

---

## Big Common Alerting Protocol Win at the FCC for Broadcasters and Cable Operators

by Scott R. Flick and Paul A. Cicelski

---

*FCC extends deadline from March 29, 2011 to **September 30, 2011** for all EAS Participants to acquire and install the equipment necessary to use the Common Alerting Protocol (CAP) standard for Emergency Alert System alerts.*

---

On October 21, 2010, our firm filed a Petition on behalf of an unlikely coalition of broadcast and cable associations and their allies, including 46 of the state broadcasters associations, the National Association of Broadcasters, the National Cable and Telecommunications Association, the Society of Broadcast Engineers, the American Cable Association, the Association for Maximum Service Television, National Public Radio, the Association of Public Television Stations, and the Public Broadcasting Service. These parties joined forces to ask the FCC to extend the deadline for all EAS Participants to acquire and install the equipment necessary to use the CAP standard for Emergency Alert System alerts. The unified effort paid off, as today the FCC released an Order waiving Part 11.56 of its Rules and extending the deadline.

Last September 30, FEMA announced the adoption of the CAP v1.2 standard, which triggered a 180-day deadline for implementation. The FCC's extension means that the estimated 25,000 to 30,000 EAS Participants now have more time to acquire the new and sophisticated equipment they need to become CAP-compliant, while giving FEMA more time to certify CAP-compliant EAS equipment. The six-month delay will also allow equipment manufacturers to test their CAP products and to make any changes needed to meet the certification requirements. This process, in turn, will give EAS Participants the certainty they need to make better informed decisions regarding what equipment they should obtain and install to ensure compliance with CAP. Finally, the extension will give all parties, including noncommercial broadcasters, smaller cable systems, and rural broadcasters more time to budget for the purchase of new equipment.

The FCC acknowledged that if it failed to extend the 180-day deadline, it could "lead to an unduly rushed, expensive, and likely incomplete process."

The Order also leaves open the possibility of extending the CAP deadline beyond September 30, 2011. This is because the FCC will soon be conducting a rulemaking proceeding to incorporate CAP into its Part 11 Rules, and at this point it is unclear what specific Part 11 rule changes will be made as a result of the new CAP standard. According to the FCC, it plans to complete that rulemaking prior to September 30, 2011, but will ask for comments on "whether the extension for CAP acceptance by EAS Participants

granted in this waiver order is sufficient, and reserves the right to further extend the date for CAP reception in any new rule we may adopt." Given that the outcome of the rulemaking proceeding will likely result in a number of significant revisions to the FCC's EAS Rules, another extension of the deadline is certainly plausible in order to give parties enough time to come into compliance with the new rules.

In other words, stay on alert, as we will definitely be hearing much more about CAP in the near future.

---

If you have any questions about the content of this Alert, please contact the Pillsbury attorney with whom you regularly work, or the authors of this Alert.

Scott R. Flick **(bio)**  
Washington, DC  
+1.202.663.8167  
scott.flick@pillsburylaw.com

Paul A. Cicelski **(bio)**  
Washington, DC  
+1.202.663.8413  
paul.cicelski@pillsburylaw.com

This publication is issued periodically to keep Pillsbury Winthrop Shaw Pittman LLP clients and other interested parties informed of current legal developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice.

© 2010 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.