



Commonwealth of Kentucky
S.E.C.C.
State Emergency Communications Committee
Kentucky Emergency Alert System



Greg Happel - Chairman

650 Malone Rd. Hodgenville, Ky. 42748 Phone/fax 270-325-4120 Email- greg@kba.org

January 12, 2016

Via E-mail to:

James W. Wiley, III
Attorney Advisor
Policy & Licensing Division
Public Safety & Homeland Security Bureau
Federal Communications Commission

Dear Mr. Wiley,

Pursuant to 47 CFR 1.3 of FCC rules, this is a request for waiver, to the extent necessary, of any relevant sections of Part 11 of FCC Rules regarding EAS, in order to conduct a one time, special test of the Kentucky EAS network, as permitted under section 11.61 of commission rules. This special test is to be part of "Severe Storms Preparedness Month" as declared by Kentucky Governor, Matt Bevin.

The proposed test is to be a Statewide Tornado Drill using the 'live' code "TOR" and is scheduled for February 23rd at 10:07am, EST. In the case of threatening weather, the test would be postponed to Feb. 24th or the first day with non-threatening weather conditions. The drill will NOT substitute for the February 'Required Monthly Test', which is scheduled for Feb. 10th.

This drill has been coordinated with all known EAS participants and extensive efforts have been made to ensure that no one mistakes this drill for an actual emergency. The National Weather Service (NWS) and Kentucky Emergency Management (KYEM) have been working for months to make everyone aware of this drill, from state to county to local EM's, law enforcement, schools, fire stations, etc. Both the NWS and the Kentucky Broadcasters Association (KBA) are working to make sure that all broadcasters recognize their responsibility to apprise the public. The KBA/SECC detailed this TOR drill in the 2016 RMT schedule provided to all broadcast stations. The KBA will also send an advisory E-cast to all broadcast stations one week before and again one day before the test. Press releases will be sent to Kentucky newspapers, to assure public awareness. Information on the tornado drill is also available on the NWS and KYEM websites. The wording of the test itself will be replete with disclaimers (i.e. "This is only a test", "This is not an actual emergency", etc.) during the test. The KBA will also request, via E-cast, that all broadcast stations follow the test locally with a similar disclaimer. We will conduct as wide-ranging a campaign as is practicable to ensure the public is aware of the upcoming drill.

Communications are in progress with Joe Barrows and Tandy Hubbard, of the CMRS Board and the Office of the State 911 Coordinator, to ensure Kentucky PSAPS are advised of the tornado drill using the live code 'TOR'. They were very cooperative, last year. I will forward their approval upon receipt.

Kentucky, after years of using the TOR code, with no apparent deleterious effects, in 2009 conducted our Tornado Drill using the RMT code. This test was missed by a substantial number of those expecting it, law enforcement, fire stations, schools, etc., because many weather radios do not activate for an RMT. The EAS network did not relay as it should have due to the fact that many broadcast stations do not have their EAS equipment set up to relay NWS RMT's, as it is not required by FCC rules. The RMT coded test was considered by all concerned to be a failure, as well as an embarrassment. We later learned, after running a real TOR, in a life-threatening situation, we had a problem in our system that could have been detected and corrected earlier.

After long and careful consideration by the NWS, KY EM, KY SECC and KBA, and having discussed the use of the 'live' TOR code with broadcasters as well as other EAS participants, we have concluded that this is the only efficacious means of testing ALL of our tornado warning systems. Subsequent to the 2015 TOR drill I did a follow up with the above listed agencies to determine what complaints may have been received from the public, with regard to mistaking the drill for an actual event. There were none reported. Three years ago we had the misfortune to suffer a devastating tornado outbreak, just days prior to the scheduled TOR drill. After some discussion, we opted to cancel the drill entirely, to avoid alarming an extremely 'gun-shy' public.

We truly appreciate the Commissions' consideration of this request for a 'One Time' waiver, to allow use of the 'Live' TOR code for our February 23rd, 2016 tornado drill. Please contact me if I may provide further information.

Sincerely,

Greg Happel, Chairman
Kentucky S.E.C.C.

Phone (270) 325-4120 Cell (270) 401-2793 email- greg@kba.org

Concurring with this request are the following:

Governor, Matt Bevin
Henry Lackey, President/CEO, KY Broadcasters Association
Joe Sullivan, Warning Coordination Meteorologist, NWS, Louisville
Rick Shanklin, Warning Coordination Meteorologist, NWS, Paducah
Gary Rogers, Public Information Officer, KY Emergency Management

CC: Bonnie Gay, FCC



1-888-THE-KBA1
Kentucky Broadcasters Association
kba@kba.org