

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 11 of the)	PS Docket No. 15-94
Commission's Rules Regarding the)	
Emergency Alert System)	

**INITIAL COMMENTS OF ACA CONNECTS AND NTCA
ON THE NOTICE OF PROPOSED RULEMAKING**

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I. INTRODUCTION

ACA Connects – America’s Communications Association (“ACA Connects”)¹ and NTCA – The Rural Broadband Association (“NTCA”)² (“collectively “Joint Commenters”) hereby submit these comments in response to the Federal Communications Commission’s (“Commission’s” or “FCC’s”) Notice of Proposed Rulemaking (“*Multilingual EAS NPRM*” or “*NPRM*”)³ seeking comment on proposed requirements that cable operators and other EAS participants send pre-scripted “template” emergency alerts in multiple languages using the Emergency Alert System (“EAS”).

Joint Commenters’ members are proud to serve their communities through participation in EAS. We support efforts to improve the utility of EAS, but the current

¹ ACA Connects represents approximately 500 smaller private and public broadband, video, and voice providers that pass more than 30 million households across the 50 states and U.S. territories, including seven million homes in rural areas.

² NTCA–The Rural Broadband Association represents approximately 850 independent community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

³ *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Notice of Proposed Rulemaking, FCC 24-23 (rel. Feb. 16, 2024) (“*Multilingual EAS NPRM*” or “*NPRM*”).

system works well, and the Commission should not rush forward with technically challenging mandates that could undermine the EAS's strong track record. The Commission's multilingual alerting proposal understates the complexity, cost, and potential disruption that the proposed requirements would impose on cable providers and their subscribers, and it is far from clear that the benefits would outweigh these costs. Rather than imposing requirements for which technical capabilities have yet to be developed or even fully contemplated, the Commission's next step should be to direct the Communications Security, Reliability, and Interoperability Council ("CSRIC") to study the technical and operational feasibility of the proposal in more detail, after which the costs and benefits of the proposal can be more precisely ascertained and weighed.

II. THE COMMISSION VASTLY UNDERESTIMATES HOW COMPLEX AND COSTLY IT WOULD BE FOR CABLE OPERATORS TO IMPLEMENT THE PROPOSED MULTILINGUAL ALERTING MANDATE

Cable operator compliance with the Commission's proposed rules would be burdensome and very costly. From a technical perspective, the proposed rules would likely require an overhaul of entire swaths of cable providers' systems, including replacement of significant amounts of both head-end and end-user equipment. Software updates or replacements would also be necessary and likely take years to develop and test. These changes would cost significantly more than the Commission anticipates in the *Multilingual EAS NPRM* and may be so severe that they encourage some cable operators, especially smaller providers, to exit the cable business entirely. Before adopting the proposed rules, the Commission must, at minimum, examine the technical difficulty and complexity of its proposals and weigh the associated costs against the perceived benefits.

1. The NPRM Ignores the Technical Burdens of Implementing the Proposed Rules

In the *Multilingual EAS NPRM*, the Commission proposes that cable operators distribute “template” EAS alerts in a variety of non-English languages which correspond to the language of the program channel. Cable operators’ EAS and video architecture cannot currently support such a feat.⁴ While the *Multilingual EAS NPRM* intimates that such an endeavor could be accomplished with a simple software update, in truth, the Commission’s proposed rules could require a complete overhaul of existing network architecture, years-long efforts from industry and standards groups, and the costly replacement of equipment.

Immense Challenges to Deploy Multilingual Alert Capabilities in Cable Systems.

As a threshold matter, the Commission’s multilingual alerting proposal is a nonstarter for legacy, non-IP cable systems, as there is no cost-effective and practical way to configure these systems to comply with the Commission’s proposed rules.

Even for IP-based cable systems, the proposed requirements would be immensely costly and burdensome and take years to implement. As the Commission recognizes, software updates would need to be made, but that is only a small piece of the puzzle. First, developing, testing, and implementing customer premises equipment (“CPE”) software is a significant and costly task. In addition, ACA Connects has heard from member companies that it would be extremely difficult – or even impossible – to process EAS in multiple languages simultaneously with current head-end equipment, which would, therefore, need to be replaced at substantial additional cost. In all, IP-

⁴ Letter from Radhika Bhat, Vice President and Associate General Counsel, NCTA – The Internet & Television Ass’n, to Marlene H. Dortch, Esq., Secretary, FCC (filed Feb. 9, 2024) (NCTA Feb. 9 Ex *Parte*).

based cable systems will require both the development and replacement of hardware in addition to the years-long development of standards and trial-and-error testing of software changes. The *Multilingual EAS NPRM* does not consider the full extent of these tasks or envision a path forward for them to be completed.

Practical Implementation Difficulties. The Commission overlooks other challenges to making the proposed multilingual alerting work effectively in practice. Even if the necessary standards were developed and software and hardware changes were made – at immense effort and cost – there would be no guarantee that the correct language would be displayed for EAS alerts.

The *Multilingual EAS NPRM* presumes that cable providers know what language is used for each channel and that the language remains static for all programming on that channel. That is not the case. Currently, cable providers ask programmers to submit information about what language is used for a particular program, but that information may be inaccurate and is often not provided at all. To complicate matters further, the language spoken on a channel may vary depending on the programming (e.g., one program might be in Spanish followed by another program in English later that day on the same channel) – leaving cable providers with no insight into what is shown on a channel at any given time. If cable providers are required to transmit EAS alerts in the language that corresponds to the programming language of each channel, and each program, there would need to be some way for the set-top box and/or middleware to “know” the language used, not just on the channel but also within each individual program, and then output the overlay text. No such solution exists, and the

Commission offers no reasonable path to overcome such difficulties; indeed, the Commission fails even to identify this as an issue for resolution in its proposals.

2. The NPRM Drastically Understates the Costs of Implementing the Proposed Rules

Because the Commission overlooks the complexity of a proposed multilingual alerting mandate for cable operators, it is unsurprising that the NPRM also underestimates the costs. The NPRM suggests that the proposed rules “can be implemented via a regular software update patch that EAS Participants install in the normal course of business”⁵ and estimates that the cost of compliance with the proposed rules would equal \$460 per EAS participant, and an aggregate labor cost of approximately \$12 million.⁶

In reality, equipment replacement costs alone are likely to vastly exceed this estimate. As explained above, head-end equipment replacement would likely to be required, and members estimate that those costs alone could be up to \$5,000 per headend. There could also be substantial costs to implement software changes in customer premises equipment. These anticipated costs would be difficult, if not impossible, for small and rural cable operators represented by the Joint Commenters to bear, as the proliferation of “cord cutting” leaves fewer and fewer cable subscribers from whom to recoup these costs.⁷

⁵ *Multilingual EAS NPRM*, para. 37.

⁶ *Id.*

⁷ Our discussion of implementation costs is focused on IP-based cable systems because, as noted above, it is infeasible to implement the proposed multilingual alerting in legacy cable systems.

Although Joint Commenters cannot predict with certainty the costs of the proposed rules, the Commission's estimate is unrealistic. The Commission's assumption "that template alert processing can be implemented via a regular software update patch that EAS Participants install in the normal course of business" is neither accurate nor reflective of the cable landscape or current EAS systems.⁸ The Commission even acknowledges that "it is difficult to estimate the total costs of implementing" the changes proposed in the NPRM precisely because the changes that "would be required in EAS devices and potentially involved in interconnected processing systems ... is difficult to estimate."⁹ Before advancing this rulemaking, the Commission should delve deeper into a meaningful, data-driven cost-benefit analysis.

3. Implementation of the Proposed Rules Will Take a Significant Amount of Effort and Time on Behalf of Cable Providers

Implementation of the *Multilingual EAS NPRM* in cable systems would require many years. In the *WEA Multilingual Report and Order*, the Commission gave wireless providers a 30-month timeline to implement template-based alerting.¹⁰ Cable operators would require significantly more time.

Introducing multilingual alerts in the wireless space can be considerably simpler than introducing multilingual EAS alerts in the cable space. Wireless Emergency Alerts ("WEAs") are fully expected to be able to be installed directly onto customers' phones by downloading a software upgrade, without any need for new equipment either by the

⁸ *Id.*

⁹ Multilingual EAS NPRM, para. 36.

¹⁰ Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91, 15-94, Order, FCC 23-88, paras. 25-26 (Oct. 20, 2023) ("*WEA Multilingual Report and Order*").

provider or the customers. EAS alerts delivered through cable systems, on the other hand, will likely require hardware upgrades for both head-end and end-user equipment. Additionally, wireless customers can benefit from the alert originator sending an emergency alert in a pre-selected language contingent on the geographic region. Customers will also be able to select a language (from among those required by Commission rules) to be used for alerts directly from their mobile device. Wireless providers do not have to be capable of discerning the language used by different users' devices and ensuring that the WEA matches that language. Cable providers, on the other hand, would have to determine which language is used during any given program, and would be entirely reliant on data information submitted by programmers. In all, there are considerable difficulties that cable providers would face in implementing the proposed rules that were not at issue in the WEA space. As a result, the Commission should weigh these factors in deciding whether to introduce multilingual EAS alerts over the cable space, and what timeline to follow for implementation if it adopts the proposed rules.

Even ignoring budgetary limitations, Joint Commenters estimate the proposed rules would take years – perhaps a decade or more – for cable providers to fully implement.¹¹ For software updates, cable providers will be at the mercy of

¹¹ The implementation difficulties faced by cable providers would be multiplied with the additional mandate to implement American Sign Language (“ASL”) in template alerts, which will create logistical hurdles with no practical solutions. The addition of ASL would require the implementation of video-switching equipment that is not currently used by most of the Joint Commenters’ members. Other Members have highlighted the difficulty of displaying video, as much of the currently-used EAS equipment is not capable of displaying graphics. Significant time, capital, and engineering efforts would be required to alter current EAS systems to display graphics.

manufacturers and developers to implement these changes once standards development occurs. Many ACA Connects and NTCA members simply lack the scale or economic efficiencies to influence the hardware and software ecosystem for this development. Joint Commenters note that EAS manufacturers have a number of client cable providers. An EAS manufacturer making these changes for a single cable provider will take significant time, and smaller providers – such as those of Joint Commenters – will not be the top priority for these EAS manufacturers.

At a minimum, small providers should be given more time to comply for the reasons stated above - smaller companies will not be first on the list to receive new equipment/software with these capabilities; smaller providers will need to budget for the cost of the new hardware/software, and they will need time to test the new hardware/software prior to displaying multilingual EAS alerts.

III. THE IMPLEMENTATION COSTS FOR CABLE OPERATORS WILL LIKELY EXCEED THE BENEFITS OF THE PROPOSED MANDATE

The proposed rules are unnecessary to advance the Commission's goal of ensuring "that every single person in our country has timely information to stay safe, in a language that they can understand."¹² The Commission recently adopted multilingual WEAs for the wireless industry – which will reach close to every segment of the country. By contrast, the proposed rules will reach significantly fewer individuals, almost all of whom will already be served by the WEAs, but will be drastically more difficult and costly to implement.

¹² See Statement of Commissioner Anna M. Gomez, *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Notice of Proposed Rulemaking, FCC 24-23 (Feb. 15, 2024).

1. An Increasingly Small Segment of Americans Would Rely Exclusively on Cable to Receive Multilingual Alerts

In 2023, the Commission adopted rules requiring participating wireless providers to support multilingual WEA through the use of alert messages that have been pre-translated into the 13 most commonly spoken non-English languages in the United States – the same languages under consideration in the instant proceeding.¹³ The Commission’s rulemaking in that case made sense: 97% of Americans have a cellular device and 90% of Americans use a smartphone.¹⁴ While the vast majority of Americans have cellphone service, fewer than 40% of Americans have a cable television subscription.¹⁵ The demographic least likely to own a cellphone are individuals with lower income,¹⁶ while the cost of service is the main driver for cord cutting in the cable space.¹⁷ It is unclear, to say the least, what group of customers would be served by the proposed rules that are not already largely served by the *WEA Accessibility Order*. Joint Commenters additionally note if multilingual alerts are implemented by television and radio broadcasters, that would further reduce the need to rely on cable for dissemination of such alerts.

¹³ See *WEA Multilingual Report and Order*.

¹⁴ Pew Research Center, “Demographics of Mobile Device Ownership and Adoption in the United States” (Jan. 31, 2024), available at <https://pewrsr.ch/3IYqXAd>.

¹⁵ Statista, “Share of Adults Who Subscribe to a Cable TV Service in the United States from January 2019 to January 2023” (last viewed Apr. 2, 2024), available at <https://bit.ly/3J0RM6I>.

¹⁶ *Supra* n.14.

¹⁷ Statista, “Primary Reasons for Cutting the Cord in the United States as of 2022” (last viewed, Apr. 2, 2024), available at <https://bit.ly/3U14LeY>.

2. Multilingual EAS Alerts, as Proposed, May Have Limited Public Safety Benefits

Joint Commenters question how extensively the proposed requirements would benefit non-English speakers. The multilingual alert “templates” contemplated in the FNPRM would encompass a generic and large area and are not tailored to a specific community. For example, if a tornado alert was issued via a template, it would cover a large number of counties – many of which are in danger of a potential tornado. English alerts that can be tailored by the provider deliver greater detail into the actual threat – *what* the danger is and *where* the danger is. Recognizing the value and importance of such details, the Commission has undertaken efforts to adapt WEAs to accommodate location-specific information in multilingual alerts.¹⁸ Without such specificity for multilingual EAS alerts, Joint Commenters doubt that the proposed rules – which would amount to the provision of less precise information in more languages – will offer greater protection for customers. For example, although a significant percentage of American households do not speak English as a primary language, most of these households have members who are proficient in English.¹⁹ Only a small portion of non-English households are linguistically isolated.²⁰ The Commission should study whether non-linguistically isolated households are better protected by template alerts in a non-English-speaking language rather than by detailed alerts in English.

¹⁸ *Public Safety and Homeland Security Bureau Seeks Comments on Implementation of Multilingual Wireless Emergency Alerts*, Public Notice, PS Docket Nos. 15-91 and 15-94 (Feb. 15, 2024).

¹⁹ See Working Immigrants, “Four Questions About Non-English Speakers in the U.S.” (last viewed Apr. 1, 2024), available at <https://bit.ly/3xk2Xog>.

²⁰ *Id.*

3. A Multilingual EAS Mandate for Cable Networks Would Only Accelerate the Decline of Cable Video as an Alerting Platform

The decline of cable subscribership continues. For the first time ever, broadcast and cable television account for less than half of all TV viewing.²¹ Small providers, in particular, are affected by this decline. Simply, smaller providers do not have the negotiating power of a larger operator to combat rising retransmission costs, and today, ACA Connects and NTCA members are primarily focused on driving the accessibility and affordability of broadband.²² As a result, smaller cable operators represented by the Joint Commenters are particularly likely to consider exiting from the cable video business over the coming decade. Indeed, NTCA's 2023 Broadband/Internet Survey Report found that nearly 18% of member companies that offer video service are not likely to continue offering video service while 11% already have plans to discontinue offering this service.²³

Maintaining EAS messaging via cable video distribution provides significant public safety benefits for consumers during disasters and emergencies, offering a means to stay connected with emergency information. The imposition of massively costly new EAS obligations could be the "last straw" or at least one of the factors that encourages smaller and more rural cable operators to exit the video market, depriving their customers and communities of a source for receiving emergency alerts.

²¹ See CNN Business, "For the First Time, Cable and Broadcast Makes Up Less Than Half of TV Viewing" (Aug. 15, 2023), available at <https://cnn.it/3lZULfG>.

²² NTCA's 2023 Broadband/Internet Availability Survey Report found that an average of 27.9% of respondents' 2022 operating expenditures went toward retransmission consent fees. See NTCA, "Broadband/Internet Availability Survey Report" at 30 (Dec. 2023), available at <https://bit.ly/3xkukyM>.

²³ *Id.* at 28.

IV. BEFORE ADOPTING A MULTILINGUAL ALERTING MANDATE FOR CABLE OPERATORS, THE COMMISSION SHOULD DIRECT CSRIC TO STUDY THE PROPOSAL IN MORE DETAIL

As highlighted by NCTA in a recent *ex parte*, the proposed rules would require years-long efforts from industry and standards groups and substantial changes to the cable video architecture.²⁴ The reason for this is simple: “Unlike with the Commission’s recent WEA multilingual alerting order, the Commission’s proposals for EAS would not be building off existing capabilities.”²⁵ Simply, cable providers are operating in the dark on how to enact the proposed rules. The proposed rules will likely require an entire overhaul of existing EAS architecture for the reasons highlighted above and in NCTA’s recent *ex parte*.²⁶

To ensure the cable industry is able to act in a way to best enact the proposed rules, if the Commission proceeds forward, it should first conduct a study to examine *what* progress can be made and *how* the progress should be made. There is ample precedent for the Commission to direct an advisory committee to issue a study before moving forward with additional rules. For example, in the Commission’s recent Order curbing robocallers’ access to phone numbers, the Commission directed the North American Numbering Council to conduct a comprehensive study on number utilization, resale, and reclamation before it adopted additional measures to combat illegal robocalls.²⁷ And before the Commission issued rules in the Z-axis proceeding, the

²⁴ See NCTA Feb. 9 2024 *Ex Parte* at 1.

²⁵ *Id.* at n.2

²⁶ See *generally id.*

²⁷ See *Numbering Policies for Modern Communications et al.*, WC Docket Nos. 13-97 et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 23-75, paras. 68-73 (rel. Sep. 22, 2023).

Commission tasked CSRIC with testing indoor location accuracy technologies in a test bed.²⁸ The Commission should follow its own precedents and direct a study on the ability of cable providers to adopt multilingual EAS alerts.

V. CONCLUSION

ACA Connects and NTCA appreciate the opportunity to participate in this proceeding and encourage the Commission to take its comments into consideration.

Respectfully submitted,

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²⁸ See *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, First Report and Order and Fifth Further Notice of Proposed Rulemaking, FCC 19-124, para. 3 (rel. Nov. 25, 2019).