

In the Matter of)
)
Wireless Emergency Alerts) PS Docket No. 15-91
)

Released: September 15, 2017

2. Specifically, in the *August 16 CCA Petition*, CCA requested waiver or extension of the November 1, 2017 deadline for implementation of the embedded references and “best approximates” geo-targeting requirements – requirements that CCA has asserted would be difficult to meet and might consequently prompt members to withdraw their election to participate in WEA. In the *August 31 CCA Petition*, CCA sought a second waiver, this time a partial one of Section 10.220 of the Commission’s rules, which requires Commercial Mobile Service (CMS) providers participating in the WEA system (Participating CMS Providers) to provide the Federal Communications Commission (FCC or Commission) and affected subscribers 60-days’ notice of their intent to withdraw their election.³ On September 1, 2017, the Bureau granted an interim and temporary waiver of the 60-day notice requirement to Participating CMS Providers that are both CCA members and supported the *August 31 CCA Petition*, to provide the agency with additional time to consider the merits of the request therein.⁴ This *Order* extends the relief granted to members of the CCA specified in the Bureau’s September 1, 2017 *Order*, by temporarily waiving the 60-day notice requirement until 30 days after the Commission acts on the merits

⁴ See *Wireless Emergency Alerts*, PS Docket No. 15-91, Order, DA 17-835 (PSHSB Sep. 1, 2017) (temporarily waiving the 60-day notice requirement until the Commission or the Bureau acts on the merits of the August 31 *CCA Petition*).

of CCA's earlier *August 16 Petition*.⁵ However, in order to ensure that this temporary relief is not abused, we condition this waiver on the requirement that no Participating CMS Providers that are CCA members and wish to benefit from this waiver stop participating in WEA without providing at least 30-days' notice.

II. DISCUSSION

3. Section 1.3 authorizes the Commission to waive its rules for good cause.⁶ We find it would serve the public interest to modify the current waiver of the 60-day prior notice provision of Section 10.220, by temporarily waiving the provision as described herein. CCA states that absent relief, many of its member companies, would be forced to notify their subscribers of their intent to withdraw from WEA imminently, without first fully determining whether they are able to comply with the Commission's embedded reference and "best approximates" geo-targeting requirements by their effective date of November 1, 2017.⁷ Moreover, this situation is being exacerbated by the fact that many carriers' limited resources are being further constrained at this time by the response to multiple severe weather events. This temporary waiver will permit these carriers both to focus their limited resources on responding to recent storms and figure out whether they will be able to comply with requirements that are scheduled to take effect at the beginning of November. We find, however, that it would not serve the public interest if Participating CMS Providers that wish to withdraw from supplying WEA messaging were permitted to do so without providing customers 30-days' notice. Absent this condition, Participating CMS Providers could withdraw tomorrow from supplying WEA messaging with no customer notice, and we do not believe that allowing such an abrupt withdrawal would be in the public interest.

III. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED that, pursuant to the authority granted by Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i) and Section 1.3 of the Commission's rules, 47 CFR § 1.3, the notification requirement of Section 10.220 of the Commission's rules, 47 CFR § 10.220, IS WAIVED to the extent described herein and subject to the condition described herein.

5. This Order is issued pursuant to authority delegated by sections 0.191(e), 0.191(f), and 0.392 of the Commission's rules, 47 CFR § 0.191(e), 0.191(f), and 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Lisa M. Fowlkes
Chief
Public Safety and Homeland Security Bureau

⁵ See *supra* note 2.

⁶ See 47 CFR § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown."); see also *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) (waivers must show special circumstances warranting a deviation from the general rule, and show such a deviation will serve the public interest)).

⁷ See 47 CFR § 10.220 (requiring that CMS Providers provide 60-days' notice to the Commission and subscribers of their intention to withdraw from WEA participation). Accordingly, these CCA members would be forced to render that decision before the Commission acted on their requests for an extension of those compliance deadlines.