



January 19, 2018

Chairman Ajit Pai
Commissioner Mignon Clyburn
Commissioner Michael O’Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
445 12th Street SW
Washington DC 20554

Mr. Chairman and Commissioners,

The leadership of Chairman Pai and the commission to work with public safety and emergency management stakeholders has not gone unnoticed. We wish to share our appreciation and thanks to you and your staff for your consideration of this item. We believe that the proposed changes to the Wireless Emergency Alert (WEA) service will save lives. Better geo-targeting would be a great leap forward, but without changes we could miss this mark in the passage of this rule change. With respect, we have included several changes to the proposed rules for your consideration.

The bulk of the proposal outlines several possible solutions to reach the technological upgrades needed to the system, but these do not translate directly into the proposed rule change. The need for a defined timeline and clear definitions of the changes needed must be included in the proposed rules for this to be successful. As such, APCO has stepped forward to address this issue.

As APCO stated in its January 12th ex parte to the Commission, “in addition to expressing support for requiring geo-targeting enhancements by 2019, we recommend the incorporation of rule language to add clarity to the obligations of participating WEA service providers. For example, the language of Final Rule Section 10.450 could specify that, “No later than November 30, 2019,” participating CMS providers must match the target area. Section 10.450 could also reflect the language of the draft Order specifying that this deadline is to apply to “new mobile devices offered for sale after the rule’s effective date and to existing devices capable of being upgraded.”

APCO also stated, and we agree, that “[t]he rules could also clarify the narrow intent of what it means to be “technically incapable of matching the specified target area.” Based on the record, it is technically feasible to achieve the geo-targeting goal by November 30, 2019, through software upgrades to many existing devices and with the introduction of new devices. Thus, the rules



should be clear that “technically incapable” should not apply where providers have failed to develop standards, implement network and device changes, or pursue other technological solutions. After November 2019, CMS providers may only fall back to the “best approximates” standard in a narrow set of circumstances. While we expect participating CMS providers to continue serving as good partners in this trusted and official public safety alerting system, the FCC’s rules should minimize the potential for any confusion with respect to the carriers’ obligations to achieve geo-targeting improvements.”

In addition, as APCO noted most recently in its January 18th ex parte, we support an additional requirement that participating CMS providers submit a report listing which devices are capable of being upgraded.

Accordingly, we respectfully present the following changes consistent with APCO’s Jan. 18 ex parte to the proposed rules:

- (a) [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 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. [NEW LANGUAGE FOLLOWS] [A CMS Provider’s ability to claim that its network infrastructure is technically incapable of matching the specified target area is limited to instances 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.]
- (b) Leave as existing in Section 10.450 (b)
- (c) [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.



- (d) [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.

Chairman Pai's proposal will empower local public safety officials with the tools necessary to keep WEA relevant and their communities safer. Equally as important, it will build trust in the system by citizens who rely on it for life-saving information. If adopted in way that clearly outlines intended expectations and requirements, it will be the single most important improvement to the nation's alerts and warnings infrastructure in years.

In summary, we believe the existing proposed Order with these suggested changes to the Rules will result in a significantly improved Wireless Emergency Alert system.

Thank you again for your support of the proposed rule and the consideration of these changes.

Sincerely,

A handwritten signature in black ink, appearing to read "FS", followed by a horizontal line.

Francisco Sanchez
Deputy Emergency Management Coordinator
Harris County