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October 29, 2019

VIA ELECTRONIC MAIL

Michael J. Wilhelm, Chief
Policy and Licensing Division
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: AMENDED REQUEST - EXPEDITED ACTION REQUESTED
T-Mobile Request for Waiver to Conduct Tests of Wireless Emergency
Alert Geo-Targeting Capabilities, PS Docket No. 15-91

Dear Mr. Wilhelm:

T-Mobile USA, Inc.¹ (“T-Mobile”) hereby amends its request for a waiver of the Federal Communications Commission’s (“Commission”) Wireless Emergency Alert (“WEA”) rules to enable it to engage in testing on different dates than proposed in its initial request. As discussed below, good cause exists for the requested waiver.²

As a Commercial Mobile Service (“CMS”) Provider that has elected to participate in WEA,³ T-Mobile is committed to ensuring its compliance with the FCC’s regulations governing the service. T-Mobile wishes to engage in live testing of its network and device geo-targeting capabilities for WEA messages prior to the November 30th deadline, but cannot do so absent a waiver.

Need for Waiver. A waiver is necessary for three reasons. First, T-Mobile proposes to engage in testing to evaluate the geo-targeting capabilities of devices. Although Section 10.350 of the Commission’s rules authorizes certain WEA testing, testing of geo-targeting capabilities is not specifically authorized by this provision.⁴

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

² 47 C.F.R. § 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.”).

³ See T-Mobile WEA Election Letter, PS Docket No. 15-91 (June 4, 2018).

⁴ It is our understanding that the Federal Emergency Management Agency, which administers the Integrated Public Alert and Warning System (“IPAWS”) infrastructure through which all alerts are authenticated, validated, and delivered to participating CMS providers, is in the process of implementing the technical changes necessary for IPAWS to support additional features, including State/Local WEA tests.

Second, Section 10.320 sets forth specific functions that participating CMS providers must support and perform – functions that may not be supported during the proposed WEA tests. The Commission’s rules envision a test message being sent by an authorized State/Local entity to FEMA for transmission over the entire WEA networks to subscribers of all participating carriers. In contrast, T-Mobile proposes to inject a test message at the CMSP Gateway (thus utilizing only a portion of the entire WEA network) for transmission only to T-Mobile subscribers with WEA 2.0 capable devices with State/Local Test option toggled on.

Finally, a waiver is necessary because the proposed tests will involve use of the WEA Attention Signal which currently is not permitted under the FCC’s rules.⁵

Accordingly, T-Mobile seeks a waiver of Sections 10.320, 10.350, and 10.520(d) to permit it to engage in testing of certain device geo-targeting capabilities.

Good cause exists for the requested waiver. The Commission has recognized the public benefits associated with the new WEA geo-targeting requirements and that compliance with the new requirement “will necessitate completion of ongoing standards development, device updates, software integration and testing.”⁶ The Commission set an extremely aggressive timeline in establishing the November 30, 2019 deadline for implementing geo-targeting⁷ and T-Mobile is working diligently to meet it. T-Mobile has participated with all relevant stakeholders in the broader industry effort in developing requirements for implementing the necessary enhancements to the current WEA system, including the geo-targeting requirement.⁸ T-Mobile has worked with vendors and others to underscore the urgency of the effort and the need to meet the FCC deadline. However, testing must be conducted to assess the proper functioning of the new geo-targeting feature.⁹ Absent a waiver, the benefits of these new requirements may not be fully realized in a timely manner.

Moreover, unlike other tests that send messages to the general public, the proposed tests are not designed to evaluate public awareness. The tests are designed merely to evaluate the geo-targeting capabilities of certain devices. Accordingly, T-Mobile has designed the tests so that test messages will be received only by people that have specifically elected to receive State/Local WEA Test messages (*i.e.*, the State/Local Test option on the device has been toggled on). Additionally, testing will be controlled and limited to small geographic areas. These steps are proposed to allow T-Mobile to test

⁵ See 47 C.F.R. § 10.520(d).

⁶ *Wireless Emergency Alerts*, Memorandum Opinion and Order, 33 FCC Rcd 1320, 1331-32 (2018) (“*MO&O*”).

⁷ See T-Mobile WEA FNPRM Reply Comments, PS Docket No. 15-91 (Jan. 9, 2017).

⁸ *Wireless Emergency Alerts*, Amendments to Part 11 of the Commission’s Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91, 15-94, *Second Report and Order and Second Order on Reconsideration*, 33 FCC Rcd 1320 (2018).

⁹ See *MO&O*, 33 FCC Rcd at 1331-32.

geo-targeting without creating confusion that may be associated with more traditional WEA tests.

Scope of Testing. T-Mobile plans to utilize the State/Local WEA Test framework to test geo-targeting network capabilities for certain devices. To minimize the potential for customer confusion from the test, T-Mobile proposes to take the following steps:

- The test would be designed to deliver a WEA test message only within two geographic areas – Bellevue, Washington and Concord, California – located within the coverage area of a small number of cell sites in industrial areas.
- The test would utilize the State/Local WEA Test framework which, as noted above, will limit message delivery further within these limited geographic areas to devices that have elected to receive such messages (*i.e.*, the State/Local Test option on the device has been toggled on), rather than all devices within the test area.
- The testing would entail a single test message sent on the evening of November 4, 2019 in Bellevue and on November 14, 2019 in Concord,¹⁰ with backup testing dates of November 7, 2019 and November 15, 2019 respectively in the event problems are encountered during the initial test or test dates.¹¹
- The proposed WEA test message to be delivered to mobile devices would be: “THIS IS A TEST OF THE WIRELESS EMERGENCY ALERT SYSTEM. NO ACTION IS REQUIRED.”
- First responder organizations, such as police and fire agencies and 911 Public Safety Answering Points, serving the test locations would be notified in advance of the test, as would T-Mobile’s customer care teams.¹²

Expedited Action Requested. As T-Mobile has previously stated, satisfying the new geo-targeting requirement is challenging because it requires changes to both the network and handsets that must be done in accordance with industry standards and fully tested prior to deployment. Because the time between standards development and the

¹⁰ Because T-Mobile utilizes multiple radio network vendors, tests at more than one location are necessary to test the capabilities of equipment from these vendors.

¹¹ T-Mobile is not proposing a specific time for the test so that it can work cooperatively with its vendors to ensure that the test is conducted properly to avoid the need for follow-up tests. Tests that are rushed to meet a specific time deadline likely would increase the need for follow-up tests. Although prior waivers included a specific time for the test message to assist with public outreach designed to avoid public confusion, the testing proposed by T-Mobile will only involve a very small subset of the public (only those consumers who have elected to receive State/Local WEA Test messages) and therefore broad public outreach announcing the specific time for the testing is unnecessary.

¹² Although prior waivers included broader public outreach in advance of testing, T-Mobile is not proposing to engage in such outreach here. Because the testing will only involve a very small subset of the public (only those consumers who have elected to receive State/Local WEA Test messages), broad public outreach may cause confusion for consumers who do not receive the test message.

implementation deadline is significantly shorter than normally required, there is limited time remaining before the November 30th deadline to engage in testing the fundamental implementation of the new geo-targeting capabilities. Accordingly, T-Mobile seeks expedited action on this waiver request.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

/s/ Steve B. Sharkey

Steve B. Sharkey
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Technology and Engineering Policy