

FCC's December Meeting Agenda Includes Emergency Alerts, Satellite Broadband and E-Rate Items

December 12, 2021

The FCC released a streamlined agenda for its next Commission Open Meeting, scheduled for December 14, 2021. The agency will consider a Notice of Proposed Rulemaking ("NPRM") and Notice of Inquiry regarding how to improve the clarity and accessibility of Emergency Alert System ("EAS") visual messages to the public, including persons who are deaf or hard of hearing, and to seek comment on other EAS improvements, such as redesigns to enable matching visual and audio alert content ("EAS NPRM"). The FCC will next address an Order and Notice of Proposed Rulemaking that would grant a petition for rulemaking filed by Space Exploration Holdings, LLC ("SpaceX") to amend the spectrum sharing rules applicable to non-geostationary satellite orbit, fixed-satellite service ("NGSO FSS") systems ("Satellite Spectrum Sharing NPRM"). The commissioners will close the meeting by considering a NPRM that would propose to establish a central bidding portal through which service providers would submit their bids to the E-Rate program administrator, the Universal Service Administrative Company ("USAC") ("E-Rate NPRM").

You will find more information about the items on the December meeting agenda after the break:

Improving Accessibility and Clarity of Emergency Alerts - The [EAS NPRM](#) would propose rules to improve the accessibility and clarity of visual messages distributed to the public through the EAS, which advises the public of emergency alerts issued by government entities. The EAS is comprised of a legacy broadcast system that can only relay audio messages and an internet-based Common Alerting Protocol ("CAP") system that can relay audio, text and visual messages. Due to the fact that alert initiators using the legacy EAS have some discretion regarding the content of the alert message while EAS participants that use video (such as broadcast or cable television operators) must rely on codes embedded in alerts to create a visual message (usually text), the audio and visual messages associated with the alerts may not match. To improve the clarity of EAS test messages, the EAS NPRM would propose the use of the following script as the visual message for all legacy EAS nationwide tests: "This is a nationwide test of the Emergency Alert System issued by the Federal Emergency Management Agency covering the United States from [time] until [time]. This is only a test. No action is required by the public." For EAS participants that receive an alert from the CAP system, the FCC would propose to change the nationwide EAS test event code that alert initiators include in the alerts so that the following language is displayed in all visual messages: "Nationwide Test of the Emergency Alert System." The EAS NPRM would also seek comment on how the legacy EAS can be improved to enable alert originators to relay visual text that matches the audio message and how the EAS can be modified to support greater functionality and accessibility.

Facilitating Satellite Broadband Competition - The [Satellite Spectrum Sharing NPRM](#) would grant a petition for rulemaking from SpaceX requesting revisions to the spectrum sharing

requirements among NGSO FSS systems. The FCC considers applications for NGSO FSS system licenses, which are used to provide broadband services, in groups based on filing date under a processing round procedure. All NGSO FSS system operators within a processing round that are granted a license must comply with the FCC's spectrum sharing rules and coordinate with each other in good faith to use commonly authorized frequencies. If the NGSO FSS system operators in a processing round are unable to come to a coordination agreement, then a default spectrum-splitting procedure applies. The Satellite NPRM would propose that the spectrum sharing requirement only be applicable to NGSO FSS systems approved in the same processing round. The FCC would seek comment on a rule that would protect systems processed in an earlier round from being subjected to a certain level of interference from systems processed in a subsequent round and on whether interference protection should end after a period of time. To facilitate analysis of potential interference, earlier-round NGSO FSS system operators would be required to share data regarding their beam locations with later-round NGSO FSS system operators subject to confidentiality or non-disclosure agreements.

Promoting Fair and Open Competitive Bidding in the E-Rate Program – The [E-Rate NPRM](#) would propose changes to the E-Rate program rules to improve program integrity. The Schools and Libraries program, or E-Rate, funded by the Universal Service Fund, provides discounted telecommunications and broadband services and equipment to eligible schools and libraries (referenced as E-rate “applicants”). To obtain services and equipment through the E-rate program, an applicant must conduct a competitive bidding process among interested service providers that is commenced by submission of FCC Form 470 to USAC, which then posts the form to its website. Applicants consider bids received directly from interested service providers and then seek funding to pay their chosen service providers by filing an FCC Form 471 with USAC. The E-Rate NPRM would recommend the establishment of a bidding portal through which service providers would provide competitive bidding documentation. The FCC would seek comment on whether applicants also should be required to use the portal to submit other documentation, such as bid evaluation matrices, questions from bidders, and contract documents. In addition, the E-Rate NPRM would ask whether service providers should be required to wait a certain period of time before they could access service providers' bids. Finally, the E-Rate NPRM would request comment on various issues related to the proposed portal, including how the E-rate's existing portal could be leveraged to accept service providers' bids, whether any procurement laws or technical issues would preclude or limit the use of a bidding portal and whether the portal should be used as a repository of documents for purposes of meeting recordkeeping requirements.