



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC FINES IHEARTCOMMUNICATIONS \$1 MILLION FOR TRANSMITTING FAKE EMERGENCY ALERTS DURING “THE BOBBY BONES SHOW”

Washington, D.C. – The Federal Communications Commission’s Enforcement Bureau has resolved an investigation into the misuse of the Emergency Alert System (EAS) tones by iHeartCommunications, Inc., a subsidiary of iHeartMedia. The company has agreed to pay a \$1 million civil penalty, admits to misuse of EAS tones, and agreed to a compliance and reporting plan as a result of airing a false emergency alert.

The EAS is the national public warning system that is designed to provide timely and accurate alerts and warnings so that members of the public may act quickly to protect themselves and their families. Broadcasters, cable television operators, and others are required to provide a method for authorities to address the public during a national or local emergency. The FCC has long prohibited the transmission of actual or simulated EAS tones in circumstances other than a real alert or an authorized test.

“The public counts on EAS tones to alert them to real emergencies,” said Travis LeBlanc, Chief of the FCC’s Enforcement Bureau. “Misuse of the emergency alert system jeopardizes the nation’s public safety, falsely alarms the public, and undermines confidence in the emergency alert system.”

On October 24, 2014, iHeart’s station WSIX-FM, in Nashville, Tennessee, aired a false emergency alert during the broadcast of the nationally-syndicated “The Bobby Bones Show.” Broadcast or transmission of emergency tones outside an emergency or authorized test violates FCC regulations designed to protect the integrity of the EAS system. False broadcast of an emergency signal can cause unnecessary public concern and undermine the urgency of real alerts.

While commenting on an EAS test that aired during the 2014 World Series, Bobby Bones, the show’s host, broadcast an EAS tone from a recording of an earlier nationwide EAS test. This false emergency alert was sent to more than 70 affiliated stations airing “The Bobby Bones Show” and resulted in some of these stations retransmitting the tones, setting off a multi-state cascade of false EAS alerts on radios and televisions in multiple states.

As part of the settlement, iHeart admits that its broadcasting of EAS tones during “The Bobby Bones Show” violated the FCC’s EAS laws. The company is required to pay a civil penalty of \$1 million dollars and implement a comprehensive three-year compliance and reporting plan. Additionally, they must remove or delete all simulated or actual EAS tones from the company’s audio production libraries.

In the last six months, the Commission has taken five enforcement actions totaling nearly \$2.5 million for misuse of EAS tones by broadcasters and cable networks. In January 2015, the Commission fined

Viacom and ESPN \$1.4 million for misusing EAS tones in promotional advertisements for the movie *Olympus Has Fallen*. Also in that month, the Enforcement Bureau entered into a \$20,000 settlement to resolve Univision Local Media, Inc.'s misuse of EAS tones at WXNY-FM, New York. In December 2014, the Bureau fined Pathfinder Communications Corp. \$46,000 after the company aired an EAS Attention Signal in an advertisement. Additionally in December 2014, the Bureau issued a citation to SM Radio Productions, Inc., after the company transmitted an EAS tone as part of a commercial promoting a comedy tour.

The iHeart Order and Consent Decree are available at:

https://apps.fcc.gov/edocs_public/attachmatch/DA-15-443A1.pdf

The Viacom/ESPN Forfeiture Order is available at:

https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-2A1.pdf

The Univision Order and Consent Decree are available at:

https://apps.fcc.gov/edocs_public/attachmatch/DA-15-64A1.pdf

The Pathfinder Order and Consent Decree are available at:

https://apps.fcc.gov/edocs_public/attachmatch/DA-14-1656A1.pdf

The SM Radio Citation and Order is available at:

https://apps.fcc.gov/edocs_public/attachmatch/DA-14-1695A1.pdf

The FCC's EAS rules are available here:

<http://transition.fcc.gov/eb/broadcast/eas.html>