



Federal Communications Commission  
Washington, D.C. 20554

February 6, 2017

Greg Happel  
Chairman  
Kentucky SECC  
650 Malone Rd  
Hodgenville, KY 42748

Dear Mr. Happel:

In response to your February 1, 2017 request on behalf of the Kentucky SECC, I hereby grant a limited, one-time, waiver of Sections 11.31, 11.45, and 11.61 of the Federal Communications Commission's Emergency Alert System (EAS) rules, 47 C.F.R. Part 11, in order to permit EAS Participants in Kentucky to utilize a live event code (TOR) in your state on February 28, 2017, with backup date of March 1, 2017.

This waiver is limited to the test to be conducted on February 28, 2017 – or on the backup date of March 1, 2017 – and applies only as that test is described in your February 1, 2017 letter. The waiver is based on your representations that (1) past tests using the RMT code failed to deliver warnings to “a substantial number of those expecting it” because “many weather radios do not activate for an RMT”; (2) a pre-test publicity effort will include “an advisory E-cast to all broadcast stations one week before and again one day before the test,” as well as press releases to Kentucky newspapers and information posted on relevant websites; (3) the NWS and Kentucky Emergency Management have coordinated the statewide tornado test with “all known EAS participants” in Kentucky, and coordinated efforts with Public Safety Answering Points (PSAPs), law enforcement, and other first responder organizations at the state and local levels; and (4) 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” and the Kentucky SECC “will conduct as wide-ranging a campaign as is practicable to ensure the public is aware of the upcoming drill.”

Additionally, I urge you to continue to conduct as wide-ranging a public information campaign as is practicable about the planned testing events.

This rule waiver is granted under delegated authority pursuant to Sections 1.3 and 0.392 of the Commission's rules, 47 C.F.R. §§ 1.3 and 0.392.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Wilhelm".

Michael Wilhelm  
Chief (Acting), Policy and Licensing Division  
Public Safety and Homeland Security Bureau