due 45 days after that publication.

In the same item, document FCC 21-125, the Commission included a Notice of Inquiry in which it explores potential improvements for the legacy EAS. As an audio-based system intended to deliver an audio message to the public, the legacy EAS architecture was not designed for the visual display of information. For legacy EAS-based alerts, alert originators currently can generate an audio message that verbalizes the header code elements used to generate the visual message, thus ensuring that the information in both the visual and audio messages match. However, this may leave unused time within the two-minute allotment for the audio message. That extra time has the potential to provide more content than merely the basic information of the alert, such as remedial measures to ameliorate or avoid the emergency event's impact. Fully utilizing the two-minute audio, on the other hand, could mean that the visual information will not match the audio information, resulting in different or less information conveyed visually to people who are unable to access the audio portion of the alert.

The FCC invites input about whether and how the legacy EAS might be modified or redesigned to enable the distribution of text sufficient to transcribe the entirety of a two-minute audio message, as well as potentially other functionalities, and whether this can be done without compromising the purpose or integrity of the entire system.

The Commission seeks comment on whether and how a modified, augmented, or redesigned EAS could better ensure and enhance the quality of the individual elements of the alert, such as readability of the visual component, sound quality of the audio component, alert information conveyed, accessibility for persons with visual and hearing disabilities, and accessibility by persons who do not speak English.

Comments in response to this *Inquiry* must be filed within 60 days of publication of notice of this proceeding in the Federal Register. Reply comments must be submitted within 90 days of that publication.

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