

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System	)	PS Docket No. 15-94
	)	
Wireless Emergency Alerts	)	PS Docket No. 15-91

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

**I. INTRODUCTION AND SUMMARY**

ACA Connects—America’s Communications Association (“ACA Connects”) and NTCA—The Rural Broadband Association (“NTCA”) (collectively, “the Associations”) jointly submit these comments in response to the Federal Communications Commission (“Commission”) Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.<sup>1</sup> The NPRM seeks comment on a proposal to amend Section 11.31(e) of the Emergency Alert System (“EAS”) rules<sup>2</sup> to adopt a new EAS event code for Missing and Endangered Persons (“MEP”). Specifically, the proposed new MEP event code will allow for transmittal of “Ashanti Alerts”<sup>3</sup> when persons are

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<sup>1</sup> *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, Notice of Proposed Rulemaking, PS Docket Nos.15-94 and 15-91, FCC 24-30 (rel. Mar. 15, 2024) (“NPRM”).

<sup>2</sup> 47 CFR § 11.31(e).

<sup>3</sup> See Ashanti Alert Act of 2018, Pub L. 115-401, 132 Stat. 5339 (2018); 34 U.S.C. §21901, *et. seq.* (“Ashanti Alert Act”). Ashanti Alerts are “voluntary dissemination of information to law enforcement, media and the public about missing adults who are endangered or abducted or who have special needs or circumstances.” DOJ, *Resource Basket for Law Enforcement*, <https://www.justice.gov/tribal/mmip/resources/law-enforcement> (last visited Feb. 5, 2024).

missing or abducted, but the criteria for an AMBER Alert or Silver Alert are not met. Under the Commission's proposed approach, EAS equipment manufacturers would be required to integrate the MEP code into newly manufactured equipment and to make it available via software upgrade for existing equipment within twelve months. EAS Participants would be permitted to implement the code in their existing equipment on a voluntary basis.

The Associations support the Commission's continuing efforts to improve the capabilities of the EAS, and we agree that "optimiz[ing] regional and nationwide search efforts for missing, endangered, or abducted persons" is an "important public policy objective" worth pursuing. As the NPRM explains, the specific role of the MEP in achieving this objective would be to create "uniformity in the alert process to help locate missing individuals who are older than the age for which an AMBER alert may be issued (i.e., individuals over the age of 17) and either suffer from a documented mental or physical disability, are missing under circumstances where their physical safety may be in danger, or where their disappearance may not have been voluntary - including abduction or kidnapping."<sup>4</sup>

As the NPRM further recognizes, there are costs associated with upgrading the capabilities of the EAS,<sup>5</sup> and these can be especially difficult for smaller EAS Participants – including the Associations' members – to bear. For that reason, the Associations applaud the Commission's proposal to allow EAS Participants to

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<sup>4</sup> NPRM, para. 2.

<sup>5</sup> *Id.* at para. 34.

implement the MEP code in existing equipment on a voluntary basis, similar to the approach taken by the Commission in adopting the BLU code and other EAS event codes. As the Commission has observed, “it would be contrary to the voluntary nature of state and local EAS to mandate upgrades to existing EAS equipment to incorporate new optional event codes, and “imposing additional costs and burdens on broadcast stations and cable systems . . . may have the undesired effect of reducing voluntary participation in state and local EAS activities.”<sup>6</sup> Additionally, the approach outlined in the NPRM will encourage EAS Participants to continue working with state and local governments and law enforcement officials to decide how best to disseminate emergency information.<sup>7</sup>

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<sup>6</sup> *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, 17 FCC Rcd 4055, ¶ 15 (2002).

<sup>7</sup> The NPRM also seeks comment on the significance of the Ashanti Alert Act requirement that Ashanti Alerts be limited to “geographic areas that the missing adult could reasonably reach, considering the circumstances and physical and mental condition of the missing adult, the modes of transportation available to the missing adult, and the circumstances of the disappearance.” NPRM, para. 19. The Commission should make clear that it is the responsibility of the alert originator to define the geographic scope of an Ashanti Alert consistent with this requirement, and that cable operators and other EAS Participants may simply pass through Ashanti Alerts as they do other alerts.

## II. CONCLUSION

The Associations appreciate the opportunity to participate in this proceeding and encourage the Commission to take their suggestions into consideration.

Respectfully submitted,

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May 20, 2024