



May 19, 2020

Hon. Ajit Pai, Chairman
Hon. Jessica Rosenworcel, Commissioner
Hon. Michael O'Rielly, Commissioner
Hon. Brendan Carr, Commissioner
Hon. Geoffrey Starks, Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai and Commissioners:

RE: Multilingual Emergency Communications, EB Dockets 06-119 and 04-296

The Multicultural Media, Telecom and Internet Council (MMTC) and the League of United Latin American Citizens (LULAC) respectfully submit this letter to encourage the Commission to provide for comprehensive multilingual communications in emergencies such as hurricanes, tornados, and pandemics. We particularly wish to encourage the Commission to implement a training regimen to assist communications providers in meeting the unique and extraordinary information needs of disadvantaged multilingual populations attendant to the COVID-19 pandemic. Further, we encourage the Commission to answer the central unanswered question presented in *MMTC and LULAC v. FCC*, 873 F.3d 932 (D.C. Cir. 2017): how will multilingual communities receive emergency information, during and after a disaster such as a hurricane or tornado, that takes down the electric and perhaps other grids?

MMTC's and LULAC's Interest in Multilingual Emergency Communications

MMTC is a non-partisan, national nonprofit organization dedicated to promoting and preserving equal opportunity in the mass media, telecom and broadband industries, and closing the digital divide. MMTC is generally recognized as the nation's leading advocate for multicultural advancement in communications. MMTC has been at the forefront of efforts to make emergency information accessible to all.

LULAC is the largest and oldest Hispanic civil rights organization in the United States, with approximately 132,000 members throughout the United States and Puerto Rico. LULAC advances the economic condition, educational attainment, political influence, housing, health and civil rights of Hispanic Americans through community-based programs operating at more than 1,000 LULAC councils nationwide. The organization involves and serves all Hispanic nationality groups. Since Hurricane Katrina in 2005, LULAC has been active in advocating for multilingual emergency communications for its members and for all Hispanic persons nationwide. Many of LULAC's members do not speak English and are harmed by the lack of emergency information in Spanish.

Summary

Every person in America, regardless of their language, needs life-saving information when a hurricane strikes. To make that possible, MMTC and LULAC respectfully request the Commission to ensure that most persons not proficient in English will have access to life-saving information during a pandemic, and during or after a hurricane or tornado. Toward that end, we offer two specific recommendations:

- For communication during a pandemic, when communications systems are not adversely impacted, the Commission should promptly survey the multilingual communications abilities and preparedness of businesses that provide service during a COVID-19 sequestration, including wireline, wireless, satellite, broadband, television, and radio (the “COVID Survey”). The survey would measure the providers’ resiliency, redundancy, and multiple language capabilities before, during, and in the immediate wake of emergencies. Based on the survey results, the Commission should design and implement a training regimen to assist communications providers in meeting the unique and extraordinary information needs of disadvantaged multilingual populations when an emergency arises during the COVID-19 pandemic.
- For communication during and after a hurricane or tornado that takes down the electric, wireline or wireless grids - as happened with Hurricanes Andrew (1992), Katrina (2005), Maria (2017), Florence (2018), and Michael (2018) - the Commission should adopt a radio station “Designated Hitter” system. When radio is the last resort for mass communication, the Designated Hitter paradigm contemplates that at least one commercial or noncommercial full power radio station, able to remain on the air during and after a hurricane, will have arranged in advance to broadcast life-saving multilingual information.¹ Initially, these arrangements would be made in radio markets that have no more than one full service in-language station (defined as a commercial full power FM, or an AM with at least 1 kw day and night) and where there are more than 50,000 persons² likely to speak the target language).³ This paradigm is necessary if one or more

¹ The “Designated Hitter” concept takes its inspiration from the shared and sequential responsibilities learned by soldiers in the United States Army for the past 160 years. In taking a hill, when a platoon member is disabled, another platoon member, cross-trained in their fellow soldier’s assignment, takes their place.

² Fifty thousand (50,000) persons is intended as a starting point. Once the initiative is perfected in these primarily medium and large radio markets, it could be extended to smaller markets.

³ There appear to be 62 radio markets in which a major hurricane, tornado, and perhaps other emergencies, could take down the grids and most of the radio stations; these are set out in Exhibit A. Of these 62 markets, 23 markets are specifically susceptible to hurricanes that could take down the grids and most of the radio stations. One market Houston, is in need of a Chinese language Designated Hitter. Twenty-two (22) markets are in need of a Spanish language Designated Hitter, including 14 markets that currently have no fulltime stations broadcasting in Spanish. In some markets, such as Jacksonville, Daytona Beach, Ft. Pierce, and Melbourne, FL, and Atlantic City, NJ, the hurricane risk is very high. A list of the 23 markets specifically susceptible to hurricanes is attached as Exhibit B.

grids go down, leaving radio stations with generators as the only channels capable of mass communication. The “Designated Hitter” concept is the only method that can pre-arrange and generally assure the provision of life-saving multilingual information during and after a hurricane or tornado.

The Commission’s top priority should be meeting the urgent information needs of America’s often isolated and disadvantaged multilingual populations while under COVID-19. That means, initially, that the Commission should ensure that its regulatees possess the capabilities and expertise needed to deliver in-language service to those who will need it the most.⁴

Our recommendations are designed to minimize the cost to industry and the impact on EAS architecture, while maximizing the impact on public health and safety. We also recommend waiving a license term of regulatory fees as a financial incentive to motivate local broadcasters to volunteer as multilingual information providers in emergencies.

We are hopeful that upon appreciating the urgency of action in light of COVID-19, the industries that provide emergency communications would consider not imposing objections, and would instead work collaboratively with MMTC and LULAC to protect those who are the most vulnerable.

Background on The Multilingual Emergency Broadcasting Proceeding

The following is background on the FCC’s Multilingual Emergency Broadcasting Proceeding that was opened at the FCC on September 20, 2005.

In August 2005, Hurricane Katrina ripped through the city of New Orleans and surrounding areas, leaving thousands of people stranded, without power, housing, or drinkable water. Three million customer telephone lines were disconnected. Hundreds of thousands lost cable service. One thousand cell phone towers were damaged.⁵ Television stations, most radio stations, cable

⁴ See, e.g., Linda Villarosa, A Terrible Price: The Deadly Racial Disparities of Covid-19 in America, *The New York Times* (April 29, 2020), available at <https://www.nytimes.com/2020/04/29/magazine/racial-disparities-covid-19.html?action=click&module=Top%20Stories&pgtype=Homepage> (last accessed April 29, 2020) (comprehensively documenting the extent of racial disparities in Covid-19 contagion and deaths, as well as the reasons for these disparities); and Meagan Flynn, ‘Those numbers take your breath away’: Covid-19 is hitting Chicago’s black neighborhoods much harder than others, officials say, *Washington Post* (April 7, 2020), available at https://www.washingtonpost.com/nation/2020/04/07/chicago-racial-disparity-coronavirus/?hpid=hp_hp-top-table-main_chicagodisparity-1210pm%3Ahomepage%2Fstory-ans&itid=hp_hp-top-table-main_chicagodisparity-1210pm%3Ahomepage%2Fstory-ans (last accessed April 7, 2020) (reporting that high rates of chronic disease, as well as inequitable access to health care and economic opportunity, can impact COVID-19 death rates).

⁵ See Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks: Report and Recommendations to the Federal Communications Commission (“Independent Panel Report”) at 5-13 (June 12, 2006), available at <https://ecfsapi.fcc.gov/file/6518396739.pdf> (last accessed April 7, 2020).

service, landline and wireless, and even the daily newspaper were all silent. For many, the only way to receive lifesaving emergency information was through a battery-powered radio or car radio. But only a handful of radio stations remained on air after the storm. The stations knocked off the air included KGLA(AM), the only Spanish-language station in New Orleans at the time. Approximately 100,000 Hispanics lived in New Orleans or its suburbs. Many did not speak English. Those residents were left completely in the dark, deprived for days of *any* means of communication about the terrifying events.⁶

On September 20, 2005 – less than a month after Hurricane Katrina – MMTC and others submitted an emergency Petition for Immediate Interim Relief (“Katrina Petition”) so that Limited English Proficiency (“LEP”) individuals would never again be left without any means of obtaining critical information in the event of a hurricane.⁷

The Katrina Petition asked the Commission to modify its emergency broadcasting rules to require all of the broadcasters in a market to designate one of their number to serve as a “Designated Hitter” (also referred to as a “Good Samaritan”) that would provide emergency information in widely spoken languages during and immediately after an emergency such as a hurricane. Under this plan, English-language stations would volunteer to air multilingual emergency information if a local non-English language station was out of commission. MMTC also suggested that multilingual alerts should be a part of every state’s EAS plan.⁸

The Katrina Petition, or other multilingual relief, came to be supported by over 60 national organizations, as well as FEMA, the FCC’s own Katrina advisory committee, and a host of experts on emergency management. Since 2005, no one has proposed an alternative multilingual information plan that functions even in the event of a loss of the communications and electric grids that played out in Katrina and other disasters.

Eleven years after the Katrina Petition was filed, the FCC denied the Katrina Petition⁹ on the grounds that the Commission needed to conduct a research study on broadcasters’ voluntary efforts to meet the multilingual communications needs of the nation in an emergency (hereinafter, the “Third Study”).

⁶ See Minority Media and Telecommunications Council, Independent Spanish Broadcasters Association, and Office of Communication of the United Church of Christ, Inc., Petition for Immediate Interim Relief (“Katrina Petition”) (filed September 20, 2005) at 5-7, available at <https://ecfsapi.fcc.gov/file/6518165932.pdf> (last accessed April 7, 2020).

⁷ See *id.* at 1-4.

⁸ *Id.* at 12-16. According to the U.S. Census Bureau, twenty percent (over 60 million individuals) of the United States population speaks a language other than English at home. See U.S. Census Bureau, *Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over: 2009-2013*, Table 1 (October 2015). Approximately eight percent of the United States population (over 25 million individuals) have limited English proficiency (LEP), *id.*, making difficult the communication of emergency information. In particular, over forty-three percent of Spanish-speaking people in the United States and nearly forty-eight percent of Asian Americans are limited English proficient. *Id.*

⁹ See *Emergency Alert System, Final Order*, 31 FCC Rcd 2414, 2415 ¶1 (2016).

By a 2-1 vote, the D.C. Circuit accepted the Commission’s explanation that it needed to complete additional research. While declining to overturn the Commission’s decision, the majority opinion expressed displeasure at the Commission’s having proceeded under “bureaucratic standard time,” adding that on remand the FCC “should move expeditiously in finally deciding whether to impose a multi-lingual requirement on broadcasters, or instead to leave the issue with alert originators and others. At some point, the FCC must fish or cut bait on this question.”¹⁰

In dissent, Judge Patricia Millet declared:

Ordinarily no one would begrudge an agency’s effort to compile relevant information about a complicated problem. The problem here is that the Commission (i) had already requested that same information twice within the last ten years, including as recently as two years before the Final Order, and (ii) had specifically found the results of those requests unilluminating.¹¹

Judge Millet added that the majority opinion had failed to “mention the report written *by a panel appointed by the FCC to study Hurricane Katrina* which recommended swift action by the agency to resolve any technical issues with multilingual alerts, or a letter of support from FEMA, the federal agency tasked with responding to emergencies.”¹²

The data released to the public in May 2018 as a result of the Commission’s Third Study identified not a single community that lacks a Spanish-language full service stations, or that has just one of them, such that the multilingual populations in these communities could rely on another local station to meet their needs during and in the immediate wake of a disaster.¹³

¹⁰ *MMTC and LULAC v. FCC, supra.*

¹¹ Judge Millet’s dissent cited the *Emergency Alert System, Record Refresh Order*, 29 FCC Rcd 2682, 2689 (2014), and *Emergency Alert System, Second Report*, 22 FCC Rcd 13,275, 13,307 ¶72 (2007). Judge Millet also pointed out that broadcasters had exaggerated their claimed inability to gather up and broadcast multilingual information, since “Florida and Puerto Rico have successfully issued alerts in Spanish. In addition, according to the Commission, Minnesota issues alerts in four languages (English, Spanish, Hmong, and Somali). Oral Argument Tr. at 18. Yet when it came to the Final Order, the Commission was inexplicably mute about this potentially workable approach.” *MMTC and LULAC v. FCC* (Millet, J., dissenting), 873 F.3d at 943.

¹² *Id.* at 945.

¹³ MMTC Staff Analysis, FCC Third Study, Emergency Alert System Amendment (data submitted by May 4, 2018; MMTC analysis dated November 9, 2018 and available from counsel) (finding that 15 states had no plans to make emergency information available in languages other than English; only 39 states indicated that they had a plan or were “willing” to provide such content, and in 36 states, the majority or all of their stations had no plan to offer emergency information in another language). Surprisingly, given the Commission’s representations to the Court of Appeals, the Third Study failed specifically to inquire into the principal issue in the proceedings below – *i.e.*, who takes responsibility for multilingual

Since the D.C. Circuit's decision, one promising event occurred: a successful try-out of the Designated Hitter concept in South Carolina during and in the wake of Hurricane Florence. In September 2018, Cumulus Media and Dick Broadcasting voluntarily provided life-saving information to Spanish-speaking residents of Myrtle Beach and Hilton Head respectively. Miami-based Spanish Broadcasting System (SBS) voiced and provided Spanish language alerts and information for the South Carolina stations.¹⁴ Through this initiative, the 22,000 Hispanic residents of the Myrtle Beach radio market and 21,000 Hispanic residents of the Hilton Head radio market received life-saving information about health care issues, shelters, how to find missing persons, and how to avoid injury.

COVID-19 And Its Impact On Multilingual Emergency Communications

Because of COVID-19, a multilingual emergency communications system is needed immediately. **The 2020 hurricane season will officially begin on June 1, 2020,**¹⁵ forcing coastal residents who must observe a COVID-19 stay-at-home order, and also a pre-hurricane evacuation order, to choose whether to risk death from sickness or whether to risk death from a hurricane.

In this terrifying, and imminent scenario, complete and accurate in-language information is essential. Without accurate and timely information, desperate and isolated families will be compelled to render an uninformed guess on the ultimate question of whether to remain quarantined or whether to evacuate. The penalty for non-proficiency in English must not be death.

Already it is becoming clear that by far the greatest impact of COVID-19 will be felt by multicultural communities.¹⁶ Faced with this awful but predictable course of events, it is especially vital that the Commission meet its responsibility under Section 1 of the

communications if the power and communications grids go down. Obviously, though, if broadcasters had a plan for such an eventuality, they would have so informed the Commission and the parties.

¹⁴ The three broadcast companies came together on less than a day's notice at the request of MMTCA and LULAC. We appreciate the leadership of the South Carolina Broadcasters Association, which assisted in identifying and recruiting the participating broadcasters under trying conditions. Radio stations throughout much of the state were forced off the air by Florence. *See* Many Radio Stations Remain Off Air as Hurricane Florence Leaves a Flooded Trail of Misery, All Access (September 17, 2018).

¹⁵ *See, e.g.*, Coronavirus Live Updates: China Mourns Its Dead as U.S. Toll Passes 7,000, The New York Times (April 4, 2020), available at <https://www.nytimes.com/2020/04/04/world/coronavirus-news.html?action=click&module=Spotlight&pgtype=Homepage> (last accessed April 4, 2020) (“[w]ith wildfire season looming and hurricane season starting in less than two months, the shortfalls [of specialized staff] could complicate federal response to disasters nationwide.”)

¹⁶ *See* n. 4 *supra*.

Communications Act to ensure that communications networks are available to all “for the purpose of promoting safety of life and property,” without discrimination.¹⁷

Emergencies Requiring A Multilingual Communications Plan

We may classify emergencies into four types according to two factors: their ability to disable most communications infrastructure, including wireline, wireless, and most broadcast stations; and whether the public can be warned at least a few days in advance that the emergency is on its way. Here are the four types of emergencies:

<u>Types of Emergencies</u>	Does not disable most communications infrastructure	Can disable most communications infrastructure
Little or no advance warning	Type 1: Flash flood from dam breach or tsunami; conventional bomb explosion; terrorist mass shooting	Type 3: Nuclear meltdown or nuclear bomb
Some advance warning	Type 2: Pandemic	Type 4: Major hurricane; major tornado

A Type 1 event (dam breach, tsunami, conventional bomb, or terrorist mass shooting) or a Type 2 event (pandemic) would seldom take down most communications infrastructure. For these types of emergencies, multilingual information may be available from wireless alerts or television station programming. The Commission should verify that this assumption is correct.

A Type 3 event (nuclear meltdown or nuclear bomb) would occur without warning, leaving no time or opportunity to assemble and present multilingual information, even if communications infrastructure remained in operation.

A Type 4 event (major hurricane or major tornado) generally arrives with several days of advance warning. That is enough time for a Designated Hitter to confirm and upgrade pre-arranged plans for multilingual service. As Katrina and subsequent hurricanes such as Maria (2017) and Florence (2018) demonstrated, a hurricane can be powerful and dangerous enough to take down most communications infrastructure, such as several of a community’s radio stations as well as the community’s television, wireline, wireless, cable, and broadband service. Fortunately, conventional sources of communications, particularly wireless, are widely available with multilingual information that can be relied upon *before* a hurricane strikes.¹⁸ What is needed is a reliable backup multilingual source of information to be transmitted during and in the immediate wake of a hurricane – especially if, as happened in Katrina, the strike disables

¹⁷ 47 U.S.C. §151 (as amended in 1996).

¹⁸ All three major wireless carriers – Verizon, AT&T, and T-Mobile/Sprint – have multilingual mass text messaging capacity that can be deployed attendant to an emergency.

communications networks as well as those radio stations that lack emergency staff, a generator, and an extraordinarily hurricane-proof tower.

Recommendations For Multilingual Emergency Communications

The Commission has authority to authorize multilingual emergency communications under 47 U.S.C. §151 as well as §§154(i), 154(o), 303(g), 303(r), 309(a), 309(d), 309(e), and 309(k).

We leave for another day the question of whether the Commission is *required* to regulate in this area. Rather, we maintain that the Commission is *authorized* and morally obligated to do so.¹⁹

Here are our recommendations:

A. COVID-19 Multilingual Communications Preparedness

1. Survey of Communications Providers. The Commission should conduct an annual survey (“COVID Survey”) of the multilingual communications abilities, and preparedness, of businesses that provide service during a COVID-19 sequestration, including wireline, wireless, satellite, broadband, television, and radio. The COVID Survey should measure the providers’ resiliency, redundancy, and multiple language capabilities in emergencies. The resulting database should enable the Commission rapidly to determine whether the industries are in a position to satisfy the urgent needs of disadvantaged multilingual populations in an emergency, particularly where COVID-19 sequestrations will provide constraints on the providers and on endangered members of the public.

2. Training for Emergency Communications Providers. Taking into account the results of the COVID Survey, the Commission should design and implement a training regimen to assist communications providers in meeting the unique and extraordinary information needs of disadvantaged multilingual populations during the COVID-19 pandemic when a hurricane or tornado may trigger an evacuation order. Providing multilingual information in an emergency could be challenging for some communications providers, since many of those working in these industries have only limited experience working with multilingual populations. To help the communications industries expand their multilingual emergency capabilities, the Commission should conduct an online training symposium early each year, before the hurricane and tornado seasons begin.

¹⁹ This is why we are filing a letter with recommendations rather than a formal petition for rulemaking under 47 C.F.R. §1.401 at this time. We are hopeful that the Commission will take action expeditiously and on its own motion without the need for additional litigation.

B. Multilingual Emergency Broadcasting²⁰

1. Service During and After a Major Hurricane or Major Tornado. In the days before a hurricane or tornado strikes, multilingual emergency information generally is provided by each of the three major national wireless providers. However, many hurricanes are powerful enough to take down a community's electric, wireless, and even wireline grids and many of its broadcast stations. If that happens, a Designated Hitter system is essential.²¹

2. Radio Markets Needing a Designated Hitter-Type System. Markets needing a Designated Hitter or other system to provide backup would be identified using Nielsen, BIA and Census metrics commonly used in broadcasting: *50,000 members of populations that generally speak a target language, where the market has no more than one full service, 24-hour in-language full power radio station.* Exhibit A identifies the 62 markets apparently needing a Designated Hitter for any emergency. Twenty-three of those 62 markets are located in hurricane zones; these are set out in Exhibit B.

3. Selection of Designated Hitters. Each year, before the hurricane season begins, at least one radio station in each affected market (see Exhibit) would identify itself as a Designated Hitter in the event of an emergency.²² Selection of the Designated Hitter(s) could be done in three ways, in this order: (a) a public-spirited station volunteers to serve; (b) a station is chosen by consensus of the other broadcasters, who may decide to pass the hat for contributions toward the selected station's costs (if any); and (c) stations could draw straws.

4. Incentive to Serve as a Designated Hitter. As an incentive for a station to serve as a Designated Hitter, the Commission would agree to waive an eight-year license term of regulatory fees for stations that have volunteered to serve in that capacity during and in the immediate wake of a hurricane.

5. Frequency of Multilingual Transmissions. The multilingual information would be transmitted at regular intervals and in bite-sized blocks, consistent with radio programming norms. For example, having two minutes of multilingual content "on the eights" (as with traffic alerts) could be adopted as a *de facto* industry standard. In this way, listeners would know in advance where to turn and when. Regular listeners to the Designated Hitter station would not have their listening experience substantially disrupted.

²⁰ We have focused largely on radio because radio is the most ubiquitous, and most relied-upon medium during and in the immediate wake of a hurricane or other disaster. Radio stations with generators can be the only surviving mass medium after a disaster. And for low-income communities, radio is typically the affordable medium of last resort.

²¹ See p. 2 *supra*.

²² This, of course, assumes that the Designated Hitter continues broadcasting during and in the immediate wake of the disaster. Should that not happen, hopefully a backup Designated Hitter will be standing by. While this is not a perfect solution to the Katrina dilemma, an emergency is no time for the perfect to become the enemy of the good.

6. Duration of Multilingual Transmissions. Post-emergency broadcasts would be needed until a multilingual station knocked off the air is able to return to the air, or until local public health and safety officials declare the emergency to be at an end.

7. Information to be Provided to the Public by a Designated Hitter. The multilingual information to be broadcast would cover such topics as:

- How to find missing family members
- Where to find emergency shelter, food, water, medicine, and child care
- How to avoid injury or death from building collapses, fires, floods, downed power lines, or gas leaks
- How to maintain public health, especially in light of COVID-19 mandates (including whether to observe a quarantine or an apparently conflicting evacuation order)
- How to be counted in the Census and how to register and vote
- How to meet spiritual needs, including reassurance that God is still alive.

8. Sources of Emergency Information. The sources of the emergency information could be multicultural broadcasters in other markets, educational institutions, or a state or local governments.²³ MMTC and LULAC will encourage their broadcast and other members to provide programming to Designated Hitter stations.

9. Informing the Audience of the Designated Hitters' Identity. Before the hurricane strikes, the identity of the Designated Hitter would be broadcast through PSAs or newscasts on several stations in the market.

10. Assistance to Multilingual Stations by Other Broadcasters. All broadcasters should assist local multilingual stations to return to the air, and to participate in joint market newsgathering and other emergency service consortia. Efforts in this regard should be reported as part of each state's Annual EAS Report.

Request for Expedited Treatment

On June 1, 2020, the nation will enter a worse-than-average hurricane season.²⁴ Further, this will be the first hurricane season in modern times to take place during a pandemic. Coastal residents will face conflicting and frankly terrifying orders requiring evacuation and simultaneously requiring self-quarantine.

²³ See n. 11 *supra* (reporting that the governments of Minnesota, Florida, and Puerto Rico each have multilingual emergency messaging capacity).

²⁴ See, e.g., What's in store for hurricane season 2020? Forecasters expect 'above average' storm activity, USA Today (April 2, 2020), available at <https://www.usatoday.com/story/news/nation/2020/04/02/hurricane-forecast-2020-eight-hurricanes-predicted-form/5110828002/> (last visited May 13, 2020) (citing Colorado State University meteorologists' prediction of 16 named Atlantic storms in 2020, including 11 Category 3, 4, or 5 storms).

To avoid confusion and save lives, every person within our borders deserves access to complete and accurate information in-language in real time. Consequently, MMTC and LULAC respectfully request expedited consideration of these recommendations.²⁵

Since there is not enough time to conduct a rulemaking proceeding before June 1, 2020, the Commission should instead convene industry leaders with stations in the at-risk markets and ask them to voluntarily pledge some of their stations to serve as Designated Hitters or otherwise provide an emergency backup multilingual communications system for the 2020 hurricane season.²⁶

Respectfully,

David Honig

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²⁵ The Commission has demonstrated its ability to move very rapidly on matters of heightened public importance in an emergency. *See* Letter to Free Press, DA 20-385 (April 6, 2020), available at <https://www.fcc.gov/document/fcc-defends-1st-amendment-and-denies-petition-filed-free-press-0> (last visited April 7, 2020) (denying petition seeking sanctions for newscasts and other transmission of misleading information regarding the pandemic).

²⁶ Commendably, in March 2020 Chairman Pai was able to secure hundreds of corporate voluntary pledges of support for broadband consumers' rights during the pandemic. *See* FCC News Release, FCC Chairman Thanks Companies That Have Gone Above And Beyond The Keep Americans Connected Pledge (March 18, 2020), available at <https://www.fcc.gov/document/fcc-chairman-thanks-companies-going-above-and-beyond-pledge> (last visited April 17, 2020).

Exhibit A

**The 62 Radio Markets In Need Of A Designated
Hitter Station In The Wake Of Any Emergency**

Prepared by MMTC

Coastal, Hurricane-Prone Communities are noted in bold

Nielsen Rank	Market	Target Language	Pops Primarily Speaking Target Language²⁷	Full Service Stations in Target Language²⁸
5	Dallas-Ft. Worth, TX	Chinese	57,325	0
6	Houston-Galveston, TX	Chinese	86,246	1
9	Philadelphia, PA	Chinese	82,487	0
10	Boston, MA	Chinese	133,241	1
13	Detroit, MI	Spanish	200,115	1
15	Minneapolis-St. Paul, MN	Hmong	52,519	1
16	San Diego, CA	Chinese	56,751	0
21	Baltimore, MD	Spanish	167,713	1
24	St. Louis, MO	Spanish	88,413	0
25	Riverside-San Bern., CA	Chinese	51,628	1
27	Sacramento, CA	Chinese	61,203	1
32	Cincinnati, OH	Spanish	71,950	1
34	Cleveland, OH	Spanish	121,080	0
36	Columbus, OH	Spanish	87,490	1
38	Raleigh-Durham, N C	Spanish	208,945	1
39	Indianapolis, IN	Spanish	131,989	1
40	Hudson Valley, NY	Spanish	418,981	1
41	Milwaukee-Racine, WI	Spanish	201,310	1
42	Middle-Somer.-Union, NJ	Spanish	415,381	0
43	Nashville, TN	Spanish	134,342	1
44	Providence-War.-Paw., RI	Spanish	231,446	1
45	Norfolk-VaBeach-New., VA	Spanish	116,543	0
46	Jacksonville, FL	Spanish	134,297	1

²⁷ Hispanic population data drawn from BIA Investing in Radio 2019 (Third Edition); 2018 estimates. Asian American population data drawn from U.S. Census Bureau, American Community Survey, 2013 (reporting 2012 data, the latest available).

²⁸ Source: BIA Investing in Radio 2019 (Third Edition). Stations were counted as full service if they were a full power commercial FM (at least Class A) or an AM station with at least 1 kw day and night.

49	New Orleans, LA	Spanish	124,639	0
51	Memphis, TN	Spanish	78,921	1
54	Louisville, KY	Spanish	61,455	0
55	Monmouth-Ocean, NJ	Spanish	131,292	0
58	Buffalo-Niagara Falls, NY	Spanish	57,630	0
59	Greenville-Spartanburg, SC	Spanish	81,210	1
60	Rochester, NY	Spanish	86,284	1
63	Honolulu, HA	Spanish	95,561	0
66	Albany-Schen.-Troy, NY	Spanish	53,603	0
68	Grand Rapids, MI	Spanish	100,591	0
70	Des Moines, IA	Spanish	55,654	1
73	Allentown-Beth.-East., PA	Spanish	144,160	1
77	Wilkes Barre-Scranton, PA	Spanish	80,774	0
81	Wilmington, DE	Spanish	69,768	0
82	Harrisburg-Lebanon-Car., PA	Spanish	56,035	0
86	Gainesville-Ocala, FL	Spanish	76,379	0
88	Lakeland-WinterHaven, FL	Spanish	151,729	0
90	Colorado Springs, CO	Spanish	120,847	0
93	Daytona Beach, FL	Spanish	85,438	1
96	Ft. Pierce-Stuart-VeroB, FL	Spanish	102,014	1
100	Springfield, MA	Spanish	129,909	0
102	Melbourne-Titus-Cocoa, FL	Spanish	60,801	0
115	Lancaster, PA	Spanish	59,605	0
118	Worcester, MA	Spanish	63,823	1
121	Fayetteville, AR	Spanish	85,788	1
123	Morristown, NJ	Spanish	70,462	0
124	New Haven, CT	Spanish	91,669	0
126	Bridgeport, CT	Spanish	99,033	1
129	Fayetteville, NC	Spanish	50,425	0
135	Reading, PA	Spanish	87,780	0
138	Killeen-Temple, TX	Spanish	100,324	0
151	Stamford-Norwalk, CT	Spanish	77,634	0
152	Trenton, NJ	Spanish	67,125	1
153	Newburgh-Middletown, NY	Spanish	81,472	0
154	Atlantic City-Cape May, NJ	Spanish	62,001	0
162	Rockford, IL	Spanish	50,049	0
170	Amarillo, TX	Spanish	96,686	1
190	Waco, TX	Spanish	66,621	1
193	Bryan-College Station, TX	Spanish	60,239	0

Exhibit B

The 23 Radio Markets Needing A Designated Hitter Station Attendant To A Hurricane

Prepared by MMTC

Nielsen Rank	Market	Target Language	Pops Primarily Speaking Target Language²⁹	Full Service Stations in Target Language³⁰
6	Houston-Galveston, TX	Chinese	86,246	1
21	Baltimore, MD	Spanish	167,713	1
38	Raleigh-Durham, N C	Spanish	208,945	1
42	Middle-Somer.-Union, NJ	Spanish	415,381	0
44	Providence-War.-Paw., RI	Spanish	231,446	1
45	Norfolk-VaBeach-New., VA	Spanish	116,543	0
46	Jacksonville, FL	Spanish	134,297	1
49	New Orleans, LA	Spanish	124,639	0
55	Monmouth-Ocean, NJ	Spanish	131,292	0
81	Wilmington, DE	Spanish	69,768	0
86	Gainesville-Ocala, FL	Spanish	76,379	0
88	Lakeland-WinterHaven, FL	Spanish	151,729	0
93	Daytona Beach, FL	Spanish	85,438	1
96	Ft. Pierce-Stuart-VeroB, FL	Spanish	102,014	1
102	Melbourne-Titus-Cocoa, FL	Spanish	60,801	0
123	Morristown, NJ	Spanish	70,462	0
124	New Haven, CT	Spanish	91,669	0
126	Bridgeport, CT	Spanish	99,033	1
129	Fayetteville, NC	Spanish	50,425	0
151	Stamford-Norwalk, CT	Spanish	77,634	0
152	Trenton, NJ	Spanish	67,125	1
153	Newburgh-Middletown, NY	Spanish	81,472	0
154	Atlantic City-Cape May, NJ	Spanish	62,001	0
Total	23 Markets	---	2,966,510	---

²⁹ Hispanic population data drawn from BIA Investing in Radio 2019 (Third Edition); 2018 estimates. Asian American population data drawn from U.S. Census Bureau, American Community Survey, 2013 (reporting 2012 data, the latest available).

³⁰ Source: BIA Investing in Radio 2019 (Third Edition). Stations were counted as full service if they were a full power commercial FM (at least Class A) or an AM station with at least 1 kw day and night.