



Federal Communications Commission  
Washington, D.C. 20554

November 15, 2017

Jeffrey D. Stern  
State Coordinator, Commonwealth of Virginia  
Department of Emergency Management  
10501 Trade Court  
North Chesterfield, Virginia 23236-3713

Dear Mr. Stern:

This letter is in response your letter dated October 6, 2017, requesting a waiver to test using "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 the Commonwealth of Virginia to utilize a live event code ("TOR"), in connection with the statewide tornado drill and EAS test scheduled for March 20, 2018, or the backup date of March 21, 2018, if severe weather impacts the Commonwealth of Virginia on March 20.

This waiver is limited to the test to be conducted on one of the dates identified above, and applies only as that test is described in your letter dated October 6, 2017. The waiver is based in part on representations that: (1) this test will be conducted in conjunction with the National Weather Service; (2) using a live "TOR" event code is necessary to activate NOAA Weather Radios and test the full system (from originator to the public), because these radios do NOT activate an audio alarm for the RWT/RMT codes; (3) partner organizations include the Virginia Association of Broadcasters, schools, state and local emergency management, hospitals, nursing homes, and others; (4) there will be publication of the drill in advance via on-air broadcasts by television meteorologists, public service announcements from radio and television stations, National Weather Service Public Information Statements, new releases, social media campaigns, and email; (5) broadcasters, with the exception of LP or SP facilities may choose to intercept and not broadcast the drill message; and (6) 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 black ink, appearing to read "Michael Wilhelm".

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