

## § 11.53

requirements with one EAS Decoder pursuant to a written agreement between the licensees ensuring that each licensee has access to the decoder; that the stations will jointly meet the requirements of § 11.33; and that each licensee remains fully and individually responsible for compliance with all EAS rules and obligations applicable to LPFM EAS participants in this part, and any EAS violations involving the shared, co-located equipment. Each LPFM licensee entering into such an arrangement remains fully and directly liable for enforcement actions involving the shared equipment as well as all other obligations attendant to LPFM EAS Participants in this part, regardless of which party to the agreement took or failed to take the actions giving rise to the violation.

(d) EAS Participants must comply with the following monitoring requirements:

(1) With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.

(2) With respect to monitoring EAS messages formatted in accordance with the specifications set forth in § 11.56(a)(2), EAS Participants' EAS equipment must regularly poll the Federal Emergency Management Agency's Integrated Public Alert and Warning System (IPAWS) EAS alert distribution channel to detect and acquire Common Alert Protocol (CAP)-formatted alert messages from the IPAWS system to EAS Participants' EAS equipment.

(3) If the required EAS message sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the Chief, Public Safety and Homeland Security Bureau. In an emergency, a waiver may be issued over the telephone with a follow up letter to confirm temporary or permanent reassignment.

(4) The management of EAS Participants shall determine which header

## 47 CFR Ch. I (10–1–23 Edition)

codes will automatically interrupt their programming for State and Local Area emergency situations affecting their audiences.

(e) EAS Participants are required to interrupt normal programming either automatically or manually when they receive an EAS message in which the header code contains the Event codes for National Emergency Message (EAN), the Nationwide Test of the Emergency Alert System (NPT), or the Required Monthly Test (RMT) for their State or State/county location.

[70 FR 71036, Nov. 25, 2005, as amended at 77 FR 16705, Mar. 22, 2012; 80 FR 37176, June 30, 2015; 83 FR 37759, Aug. 2, 2018; 85 FR 35572, June 11, 2020; 87 FR 67825, Nov. 10, 2022]

## § 11.53 [Reserved]

## § 11.54 EAS operation during a National Level emergency.

(a) Immediately upon receipt of an EAN message, or the NPT Event code in the case of a nationwide test of the EAS, EAS Participants must comply with the following requirements, as applicable:

(1) Analog and digital broadcast stations may transmit their call letters and analog cable systems, digital cable systems and wireless cable systems may transmit the names of the communities they serve during an EAS activation. State and Local Area identifications must be given as provided in State and Local Area EAS Plans.

(2) Analog and digital broadcast stations are exempt from complying with §§ 73.62 and 73.1560 of this chapter (operating power maintenance) while operating under this part.

(3) The time of receipt of the EAN shall be entered by analog and digital broadcast stations in their logs (as specified in §§ 73.1820 and 73.1840 of this chapter), by analog and digital cable systems in their records (as specified in § 76.1711 of this chapter), by subject wireless cable systems in their records (as specified in § 21.304 of this chapter), and by all other EAS Participants in their records as specified in § 11.35(a).

(b) EAS Participants originating emergency communications under this

section shall be considered to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934, 47 U.S.C. 325(a), to other EAS Participants.

(c) During a national level EAS emergency, EAS Participants may transmit in lieu of the EAS audio feed an audio feed of the President's voice message from an alternative source, such as a broadcast network audio feed.

[77 FR 16705, Mar. 22, 2012, as amended at 80 FR 37177, June 30, 2015]

**§ 11.55 EAS operation during a State or Local Area emergency.**

(a) The EAS may be activated at the State and Local Area levels by EAS Participants at their discretion for day-to-day emergency situations posing a threat to life and property. Examples of natural emergencies which may warrant state EAS activation are: Tornadoes, floods, hurricanes, earthquakes, heavy snows, icing conditions, widespread fires, etc. Man-made emergencies warranting state EAS activation may include: Toxic gas leaks or liquid spills, widespread power failures, industrial explosions, and civil disorders.

(1) DBS providers shall pass through all EAS messages aired on local television broadcast stations carried by DBS providers under the Commission's broadcast signal carriage rules to subscribers receiving those channels.

(2) SDARS licensees and DBS providers may participate in EAS at the state and local level and make their systems capable of receiving and transmitting state and local level EAS messages on all channels. If an SDARS licensee or DBS provider is not capable of receiving and transmitting state and local EAS message on all channels, it must inform its subscribers, on its website and in writing on an annual basis, of which channels are and are not capable of supplying state and local messages.

(b) EAS operations must be conducted as specified in State and Local Area EAS Plans.

(c) An EAS Participant that participates in the State or Local Area EAS, upon receipt of a State or Local Area EAS message that has been formatted

in the EAS Protocol and that has event and location header codes indicating that it is a type of message that the EAS Participant normally relays, consistent with the procedures in the State or Local Area EAS Plan, must do the following:

(1) Prior to December 12, 2023, the EAS Participant shall follow the procedures set forth in the State EAS Plan and paragraphs (c)(3) through(7) of this section.

(2) On and after December 12, 2023,—

(i) *CAP Prioritization*. If a message formatted in the Common Alerting Protocol is available that is a duplicate of the received message formatted in the EAS Protocol, then the EAS Participant shall not transmit the received message formatted in the EAS Protocol but shall follow the procedures in paragraph (d) of this section to transmit the message formatted in the Common Alerting Protocol.

(ii) *Polling*. At least ten (10) seconds after detecting the initial header code of a received message formatted in the EAS protocol, if the EAS Participant has not by that time determined that a duplicate message formatted in the Common Alerting Protocol is available, it shall poll the Federal Emergency Management Agency's Integrated Public Alert and Warning System (IPAWS) at least once to determine whether a duplicate CAP-formatted alert message is available.

(A) If a duplicate CAP-formatted alert message is available, the EAS Participant shall proceed according to paragraphs (c)(2)(i) and (d) of this section.

(B) If no duplicate CAP-formatted alert message is available, or if the alert contents, including the audio message, cannot be acquired within a reasonable timeframe, the EAS Participant shall proceed according to paragraphs (c)(3)–(7) of this section.

(iii) For purposes of this paragraph (c)(2), two EAS messages are “duplicates” if the originator codes, event codes, location codes, and date-time codes in the validated headers of both messages are all identical, and the valid time-period codes in the headers of both messages cover approximately the same periods of time, with allowances for the different manners in