Federal Communications Commission
Washington, D.C. 20554

February 17, 2012

Michael M. Cline
State Coordinator
Department of Emergency Management
10501 Trade Court
Richmond, Virginia 23236-3713

Dear Mr. Cline:

In response to your January 3, 2012 request on behalf of the Virginia State Emergency Communications Committee, 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 Virginia to utilize a 'live' Event Code ('TOR') in your state on March 20, 2012.

This waiver is limited to the test to be conducted on March 20, 2012 and applies only as that test is described in your January 3, 2012 and February 14, 2012 letters to me. The waiver is based on your representations that (1) Virginia Department of Emergency Management believes that such a test is necessary, including valid concerns that, “Weather Radios do NOT activate an audio alarm for the RWT/RMT codes,” necessitating the use of a live “TOR” event code; (2) a pre-test publicity effort will include “on-air broadcasts by the TV meteorologists, NWS Public Information Statements, News Releases, e-mail, and public service announcements;” (3) partner organizations for the test include, “the Virginia Association of Broadcasters, State and County Emergency Management, and schools throughout the state,” and that “[b]roadcasters can choose to intercept and not broadcast the drill message unless the station is a SP or LP facility;” and that (4) the test message will include “wording declaring that the event is a test will be provided before and/or after the test, depending upon the broadcast medium.”

Additionally, I urge you to continue to conduct as wide-ranging a public information campaign as is practicable about the planned testing events on March 20, 2012.

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. Sections 1.3 and 0.392.

Sincerely,

Thomas J. Beers
Chief, Policy Division
Public Safety and Homeland Security Bureau
Federal Communications Commission