



July 26, 2024

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35

Dear Ms. Dortch:

On July 24, 2024, Mike Cooney of Beasley Media Group, Bill Vickery of Morgan Murphy Media, and the undersigned of the National Association of Broadcasters (Broadcasters) met with Nicole McGinnis, Leon Kenworthy, James Wiley, Logan Bennett, and Jeanne Stockman of the Public Safety and Homeland Security Bureau regarding the Second Further Notice of Proposed Rulemaking in the above-captioned proceeding,¹ in which the FCC proposes to require all broadcasters to file reports in the Disaster Information Reporting System (DIRS) and the Network Outage Reporting System (NORS).²

The Broadcasters noted that the FCC earlier mandated DIRS and NORS reporting for certain other communications providers, and expressed our appreciation for the FCC's recognition in the Second Further Notice that broadcasters are differently situated. For example, unlike other services, broadcast stations must report timely news and information about a disaster as a situation unfolds. Mandatory reporting would distract station staff from this core duty. Broadcasting is also uniquely redundant. Unlike cable and telco providers, if a station is off the air, the public can simply change the channel to one of the numerous other local stations that remain on the air for emergency news.

We noted that the few commenters that support mandating reporting demonstrate a lack of real-world experience in dealing with emergencies or understanding of the competing demands on station staff during a disaster.³ These groups do not make any

¹ *Resilient Networks, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, and New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, PS Dockets Nos. 21-346 and 15-80, and ET Docket No. 04-35, Second Report and Order and Second Further Notice of Proposed Rulemaking (Jan 26, 2024) (Second Further Notice).

² *Id.* at ¶¶ 41-49.

³ Reply Comments of the National Association of Broadcasters at 2-3, PS Docket Nos. 21-346 and 15-80, and ET Docket No. 04-35 (June 12, 2024).

specific case for what the Commission would do with the additional data and have no incentive to consider how the proposed requirements would impede broadcast service.

We described situations in which mandatory reporting would have disrupted emergency efforts. Mr. Vickery explained that, at most stations, the individual responsible for maintaining operations is also responsible for complying with FCC reporting obligations. He described his experience in such a “swivel chair” job trying to keep a station on the air during a tornado in Missouri. He listed the numerous immediate tasks that arise during such a disaster that could be delayed by mandatory DIRS reporting, such as moving news and technical crews around devastated neighborhoods, removing debris that blocks access to the studio and transmitter, repairing and finding replacement equipment, and troubleshooting IT problems, among others.

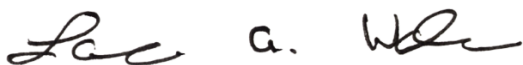
Mr. Cooney explained that mandatory DIRS reporting definitely would have hindered his efforts to maintain operations of the only functioning broadcast station within 100 miles of New Orleans during Hurricane Katrina. He described similar challenges at another station during Hurricane Irma in which persistent requests for updates on the station’s status distracted Mr. Cooney from the more important task of restoring operations.

In general, the Broadcasters explained that the most pressing need during a disaster is usually access to fuel for generators, and respectfully asked the Bureau the FCC to focus its efforts on helping with this challenge instead of requiring more paperwork.

Finally, we discussed the FCC’s suggestion that mandatory DIRS and NORS reporting will allow the FCC and other agencies to allocate their emergency response resources more effectively.⁴ We explained that, with all due respect to emergency responders, filing a DIRS report has rarely, if ever, led to government assistance that helps a station maintain or restore service. Broadcasters understand that emergency response officials often have more critical, competing demands during a disaster, and therefore do not count on such assistance. However, the one-way nature of DIRS reporting raises questions about the benefits of DIRS reporting from a broadcaster’s point of view.

Accordingly, we respectfully urged the Bureau to maintain the voluntary approach to DIRS reporting by broadcasters and to forego imposing NORS reporting on radio and television stations. Please direct any inquiries regarding this matter to the undersigned.

Respectfully Submitted,



Larry Walke
Associate General Counsel
Legal and Regulatory Affairs

⁴ Second Further Notice at ¶ 46.