



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS AUTHORIZED ALERT ORIGINATORS TO PARTICIPATE IN TESTING OF THE ACCURACY OF THE WIRELESS EMERGENCY ALERT SYSTEM'S GEOGRAPHIC TARGETING CAPABILITY

PS Docket Nos. 15-91 and 15-94

Filing Date: July 11, 2019

The Public Safety and Homeland Security Bureau (Bureau) seeks entities authorized by the Federal Emergency Management Agency (FEMA) to send alerts using the Integrated Public Alert and Warning System (IPAWS) to participate in an upcoming targeted test of the Wireless Emergency Alert (WEA) system.¹

The Bureau seeks to better understand WEA performance, particularly with respect to the accuracy of Participating Commercial Mobile Service (CMS) Providers² geographic targeting (geo-targeting) capabilities. The Commission's enhanced geo-targeting requirement will become effective on November 30, 2019.³ After that date, Participating CMS Providers will be required to match the target area specified by the alert originator (*i.e.*, deliver an Alert Message to 100% of the geographic area that the alert originator targets with no more than a 0.1 mile overshoot).⁴ Accordingly, the Bureau seeks to

¹ See FEMA, *Alerting Authorities*, <https://www.fema.gov/alerting-authorities> (last visited May 22, 2019) (stating that there are "more than 1,100 federal, state, local, tribal, and territorial authorities that can use IPAWS to issue critical public alerts and warnings, and many more authorities that are in the process of obtaining the ability to issue alerts and warnings using IPAWS.").

² See 47 CFR § 10.10(d) ("A Commercial Mobile Service Provider (or CMS Provider) is an FCC licensee providing commercial mobile service as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)). Section 332(d)(1) defines the term commercial mobile service as any mobile service (as defined in 47 U.S.C. 153) that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.").

³ See FCC, *Wireless Emergency Alerts; Emergency Alert System; Correction*, 83 Fed. Reg. 10800 (Apr. 30, 2018).

⁴ See *Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-91 and 15-94, Second Report and Order and Second Order on Reconsideration, 33 FCC Rcd 1320, 1324-25, para. 6 (2018); see also FCC, *Wireless Emergency Alerts; Emergency Alert System*, 83 Fed. Reg. 8623 (Feb. 28, 2018) ("A Participating CMS Provider will determine which of its network facilities, elements, and locations will be used to geographically target Alert Messages. A Participating CMS Provider must deliver any Alert Message that is specified by a circle or polygon to an area that matches the specified circle or polygon. A Participating CMS Provider is considered to have matched the target area when they deliver an Alert Message to 100% of the target area with no more than 0.1 of a mile overshoot. If some or all of a Participating CMS Provider's network infrastructure is technically incapable of matching the specified target area, then that Participating CMS Provider must deliver the Alert Message to an area that best approximates the specified target area on and only on

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partner with alert originator(s) to test these capabilities in late 2019 and/or early 2020. The Bureau will select one or more alert originators based on criteria that include:

1. The alert originator's demonstrated ability to organize a large group of test participants that are customers of the several Participating CMS Providers that serve their jurisdiction and that will accurately report their test results;
2. The alert originator's demonstrated ability to organize a large group of test participants that can be positioned in geographically diverse locations throughout its jurisdiction;
3. The alert originator's demonstrated ability to conduct a public outreach campaign that ensures public awareness about a WEA test;
4. The alert originator's ability to send a State/Local WEA Test message;⁵ and
5. The alert originator's demonstrated expertise in data analysis.

Interested alert originators should submit an expression of interest in PS Docket Nos. 15-91 and 15-94 that identifies how they meet these criteria, as well as any additional information that may be relevant to our consideration of potential alerting partner(s).⁶ The Bureau will work with the selected alert originator(s) to define the parameters of the test and the roles and responsibilities of test developers and participants. The Bureau will not require any Participating CMS Provider to gather, analyze or submit data related to their performance in connection with any upcoming test.⁷

Filing Procedures. Pursuant to Sections 1.415 and 1.419 of the Commission's rules,⁸ interested parties may file comments on or before the date indicated on the first page of this document. All filings must reference PS Docket Nos. 15-91 and 15-94.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.⁹
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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those aspects of its network infrastructure that are incapable of matching the target area. A Participating CMS Provider's network infrastructure may be considered technically incapable of matching the target area in limited circumstances, including when the target area is outside of the Participating CMS Provider's network coverage area, when mobile devices have location services disabled, and when legacy networks or devices cannot be updated to support this functionality.”)

⁵ See 47 CFR § 10.350(c).

⁶ If there are specific portions of the submission that an interested alert originator believes should not be made routinely available for public inspection because of reasons of public safety, it may request confidential treatment for those portions pursuant to section 0.459 of the Commission's rules. 47 CFR § 0.459.

⁷ In 2016, the Commission issued an FNRPM seeking comment on the data that Participating CMS Providers would be required to gather in order to generate statistically significant findings on the accuracy of WEA geo-targeting and, in 2018, it issued an FNPRM seeking comment on how stakeholders could report on WEA performance. See *Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-91 and 15-94, Report and Order and Further Notice of Proposed Rulemaking, 30 FCC Rcd 11112, at 11211, para. 165 (2016); *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System; Wireless Emergency Alerts*, PS Docket Nos. 15-91 and 15-94, Report and Order and Notice of Proposed Rulemaking, 33 FCC Rcd 7086, at 8001-02, paras. 46-49 (2018) (focusing a subset of the questions on geo-targeting performance). These issues remain pending.

⁸ 47 CFR §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

“Permit-but-disclose” proceeding. The proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

Additional Information. For further information, contact James Wiley, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, at (202) 418-1678 or James.Wiley@fcc.gov.

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¹⁰ 47 CFR §§ 1.1200 *et seq.*