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January 18, 2018

Marlene Dortch
Secretary

Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte*, PS Docket No. 15-91

Dear Ms. Dortch:

On January 12, APCO filed an ex parte letter expressing support for the draft Second Report and Order regarding the FCC's Wireless Emergency Alerts (WEA) proceeding.¹ In the letter, APCO recommended additional rule language to clarify the obligations of participating CMS providers to achieve improved geo-targeting and what it means to be "technically incapable of matching the specified target area."² Consistent with those recommendations, I am writing to provide specific language to consider for the draft Order's proposed rules. Further, as the draft Order wisely intends the new rules to apply to existing devices capable of being upgraded to support the matching standard, APCO is suggesting that participating CMS providers be required to submit a report listing which devices are capable of being upgraded. This would be useful for public education and assist public safety officials in developing policies that take into account the geo-targeting improvements.

Accordingly, we suggest the following additional rule language as indicated with underlined text:

[REVISED SECTION 10.450(a)] This section establishes minimum requirements for the geographic targeting of Alert Messages. A Participating CMS Provider will determine which of its network facilities, elements, and locations will be used to geographically target Alert Messages. A Participating CMS Provider must deliver any Alert Message that is specified by a geocode, circle, or polygon to an area that matches the specified geocode, circle, or polygon. A Participating CMS Provider is considered to have matched the target area when they

¹ Ex Parte Letter of APCO, PS Docket No. 15-91 (filed Jan. 12, 2018).

² See *id.* at 2.

deliver an Alert Message to 100 percent of the target area with no more than 0.1 of a mile overshoot. If some or all of a Participating CMS Provider's network infrastructure is technically incapable of matching the specified target area, then that Participating CMS Provider must deliver the Alert Message to an area that best approximates the specified target area on and only on those aspects of its network infrastructure that are incapable of matching the target area. A CMS Provider's ability to claim that its network infrastructure is technically incapable of matching the specified target area is limited to circumstances including when the target area is outside of the Participating CMS Provider's network coverage area, when mobile devices have location services disabled, and when legacy networks cannot be updated to support this functionality. In all other instances, the CMS Provider must deliver an Alert Message to 100 percent of the target area with no more than 0.1 of a mile overshoot.

[NEW SECTION 10.450(c)] Participating CMS Providers are required to transmit Alert Message polygon coordinates to mobile devices without affecting the 360 character allotment for displayable Alert Message text.

[NEW SECTION 10.450(d)] Participating CMS Providers shall comply with these geo-targeting rules no later than November 30, 2019. These rules shall apply to new mobile devices offered for sale after the rule's effective date and to existing devices capable of being upgraded. Further, no later than November 30, 2019, participating CMS Providers shall submit a report to the Commission listing the existing devices that are capable of being upgraded to comply with these geo-targeting rules.

APCO continues to appreciate the efforts of the Commission and public safety stakeholders to set a path for emergency alerting that leverages available technology to better protect the public. APCO encourages the Commission to adopt the draft Order consistent with the views expressed herein.

Respectfully submitted,

/s/
Jeffrey S. Cohen
Chief Counsel

Mark S. Reddish
Senior Counsel