

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. (“T-Mobile”)¹ hereby submits reply comments in the captioned proceeding² urging the Commission to proceed cautiously before adopting any changes to the Wireless Emergency Alert (“WEA”) rules. T-Mobile remains committed to empowering its customers with effective tools – such as WEA messaging – to ensure their health, welfare, and safety. The record in this proceeding demonstrates that the WEA rules are working well and WEA messages delivered pursuant to these rules play a critical role in distributing information about emergencies. As discussed below, however, the record raises significant technical concerns regarding proposed modifications to the existing WEA rules. The Commission should avoid adopting changes that could result in a wholesale redesign of the WEA structure, especially where the benefits are unclear and the changes may have unintended harmful effects.

¹ T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

² *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, Wireless Emergency Alerts*, Report and Order and Further Notice of Proposed Rulemaking, PS Docket Nos. 15-94 & 15-91, FCC 18-94 (rel. Jul. 13, 2018) (“*FNPRM*”).

I. IT IS TECHNICALLY INFEASIBLE FOR PARTICIPATING WIRELESS CARRIERS TO TRACK DELIVERY OF WEA ALERTS

In response to the Commission’s inquiry into whether WEA performance should be measured and reported,³ the record demonstrates that such requirements would be technically infeasible for participating commercial wireless carriers.⁴ WEA has been designed and implemented as a one-way messaging system, with messages delivered using cell-broadcast technology. This technology does not permit participating commercial wireless carriers to assess message delivery performance. As CTIA explains:

Cell broadcast technology cannot measure the performance of message delivery because the protocol is a simple broadcast transmit function with no capability for receipt acknowledgement or confirmation from the mobile device. For this reason, Participating CMS providers cannot: (1) monitor the information carried over the broadcast control channel or (2) provide delivery information about WEA messages.⁵

This technical limitation is long documented. For example, in 2016, at an earlier stage of the WEA docket, ATIS noted that “[b]ecause WEA uses broadcast technology, there is no technical capability for information to be communicated ‘back’ to the originator.”⁶

Nevertheless, two commenters now suggest adoption of WEA performance metrics,⁷ noting that message delivery information – such as information potentially gathered from a “read

³ *FNPRM* at ¶ 47.

⁴ See Comments of CTIA, PS Docket Nos. 15-91 & 15-94 at 2, 8-10 (Sept. 10, 2018); Comments of AT&T Services, Inc., PS Docket Nos. 15-91 & 15-94 at 2-3, 5 (Sept. 10, 2018) (“AT&T Comments”).

⁵ CTIA Comments at 9.

⁶ See Comments of the Alliance for Telecommunications Industry Solutions, PS Docket Nos. 15-91 & 15-94 at 6 (Dec. 8, 2016).

⁷ See Comments of City of New York’s Emergency Management Department, PS Docket Nos. 15-91 & 15-94 at 3-5 (Sept. 10, 2018) (“NYCEM Comments”); Comments of Homeland Security & Emergency Management, Harris County, Texas, PS Docket Nos. 15-91 & 15-94 at 1-2 (Sept. 10, 2018) (“Harris County Comments”).

receipt” message response to a WEA message⁸ – may be helpful to the public safety community. These commenters fail, however, to explain how the technical limitations of cell-broadcast technology can be overcome in a way that would permit the two-way transmission potentially required to gather performance data.⁹ Simply put, the imposition of WEA delivery performance obligations “would require a fundamental redesign of the technology underpinning the success of the existing WEA system.”¹⁰

Moreover, even if these limitations could be overcome, it would be in the public interest to further study monitoring WEA message delivery to more fully understand its impact on carrier networks and devices.¹¹ The additional assessment will generate more accurate data about whether monitoring capabilities will in some manner impede other important functionalities during critical times. For example, there are millions of subscribers in New York City and a requirement that a return-receipt message be sent from each subscriber in response to the receipt of a WEA message could take up precious bandwidth as subscribers try to communicate in response to the emergency situation that triggered the message. This may adversely impact the ability of consumers to communicate and wireless carriers to transmit additional WEA messages at a time when these communications are needed most.

⁸ NYCEM Comments at 4.

⁹ The City of New York’s Emergency Management Department suggests that SMS messaging could be used for the delivery of read receipt messages, but fails to explain how such a system would interface with WEA. *See id.* at 4-5.

¹⁰ CTIA Comments at 9.

¹¹ *Id.* In addition to the technical issues, the Commission should evaluate public privacy concerns that may be associated with a requirement to track WEA message delivery.

II. IT IS PREMATURE TO MODIFY THE NEW GEOLOCATION RULES

T-Mobile urges the Commission to forbear from modifying the new geolocation rules until after they have gone into effect next year and all stakeholders have an opportunity to evaluate the performance of the new rules. ATIS currently is evaluating possible approaches to this issue and should be permitted to complete its work before new requirements are imposed.¹² Accordingly, at this time, the Commission should reject the requests by two parties to modify the rules to require the implementation of technology to periodically recheck the location of wireless devices to determine whether they may have entered an area subject to a WEA.¹³ The better approach would be to allow industry stakeholders to continue their ongoing evaluation of geolocation capabilities and potential improvements to determine the best path forward.

Based on the foregoing, if the Commission sees any merit to proposals to modify the WEA geolocation requirements, it should provide all stakeholders an opportunity to evaluate the technical issues and document their findings *before* any new rules mandating such proposals are considered.

III. WIRELESS CARRIERS PARTICIPATING IN WEA SHOULD NOT BE REQUIRED TO REPORT FALSE ALERTS

The Commission seeks comment on the need for WEA false alert reporting “[g]iven the negative impact that false alerts have on the public’s confidence in the EAS and WEA.”¹⁴ The

¹² ATIS is evaluating a host of issues, including the impact on battery life from a requirement that devices be queried for updated location information.

¹³ NYCEM Comments at 5-6; Comments of the National Weather Service, PS Docket Nos. 15-91 & 15-94 at 1-2 (Sept. 10, 2018).

¹⁴ *FNPRM* at ¶ 40.

record demonstrates that such reporting is not needed for WEA, with only a single party vaguely suggesting that such a requirement should be adopted.¹⁵

To the extent the Commission determines that WEA false alert reporting obligations are necessary, they should be imposed only on alert originators. Such a conclusion is supported by the report and recommendations issued by the Public Safety and Homeland Security Bureau (“Bureau”) after conducting an extensive review of the Hawaii false alert.¹⁶ Specifically, in identifying actions that can be taken “to swiftly correct the misinformation and mitigate the consequences” of a WEA false alert, the Bureau *did not* recommend any reporting by participating wireless carriers that merely forward WEA messages to subscribers.

The Bureau correctly recognized that WEA messages are sent only by “authorized government agencies.”¹⁷ Wireless carriers do not originate WEA alerts and the networks of wireless carriers participating in WEA act only as a transport system. Neither the wireless network equipment nor the carrier plays a role in generating or validating WEA messages. As CTIA notes:

Participating CMS providers have no discretion on whether to send a WEA message or determine the veracity of a “false” WEA message. WEA messages are originated exclusively by alert originators, and FEMA’s Integrated Public Alert and Warning System (IPAWS) is solely responsible for originating, authenticating, and validating alert messages that are then delivered to Participating CMS Providers for dissemination. Since the Participating CMS providers are simply a conduit for WEA message delivery, they should have no role in the reporting of false alerts—this function should be the sole responsibility of alert

¹⁵ NYCEM Comments at 2 (urging the Commission to adopt rules requiring commercial mobile service providers to “immediately notify state and local governments within the false alert’s distribution area . . . when a false alert is transmitted.”). The discussion, however, centers on reporting for EAS false alerts, not WEA false alerts.

¹⁶ *Report and Recommendations*, Hawaii Emergency Management Agency, January 13, 2018 False Alert, (PSHSB rel. Apr. 10, 2018), <https://docs.fcc.gov/public/attachments/DOC-350119A1.pdf>.

¹⁷ *Id.* at ¶ 11.

originators and FEMA/IPAWS who are responsible for emergency messages and for determination of whether an alert is “false” or not.¹⁸

Based on the foregoing, wireless carriers should not be required to report on the veracity of WEA messages.¹⁹

CONCLUSION

T-Mobile reiterates its broad support for WEA but urges the Commission to exercise caution before adopting additional requirements that may unintentionally undermine the effectiveness of this important tool.

Respectfully submitted,

By: /s/ Steve Sharkey
Steve Sharkey
Shellie Blakeney
Eric Hagerson

T-MOBILE USA, INC.
601 Pennsylvania Ave., NW
North Building, Suite 800
Washington, DC 20004
(202) 654-5900

October 9, 2018

¹⁸ CTIA Comments at 10-11; *accord* AT&T Comments at 5-6.

¹⁹ As Commissioner O’Reilly has stated: “private sector entities that pass through these messages should not bear the burden or responsibility of having to determine whether a message they did not originate is, in fact, accurate and report to the Commission if it is not.” *FNPRM*, Statement of Commissioner Michael O’Reilly.