



Federal Communications Commission
Washington, D.C. 20554

January 13, 2016

Brett Burdick
Deputy Coordinator
Department of Emergency Management
10501 Trade Court
North Chesterfield, Virginia 23236-3713

Dear Mr. Burdick:

In response to your December 28, 2015 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 22, 2016, with a back-up date of March 23, 2016.

This waiver is limited to the test to be conducted on the above referenced dates and applies only as that test is described in your December 28, 2015 letter to me, as supplemented by recent e-mails. 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 television meteorologists, public service announcements from radio and television stations, National Weather Service Public Information Statements, News Releases, and e-mail;" (3) partner organizations for the test include, "the Virginia Association of Broadcasters, state and local emergency management, universities, colleges, and elementary and secondary schools throughout Virginia," and the live code test has been coordinated with Public Safety Answering Points (PSAPs), law enforcement, and other first responder organizations at the state and local levels; and (4) "[b]roadcasters, with the exception of LP or SP facilities may choose to intercept and not broadcast the drill message;" and (5) the test message will include "wording clearly declaring that the event is a test before and after the test."

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. Sections 1.3 and 0.392.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zenji Nakazawa", is written over a horizontal line.

Zenji Nakazawa
Chief (Acting), Policy and Licensing Division
Public Safety and Homeland Security Bureau