

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

COMMENTS

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
Association of Late-Deafened Adults (ALDA)
California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH)
Cerebral Palsy and Deaf Organization (CPADO)
Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)
Hearing Loss Association of America (HLAA)
National Association of the Deaf (NAD)
Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of
Hearing (DHH-RERC), Gallaudet University

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), through its undersigned counsel, and National Association of the Deaf ("NAD"), Hearing Loss Association of America ("HLAA"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), Association of Late-Deafened Adults, Inc. ("ALDA"), Cerebral Palsy and Deaf Organization ("CPADO"), California Coalition of Agencies Serving the Deaf and Hard of Hearing ("CCASDHH"), and Gallaudet University Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing ("DHH-RERC"), (collectively "Consumer Groups, CCASDHH, and DHH-RERC"), hereby respectfully submit these comments in response to the Federal Communications Commission's ("FCC" or "Commission") March 28, 2018 Public Notice ("Public Notice") in the above-captioned proceedings regarding facilitating multimedia

content in Wireless Emergency Alerts (“WEA”).¹ The reception of multimedia WEA messages would be of tremendous benefit to the deaf and hard of hearing community (as well as others) and, accordingly, TDI and its partners Consumer Groups, CCASDHH, and DHH-RERC strongly support Commission Rules that require participating CMS carriers to support multimedia content in WEA messages.

I. Multimedia Alerting Offers Unique and Critical Benefits to the Deaf and Hard of Hearing Community.

The Wireless Emergency Alert (WEA) platform is an essential tool for individuals who are deaf or hard of hearing (as well as deafblind, and deaf with mobility issues). The Commission has recognized that “WEA’s effectiveness depends on its ability to help all members of the public to close the thought-action gap, and . . . including multimedia content in Alert Messages themselves would hasten protective action taking, reduce milling, and improve Alert Message accessibility.”² While multimedia capabilities provide significant benefit to all recipients, they offer special and unique benefits to the deaf and hard of hearing population many of whom rely on visual information for emergency and nonemergency information. Some in this population rely on getting information via audio, video, and/or textual means; other individuals who are deafblind or have low vision need to get information via tactile means. Multimedia capabilities offer critical public safety benefits to the deaf and hard of hearing community because photos, images, captioned images, and streaming video enable immediate comprehension and interpretation.

¹ Parties Asked to Refresh the Record On Facilitating Multimedia Content in Wireless Emergency Alerts, PS Docket Nos. 15-91 and 15-94, (rel. Mar. 28, 2018).

² *In the Matters of Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System and Wireless Emergency Alerts*, Report and Order and Notice of Proposed Rulemaking, 31 FCC Rcd. 11112, 11138, para. 37 (2016) (“WEA R&O and FNPRM”).

Perhaps most important, multimedia WEA messaging would allow emergency information to be quickly and efficiently imparted to the deaf and hard of hearing community through American Sign Language (“ASL”).³ For those who use ASL, it is “the most important language for communicating in the DeafWorld...[f]rom the day Deaf Americans enter the DeafWorld, ASL becomes their primary language, and is, in itself, a big chunk of DeafWorld knowledge.”⁴ ASL is the “language of a sizeable minority,” with minimum estimates ranging around 500,000 speakers in the United States alone.⁵ For many individuals who are deaf, deafblind, and deaf with mobility issues, there simply is no adequate substitute for ASL. Contrary to popular public perception, ASL is not derived from English, nor any spoken language.⁶ Instead, it is an independent linguistic system with morphological and grammatical complexity comparable to or exceeding that of spoken languages.⁷

Allowing for multimedia content in WEA messages would enable emergency information to be imparted quickly and accurately through ASL. By virtue of this instant comprehension of critical information, a deaf or hard of hearing individual who uses ASL will be positioned to respond to emergency instructions and take protective actions more quickly. Time is of the essence in any emergency situation, and every delay avoided in taking responsive action could mean the difference between life and death. Further, we need to ensure that multimedia content

³ See, e.g., Ex Parte Letter from George T. Buenik, Director of Public Safety and Homeland Security City of Houston to FCC Chairman and Commissioners (May 11, 2018); Ex Parte Letter from Aram Sahakian, General Manager, City of Los Angeles to FCC Chairman and Commissioners (May 21, 2018).

⁴ Harlan Lane et al., A JOURNEY INTO THE DEAF-WORLD, at 6 (1996).

⁵ Ross E. Mitchell, et al. "How many people use ASL in the United States? Why estimates need updating." Sign Language Studies Vol. 6 (2006), https://research.gallaudet.edu/Publications/ASL_Users.pdf.

⁶ Diane Anderson and Judy Reilly, “The MacArthur Communicative Development for American Sign Language,” JOURNAL OF DEAF STUDIES AND DEAF EDUCATION, Vol. 7, No. 2 at 84 (2002) (“MacArthur Article”), “Standards for Learning American Sign Language,” AMERICAN SIGN LANGUAGE TEACHERS ASSOCIATION (July 2014) at 7, https://asltta.org/wp-content/uploads/2014/07/National_AS_L_Standards.pdf.

⁷ MacArthur Article, at 1.

in WEA messages that are not provided in ASL but in video form with audio content are accessible to all, including with captioning for such videos.

II. After Years of Considering Multimedia WEA Messaging, the Commission Should Take Steps to Prioritize Implementation of Multimedia WEA Messages

The Public Notice follows on the Commission’s 2016 Report and Order and Further Notice of Proposed Rulemaking⁸ and subsequent orders in these dockets that together revised the Commission’s Rules to take advantage of significant technological changes and improvements in the mobile wireless industry to improve the utility of the WEA messages as a life-saving tool.⁹ The Commission’s action in the 2016 R&O included the requirement for support for embedded references in WEA Alert Messages as “an important first step towards ensuring that WEA can be used to provide the public with actionable multimedia content during emergencies.”¹⁰ These mandated advancements, as important as they are, cannot substitute for the enormous public value of enabling multimedia WEA messages. The Commission has previously considered but declined to require participating CMS providers to support multimedia WEA messages due to limitations of cellular broadcast technology.¹¹ In the 2016 R&O the Commission considered the technical feasibility of including multimedia in Alert Messages in light of technological developments since WEA’s deployment. The Commission there noted that although CMS providers and ATIS agreed that technology was then available to support multimedia alerting, “significant standards efforts would be required to determine the feasibility of integrating this

⁸ See *supra* note 2.

⁹ As a result of the Commission’s actions, WEA alerts must now be transmitted to geographic areas that best approximate the area affected by the emergency situation reported. Further, as of November 2017, nationwide participating carriers are required to support the inclusion of embedded references (i.e., URLs and phone numbers) in WEA messages. By May 2019, carriers must support longer WEA alerts (up to a maximum of 360 characters for 4G LTE and future networks) and transmission of Spanish language messages. See *In the Matter of Wireless Emergency Alerts, Amendments to Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Second Report and Order and Second Order on Reconsideration, PS Docket Nos. 15-91, 15-94, FCC 18-4 (rel. Jan 31, 2018).

¹⁰ WEA R&O and FNPRM, 31 FCC Rcd. at 11138, para. 37.

¹¹ *Id.* at 11192-94, paras 126-131.

technology into WEA.”¹² The Commission again declined to require support for multimedia WEA messaging and instead sought comment in the Further Notice “regarding the establishment of an appropriate regulatory framework and timeframe for incorporating multimedia capability into WEA Alert messages.”¹³ In the Further Notice, the Commission specifically sought input on technical parameters, the potential for alert delivery latency, constraints on the size of multimedia files, the implementation of hazard symbols, and overall technical steps that would be required to integrate technology that supports the transmission of multimedia content into WEA.¹⁴

Now two years later, the FCC seeks to refresh the record with new information or arguments regarding multimedia alerting which were raised earlier but never resolved. The Public Notice seeks input on the technical feasibility of requiring multimedia content of WEA messages and the state of multimedia testing and standards development. The FCC also invites comments on the potential costs and benefits to public safety and carriers for supporting inclusion of multimedia contents in WEA messages given the other changes to WEA that are currently ongoing. As stated in its earlier comments,¹⁵ TDI and Consumer Groups, CCASDHH, and DHH-RERC strongly support the implementation of multimedia WEA messaging and urges the Commission to proceed expeditiously to require carriers to adopt all feasible measures to support multimedia alerting. The record in these proceedings is replete with discussion of the enormous public safety benefit of multimedia content in WEA messaging.¹⁶ Virtually all other

¹² WEA R&O and FNPRM, 31 FCC Rcd. at 11132, paras. 28, 29.

¹³ *Id.* at para. 29.

¹⁴ WEA R&O and FNPRM, 31 FCC Rcd. at 11192-94, paras. 127-130.

¹⁵ *See, e.g.*, Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., et al, Docket Nos. 15-91, 15-94 (filed May 9, 2016).

¹⁶ In its Comments, San Joaquin County noted that “multimedia content in WEA messages would hasten protective action taking and reduce milling.” See WEA R&O and FNPRM, 31 FCC Rcd. at 11138, para. 131; San Joaquin County Office of Emergency Services Comments, PS Docket No. 15-91 at 1 (Dec. 23, 2015); Ex Parte

aspects of society have been transformed by the near instant access to visual/audio information through the daily extensive use of multiple forms of social media; YouTube, Facebook, Twitter, Snapchat, Instagram, to name just a few applications, offer immediate access to visual non-emergency information. It is time that the benefits of visual information are made available in our wireless emergency alert system. TDI and Consumer Groups, CCASDHH, and DHH-RERC strongly urge the Commission to act now to require carriers to support multimedia WEA messages.

III. TDI Looks Forward to Working With Carriers and the Commission on the Near-Term Implementation of Multimedia WEA Messages

TDI and Consumer Groups, CCASDHH, and DHH-RERC are not in a position to provide a technical analysis of the challenges of transmitting multimedia content in WEA message but are aware that industry has expressed concerns in the past about allowing links to videos to be made part of WEA alerts based on potential network costs and congestion. TDI and Consumer Groups, CCASDHH, and DHH-RERC urge carriers to confirm the extent to which these concerns remain true today as before. Further, TDI and Consumer Groups, CCASDHH, and DHH-RERC urge carriers to address from a technical network perspective, how multimedia content in WEA messages is significantly different from other instances in which email or texts with embedded links to videos are transmitted. How is the potential for network usage and congestion different in these situations or are they similar? TDI and Consumer Groups, CCASDHH, and DHH-RERC encourage carriers to provide concrete data on how often embedded links into WEA are utilized. If carriers continue to have network concerns over this use but do not currently possess specific data regarding the frequency of use, TDI and Consumer Groups, CCASDHH, and DHH-RERC suggest that the Commission consider requiring a

Letter from Anne Kronenberg, Executive Director San Francisco Department of Emergency Management, City and County of San Francisco to FCC Chairman and Commissioners (Jan. 5, 2018).

transparent, publicly verifiable trial that will generate data from which the Commission and all stakeholders will be able to assess the nature and extent to which support for multimedia content in WEA raises meaningful concerns. This data will be important for the Commission and stakeholders to craft solutions to the extent any are necessary.

Enabling multimedia content in WEA messages is critical to the public safety protection of the deaf and hard of hearing community and TDI and Consumer Groups, CCASDHH, and DHH-RERC stand ready to work with industry and the Commission in exploring whether and to what extent multimedia, including videos, can be included, along with phone numbers and URLs, as embedded references in the immediate future. If network costs are prohibitive or if this step would substantially add to the congestion of the networks, TDI and Consumer Groups, CCASDHH, and DHH-RERC encourage carriers to come forward with specific documentation for review and a discussion of potential solutions by all stakeholders. TDI and Consumer Groups, CCASDHH, and DHH-RERC look forward to working with carriers and the Commission to make multimedia content, including video, in WEA messages a reality in the near future.

Respectfully submitted,

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