

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Improving Wireless Emergency Alerts and	)	PS Docket No. 15-91
Community-Initiated Alerting	)	
	)	

**PETITION OF  
COMPETITIVE CARRIERS ASSOCIATION  
FOR WAIVER, OR IN THE ALTERNATIVE,  
EXTENSION OF TIME**

Steven K. Berry  
Rebecca Murphy Thompson  
Courtney Neville  
COMPETITIVE CARRIERS ASSOCIATION  
805 15th Street NW, Suite 401  
Washington, DC 20005  
(202) 449-9866

August 16, 2017

**TABLE OF CONTENTS**

I. INTRODUCTION AND SUMMARY .....1

II. GRANT OF A WAIVER IS IN THE PUBLIC INTEREST. ....2

    A. A Targeted Waiver of Certain WEA Rules Will Cause No Harm and Will  
    Encourage Greater Innovation in Next-Generation Technologies..... 4

    B. Competitive Carriers Need Additional Time to Comply with the Enhanced  
    Embedded References and Geo-Location Requirements. .... 5

    C. Competitive Carriers are Unable to Influence the Standards-Setting Process..... 8

III. CONCLUSION.....10

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Improving Wireless Emergency Alerts and ) PS Docket No. 15-91  
Community-Initiated Alerting )  
 )

**PETITION OF  
COMPETITIVE CARRIERS ASSOCIATION  
FOR WAIVER, OR IN THE ALTERNATIVE,  
EXTENSION OF TIME**

Competitive Carrier Association (“CCA”)<sup>1</sup>, pursuant to Section 1.3 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>2</sup> hereby submits the following petition, on behalf of its members who may need it, requesting a waiver or, in the alternative, extension of time of the established deadlines for certain rules adopted in the Commission’s Wireless Emergency Alerts (“WEA”) Report and Order (“Order”).<sup>3</sup>

**I. INTRODUCTION AND SUMMARY.**

CCA and its members are committed to public safety initiatives, and are working to develop and implement the Commission’s rules to enhance the WEA program for the benefit of all consumers. To that end, CCA’s members support the Commission’s goal to improve access

---

<sup>1</sup> CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members consisting of small businesses, vendors, and suppliers that serve carriers of all sizes.

<sup>2</sup> 47 C.F.R. § 1.3.

<sup>3</sup> *Improving Wireless Emergency Alerts and Community-Initiated Alerting*, Report and Order and Further Notice of Proposed Rulemaking, PS Docket No. 15-91, et al., 31 FCC Rcd. 11112 (2016) (“WEA Report and Order” or “FNPRM”).

to information in times of emergency. Thus, CCA, on behalf of its members, is uniquely positioned to seek a tailored waiver of certain deadlines related to the Commission's WEA rules.

CCA's members work diligently to further the Commission's emergency preparedness agenda, and to deploy innovative services to consumers. Based on currently available technology and network architecture, however, it will be unreasonably burdensome and costly for many CCA members to meet certain deadlines associated with some enhanced WEA requirements. Accordingly, CCA respectfully requests, on behalf of its members who may need it, that the Commission waive or extend its compliance deadlines for implementing embedded references<sup>4</sup> and improving geo-location requirements<sup>5</sup> in emergency alerts. Specifically, CCA requests that the Commission extend these deadlines to align with other requirements adopted in the Order to May 1, 2019.<sup>6</sup>

## **II. GRANT OF A WAIVER IS IN THE PUBLIC INTEREST.**

Grant of a waiver is justified in this specific instance, and will further the public interest. The FCC may waive specific requirements of its rules where granting a waiver would be in the

---

<sup>4</sup> See 47 CFR §§ 10.440, 10.441. CCA notes its support of the Commission's efforts to seek additional comment on multimedia alerts in the Further Notice of Proposed Rulemaking. See FNPRM ¶ 126.

<sup>5</sup> 47 CFR § 10.450. CCA recognizes that its members are not equal in their resources and ability to participate in these processes, and that, as such, a bifurcated timeline is appropriate. As such, CCA does not request a waiver of nationwide carriers' December 30, 2016 deadline to meet the geo-location requirements.

<sup>6</sup> In the alternative, CCA requests that the FCC extend these deadlines by a 12-month period, to November 1, 2018. As a third alternative, the FCC could extend compliance timelines for embedded references and enhanced geo-location capabilities to within 12-months of when ATIS standards are developed and publicly available to all stakeholders. CCA understands that ATIS's Wireless Technologies and Systems Committee ("WTSC") is currently developing WEA standards, including: WTSC Issue 0073, FCC Mandated URLs in WEA Messages; WTSC Issue 0074, FCC Mandated WEA Message Length Increase; WTSC Issue 0075, Additional FCC Mandated WEA Enhancements; WTSC Issue 0076, Feasibility Study on WEA Device-Assisted Geotargeting; WTSC Issue 0077, Feasibility Study for WEA via a Well-Managed Application; WTSC Issue 0063, WEA End-to-End Security Best Practices; WTSC Issue 0072, New WEA Event Codes. A timeframe by which these standards are to be developed is not publicly available.

public interest and the underlying purpose of the rule would not be served or would be frustrated by application to the instant case.<sup>7</sup> In addition, a rule may be waived in view of unique or unusual factual circumstances, if application of the rule would be inequitable, unduly burdensome or contrary to public interest, or if the applicant has no reasonable alternative.<sup>8</sup>

With respect to the new WEA requirements, many of CCA's members, especially those serving rural and remote areas, are still transitioning from 2G and 3G networks to newer technologies. Moreover, the applicable standards for new WEA requirements are still under development through ATIS's Wireless Technologies and Systems Committee ("WTSC"), and the record demonstrates that compliance with certain requirements cannot be achieved until these standards are defined and publicly available to all stakeholders.<sup>9</sup> As noted within, these standards include, but are not limited to, WTSC Issue 0073 related to FCC-mandated URLs in WEA messages, and WTSC Issue 0076 regarding a feasibility study on WEA device-assisted geotargeting.<sup>10</sup> As a result of both of these factors, access to the necessary resources is infeasible, and costs to deploy network elements capable of supporting these requirements are unreasonable for many of CCA's members at this time. Allowing additional time to comply with the new WEA requirements for those CCA members that need it will give competitive carriers the ability to conserve scarce resources as they seek to deploy new and innovative technologies supporting enhanced emergency alerting capabilities.

---

<sup>7</sup> See 47 CFR 1.925(b)(3)(i); *see also* 47 CFR 1.3 (rule may be waived for good cause shown).

<sup>8</sup> *Id.* § 1.925(b)(ii).

<sup>9</sup> CTIA Petition for Reconsideration, PS Docket No. 15-91 at 3 (filed Dec. 1, 2016) ("CTIA Petition").

<sup>10</sup> *See supra*, note 6.

**A. A Targeted Waiver of Certain WEA Rules Will Cause No Harm and Will Encourage Greater Innovation in Next-Generation Technologies.**

As noted, CCA and its members support the Commission’s emergency preparedness goal of ensuring all consumers and communities have access to the latest information during times of disaster and emergency, including embedded references in WEA messages.<sup>11</sup> CCA agrees that these reforms with the appropriate technical considerations have the potential to help communities more clearly and efficiently communicate during imminent threats and local crises.<sup>12</sup>

At the same time, the reality is that embedded references are technically infeasible on certain legacy networks and geo-location capabilities are still being developed. And despite their best efforts, competitive carriers often are unable to access the network architecture and equipment required to deploy these features. It also remains unclear for competitive carriers whether and how embedded references in every WEA alert will affect network capacity.<sup>13</sup> This constrains them from being able to fully deploy the enhanced obligations adopted in the FCC’s Order under the specified timelines.<sup>14</sup> Without a waiver, many of CCA’s members would be forced to divert scarce resources toward supporting those obligations and away from their ongoing efforts to deploy new network technologies—if they are able to comply at all.

In contrast, granting CCA’s request would expand the ability of competitive carriers to pursue innovative upgrades for their consumers on a more feasible timeframe. This would create significant long-term benefits for consumers by supporting the development and wider

---

<sup>11</sup> WEA Report & Order ¶ 2.

<sup>12</sup> *Id.*

<sup>13</sup> *See Ex Parte* Letter from Benjamin M. Moncrief, VP, Government Relations, C Spire, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 at 1 (filed June 24, 2016) (“C Spire *Ex Parte*”).

<sup>14</sup> CTIA Petition at 2.

deployment of next-generation services using wireless technologies, such as VoWi-Fi and VoLTE. Additionally, many CCA members voluntarily participate in the WEA program, and view this as an important service provided to consumers. Without a waiver or extension of the deadline to adopt embedded references and geo-location requirements, many of these carriers may be forced to opt-out of the program until the requisite network upgrades can be reasonably made. This would not only result in competitive disadvantages for those carriers but also potentially would hinder consumers' access to information during times when it is most critical. The Commission should ensure that providers are given additional time to comply with the embedded references and geo-location requirements, to allow those carriers to implement the necessary network upgrades to meet the requirements without pushing them to divert funds to support additional content on legacy networks.

**B. Competitive Carriers Need Additional Time to Comply with the Enhanced Embedded References and Geo-Location Requirements.**

As noted above, the technical capabilities necessary to support certain enhanced WEA capabilities are insurmountable for some competitive carriers at this time. Indeed, the FCC acknowledges in its Order that participating providers may request a waiver of certain requirements if unable to comply within the allotted deadline.<sup>15</sup>

To that end, CCA's members are continually engaged in efforts to provide better and more innovative services to all consumers, including the ongoing migration to LTE networks and IP-based services. But as CCA has previously advocated, technical capabilities necessary to implement embedded references could result in increased network congestion and undermine

---

<sup>15</sup> WEA Report and Order ¶ 80.

network performance during emergencies.<sup>16</sup> Indeed, supporting embedded references on existing architecture will create substantial capacity issues when an alert is deployed. This will overtax vital control channels normally used to place and receive voice calls and text messages.

Additionally, as carriers migrate to LTE, legacy technologies that are designed to work on IP networks and take advantage of the greatly expanded capabilities of those networks will be phased out or unable to interface with enhanced emergency alerting. The record demonstrates that “legacy wireless networks have significantly less aggregate bandwidth... limiting the ability for these systems to effectively manage large scale, simultaneous data access for embedded references.”<sup>17</sup> As another example, some CCA members are in the midst of upgrading to 4G networks and VoLTE architecture in certain areas, and the FCC should permit these carriers to dismantle or retire an existing network without adding the updated WEA enhancements. Requiring CCA members to upgrade an existing or retiring network, as well as a new network, could potentially threaten network capacity, and restrict access to information during disasters and emergencies because of those carriers’ limited ability to obtain and deploy the necessary upgrades. Moreover, diverting resources to add features and functionality to support WEA deployment on outdated technology will exhaust competitive carriers’ constrained budgets focused on bringing next-generation services to rural America and beyond. CCA has therefore

---

<sup>16</sup> See *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 (filed July 17, 2017) (“CCA July 2017 WEA Letter”); *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 (filed July 18, 2016) (“CCA July 2016 WEA Letter”) (citing Comments of T-Mobile USA, Inc., PS Docket No. 15-91 at 6-7 (filed Jan. 13, 2016)); Reply Comments of Sprint Corporation, PS Docket No. 15-91 at 4-5 (filed Feb. 12, 2016); *Ex Parte* Letter from Benjamin M. Moncrief, VP, Government Relations, C Spire, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 at 1 (filed June 24, 2016).

<sup>17</sup> CTIA Petition at 4.

previously cautioned the Commission against requiring the use of embedded references for every WEA message.<sup>18</sup>

CCA and its members also support the Commission's goal to narrow geo-targeting requirements,<sup>19</sup> and agree that refining the delivery location of WEA will improve the quality of information that consumers receive during disasters and emergencies.<sup>20</sup> Despite this, CCA has previously cautioned the Commission to ensure that any requirements are conditioned upon a carrier network's technical capability to support this enhanced feature. Specifically, CCA agrees with the FCC's conclusion that capacity often is the most impactful issue when supporting next-generation requirements, and cell broadcast technology often has a limited capacity for seamless geo-targeting.<sup>21</sup> As applied to competitive carriers, and as noted above, timing and network costs could delay the upgrades necessary to support refined geo-targeting, specifically when looking to LTE deployment.

Those concerns are magnified for CCA's members, who often have fewer resources and a limited ability to influence standards development and equipment design, as discussed below.<sup>22</sup> For example, one CCA member recounted that it would cost approximately \$500,000 to install the equipment necessary to support embedded references and enhanced geo-location requirements, which is a significant expense for many small and rural members. While CCA

---

<sup>18</sup> See, e.g., CCA July 2017 WEA Letter; CCA July 2016 WEA Letter.

<sup>19</sup> WEA Report and Order ¶ 52.

<sup>20</sup> *Id.* ¶¶ 50-57.

<sup>21</sup> *Id.* ¶ 52.

<sup>22</sup> See CCA WEA July 2017 Letter at 2. See also, e.g., *supra* note 17; Reply Comments of Competitive Carriers Association, CG Docket No. 16-145 at 2 (filed July 25, 2016) (citing Comments of Competitive Carriers Association, CG Docket No. 16-145 at 4 (filed July 11, 2016) (noting that AT&T and Verizon both command important aspects of network development in many contexts, including equipment design and manufacture); Revised Petition of Competitive Carriers Association for a Waiver at 7-9, GN Docket No. 15-178 (filed Apr. 8, 2016).

members understand and support the importance of enhanced WEA capabilities, this kind of expense will funnel resources away from network improvements necessary to serve rural and regional areas, which often is their primary focus. An FCC grant of the requested waiver would facilitate carriers' ability to deploy the necessary equipment for lower cost and on an expedited timeframe. The Commission should therefore grant CCA's request to provide participating carriers an appropriate amount of time to adapt to changes in the program, including geo-targeting. A waiver will allow competitive carriers to invest their resources in deploying advanced networks and innovative technologies, rather than attempting to maintain compatibility with outdated legacy technologies.

**C. Competitive Carriers are Unable to Influence the Standards-Setting Process.**

Competitive carriers are limited in their ability to participate in ongoing standards-setting processes. Though CCA's members are committed to ensuring that all consumers are able to access and use wireless products and services, especially in times of crises,<sup>23</sup> they are often at least twelve months behind Tier I providers in accessing the requisite equipment and technology to support industry developments.<sup>24</sup> AT&T and Verizon necessarily drive the development of next-generation network technology to support enhanced WEA alerts. And both companies

---

<sup>23</sup> See Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket Nos. 13-239, 11-60 (filed May 31, 2016) (supporting the "Wireless Network Resiliency Cooperative Framework" and committing to many of the same principles). See also Preliminary Report of Competitive Carriers Association, GN Docket No. 15-178 (filed Aug. 11, 2016); Report of Competitive Carriers Association, GN Docket No. 15-178 (filed Apr. 20, 2016); Report of Competitive Carriers Association, GN Docket No. 15-178 (filed Oct. 20, 2016); Report of Competitive Carriers Association, GN Docket No. 15-178 (filed Apr. 20, 2017).

<sup>24</sup> See Revised Petition of Competitive Carriers Association for Waiver, GN Docket No. 15-178 (filed Apr. 8, 2016).

often are in command of other important aspects of the development of next-generation networks, including equipment design and manufacture.<sup>25</sup>

Changes by competitive carriers to network infrastructure and to the capabilities of devices and equipment are necessary precursors to deployment of next-generation networks, and ultimately, to enhanced WEA capabilities.<sup>26</sup> But because the new standards needed for these features have not been finalized,<sup>27</sup> CCA's members that attempt to meet the deadlines for these features risk investing in technology to support new WEA features that may not meet the requirements of those new standards—if they are even able to obtain that technology at all.

The Commission has, in other contexts, granted additional time for compliance to smaller carriers, noting that Tier II and Tier III carriers in many cases do not have the ability to drive technology development and deployment, as well as an inability to obtain equipment on the same timeframe as the nationwide carriers.<sup>28</sup> The same rationales apply here. Grant of CCA's request

---

<sup>25</sup> In addition, AT&T and Verizon have wireline infrastructure, capabilities, and other resources that many of CCA's members do not have. See Comments of Competitive Carriers Association, WT Docket No. 17-69 (filed May 8, 2017); Reply Comments of Competitive Carriers Association, WT Docket No. 17-69 (filed June 7, 2017).

<sup>26</sup> *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd. 1259, ¶ 104 (2015) (noting, “[w]e agree with CCA that the disadvantages non-nationwide CMRS providers face in deploying LTE networks warrant flexibility as they migrate to VoLTE networks over the next few years,” and that “[n]on-nationwide providers are not on the same LTE and VoLTE deployment timelines as the nationwide providers”); *Promoting Interoperability in the 700 MHz Commercial Spectrum*, 28 FCC Rcd. 15122, ¶¶ 55-59 (2013).

<sup>27</sup> See *supra*, note 6.

<sup>28</sup> See *Petition for Waiver of Rules Requiring Support of TTY Technology*, Order, DA 16-435 (Apr. 20, 2016) (“CCA Waiver Order”); *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order to Stay, 17 FCC Rcd. 14,841, ¶ 10 (2002); *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, Memorandum Opinion and Order, 23 FCC Rcd. 3352, ¶ 5 (2008); *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd. 1259, ¶ 104 (2015); *Promoting Interoperability in the 700 MHz Commercial Spectrum*, 28 FCC Rcd. 15122, ¶¶ 55-59 (2013) (granting an extension of time to meet construction benchmarks for 700 MHz E Block licensees); *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Fourth Report and Order and Notice of Proposed Rulemaking, 30 FCC Rcd. 13845, ¶¶ 68-71 (2015) (tentatively concluding that an additional

will ensure that any compliance requirements are sufficiently flexible to allow carriers to complete these transitions prior to implementing WEA enhancements.

### **III. CONCLUSION.**

CCA and its members look forward to continued work with the Commission to further innovation and satisfy requirements necessary for enhanced emergency alerting for the benefit of consumers and industry alike. To facilitate this mutual goal, and for the reasons discussed herein, CCA respectfully requests that the Commission grant its members a waiver or extension of time to meet the enhanced embedded references requirement as well as the enhanced geo-location requirement adopted in the Order, as needed.

Respectfully submitted,

*/s/ Courtney Neville* \_\_\_\_\_

Steven K. Berry  
Rebecca Murphy Thompson  
Courtney Neville  
COMPETITIVE CARRIERS ASSOCIATION  
805 15th Street NW, Suite 401  
Washington, DC 20005  
(202) 449-9866

August 16, 2017

---

eighteen-month compliance period is necessary for non-Tier I carriers “to account for limits on handset availability and inventory turn-over rates”).