



June 9, 2025

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of *Ex Parte* Communication, PS Docket Nos. 15-94 and 22-329

Dear Ms. Dortch:

On June 5, 2025, Steve Shultis of New York Public Radio (NYPR), Dan Mettler of iHeartMedia, Peter Sockett of Capitol Broadcasting Company, Lamar Smith of Beasley Media Group, and Kelly Williams and the undersigned of the National Association of Broadcasters (NAB) met with the Public Safety and Homeland Security Bureau staff listed below regarding NAB's Petition for Rulemaking seeking certain rule changes to allow the use of software-based encoder/decoder (ENDEC) technology instead of a legacy physical hardware device to process Emergency Alert System (EAS) messages.¹

The broadcast group consisted of experienced EAS experts: Mr. Sockett is Chair of the North Carolina State Emergency Coordination Committee (SECC); Mr. Mettler is Chair of the Indiana SECC; Mr. Smith served on the FEMA IPAWS Board of Advisors regarding the deployment and implementation of Primary Entry Point stations; and Mr. Williams chaired or served on several CSRIC EAS-related working groups. Collectively, the group oversees numerous Primary Entry Point and LP stations.

The group noted the breadth of support in the record for NAB's Petition from EAS Participants, a leading provider of EAS systems, broadcast engineers, and other EAS stakeholders. We also emphasized that implementing NAB's approach would be voluntarily, and that we expect many EAS Participants to continue using their hardware devices for the foreseeable future, depending on their circumstances.

Next, we briefly outlined the benefits of NAB's proposed approach. Such an approach would enhance the efficiency, reliability, and security of EAS by allowing EAS Participants to implement system repairs, updates, and upgrades through software patches instead of requiring an engineer to manually modify every device or ship a device to a manufacturer. Our forward-looking approach would also improve EAS readiness by enabling the immediate failover to redundant, geographically diverse equipment if a disaster disrupts EAS at a station's facility. In addition, NAB's approach would allow broadcast stations to align their EAS system with other elements of modern broadcast air chains that already run on software, creating interoperability efficiencies

¹ National Association of Broadcasters Petition for Rulemaking, PS Docket Nos. 15-94 and 22-329 (filed Mar. 31, 2025) (Petition).

among various parts of a station's operation. EAS is the only component in broadcast and cable systems that still requires dependence on legacy hardware.

The group addressed certain concerns raised in comments on NAB's Petition. We reiterated that our proposal envisions functional testing and certification of ENDEC software,² similar to the process followed by today's EAS manufacturers. In response to a question from Bureau staff, we explained that this process produces a certification that indicates the minimum accepted parameters for the platform on which the EAS software could run. The group stated that adopting NAB's proposal would be nothing new for broadcasters given their experience with Nielsen PPM ratings watermarking software and other software systems that are routinely used in broadcasting.

To ensure continued functionality, we noted that EAS Participants run weekly tests and scans, and monthly tests that quickly detect any problems. Such testing is also conducted whenever a software update is implemented, and if anything, a software-based model will facilitate the correction of any problems. We also explained that broadcasters have strong incentives to maintain the reliability of EAS because providing timely warnings and information about emergencies is critical to broadcasters' public service to their viewers and listeners, and also key to cementing audience loyalty.

Regarding the security of EAS under NAB's approach,³ we explained that, just like today's EAS devices and other software systems used in broadcasting, stations will "guard their perimeters" by confining the EAS system behind tested firewalls that minimize the risk of cybersecurity disruptions and the chance that a mistaken alert reaches the public. Although it is impossible to fully guarantee against such events, we believe that the risks of security-related issues will be no greater under our innovative proposal than in the EAS hardware-driven legacy environment.

For the reasons stated above, the group dismissed overblown claims that the FCC may have to create an entirely new regulatory regime to oversee a software-based ENDEC option,⁴ or need to impose additional specific requirements for our approach. We do not support an unduly burdensome, bifurcated regulatory regime for hardware versus future software implementations, but rather, a streamlined process for both approaches. We also addressed potential concerns about existing patents that may be relevant to a software-based EAS model.⁵ The group expressed appreciation for the apparent interest of software developers in this area because research competition often fosters an efficient market in which multiple well-designed, tailored products are made available.

² Comments of Digital Alert Systems, Inc. (DAS), PS Docket No. 15-94 and 22-329 (May 2, 2025), at 5-6.

³ *Id.* at 9-11.

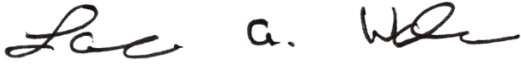
⁴ *Id.* at 7-8,

⁵ Letter from Edward Czarnecki, DAS, to Ms. Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-94 and 22-329 (May 29, 2025), at 1-2.

Finally, in response to a question from Bureau staff, we explained that NAB's proposal is consistent with the goals of the FCC's *Delete, Delete, Delete* proceeding because allowing the use of a software-based EAS ENDEC would relieve entities that choose this option of the regulatory and practical burdens described above that are attached to hardware devices.⁶

Please direct any inquiries regarding this matter to the undersigned.

Respectfully Submitted,



Larry Walke
Associate General Counsel
Legal and Regulatory Affairs

FCC Meeting Participants:

Austin Randazzo
James Wiley
David Munson
James Zigouris

Steven Carpenter
George Donato
Tara Shostek

⁶ Public Notice, *Delete, Delete, Delete*, GN Docket No. 25-133, DA 25-219 (Mar. 12, 2025).