

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Wireless Emergency Alerts) PS Docket No. 15-91
Amendments to Part 11 of the Commission's Rules)
Regarding the Emergency Alert System) PS Docket No. 15-94

ORDER

Adopted: March 4, 2024

Released: March 4, 2024

By the Deputy Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. In this Order, the Federal Communications Commission's (Commission) Public Safety and Homeland Security Bureau (Bureau) modifies the Order granting the Huron County (OH) Emergency Management Agency (Huron County) a waiver of the Commission's Wireless Emergency Alerts (WEA) rules to permit Participating Commercial Mobile Service (CMS) Providers¹ to participate in a WEA test that the public will receive by default.²

II. BACKGROUND

2. On February 2, 2024, Huron County requested a waiver of the Commission's WEA rules to permit Participating CMS Providers to participate in an end-to-end WEA test received by the public by default, to be held on March 19, 2024 at 12:15 p.m.³ On February 20, 2024, PSHSB granted Huron County's request with conditions.⁴ On February 29, 2024, Huron County requested that PSHSB modify the Waiver Order to change the day and time for its test to March 20, 2024 at 9:45 a.m.⁵

3. Huron County requests that PSHSB modify the date on which it has authorized Huron County and Participating CMS Providers to conduct this test because their original test date, March 19, 2024, is Election Day in the State of Ohio and because on March 20, 2024, the State of Ohio, in conjunction with the National Weather Service (NWS), will be conducting its annual Statewide Tornado

1 Participating CMS Providers are commercial mobile service providers that have elected voluntarily to transmit WEA alert messages. 47 CFR §§ 10.10(d), (f). The WEA rules are set forth in Part 10 of the Commission's rules. See generally 47 CFR § 10.1, et seq.

2 Wireless Emergency Alerts, Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91, 15-94, Order, DA 24-151, https://docs.fcc.gov/public/attachments/DA-24-151A1.pdf, (PSHSB Feb. 20, 2024) (Waiver Order).

3 See from Letter Kye Stevens, EMA Administrative Assistant, Huron County Emergency Management Agency, to Federal Communications Commission (Feb. 2, 2024) (on file in Docket Nos. 15-91 and 15-94) (Huron County Letter or Letter).

4 See Waiver Order at 4-5.

5 See from Letter Kye Stevens, EMA Administrative Assistant, Huron County Emergency Management Agency, to Nicole McGinnis, Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission (Feb. 29, 2024) (on file in Docket Nos. 15-91 and 15-94) (Huron County Modification Letter).

Drill as part of Ohio Severe Weather Awareness Week.⁶ On March 20, 2024, the Ohio Department of Emergency Management (ODEM) will test the Emergency Alert System (EAS) statewide, while the National Weather Service will test National Oceanic and Atmospheric Administration (NOAA) Weather Radios statewide.⁷ Huron County states that delaying WEA test by one day will enable it to better coordinate with ODEM and the National Weather Service on the Statewide Tornado Drill.⁸

III. DISCUSSION

4. A provision of the Commission's rules "may be waived by the Commission on its own motion or on petition if good cause therefor is shown."⁹ The Commission may find good cause to extend a waiver, "if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."¹⁰

5. We conclude that there remains good cause to grant Huron County's request for waiver as modified by the Huron County Modification Letter. This will allow Huron County to delay their previously-approved WEA test by one day and test on March 20, 2024 instead of March 19, 2024. This date change is in the public interest because it will enable Huron County to conduct its WEA test in conjunction with the EAS and NOAA Weather Radio tests that ODEM and NWS, respectively, plan to conduct on March 20, 2024 as part of a Statewide Tornado Drill. Considering the new facts that Huron County presents, it would no longer be in the public interest for Huron County to conduct their WEA test on March 19, 2024 pursuant to the waiver that PSHSB initially granted. We now understand that, if Huron County were to conduct its WEA test on March 19, 2024, it would result in Huron County residents receiving test alerts on consecutive days, which would result in a less cohesive Drill and could contribute to alert fatigue for county residents. We therefore modify the Waiver Order by changing the date of the WEA test from March 19, 2024 to March 20, 2024. All conditions pursuant to which PSHSB granted the Waiver Order apply to this rescheduled test.¹¹

6. We continue to encourage Huron County to report its test results in electronic format to the Bureau. We also encourage members of the public who experience anomalous WEA test performance to report their experience to the Bureau by submitting a brief description of the issue to the FCC's Public Safety Support Center at <https://www.fcc.gov/general/public-safety-support-center>.

IV. ORDERING CLAUSE

7. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.3 of the Commission's rules, 47 CFR § 1.3, IT IS ORDERED that Huron County's request to change the date of its previously-approved WEA test from March 19, 2024 IS GRANTED consistent with the terms of this Order. This action is effective upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ 47 CFR § 1.3.

¹⁰ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *aff'd*, 459 F.2d 1203 (1973), *cert. denied*, 409 U.S. 1027 (1972)).

¹¹ See *Waiver Order* at 4-5, paras. 13-15.

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