

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

*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.*

Everyone should be able to agree that providing agencies with the flexibility to pinpoint their wireless emergency alerts (WEA) to specific areas where there is a threat is an incredibly useful function. Public safety entities and industry are supportive of such geo-targeting capabilities and so am I. Therefore, I am generally in favor of today's order.

My concerns, however, center on the Commission's continuous need to mandate technologies before they may be ready, in timeframes that don't seem to be in line with the record. The notice that led to today's item, along with the Commission's Communications Security, Reliability, and Interoperability Council, commonly known as CSRIC, recommended that compliance should occur 42 months after adoption of a Commission Order. The wireless industry then said that they could probably do it faster and suggested 36 months.<sup>1</sup> Today's item adopts an inexplicable 22-month timeline based on no record evidence that this is actually achievable. Although wireless providers have stated that they will try to meet this aggressive timeline, they also stated that it will be incredibly challenging. Basically, the stars must align just right to make this happen in this time period.

While I understand that public safety entities want geo-targeting now, you cannot wish technology into existence. As the record reflects, further consideration is needed regarding how to effectuate geo-targeting, including such basics as the need for software or hardware changes and updated and new standards. This doesn't happen overnight. In fact, the standards setting bodies are still finalizing the last set of WEA changes the Commission passed, including Spanish-language messages and 360-character alerting requirements. Before these are even completed, and geo-targeting relies on the ability to send those longer alerts, we are adopting rules that will add additional requirements for standards setting bodies to work out. Based on the draft that was made public, the Alliance for Telecommunications Industry Solutions (ATIS) recently identified 25 standards that must be developed or modified to make geo-targeting possible.<sup>2</sup> Hopefully, this will be the end for a while. Let's not forget that a key priority for standard setting bodies should be 5G standards.

I also want to be clear that industry should be given the opportunity to figure out the best means to implement geo-targeting. It is paramount, in the context of public safety, that industry ensures that whatever means or technology they pick is tested and works. They should not be forced to cut corners or pick a lesser solution to meet an aspirational deadline. We went down this road for Phase II location accuracy, and it didn't work out well.

Therefore, if standards are delayed and industry needs more time to successfully deploy geo-targeting, I will be supportive of extending the November 30, 2019 deadline. For this reason, I am pleased that the Chairman agreed to my request to add language that the Commission will entertain a

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<sup>1</sup> See, e.g., *Ex Parte* Letter from Matthew Gerst, Assistant Vice President-Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 15-91 (Dec. 21, 2017); *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel & Executive Vice President, Competitive Carriers Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 15-91 (Dec. 29, 2017).

<sup>2</sup> See *Ex Parte* Letter from Thomas Goode, General Counsel, ATIS, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 15-91 (Jan. 23, 2018).

waiver of the 22-month deadline if the standards process is prolonged.<sup>3</sup> Ultimately, we must remember that this is a voluntary program. We certainly do not want providers opting out of the program because they cannot set the standards and integrate this functionality in 22 months.

This brings me to the cost-benefit analysis. While I remain skeptical of the flawed value of a statistical life metric and while some assumptions are made with little to no support, I appreciate efforts by the Chairman's Office and staff to improve this part of the item. Going forward, we should work towards improving cost-benefit analyses to ensure that they are based in fact and that there is actual proof or a high probability that the stated benefits will actually accrue from the burdens we impose. I hope under the new Office of Economics and Analytics, which we establish in a separate item, we can work on a framework in which any proposed rule must be shown to have a statistically significant likelihood of correlation or causation to any suggested benefit.

Further, I thank the Chairman for incorporating some of my additional edits, such as adding language to ensure that, for device-based solutions, the coordinate points and visible text fit within 360 characters.<sup>4</sup> I also thank the staff for all of the work they dedicated to this issue especially given the intense focus over the past few weeks after the unfortunate false alert in Hawaii.

I approve.

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<sup>3</sup> *Supra* note 78.

<sup>4</sup> *Supra* note 43.