



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ACTION

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU NOTIFIES NATIONWIDE EAS TEST PARTICIPANTS THAT TEST INFORMATION IS BEING SHARED WITH THE GOVERNMENT ACCOUNTABILITY OFFICE

EB Docket No. 04-296

On November 9, 2011, the Federal Communications Commission (Commission) and the Federal Emergency Management Agency conducted the first nationwide test of the Emergency Alert System (EAS). Section 11.61(a)(3)(iv) of the Commission's Rules required EAS Participants (including radio and television broadcasters, cable TV service providers, satellite service providers and others¹) to submit test performance information "within forty five (45) days following the test."² In its EAS Third Report and Order, the Commission specifically provided that submitted information would be presumed confidential and not released to the public.³

The Government Accountability Office (GAO) has informed the Commission that GAO is reviewing progress made in modernizing the EAS, including review of the results of the nationwide EAS test and efforts underway to address any weaknesses in the EAS identified by the test.⁴ GAO has requested test result information. Pursuant to Section 0.442(d)(3) of the Commission's Rules,⁵ the Public

¹ See 47 C.F.R. §11.1.

² 47 C.F.R. §11.61(a)(3)(iv). In a subsequently issued Public Notice, the Commission specifically instructed EAS Participants to submit test result data no later than December 27, 2011. See Federal Communications Commission Reminds EAS Participants about November 9, 2011 Nationwide EAS Test, *Public Notice*, 26 FCC Rcd 15109 (2011).

³ See Review of the Emergency Alert System, EB Docket No. 04-296, *Third Report and Order*, 26 FCC Rcd 1460, 1488 ¶73 (2011) (*Third Report and Order*). The Commission stated disclosure of test data would be limited to FEMA, the National Weather Service, the Executive Office of the President as well as to state government emergency management agencies that have confidential treatment protections at least equal to the Freedom of Information Act. *Id.*

⁴ Letter dated July 5, 2012 from Mark Goldstein, Director, Physical Infrastructure to Mr. David Robbins, Managing Director, Federal Communications Commission.

⁵ 47 CFR 0.442(d)(3). See also 47 CFR 0.442(e).

Safety and Homeland Security Bureau (Bureau) hereby notifies EAS Participants that have submitted nationwide EAS test information that the Commission is sharing that information with GAO in response to GAO's request.

For further information, contact Thomas J. Beers, Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0952.

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