

SEPARATE STATEMENT OF COMMISSIONER MIGNON L. CLYBURN

Re: *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.

Whether it is text-to-911, wireless location accuracy, or promoting the reliability of public safety communications, my approach when it comes to public safety issues has been shaped by three guiding principles: people with accessibility and access challenges must benefit; we should do all we can to educate consumers about these safety benefits; and collaboration among all stakeholders works better than litigation.

Frederick Douglass, one of the most influential Americans of the 19th century, is known to have said, "If there is no struggle, there is no progress." With African-American History Month just days away, I find this to be a particularly fitting quote to aptly describe most of the public safety proceedings I have participated in over the past eight years. Typically, proceedings start with the Commission setting an ambitious goal to improve these services. Then, in many cases, the communications industry pushes back on certain details. This is followed by the five of us not agreeing on all the policy details. But in the end, these struggles and collaboration among stakeholders have resulted in progress and improvements to emergency communications.

The same can be said for wireless emergency alerts or WEAs. Wireless carriers voluntarily participate and the WEA system enables authorized alert originators at the federal, tribal, state, and local levels, to warn the public about all levels of emergencies. First deployed, in April 2012, and thanks to the collaborative effort by industry and the public safety community, the WEA system has issued more than 33,000 emergency alerts.

We have worked, over the past few years, to more precisely target those alerts to cellphone users located in the exact area where the emergency exists. The risk here is that those who repeatedly get alerts which are not relevant to them may one day ignore an alert that directly impacts their safety and that would be extremely unfortunate. This is why, back in September of 2016, we sought comment on requiring the industry to go beyond the current geo-targeting standard, and more closely match the target area that an alert originator transmits. That Further Notice demonstrated again that despite differences on specific policy details, my colleagues and I considered the industry's challenges and worked toward supporting this goal.

Today's Order marks an important milestone because it follows through on the previous administration's enhanced geo-targeting proposal and requires the industry to meet the enhanced standard by November 30, 2019. I must admit that I had concerns about certain aspects of the draft originally circulated earlier this month. But I am pleased to report that I can now support the item because we were able to compromise on a few key areas.

The Order initially stated that a participating wireless company's network infrastructure could resort to a less accurate standard if it was "technically incapable" of matching a target area. I was concerned that the term could become a loophole. My colleagues agreed to my request to clarify that "technically incapable" does not include circumstances, when a carrier's own failure to adequately maintain or upgrade its network or devices, makes it unable to meet this enhanced standard. I want to commend APCO, the New York City Emergency Management Department, and others for their strong advocacy on this issue.

In addition, the original draft Order did not amend the subscriber notification rule to keep pace with the technical changes we are adopting today. Currently, consumers must be notified at

the point of sale, if wireless companies do not offer WEAs at all, or if they offer WEAs only in part. If we really believe that more precise geo-targeted alerts are important to keep people safe, then we should give all wireless customers the ability to choose more precise geo-targeting devices and services. Consumers cannot make that choice, if they do not have adequate notification. So, I thank my colleagues for agreeing to amend the rule to make clear that consumers must also be notified about the extent to which wireless companies offer enhanced geo-targeting alerts.

Finally, I was concerned that the initial draft had no mention of multimedia information in wireless emergency alerts. The September 2016 Further Notice specifically sought comment on this issue. And the New York City Emergency Management Department made a compelling case that it would have been very helpful if the alert about the Chelsea bombing in 2016, had included a photo of the suspect. So, I asked that the item include a Further Notice on multimedia information in these alerts. Although my colleagues would not agree to a Further Notice, I am pleased that they were willing to support directing the Public Safety and Homeland Security Bureau staff to issue a public notice to further develop the record on this issue.

So, for all of the reasons I have stated, this Order has my support. I thank Lisa Fowlkes and the dedicated staff of the Public Safety Homeland Security Bureau, for their work on this Order and my colleagues for working with me on this critical proceeding.