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

In the Matter of	)	
	)	
Amendment of Part 11 of the Commission's Rules	)	EB Docket No. 04-51
Regarding the Emergency Alert System	)	RM 10619
	)	

REPORT AND ORDER

Adopted: January 28, 2005 **Released: February 7, 2005**

By the Commission:

I. INTRODUCTION

1. In this *Report and Order*, the Federal Communications Commission (Commission) adopts revisions to the Part 11 rules governing the Emergency Alert System (EAS)[1] that will allow wireless cable television systems to provide EAS alerts to their subscribers in a more efficient and less burdensome manner.[2] Specifically, wireless cable system operators will now be able to install equipment that provides a means to switch all programmed channels to a predesignated channel that carries an EAS alert in lieu of installing an EAS decoder for each and every system channel. Accordingly, upon receipt of an EAS alert, subscribers' equipment will automatically be tuned to the channel carrying the EAS message.[3]

[1] 47 C.F.R. §§ 11.1, et *seq*. For purposes of the EAS rules, a "wireless cable system" is a collection of channels used to provide video programming services to subscribers. The channels may be licensed to or leased by wireless cable system operators. *See* 47 C.F.R. § 11.11(c)(1). As part of its ongoing efforts to promote the deployment of wireless broadband services, the Commission recently adopted revisions that transform this collection of channels by renaming MDS/MMDS as Broadband Radio Service (BRS) and ITFS as Educational Broadband Service (EBS) to provide greater flexibility and a more functional band plan for licensees. *See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, WT Docket No. 03-66, Report and Order and Further Notice of Proposed Rulemaking, FCC 04-135, Appendix C (rel. July 29, 2004) (rules effective 30 days after publication in the Federal Register).

[2] *See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System,* Notice of Proposed Rulemaking, 19 FCC Rcd 4995 (2004) (*Amendment of Part 11 NPRM*) (proposing revisions to Part 11 EAS rules).

[3] In the Petition for Rulemaking that initiated this proceeding, the Wireless Communications Association International Inc. (WCA), referred to this process as "force tune" technology. *See Amendment of Section 11.11(a) of the Commission's Rules To Permit Use of "Force Tune" Technology by Digital Wireless Cable Systems, Petition for Rulemaking*, 1, (filed Oct. 31, 2002) (*WCA Petition*).

II. BACKGROUND

2. The EAS affords national, state and local authorities the capability to provide emergency communications and information to the general public via broadcast stations, cable systems, and wireless cable systems.[4] Participation in national EAS alerts is mandatory, whereas participation in state and local area EAS activations is voluntary.[5] The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934 (Act), which requires that cable systems be capable of providing EAS alerts to their subscribers.[6] In 1994, the Commission adopted rules to implement the statutory mandate and required all cable systems to carry EAS messages on all programmed channels.[7] In 1997, the Commission revised these rules to accommodate the special needs of smaller cable systems by allowing systems that serve fewer than 5,000 subscribers either to provide the national level EAS message on all programmed channels or to install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel. By that same action the Commission included wireless cable systems in this requirement, with the qualified support of that industry.[8]

3. On September 9, 2002, W.A.T.C.H. TV and its corporate parent, the Benton Ridge Telephone Company (collectively "W.A.T.C.H. TV") filed a request for waiver of Part 11 of the Commission's rules to allow W.A.T.C.H. TV to connect the video/audio output of its EAS equipment to one of W.A.T.C.H. TV's channels, rather than requiring W.A.T.C.H. TV to insert the EAS feed into each of its 128 digital satellite feeds. Upon receipt of an EAS alert, W.A.T.C.H. TV would then "force tune" its subscribers to the EAS alert by sending a signal to its subscribers' wireless cable equipment to automatically tune to the channel carrying the EAS message.[9] On September, 27, 2002, the former Technical and Public Safety Division of the Commission's Enforcement Bureau released an Order

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[4] The Commission recently released a *Notice of Proposed Rulemaking* seeking comment on whether the EAS in its present form is the most effective mechanism for warning the American public of an emergency, and if not, on how EAS can be improved. *See Review of the Emergency Alert System*, EB Docket No. 04-296, Notice of Proposed Rulemaking, FCC 04-189 (rel. Aug. 12, 2004) (*EAS NPRM*). We are considering this matter apart from the *EAS NPRM* because the rule revisions we adopt today are narrowly constructed to affect a small number of entities.

[5] 47 C.F.R. §§ 11.41-11.47.

[6] Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations …." 47 U.S.C. § 544(g).

[7] *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System,* Report and Order and Further Notice of Proposed Rule Making, FO Docket Nos. 91-171, 91-301, 10 FCC Rcd 1786 (1994), *reconsideration granted in part, denied in part*, Memorandum Opinion and Order, 10 FCC Rcd 11494 (1995).

[8] *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System,* Second Report and Order, FO Docket Nos. 91-171, 91-301, 12 FCC Rcd 15503 (1997) (*Second Report and Order*). All wireless cable systems were required to install EAS equipment by October 1, 2002.

[9] *See* Letter from Robert Primosch, Esq., Counsel, W.A.T.C.H. TV and Benton Ridge Telephone Company, to the Chief, Technical and Public Safety Division, Enforcement Bureau (filed Sept. 9, 2002).

denying the request. The Division concluded, in part, that the request sought a permanent rule change, which could not be granted by waiver, and noted that the proper procedure for the W.A.T.C.H. TV request would be a petition for a rulemaking. The Order did grant W.A.T.C.H. TV a thirty day waiver that, upon the filing of such a petition, would be extended until either the effective date of a rule change, or a Commission decision declining to adopt any such change.[10]

4. On October 31, 2002, the WCA, on behalf of W.A.T.C.H. TV and other wireless cable television systems, filed a petition for rulemaking requesting the Commission to revise its 1997 rules to allow wireless cable systems to force tune subscriber equipment to a system channel dedicated to EAS alerts and messages.[11] According to WCA, upon receipt of an EAS alert or message, wireless cable systems using force tune technology could switch subscribers from any programmed channel to a specific system channel carrying the EAS message. WCA represented that modification of the rules to allow use of this technology would provide EAS notices to subscribers while relieving system operators of substantial financial burdens. Subsequently, on December 18, 2002, the staff issued a public notice soliciting comments on WCA's petition.[12] Comments were filed by the WCA and separately by REC Networks (REC). The WCA comments provided clarification to its original proposal.[13] The REC comments endorsed the WCA proposal without making any new requests or suggesting modification of the WCA proposal.[14]

5. On March 12, 2004, the Commission released a *Notice of Proposed Rulemaking* (*NPRM*), proposing adoption of the rules suggested in the WCA petition, as clarified,[15] and seeking comment on revisions to Part 11 of the Commission's rules.[16] Comments and replies were due May 10, 2004 and May 24, 2004, respectively.[17] WCA and W.A.T.C.H. TV both submitted comments in support of the proposed modifications.[18] W.A.T.C.H. TV, in its comments, noted that it had successfully adopted force tuning subsequent to the *September 27 Order*, and recommended a permanent rule change.[19] No comments opposed the suggested rule revision, and no replies were submitted.

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[10] *W.A.T.C.H. TV, et al, Request for Waiver of Section 11.11(a) of the Commission's Rules*, File No. EB-02-TS-510, Order, 17 FCC Rcd 18329 (2002) (*September 27 Order*).

[11] *See supra* note 3.

[12] *See* FCC Public Notice No. 2589, *Consumer & Governmental Affairs Bureau Reference Information Center Petitions for Rulemaking Filed,* (Consumer & Governmental Affairs Bur., rel. Dec. 18, 2002).

[13] WCA Comments (filed Jan. 17, 2003) (WCA Comments).

[14] REC Comments (filed Jan. 6, 2003).

[15] *See generally* WCA Comments.

[16] *See generally Amendment of Part 11 NPRM*, 19 FCC Rcd 4995.

[17] *Id*.

[18] *See* WCA Comments (filed May 10, 2004); W.A.T.C.H. TV Comments (filed May 10, 2004).

[19] W.A.T.C.H. TV Comments at 2.

III. DISCUSSION

6. Our EAS rules are designed to ensure that individual TV viewers, including viewers of wireless cable TV systems, receive all national level EAS alerts, no matter what channel the viewer may be watching. As these rules are currently written, wireless cable providers serving more than 5,000 subscribers are required to install special equipment sufficient to display the audio and video EAS message on every channel in their systems.[20] Systems serving fewer than 5,000 subscribers are required to display the audio and video EAS message only on one channel, but must provide a video interrupt and an audio alert on every channel.[21]

7. WCA argued in its petition that our current rules are unnecessarily burdensome and that force tuning would allow wireless cable TV systems to supply EAS alerts more efficiently.[22] We are persuaded that under our current EAS system requirements and given the current state of the wireless cable industry, force-tuning presents an efficient solution for wireless cable operators. As WCA pointed out, EAS equipment provides outputs designed to be inserted into analog signals.[23] For wireless digital cable systems, digital channels are received via a multiplexed digital feed. To insert EAS information into each channel requires specialized equipment to separate the digital feeds into individual program streams, convert each program stream to analog format, insert the EAS video/audio into each program stream, re-encode the program stream to digital format, and recombine all of the streams into multiplexed feeds for further transmission to subscribers.[24] For a 128 channel digital system, WCA represented that a reasonable cost estimate for this process is $1,848,250.00.[25] In contrast, by permitting a software-based force tune solution, the EAS alert will still reach the viewer, but in a more technically efficient and inexpensive manner. According to WCA, with force tuning, the video/audio output of the EAS equipment will be connected to an encoder for a channel selected to carry EAS messages. Upon EAS activation, the EAS equipment will send a trigger signal to the system headend which then will forward the trigger to the subscriber's set-top box as part of the control data included in every multiplexed program stream transmitted by the system. The software in the set-top box will recognize the trigger and force tune the set-top box to the selected EAS message channel. WCA represents that a reasonable cost estimate for this alternative is $46,000.00 or about 2.5% of the cost of channel by channel implementation.[26] Further, as WCA pointed out in its comments clarifying its petition, these arguments would also apply to wireless cable systems that are not fully digital.[27]

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[20] 47 U.S.C. § 11.11(a).

[21] *Id.*

[22] *See generally WCA Petition*.

[23] *Id*. at 3.

[24] *Id*.

[25] *Id*. at 3-5.

[26] *Id*. at 5.

[27] WCA Comments at 1-2. No comments were filed disputing this position.

8. Our EAS rules were neither intended to require a particular technical solution nor to impose an unnecessary financial burden on participating cable providers. We believe that WCA has demonstrated that such a burden exists under the current rules for wireless cable operators, and that a good technical alternative exists to minimize that burden without harm to the public. As a result of these modifications, a wireless cable operator would be able to install EAS equipment for one channel only at the headend of each of its systems, and in the event of an EAS alert, automatically force each subscriber's equipment to tune to the channel carrying the EAS alert. This would allow wireless cable providers to deliver EAS alerts to all viewers in a more technologically and economically efficient manner. We believe these revisions would satisfy the Communications Act's intent to provide national alert and warning to the public, while reducing the regulatory burden on wireless cable systems. We also note that W.A.T.C.H. TV, a wireless cable system, has successfully deployed force tuning in its system, and that no comments were filed opposing this approach. Accordingly, we modify our EAS rules to allow wireless cable TV systems to supply an EAS alert to their viewers by force tuning their systems.[28] Also, because the revisions we adopt today do not affect wireless cable systems' EAS equipment, we adopt our tentative conclusion that no new authorization standards for such equipment are required.[29]

9. The Commission recently released an NPRM in which we sought comment on whether EAS as currently constituted is the most effective and efficient public warning system available to the American public.[30] One of the primary objectives of this NPRM is to determine whether there are any specific steps the Commission may take to enhance the effectiveness of EAS, particularly as regards digital, wireless, and other emerging communications technologies. Accordingly, regardless of the modifications made in this *Report and Order*, wireless cable operators are still subject to any future rulemaking proceedings. Nothing we do here today affects the Commission's ability to adjust any of the wireless cable requirements or impose other obligations on wireless cable operators through general rulemaking proceedings.

IV. CONCLUSION

10. Because the modifications to our EAS Rules will contribute to an economically efficient and technologically current public alert and warning system, in this *Report and Order*, we adopt the proposed revisions to the EAS rules for wireless cable operators, as set forth in Appendix A of this *Report and Order*.

V. PROCEDURAL MATTERS

11. Final Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act, 5 U.S.C. § 603, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) for this

[28] The revised rules are contained in Appendix A to this *Report and Order*. Unlike set-top boxes, cable-ready televisions lack the technological capability to force-tune. Therefore, we cannot extend this requirement to regular cable providers that do not utilize set-top boxes.

[29] *Amendment of Part 11 NPRM*, 19 FCC Rcd at 4995 (Commission tentatively concluded that WCA's proposal is software driven, that it requires the use of approved EAS equipment at the headend, and that no changes to approved equipment are required.).

[30] *See supra* note 4.

Report and Order, set forth in Appendix B. The Commission will send a copy of the *Report and Order*, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.[31]

12. Paperwork Reduction Act of 1995 Analysis. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198; *see* 44 U.S.C. § 3506(4).

VI. ORDERING CLAUSES

13. Accordingly, IT IS ORDERED that pursuant to the authority contained in sections 1, 4(i), 4(j), and 4(o), 303(r), 624(g) and 706 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 154(o), 303(r), 544(g) and 606, this *Report and Order* IS ADOPTED.

14. IT IS FURTHER ORDERED that Part 11 of the Commission's Rules, 47 C.F.R. Part 11, IS AMENDED as set forth in Appendix A attached hereto, effective thirty (30) days after publication of this *Report and Order* in the Federal Register.

15. IT IS FURTHER ORDERED that the Reference Information Center, Consumer and Governmental Affairs Bureau, SHALL SEND a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to Congress pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

16. IT IS FURTHER ORDERED that the Reference Information Center, Consumer and Governmental Affairs Bureau, SHALL SEND a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

FINAL RULES

Part 11 of the Code of Federal Regulations is amended as follows:

PART 11 – EMERGENCY ALERT SYSTEM (EAS)

1. The authority for Part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i) and (o), 303(r), 544(g) and 606.

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2. Section 11.11 is amended by revising the table in paragraph (a) titled **WIRELESS CABLE SYSTEMS (MDS/MMS/ITFS STATIONS)** by redesignating footnote 3 as footnote 4, adding a new footnote 3 (the title of this table has been changed to conform to recently revised rules), and revising footnote 1 as follows:

§ 11.11 The Emergency Alert System (EAS).

(a) *****

WIRELESS CABLE SYSTEMS (BRS/EBS STATIONS)		
[A. Wireless cable systems serving fewer than 5,000 subscribers from a single transmission site must either provide the National level EAS message on all programmed channels—including the required testing—by October 1, 2002, or comply with the following EAS requirements. All other wireless cable systems must comply with B.]		
B. EAS Equipment Requirement	System size and effective dates	
	≥ 5,000 subscribers	< 5,000 subscribers
EAS decoder	Y 10/1/02	Y 10/1/02
EAS encoder [FN1] [FN2]	Y 10/1/02	Y 10/1/02
Audio and Video EAS Message on all channels [FN3]	Y 10/1/02	N
Video interrupt and audio alert message on all channels;[FN4] Audio and Video EAS message on at least one channel.	N	Y 10/1/02

[FN1] The two-tone signal is used only to provide an audio alert to an audience prior to an EAS emergency message or to the Required Monthly Test (RMT) under § 11.61(a)(1) of this Part. The two-tone signal must be 8-25 seconds in duration.
[FN2] Wireless cable systems serving <5,000 subscribers are permitted to operate without an EAS encoder if they install an FCC-certified decoder.
[FN3] All wireless cable systems may comply with this requirement by providing a means to switch all programmed channels to a predesignated channel that carries the required audio and video EAS messages.
[FN4] The Video interrupt must cause all channels that carry programming to flash for the duration of the EAS emergency message. The audio alert must give the channel where the EAS messages are carried and be repeated for the duration of the EAS message.
NOTE: Programmed channels do not include channels used for the transmission of data services such as Internet.

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3. Paragraphs (g) and (h) of Section 11.51 is amended by adding paragraphs (g)(5) and (h)(5) to read as follows:

§ 11.51 EAS code and Attention Signal Transmission requirements.

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(g) ***

(5) Wireless cable systems with a requirement to carry the audio and video EAS message on at least one channel and a requirement to provide video interrupt and an audio alert message on all other channels stating which channel is carrying the audio and video EAS message, may comply by using a means on all programmed channels that automatically tunes the subscriber's set-top box to a pre-designated channel which carries the required audio and video EAS messages.

(h) ***

(5) Wireless cable systems with a requirement to carry the audio and video EAS message on all downstream channels may comply by using a means on all programmed channels that automatically tunes the subscriber’s set-top box to a pre-designated channel which carries the required audio and video EAS messages.

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APPENDIX B

FINAL REGULATORY FLEXIBILITY ANALYSIS

1. As required by the Regulatory Flexibility Act ("RFA"),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *NPRM*. The Commission sought comment on the proposals in the *NPRM*, including comment on the IRFA. The present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Rules

2. In this *Report and Order*, the Commission adopts revisions to the Part 11 rules governing the Emergency Alert System ("EAS").[2] The revisions will reduce burdens on EAS participants and improve the overall performance of the EAS.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

3. There were no comments filed specifically in response to the IRFA. Nevertheless, the agency has considered the potential impact of the rules proposed in the IRFA on small entities. As a result of these modifications, a wireless cable operator will now be able to install EAS equipment for one channel only at the headend of the system. In the event of an EAS alert, the system will automatically force each subscriber set-top box to tune to the channel carrying the EAS alert. This will allow wireless cable providers to deliver EAS alerts to all viewers in a more technologically and economically efficient manner. While this rule revision provides the greatest economic benefit to systems with over 5,000 subscribers by obviating the need for special signal conversion for all channels, it also provides a benefit to those systems with fewer than 5,000 subscribers.

C. Description and Estimate of the Number of Small Entities to which the Rules Will Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules.[3] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[4] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[5] A small business concern is one which:

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[1] *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601, *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) ("CWAAA"). Title II of the CWAAA is the Small Business Regulatory Fairness Enforcement Act of 1996.

[2] 47 C.F.R. §§ 11.1, *et seq*.

[3] 5 U.S.C. §§ 603(b)(3), 604(a)(3).

[4] *Id*. § 601(6).

[5] *Id.* § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." 5 U.S.C. § 601(3).

(1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[6] A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."[7] The arts, entertainment, and recreations sector had 96,497 small firms.[8]

5. *Broadband Radio Services.* The adopted rules would apply to Broadband Radio Services (BRS) operated as part of a wireless cable system.[9] The Commission has defined "small entity" for purposes of the auction of BRS frequencies as an entity that, together with its affiliates, has average gross annual revenues that are not more than $40 million for the preceding three calendar years.[10] This definition of small entity in the context of BRS auctions has been approved by the SBA.[11] The Commission completed its BRS auction in March 1996 for authorizations in 493 basic trading areas. Of 67 winning bidders, 61 qualified as small entities. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees.

6. BRS also includes licensees of stations authorized prior to the auction. As noted, the SBA has developed a definition of small entities for pay television services, Cable and Other Subscription Programming, which includes all such companies generating $12.5 million or less in annual receipts.[12] This definition includes BRS and thus applies to BRS licensees that did not participate in the BRS auction. Information available to us indicates that there are approximately 392 incumbent BRS licensees that do not generate revenue in excess of $11 million annually. Therefore, we find that there are approximately 440 (392 pre-auction plus 48 auction licensees) small BRS providers as defined by the SBA and the Commission's auction rules which may be affected by the rules adopted herein.

7. *Educational Broadband Services.* The adopted rules would also apply to Educational Broadband Services (EBS).[13] The SBA definition of small entities for pay television services also appears to apply to EBS.[14] There are presently 2,032 EBS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions are included in the definition of a small business.[15] However, we do not collect annual revenue data for EBS licensees, and are not able to ascertain how many of the 100 non-educational licensees would be categorized as small under the SBA

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[6] Small Business Act, 15 U.S.C. § 632 (1996).

[7] 5 U.S.C. § 601(4).

[8] *Id.*

[9] *See supra* note 1 (renaming MDS/MMDS as Broadband Radio Service (BRS)).

[10] 47 C.F.R. § 21.961(b)(1).

[11] *See Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the* Communications *Act – Competitive Bidding*, MM Docket No. 94-131 and PP Docket No. 93-253, Report and Order, 10 FCC Rcd 9589 (1995).

[12] 13 C.F.R. § 121.201, NAICS Code 515210.

[13] *See supra* note 1 (renaming ITFS as Educational Broadband Service (EBS)).

[14] *Id*.

[15] 5 U.S.C. § 601(3).

definition. Thus, we conclude that at least 1,932 EBS are small businesses and may be affected by the adopted rules.

C. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

8. There are no reporting or recordkeeping requirements adopted in this *Report and Order*. The revisions adopted in the *Report and Order* are, for the most part, intended to enhance the performance of the EAS while reducing the burden on digital wireless cable systems. We emphasize that participation in state and local EAS activities remains voluntary and that we do not impose additional costs or burdens on entities that choose not to participate in state and local area EAS plans. The *Report and Order* adopts rules that permit new equipment capabilities and new policies with regard to method of delivery of EAS messages to viewers for all EAS alerts: national, state and local. These modifications will lessen cost and operational burdens on digital wireless cable system EAS participants.

D. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

9. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

10. In the *NPRM*, we sought comment on the impact of our proposals on small entities and on any possible alternatives that would minimize the impact on small entities. In adopting the modifications contained in this *Report and Order*, we have attempted to minimize the burdens on all entities.

E. Report to Congress

11. The Commission will send a copy of this *Report and Order*, including the FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A). In addition, the Commission will send a copy of the *Report and Order*, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *Report and Order* and FRFA (or summaries thereof) will also be published in the Federal Register.