

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: In the Matter of Review of the Emergency Alert System, EB Docket No. 04-296.

Not only does Section One of the Communications Act of 1934 make the Commission responsible for promoting the “safety of life and property through the use of wire and radio communication,” it also charges the Commission with making communications available “to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex.” In this item, we take a few important steps toward satisfying these important statutory obligations, but there remains some heavy lifting to do very soon.

I am pleased to support this item, as it expands the obligation to transmit Presidential-level emergency messages from analog broadcast and cable to include new distribution platforms – digital broadcast and cable, and satellite radio and television. Equally important, this item encourages the voluntary transmission of multilingual emergency information in areas where a significant proportion of the population has its primary fluency in a language other than English. Until the Commission has had an opportunity to examine this issue more fully, I strongly encourage all EAS participants to provide this important public safety service.

We cannot overemphasize the importance of disseminating emergency information in multiple languages. In New Orleans alone, it is estimated that there were more than 50,000 Spanish-speaking residents, and the only Spanish language station in the area was off-air before Hurricane Katrina even reached city limits. It stayed off the air for the next seven days. While all Gulf Coast broadcasters performed admirably – with great personal sacrifice – to provide news coverage to millions of households, some non-English speaking households may have been left in complete darkness. As set forth in Section 1 of the Communications Act, we have an obligation to address this problem.

We must find ways to ensure that all households have access to emergency warnings and alerts in a language they understand and that EAS meets the needs of individuals with hearing and vision disabilities. All of us at the Commission should closely review and consider the comments of interested parties, and engage broadcasters, minority and disability groups in a constructive dialogue with the goal of achieving a sensible consensus on multilingual emergency alert information and disability access.

In the past four years, this nation has experienced several disasters – Hurricanes Katrina and Rita, the East Coast blackout and, of course, the September 11th terrorist attacks. Noticeably unused during all of these disasters was the activation of EAS — an alert system intended to deliver Presidential-level messages only.

While these recent disasters have focused attention on ways to improve our national system, clearly, we also need to focus attention on the ability of state governments to access EAS facilities to transmit emergency information, warnings and alerts. So it's critical that we're seeking comment on whether we should require EAS participants to transmit all EAS messages issued by the Governor of the state in which they provide services. Additionally, I am pleased we are seeking comment on how best to coordinate with state and local governments to help implement the expanded EAS rules we adopt today.

A final highlight is our request for comment on the integration of new technologies, primarily wireless devices such as cell phones, pagers, and PDA's, into our current emergency response system. We seek comment, for example, on the benefits and limitations of the delivery of emergency alert messages through text-based messaging delivered by SMS or cell broadcast. While these technologies would complement, rather than replace, the current EAS, we should pay careful attention to practical implications for underserved and rural communities. We should also consider alternative wireless technologies such as a proposal to take advantage of an existing wireless public alert service provided by the National Oceanic and Atmospheric Administration (NOAA).

We are acting on this issue with the urgency it deserves. Just last week, the Senate Commerce Committee approved legislation – the Warning, Alert, and Response Network (WARN) Act – to create an enhanced emergency alert system. The WARN Act would finance the creation of an All Hazards Alert System to deliver emergency warnings and alerts across a variety of devices, including mobile phones and Blackberry devices. While the National Program Office would be established within NOAA, the FCC along with National Institute of Standards and Technology and the Federal Emergency Management Agency would form a working group to develop this new, enhanced alert system and to prepare guidelines for the technical capabilities of the system. The Act would also give governors access to broadcast a message in their respective States.

I am pleased to support our decision to expand EAS to require, not just analog broadcast and cable, but also digital broadcast and satellite radio and television, to transmit national emergency warnings and alerts. The heavy lifting will come when we consider multilingual emergency information dissemination, greater disability access, coordination with state and local governments, and the integration of new wireless technologies into EAS. I thank the Chairman for his leadership on this matter, and I look forward to working with him and all of my colleagues on these and other EAS-related issues as quickly as possible.