

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

REPLY COMMENTS OF CTIA

CTIA respectfully submits these reply comments in response to the Notice of Proposed Rulemaking released by the Federal Communications Commission (FCC or Commission) in the above-captioned proceeding,¹ in which the Commission seeks comment on the addition of a new alert code that would allow the transmission of “Blue Alerts” to the public.

I. INTRODUCTION AND SUMMARY.

The NPRM seeks to revise the existing Emergency Alert System (EAS) to adopt a new EAS event code that will allow broadcasters, cable systems, and other service providers (EAS Participants) to transmit Blue Alerts to the public over the EAS.² EAS Participants would use Blue Alerts to publicly disseminate information when a law enforcement officer is seriously injured or killed in the line of duty, is missing in connection with the officer's official duties, or an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer is received.³

While the NPRM focuses on the use of a new Blue Alert code for the overall EAS, the Commission also suggests that the Wireless Emergency Alert (WEA) system could be used to

¹ *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Notice of Proposed Rulemaking, FCC 17-74 (rel. June 22, 2017) (NPRM).

² *Id.* ¶ 1.

³ *Id.* ¶ 3.

deliver these new alerts.⁴ The Commission has suggested that a new event code type “BLU” be created that could automatically prepopulate a WEA message.⁵ The Commission also proposes that WEA Blue Alerts be classified as either an Imminent Threat Alert or a Public Safety Message, depending on the circumstances.⁶ Finally, the Commission reiterates that carriage and delivery of a Blue Alert through either the EAS or WEA systems would be voluntary, as is true of any non-Presidential alerts.⁷

Since April of 2012, when WEA was first implemented, thousands of WEA messages have been delivered and have played a key role in protecting and warning the public of imminent dangers or disasters. The success of this voluntary program is due in large part to the Commission carefully balancing the input of all affected stakeholders, including Commercial Mobile Service (CMS) Providers, alert originators, and public safety agencies.

To the extent that the Commission determines that Blue Alerts will be a helpful and useful alert code for law enforcement and the public, CTIA and its member companies will work collaboratively to efficiently and effectively implement this alert into the WEA system. To ensure Blue Alerts can be implemented into the WEA system without new standards or system modifications, the Commission should:

- Incorporate the new Blue Alert code into the current Imminent Threat Alert message class;
- Ensure the existing FEMA gateway process is used to authenticate Blue Alerts prior to their issuance through the U.S. alerting system; and
- Ensure that alert originators receive training by FEMA to guard against inappropriate or overuse of new alerts.

⁴ *Id.* ¶ 19.

⁵ *Id.* ¶ 20.

⁶ *Id.*

⁷ *Id.* ¶ 7.

II. IF THE COMMISSION SO CHOOSES, BLUE ALERTS COULD BE INCORPORATED INTO THE EXISTING WIRELESS EMERGENCY ALERT SYSTEM AS AN IMMINENT THREAT ALERT WITHOUT ANY NEW STANDARDS OR SYSTEM MODIFICATIONS.

A. Given the Success of the WEA System, the Commission May Find that Blue Alerts Can Enhance the Safety of Wireless Consumers and the Law Enforcement Community.

By any reasonable measure, the WEA system has been a widespread success. For example, the WEA system was a critical component in helping law enforcement find a missing child after a citizen received an alert on their smartphone.⁸ The WEA system has also played a crucial role in protecting the public, including a camp counselor leading 29 kids to safety as a deadly tornado approached in Connecticut and providing shelter in place orders following the Boston Marathon bombing.⁹

For these reasons, the Commission may find that Blue Alerts could be another valuable public safety alerting tool within the WEA system to enhance the safety of citizens and the law enforcement community. Specifically, Blue Alerts could function much as AMBER Alerts do for missing children – quickly disseminating information to law enforcement, media outlets, and the public on the possible whereabouts, physical descriptions, vehicle information, and other characteristics of people suspected of criminal activity.

However, some commenters have highlighted issues of relevance, over-alerting, and implementation that the Commission should consider carefully before choosing to require the EAS and WEA systems to support Blue Alerts. For example, Washington State SECC notes that

⁸ John Brandon, *How an Amber Alert on a smartphone saved a child in Minnesota yesterday*, COMPUTERWORLD (Oct. 23, 2015), <http://www.computerworld.com/article/2996503/emerging-technology/how-an-amber-alert-on-a-smartphone-saved-a-child-in-minnesota-yesterday.html>.

⁹ Rick Wimberly, *Powerful Wireless Emergency Alerts Success Stories at Congressional Hearing*, EMERGENCY MANAGEMENT (Oct. 24, 2013), <http://www.govtech.com/em/emergency-blogs/alerts/Powerful-Wireless-Emergency-Alerts-Success-Stories-at-Congressional-Hearing.html>.

the addition of a new Alert Code would “increase citizen confusion where it is implemented.”¹⁰

The Boulder Regional Emergency Telephone Service Authority (BRETSA) notes concerns about “recipients ‘tuning out’ alerts and even unregistering for receipt of alerts or disabling their devices from receiving alerts.”¹¹ And APCO recommends that any approach the Commission adopts for Blue Alerts aim to “harmonize its respective policies on EAS and WEA while accounting for differences in the platforms.”¹²

In sum, the Commission should carefully consider whether the WEA system – a direct to consumer, opt-out system – is an effective platform for Blue Alerts. If the Commission decides to move forward, CTIA believes Blue Alerts should be implemented within the existing WEA system as described below.

B. Blue Alerts Should Be Implemented as Imminent Threat Alerts Within The Existing WEA System.

Should the Commission choose to enable the delivery of Blue Alerts through use of the EAS and WEA systems, CTIA agrees that the Commission could consider implementing these alerts into the WEA system in one of two ways.¹³ First, the existing Imminent Threat Alert class code could be used to disseminate Blue Alerts. This approach would allow the integration of a dedicated “BLU” code within an existing alert class without the delay that would result from new testing requirements and network/handset modifications. Notably, integration as an Imminent Threat alert would allow a seamless delivery of Blue Alerts to all WEA-capable mobile devices, including legacy devices.

¹⁰ Comments of the Washington State SECC, PS Docket No. 15-94, at 1 (filed Aug. 2, 2017) (“Washington State Comments”).

¹¹ Comments of The Boulder Regional Emergency Telephone Service Authority, PS Docket No. 15-94, at 2 (filed July 31, 2017) (“BRETSA Comments”).

¹² Comments of APCO International, PS Docket No. 15-94, at 2 (filed July 31, 2017).

¹³ NPRM ¶ 20.

Alternatively, the Commission could attempt to incorporate Blue Alerts into the newly adopted Public Safety Message classification.¹⁴ Implementation of Blue Alerts within the new Public Safety Message class, however, would necessarily engender delays as this new class of alerts is not required until early 2019. Moreover, additional testing would be required, and, most critically, legacy mobile devices may not be capable of accepting this class of alerts.

As has been noted in other proceedings surrounding WEA enhancements,¹⁵ new standards or system modifications necessary to support changes to the WEA system can be a significant burden on CMS providers voluntarily participating in WEA and could result in substantial delays in implementation. For this reason, CTIA encourages the Commission to implement Blue Alerts as Imminent Threat alerts if the Commission finds that Blue Alerts should be integrated within the WEA system.

C. The Commission Should Ensure that FEMA Authenticates Blue Alerts and Appropriately Trains Blue Alert Originators.

The WEA service has been successful in large part due to the extensive efforts of FEMA to authenticate alerts and train alert originators who voluntarily participate in the broadcasting of emergency alerts. Should the Commission determine that Blue Alerts should be integrated into the WEA system, Blue Alerts should take advantage of this existing authentication and training structure to protect against fraudulent, confusing, or inadvertent alerts. Importantly, the Commission should ensure that Blue Alert originators utilize the existing FEMA gateway process to authenticate and distribute Blue Alerts using the WEA system.¹⁶

Further, inappropriate use of a new alert code or type may lead to consumer confusion as

¹⁴ 47 C.F.R. § 10.400(d) (“A Public Safety Message is an essential public safety advisory that prescribes one or more actions likely to save lives and/or safeguard property during an emergency.”).

¹⁵ See e.g., Comments of CTIA, PS Dockets No. 15-91, 15-94 (filed Dec. 8, 2016).

¹⁶ See e.g., <https://www.fema.gov/alert-origination-service-providers>.

well as confusion among alert originators.¹⁷ Therefore, FEMA and other Federal entities responsible for managing emergency alerts (such as the National Weather Service, etc.) should be tasked with ensuring that alert originators are fully trained on the circumstances that would require the issuance of a Blue Alert and how the public should respond to such alerts.

III. CONCLUSION.

The success of the voluntary WEA system is due in large part to the Commission taking care to balance the input of all affected stakeholders, including CMS Providers, alert originators, and public safety agencies. If implemented as described in these comments, the Commission may find that Blue Alerts can be integrated into the existing WEA system to enhance public safety and the safety of our law enforcement community.

Respectfully Submitted,

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¹⁷ BRETSA Comments at 2.