July 2026

Antenna™

An update on broadcasting law & issues from Donald E. Martin

Cybersecurity Safeguards Mandated for EAS

Compliance Deadline Is 60 Days from Federal Register Publication

The FCC has adopted mandatory cybersecurity safeguards for Emergency Alert System ("EAS") participants and opened a new phase of its effort to modernize EAS and Wireless Emergency Alerts ("WEA"). The new rules extend beyond the familiar EAS encoder/decoder. They also reach studio-transmitter-link equipment and other remotely managed equipment that routes, processes, or inserts content into a station's programming stream. The Commission said the new baseline rules respond to continuing attacks in which intruders exploited inadequately secured broadcast equipment to inject unauthorized audio, EAS tones, offensive material, or other content. The agency concluded that voluntary guidance had not been enough. These measures were adopted in a *Report and Order and Further Notice of Proposed Rulemaking* (FCC 26-38), in Dockets 25-224, 22-329, 15-91, and 15-94.

A new Section 11.35(d) in the Commission's rules requires every broadcast EAS participant, including small

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NCE FM Translator Window Postponed Until November

The FCC's Media Bureau has postponed its upcoming filing window for applications for new noncommercial FM translator stations. Previously scheduled to happen in August, the window will now open at 12:01 a.m. Eastern Time on November 4, 2026, and close at 6:00 p.m. Eastern Time on November 17, 2026. It will be the FCC's first filing window devoted exclusively to applications for new NCE FM translators operating on reserved-band channels 201–220 (88.1–91.9 MHz).

The Bureau rescheduled the window in response to requests from organizations representing college broadcasters, Tribal communities, community broadcasters and other prospective applicants. Those organizations argued that an August window would make participation difficult for

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Supreme Court Decision Puts FCC Commissioners Under Presidential Control

A major Supreme Court decision involving the Federal Trade Commission ("FTC") appears to eliminate the statutory protection that has historically limited a President's ability to remove members of the Federal Communications Commission. In *Trump v. Slaughter*, the Court held that officials who exercise executive power on behalf of the United States must be removable by the President at will. Although the case concerned an FTC commissioner, the Court's sweeping reasoning is likely to apply to FCC commissioners and many other members of independent regulatory agencies.

Chief Justice John Roberts, writing for the Court, said the Constitution vests all executive power in a single President. Because executive officials act as the President's subordinates, the Court reasoned, Congress generally cannot prevent the President from removing officials in whom the President has lost confidence.

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FCC Overhauls Earth Station Licensing Rules and Seeks Comment on Further Reforms

The FCC has adopted a sweeping reorganization of its satellite and earth station rules which it says will make the licensing process faster, more predictable, and less burdensome. The Commission's *Report and Order and Further Notice of Proposed Rulemaking* (FCC 26-47) in Docket 25-306 replaces the existing Part 25 framework with a new Part 100 to govern "Space and Earth Station Services."

These changes may be particularly important to broadcasters and other communications companies that operate satellite uplinks, downlinks, teleports, receive-only facilities, or networks of similar earth stations. Although many existing technical and operating requirements remain substantially unchanged, the FCC has adopted new application procedures, shorter public-notice periods, and a new method for licensing multiple fixed earth station sites.

One of the most significant changes is the creation of a "Nationwide, Non-Site" license for what the FCC calls "Immovable Earth Stations." An Immovable Earth Station generally is a fixed-location earth station that is not an earth station in motion, VSAT, satellite-connected handset, mobile earth station, or customer user terminal. A Nationwide, Non-Site license will authorize one or more qualifying earth stations to operate anywhere in the United States and its territories, subject to applicable site-registration and frequency-coordination requirements. Rather than seeking a separate license for each facility, an operator will be able to obtain a nationwide authorization and register individual locations as they are developed.

The initial nationwide application will not require the applicant to complete coordination for every potential location. Each registered site, however, must satisfy the coordination requirements applicable to its frequencies and operations. The FCC has adopted default registration procedures but anticipates replacing them with frequency-specific procedures in future rulemakings.

The FCC also adopted a procedure allowing certain earth station applicants to begin operating before the Commission formally grants their applications. An applicant may begin operations once its application appears on public notice if:

- The application is associated with a current, previously approved FCC Form 312 Main Form;
- The application does not request a waiver;
- Any coordination required before filing has been completed; and
- Operations are conducted on a non-interference, unprotected basis.

An operator using this procedure must not cause harmful interference and cannot claim protection from interference. If an application includes both federally shared and non-federally shared frequencies, pre-grant operations generally may begin in the non-federally shared bands. Operations involving federally shared spectrum remain subject to the applicable federal-coordination requirements.

The Commission expects this procedure to reduce the need for special temporary authority, which frequently duplicates the review required for the associated permanent application. New applicants that do not have a previously approved Form 312 will have to await FCC action before beginning operations.

Part 100 introduces a modular, certification-based application process. Earth station applicants will submit the FCC Form 312 Main Form together with a revised Schedule B containing most of the technical information associated with the requested authorization.

An approved Form 312 may be associated with later applications, amendments, or modifications, reducing the need to resubmit the same ownership and organizational information. An entity also may submit the Form 312 for advance review before it is ready to file a particular earth station application. This may be useful when the applicant has foreign ownership or other qualifications issues that could require additional FCC review.

The new rules extend to earth station applicants the ownership disclosures previously required principally of space station applicants. Applicants must disclose individuals or entities holding a 10 percent or greater direct or indirect equity or voting interest, controlling interests, and the applicant's officers and directors.

The FCC will undertake an initial completeness review within 30 days after an application is filed. A complete application ordinarily will be placed on public notice for 15 days, replacing the longer notice period that has applied to many satellite applications. If pleadings are filed, oppositions or responses will be due within 10 days after the initial period, followed by a five-day reply period. Informal objections filed outside the prescribed pleading cycle will no longer be routinely permitted. A party wishing to submit a late filing will have to request and obtain leave from the Commission. Earth station operators—and parties concerned about proposed facilities that could affect their operations—therefore will need to monitor FCC public notices carefully and act promptly.

For blanket-licensed earth stations, the licensee will not be required to exercise physical control over every individual device. It must control the network and retain the ability to stop transmissions to or from a device. The change reflects the practical realities of user-terminal, direct-to-device, and supplemental-coverage-from-space networks.

Every earth station applicant must provide a continuously available, U.S.-based contact. The FCC also retained coordination requirements, including the obligation of earth station applicants proposing operations in bands with co-primary GSO and NGSO allocations either to complete coordination before filing or demonstrate that their operations will not cause unacceptable interference.

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iHeart and FCC Settle Payola Probe

The FCC's Enforcement Bureau has resolved its investigation into iHeartMedia's compliance with the Commission's sponsorship identification and payola rules through a *Consent Decree* (DA 26-683) that imposes a detailed three-year compliance program but does not include a monetary forfeiture or findings that the company violated the Communications Act.

The investigation stemmed from allegations that iHeart provided artists with additional airplay in exchange for appearing at company-sponsored concerts and promotional events without making the sponsorship disclosures required by Sections 317 and 507 of the Communications Act and Section 73.1212 of the FCC's rules. The Bureau stated that the *Consent Decree* advances the Commission's longstanding objective of ensuring that listeners know when programming has been influenced by consideration provided to a broadcaster.

The FCC's inquiry followed a January 2025 letter from Senator Marsha Blackburn (R-TN) raising concerns about a potential new form of payola in which radio stations allegedly offered increased airplay to artists who agreed to perform free promotional shows while implicitly threatening reduced airplay for artists who declined. Shortly thereafter, the Enforcement Bureau issued an advisory reminding broadcasters that covertly manipulating airplay based on an artist's participation in station promotions or events could violate the Commission's sponsorship identification requirements.

The Bureau subsequently opened a formal investigation of iHeart, issuing letters of inquiry seeking information about the company's event booking and programming practices. Throughout the investigation, iHeart maintained that artists perform at its events because of their promotional value and that participation is not tied to increased airplay.

Although iHeart admitted the factual background set forth in the *Consent Decree* for settlement purposes, the company expressly made no admission that it violated any law, FCC rule, or policy. In return, the Enforcement Bureau agreed to terminate its investigation, dismiss pending complaints, and stated that, absent new material evidence, it would not pursue additional enforcement action or designate the company's licenses for hearing based on the matters under investigation.

The centerpiece of the settlement is an extensive compliance plan that will remain in effect for 36 months. Among other requirements, iHeart must:

- Appoint a corporate compliance officer and market-level compliance contacts.
- Develop written operating procedures, a compliance manual, and employee training programs focused on sponsorship identification requirements.
- Require periodic compliance certifications and maintain documentation for at least three years.
- Establish internal reporting mechanisms and whistleblower protections for employees.
- Report any future noncompliance involving company performance events to the FCC within 15 days of discovery.
- File compliance reports with the Commission at four months, one year, two years, and three years after the agreement becomes effective.

The *Consent Decree* also requires iHeart to adopt additional transparency measures regarding artist appearances at major company-sponsored events. The company must inform artists that performing at an iHeart event will not affect airplay on its stations and advise them that suspected payola violations may be reported directly to the FCC. For designated "Enhanced Disclosure Events," iHeart must post information on its website identifying participating artists, disclose that artists may experience a natural increase in airplay surrounding an event, explain when sponsorship identification requirements would apply if airplay is provided pursuant to an agreement, and acknowledge that artists or their representatives may contribute to certain event costs. Stations carrying music formats must provide links to those disclosures on their websites and periodically announce their availability on the air.

Notably, the settlement contains no civil penalty. Instead, the FCC relied on prospective compliance obligations designed to strengthen internal controls and increase transparency surrounding the relationship between artist appearances at station-sponsored events and music airplay. The Commission emphasized that the case reflects its continuing focus on sponsorship identification and undisclosed "payola" practices in the radio industry.

New LPTV and TV Translator Rules Become Effective

The FCC's Media Bureau has released a Public Notice (DA 26-702) announcing that several rule changes affecting low-power television, television translator and Class A television stations became effective as of July 9, 2026. The Bureau also provided guidance for applicants participating in its ongoing filing opportunity for new LPTV and television translator stations and major changes to existing facilities. The rule changes were adopted in the FCC's December 2025 *Report and Order* (FCC 25-84) in Docket 24-148. Because the changes contained new or modified information-collection requirements, they could not take effect until approved by the Office of Management and Budget ("OMB").

The amendments now in effect include the following:

- **Displacement applications:** An LPTV or television translator station filing a displacement application on FCC Form 2100, Schedule C, must include an exhibit explaining how its facilities were displaced.
- **Call signs:** Stations must have call signs appropriate to their service designation. Class A and LPTV stations must use a four-letter call sign with the appropriate suffix. Translator stations must use a call sign

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DEADLINES TO WATCH

License Renewal, FCC Reports & Public Inspection Files

August 1	Deadline to place EEO Public File Report in Public Inspection File and on station's internet website for all nonexempt radio and television stations in **California, Illinois, North Carolina, South Carolina,** and **Wisconsin.**
August 3	Deadline for all broadcast licensees and permittees of stations in **California, Illinois, North Carolina, South Carolina,** and **Wisconsin** to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).
August 3	Mid-Term EEO review begins for certain television stations in **California**.

Lowest Unit Charge Schedule For 2026 Political Campaign Season

During the 45-day period prior to a primary election or party caucus and the 60-day period prior to the general election, commercial broadcast stations are prohibited from charging any legally qualified candidate for federal elective office (who does not waive his or her rights) more than the station's Lowest Unit Charge ("LUC") for advertising that promotes the candidate's campaign for office. Lowest-unit-charge restrictions in connection with statewide primary elections are now or soon will be in effect in the following jurisdictions. Some of these dates may be subject to change.

STATE	ELECTION DATE	LUC PERIOD
Kansas	August 4	June 20 – Aug. 4
Michigan	August 4	June 20 – Aug. 4
Missouri	August 4	June 20 – Aug. 4
Virginia	August 4	June 20 – Aug. 4
Washington	August 4	June 20 – Aug. 4
Tennessee	August 6	June 22 – Aug. 6
Hawaii	August 8	June 24 – Aug. 8
Connecticut	August 11	June 27 – Aug.11
Minnesota	August 11	June 27 – Aug. 11

STATE	ELECTION DATE	LUC PERIOD
Vermont	August 11	June 27 – Aug. 11
Wisconsin	August 11	June 27 – Aug. 11
Alaska	August 18	July 4 – Aug. 18
Florida	August 18	July 4 – Aug. 18
Wyoming	August 18	July 4 – Aug. 18
Massachusetts	Sept. 1	July 18 – Sept. 1
New Hampshire	Sept. 8	July 25 – Sept. 8
Rhode Island	Sept. 8	July 25 – Sept. 8
Delaware	Sept. 15	Aug. 1 – Sept. 15

Proposed Amendments to the FM Table of Allotments

The FCC is considering an amendment to the FM Table of Allotments as described below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Whitehall, MI	248A	258A	Aug. 24	Sept. 8

Deadlines for Comments in FCC and Other Proceedings

(All proceedings are before the FCC unless otherwise noted.)

DOCKET	COMMENTS	REPLY COMMENTS
Docket 10-23; Public Notice (DA 26-650) Report to Congress re video accessibility	Aug. 10	N/A
Docket 25-224; FNPRM (FCC 26-38) EAS cybersecurity	FR+30	FR+60
Docket 25-306; FNPRM (FCC 26-47) Satellite earth station licensing	FR+30	FR+60

FR+N means that filing deadline is N days after publication of notice of the proceeding in the Federal Register.

DEADLINES TO WATCH

Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications, and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
Broadcast station chief operator, Section 73.1870	July 31
Political candidate advertising rates, Section 73.1942	Aug. 10
Foreign adversary control report, Form 5655	Aug. 17
Commercial broadcast station construction permit application, Form 2100	Aug. 17
Public inspection files, Sections 73.3526, 73.3527	Sept. 4
Political files, Sections 73.1212, 73.1943	Sept. 4
Blanketing interference, Sections 73.88, 73.685, 73.718	Sept. 4
Access to emergency information, Section 79.2	Sept. 25
Audio description, Sections 79.105, 79.106	Sept. 25
Application for certain nonbroadcast radio services, Form 601	Sept. 25

FILING WINDOW FOR APPLICATIONS FOR NEW NCE FM TRANSLATORS

12:01 AM ET, NOVEMBER 4, 2026 THROUGH 6:00 PM ET, NOVEMBER 17, 2026

FILING FREEZE FOR MINOR MODIFICATION APPLICATIONS FOR LPFM, FM TRANSLATOR, AND FM BOOSTER STATIONS

12:59 PM ET, OCTOBER 2, 2026 THROUGH 6:00 PM ET, NOVEMBER 17, 2026

New LPTV and TV Translator Rules Become Effective *continued from page 3*

incorporating the channel number. Existing call signs of qualifying Class A and LPTV stations are grandfathered. A station that does not have an appropriate call sign and does not qualify for grandfathering must request a compliant call sign by July 9, 2027.

- **Interference agreements:** An applicant proposing facilities that would exceed the FCC's permissible interference levels must include with its application a copy of the affected parties' agreement to accept the interference.
- **Ending channel-sharing arrangements:** An LPTV or television translator station participating in a channel-sharing arrangement may terminate the arrangement and seek a license for a non-shared channel by filing a major-modification application on Form 2100, Schedule C.
- **600 MHz notifications:** The FCC eliminated the requirement that 600 MHz wireless licensees notify LPTV and television translator stations when they intend to begin wireless operations and believe that an LPTV or translator station is likely to cause harmful interference within the wireless licensee's service area.

Other rule changes adopted in the *LPTV Advancement Report and Order* have not yet taken effect because they require modifications to FCC application forms that remain subject to OMB approval. The Bureau will issue another public notice when those provisions and the associated form changes become effective.

The Bureau also addressed questions concerning the filing opportunity that began March 19, 2026, for new LPTV and television translator stations and major changes to Class A, LPTV and translator facilities. More than 2,500 applications have been filed and more than 135 have been granted.

One question on Schedule C of the application form asks whether the applicant or any party to the application has an attributable interest in another broadcast station. Applicants may select "Yes," "No" or "N/A." Although the Bureau previously did not accept applications containing an "N/A" response, it now says an application will not be rejected solely because the applicant selected "N/A." Applicants with no attributable interests in other broadcast stations should answer "No." Applicants answering "Yes" must submit an exhibit identifying the other attributable broadcast interests held by the applicant or another party to the application. Pending applicants that selected "N/A" because they have no other attributable broadcast interests do not need to amend their applications.

The Bureau said it will issue separate guidance concerning mutually exclusive applications. That notice will address the use of settlements or engineering amendments to resolve conflicts, either before or during a settlement window.

Supreme Court Decision Puts FCC Commissioners Under Presidential Control *continued from page 1*

This case arose when President Trump removed Democratic FTC Commissioners Rebecca Slaughter and Alvaro Bedoya in March 2025. The President did not claim that either commissioner had committed misconduct or neglected official duties. Instead, he said their continued service was inconsistent with his administration's priorities. Federal law provided that an FTC commissioner could be removed only for "inefficiency, neglect of duty, or malfeasance in office." Slaughter sued and obtained a lower-court order restoring her to the Commission.

The Supreme Court reversed. It held that the statutory restriction violated the constitutional separation of powers because the FTC exercises substantial executive authority. The Court emphasized that the FTC adopts binding regulations, investigates alleged violations, conducts administrative adjudications and brings enforcement actions in federal court. Those responsibilities, the Court concluded, constitute the execution of federal law and therefore must remain subject to presidential control.

In reaching that result, the Court expressly overruled what remained of its 1935 decision in *Humphrey's Executor v. United States*. For more than 90 years, that decision had provided the principal constitutional foundation for independent multimember agencies whose commissioners could be removed only for cause. The Court said *Humphrey's Executor* rested on an artificial description of the FTC as exercising "quasi-legislative" and "quasi-judicial," rather than executive, authority. When an agency implements a congressional mandate against private parties, the Court declared, it exercises executive power "—no ifs, ands, or quasis about it."

The decision does not expressly adjudicate the status of an FCC commissioner. Nevertheless, its reasoning maps closely onto the FCC. Like the FTC, the FCC is a five-member commission whose members serve fixed terms. Section 4(c) of the Communications Act states that a commissioner may be removed by the President only for neglect of duty or malfeasance in office. The FCC also performs each of the functions the Court identified as executive. It adopts regulations carrying the force of law, processes and grants licenses, investigates regulated entities, conducts administrative proceedings, imposes forfeitures and other sanctions, and refers or participates in enforcement litigation. Under *Slaughter*, the FCC's statutory removal restriction is therefore highly unlikely to prevent a President from dismissing a commissioner over policy disagreements. A President will probably no longer need to establish neglect of duty or malfeasance before making such a removal.

That does not mean the FCC's other structural provisions disappear. Commissioners will continue to require Senate confirmation, and the statutory limit preventing more than three commissioners from belonging to the same political party remains in place. The decision also does not eliminate commissioners' fixed terms; it means only that those terms no longer guarantee continued service against the President's wishes. Nor does the ruling automatically invalidate existing FCC rules, licenses, enforcement decisions, or other agency actions. Its immediate effect concerns presidential control over the officials who exercise the agency's authority.

For broadcasters, the most important practical consequence may be a reduction in the FCC's institutional independence and continuity. In the past, staggered five-year terms could leave commissioners appointed by a prior President at the FCC for years after an election. Although the President could designate the chair, holdover commissioners could affect the agency's partisan balance and its ability to adopt significant policy changes.

A President who may remove commissioners without cause will have considerably greater ability to reshape the Commission. Changes in FCC policy involving ownership, localism, political broadcasting, public-interest obligations, equal employment opportunity enforcement, indecency, spectrum use, and transaction review could occur more quickly following a change in administrations.

This development may make FCC policy more responsive to election results, as the Court intended, but it may also produce greater regulatory swings from one administration to the next. Broadcasters considering acquisitions, license-related investments or long-term compliance strategies may need to account for a Commission whose priorities can change more rapidly after a presidential transition.

Further litigation may be necessary before courts definitively apply *Slaughter* to the Communications Act. As a practical matter, however, the constitutional foundation for protecting FCC commissioners from presidential removal has largely disappeared. The result is a fundamental change in the relationship between the White House and the FCC. Commissioners may continue to serve fixed terms and operate through a bipartisan structure, but they will do so with the understanding that the President—and not the statutory expiration date of a commissioner's term—may ultimately determine how long they remain in office.

The decision is *Donald J. Trump v. Rebecca Kelly Slaughter*, 2026 U.S. LEXIS 2877.

NCE FM Translator Window Postponed Until November *continued from page 1*

educational institutions operating on summer schedules and for Tribal and community organizations requiring additional time to obtain internal approvals and develop technically acceptable proposals.

Although applications cannot be filed until the window opens, FCC Form 2100, Schedule 349, will become available for data entry in the FCC's Licensing and Management System on August 3. Prospective applicants therefore can begin completing and saving their applications well before the filing window.

The limited filing freeze associated with the window has also been rescheduled. After 11:59 p.m. Eastern Time on October 2, the Media Bureau will stop accepting minor-modification applications anywhere on the FM band for LPFM stations, FM translator stations, and FM booster stations. The freeze will remain in effect through the close of the filing window on November 17.

The November 17 filing deadline will also serve as the "snapshot" date for determining applicants' comparative qualifications and points under the FCC's NCE selection procedures. Applicants must possess the qualifications supporting their claimed points by that date.

Apart from the revised window and freeze dates, the procedures and requirements announced in the Media Bureau's June 17 Public Notice (DA 26-601) and described in the June issue of this newsletter remain in effect. The Bureau noted that it has received questions about the point-system criteria, including the requirements for claiming diversity-of-ownership points, and may issue additional guidance.

FCC Overhauls Earth Station Licensing Rules and Seeks Comment on Further Reforms *continued from page 2*

The FCC retained the existing rules for receive-only earth stations for now, noting the potential for confusion while a separate C-band proceeding remains pending. The Commission clarified that a receive-only station does not require a license or registration when the operator does not request interference protection and the station is not communicating with a satellite that lacks U.S. market access.

The Commission also combined its application provisions for fixed user terminals and earth stations in motion, or ESIMs. An applicant seeking to operate the same equipment in both modes may request authority in a single application. The underlying technical and spectrum requirements applicable to each mode remain in place.

The Commission declined to make immediate substantive changes to antenna-performance standards and off-axis EIRP-density limits. Commenters warned that the proposed uniform standards could exclude antennas permitted under the existing rules or produce unintended interference consequences. Those issues will receive further consideration in the rulemaking.

In the *Further Notice* portion of this release, the FCC asks whether earth station authorizations should contain broader "operational envelopes" within which operators could make changes without filing modification applications. It also seeks comment on a wide range of operational issues, including:

- A uniform definition of an earth station "site";
- Whether user terminals, satellite-connected handsets, and ESIMs should remain classified as earth stations;
- Creation of a new "nomadic terminal" category encompassing portable consumer terminals, handsets, Internet of Things devices, and certain ESIMs;
- Satellite connectivity and licensing rules for unmanned aircraft systems and drones;
- Simplification or consolidation of the numerous earth station classifications;
- Whether applicants should be permitted to certify compliance with radiofrequency-exposure limits without routinely submitting supporting technical studies;
- A streamlined market-access procedure for certain communications with non-U.S.-licensed satellites, including telemetry, tracking and command, earth-observation downlinks, and ground-station-as-a-service operations;
- Whether the receive-only earth station rules should ultimately be eliminated; and
- Whether Nationwide, Non-Site applications should be permitted to include additional types of waiver requests.

The filing deadline for comments will be 30 days after notice of this proceeding is published in the Federal Register. Reply comments will be due 60 days after publication.

The new Part 100 requirements will not become operative immediately. Although portions of the decision become effective 60 days after Federal Register publication, the substantive Part 100 rules contain new or modified information collections that may require approval by the Office of Management and Budget. The Space Bureau will issue a public notice announcing the Part 100 effective date. Existing earth station authorizations will remain subject to their current terms and conditions. On the Part 100 effective date, however, licensees generally must comply with the new rules. Applications granted before that date will be considered under Part 25. Applications still pending on the effective date may be transitioned to Part 100, and the Space Bureau may permit or require applicants to supplement their filings.

stations and LPFM stations, to employ three controls for covered equipment. These include:

- **Credentials**. Before covered equipment is used to broadcast to the public, the participant must change any default password. A password must contain at least 15 characters, contain no dictionary words, and not be reused for the participant's other accounts, equipment, applications, or services. A password must also be changed when the participant has reason to believe it has been compromised. The rule permits an alternative authentication method—such as an out-of-band device, one-time password, or cryptographic authentication—if it is reasonably sufficient to mitigate unauthorized access.
- **Patches and updates**. Participants must promptly install security patches and security-related software and firmware updates issued by equipment manufacturers. A station may test an update first, but testing must begin promptly and be completed within a period consistent with industry best practices.
- **Firewalls or segmentation**. Participants must use a network firewall or a comparable network-segmentation practice that limits remote-management access to authorized devices and users.

The FCC explained that acceptable segmentation can include a dedicated virtual local area network, a demilitarized zone, or a physically isolated management network. Depending on the station's architecture, compliance may involve deploying a hardware or software firewall, reconfiguring a router to block inbound public-internet access, or otherwise isolating EAS-related devices from general-purpose business networks.

The compliance deadline for these new obligations will come 60 days after the new rules are published in the Federal Register. As of this writing, that publication had not yet occurred. The Commission said 60 days is sufficient because the measures are straightforward and many participants already follow them. Even so, stations that depend on outside engineers, managed IT providers, or equipment vendors should not wait for the Federal Register notice to begin their preparations.

Practical Compliance Steps

Broadcasters may consider taking measures such as the following to implement rule-compliant practices:

- Create a device inventory covering the full EAS and programming path, including equipment at studios, transmitter sites, backup facilities, and remote locations.
- Identify every remotely accessible management interface and document whether it is exposed to the public internet, protected by a firewall, placed on a segmented network, or accessible only through a controlled pathway such as a VPN.
- Eliminate default, shared, short, reused, or dictionary-based passwords on covered equipment; confirm that any alternative authentication method provides comparable or greater protection.
- Check each manufacturer's current security advisories and firmware or software releases. Establish a written process for prompt review, testing, installation, and documentation of future security updates.
- Coordinate broadcast engineering and information-technology personnel. The rule's reach across both EAS and other signal-path equipment makes divided responsibility a particular compliance risk.
- Retain a simple compliance record showing the equipment reviewed, the date credentials were addressed, the software or firmware version, and the firewall or segmentation control in place. Although the new rule does not impose a new filing or certification requirement, contemporaneous records can help demonstrate compliance.

Proposed Rulemaking

The accompanying *Further Notice of Proposed Rulemaking* goes well beyond the three rules adopted now. For broadcasters, the most consequential proposal would permit EAS functions to be performed through FCC-certified software rather than dedicated, purpose-built EAS hardware. This proposal comes in response to a Petition for Rulemaking submitted by the National Association of Broadcasters.

Under the proposed definition, EAS software could operate on one device or across multiple components physically integrated into the station's audio or video processing system. It would have to remain at the participant's local facility—such as a studio or associated transmitter site—and would exclude cloud-based EAS functions and third-party cloud EAS services. Use would be voluntary, and the software would be subject to FCC equipment authorization and proposed cybersecurity requirements.

The FCC asks whether software-based EAS could improve resiliency by making updates and patches easier, allow common servers or signal-processing platforms to perform EAS functions, and reduce reliance on aging hardware. The Commission also seeks comment on certification, cybersecurity, operational readiness, outages, logs, monitoring assignments, and how much time a participant should have to repair or replace failed software.

The *Further Notice* also proposes or explores several changes that could affect station equipment and alert presentation.

- **Message authentication**. The FCC proposes to require EAS participants to authenticate alerts formatted in the Common Alerting Protocol ("CAP") before transmission and asks whether legacy over-the-air EAS messages should also be digitally authenticated. Among the questions are how to handle failed authentication, expired certificates, internet outages, and alerts from sources such as the National Weather Service.
- **Universal alert identifiers**. The FCC proposes a common identifier to improve detection and suppression of duplicate WEA messages and asks whether the same approach should be extended to EAS,

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Cybersecurity Safeguards Mandated for EAS *continued from page 8*

where differences between legacy headers and CAP data can cause the same alert to be treated as new.

- **More precise EAS targeting**. The Commission proposes to let EAS participants voluntarily use CAP polygon coordinates to determine the geographic proximity of the emergency and whether to transmit an alert, while preserving the legacy location-code system. It also proposes a process for adding more granular EAS location codes, including partial-county codes.
- **Emergency symbols**. The FCC seeks comment on requiring television EAS displays and wireless alerts to include standardized, threat-specific symbols. It asks about symbol sets, placement, size, duration, accessibility, and implementation costs.
- **Other WEA changes**. Proposals include eliminating outdated geotargeting exceptions, requiring repeated transmission during an alert's active period, strengthening earthquake-alert attention features, and ending the requirement to support separate 90-character WEA messages. These proposals primarily affect wireless providers and device manufacturers but could influence the overall alerting ecosystem.

Comments are due to be filed within 30 days of publication of notice of this proceeding in the Federal Register. The deadline for reply comments will be 60 days after publication.

The Commission had initiated a rulemaking proceeding in 2022 concerning EAS alerting-security. The agency has terminated that proceeding without adopting the broader requirements proposed there. In particular, it did not require EAS participants to maintain and annually certify comprehensive cybersecurity risk-management plans, did not impose a new cyber-incident reporting rule, and did not adopt the proposed requirement that participants replace defective EAS equipment within 60 days.

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