



Federal Communications Commission
Washington, D.C. 20554

February 20, 2018

Greg Happel
Chairman
Kentucky S.E.C.C.
EAS Coordinator
650 Malone Rd.
Hodgenville, KY 42748

Dear Mr. Happel:

This letter is in response to your request, on behalf of the Kentucky State Emergency Communications Committee (SECC), to test using a "live code." 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 CFR Part 11, to permit EAS Participants in Kentucky to use the live event code, "TOR," in a special statewide tornado drill on March 1, 2018, with a backup date of March 7, 2018.

This waiver is limited to the drill to be conducted on one of the two dates referenced above, and applies only as that test is described in your letter dated January 29, 2018, which we received on February 19, 2018. The waiver is based on representations that: (1) the Required Monthly Test (RMT) code has failed to deliver warnings to "a substantial number of those expecting it," because "many weather radios do not activate for an RMT;" (2) pre-test publicity efforts will include an advisory E-cast to all broadcast stations one week before and again one day before the test, press releases to Kentucky newspapers, and information posted on relevant websites; (3) the National Weather Service and Kentucky Emergency Management have coordinated the statewide tornado test with "all known EAS participants" including Public Safety Answering Points, and others "from state to county to local Emergency Managers, law enforcement, schools, fire stations;" and (4) test wording will be found throughout the warning.

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 CFR Sections 1.3 and 0.392.

Sincerely,

A handwritten signature in blue ink, which appears to read "Michael Wilhelm", is written over a horizontal line.

Michael Wilhelm
Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau
Federal Communications Commission