



September 29, 2017

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NOTICE OF EX PARTE
PS Docket No. 15-91: *Improving Wireless Emergency Alerts and Community-Initiated Alerting*

Dear Ms. Dortch:

On September 27, 2017, Courtney Neville and I of Competitive Carriers Association (“CCA”)¹, along with Scott Bergmann and Matthew Gerst of CTIA, and Jeff Cohen and Mark Reddish of APCO, met with Matthew Berry, Michael Carowitz, and Zenji Nakazawa of the Federal Communications Commission’s (“FCC” or “Commission”) office of Chairman Ajit Pai, and Lisa Fowlkes, Nicole McGinnis, Megan Henry, and Renee Roland (via teleconference) of the FCC’s Public Safety and Homeland Security Bureau (“Bureau”), to discuss the above-referenced proceeding.²

CCA commends the Commission for its voluntary Wireless Emergency Alerts (“WEA”) program and reiterated its participating members’ intent to provide consumers with enhanced wireless emergency alerts to the extent feasible. To that end, CCA discussed its pending Petition for Waiver,³ and explained that certain capabilities necessary to implement enhanced WEA requirements are still in flux.⁴ Specifically, CCA reminded the Commission that many applicable standards for the WEA requirements adopted in the Report & Order (“*2016 Report & Order*”) are currently being

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the nation. 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 nearly 150 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *Improving Wireless Emergency Alerts and Community-Initiated Alerting*, Report and Order and Further Notice of Proposed Rulemaking, PS Docket No. 15-91, et al., FCC 16-127 (rel. Sept. 29, 2016) (“2016 Report & Order” or “FNPRM”).

³ *Id.* ¶ 2.

⁴ Petition for Waiver, or in the alternative, Request for Extension of Time of Competitive Carriers Association, PS Docket No. 15-91 (filed August 16, 2017) (“CCA WEA Petition”). *See also 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 WEA EP”).

developed through ATIS. And the record demonstrates that compliance with certain requirements cannot be achieved until these standards are defined and publicly available to all stakeholders.⁵ This is compounded by the fact that many non-nationwide carriers have fewer resources and a limited ability to influence standards development and equipment design.⁶ Indeed, the two largest carriers often command important aspects of standards development and equipment manufacturing, with competitive carriers usually 12-months behind larger providers in implementing standards and accessing devices. This is especially true for CCA members serving rural and remote areas, who may still be transitioning from 2G and 3G networks to newer technologies. CCA therefore urged the FCC to grant CCA's Petition for Waiver and extend the November 1, 2017 deadline to May 1, 2019, to allow the standards process and device ecosystem sufficient time to support the enhanced requirements adopted in 2016, and to ensure carriers can continue offering critical WEA services.

Likewise, CCA continues to urge the FCC to extend the November 1, 2017 deadline for geo-targeting to May 1, 2019, and affirm that the "best approximates" standard as adopted in the *2016 Report & Order* provides carriers sufficient flexibility to continue geo-targeting at the county-level, until they are able to broadcast at the polygon-level standard. Specifically, the *2016 Report & Order* amends Section 10.450 to state that a "[p]articipating CMS Provider must transmit any Alert Message that is specified by a geocode, circle, or polygon to an area that best approximates the specified geocode, circle, or polygon."⁷ CCA agrees that refining the delivery location of WEA will improve the quality of information that consumers receive during disasters and emergencies.⁸ To that end, CCA's Petition does not address the device-based geo-targeting proposal that is included in the *Further Notice of Proposed Rulemaking*.⁹ As noted, however, network development timelines and costs could delay the upgrades necessary to support refined geo-targeting as adopted in the *2016 Report & Order*.¹⁰ Because participating CCA members remain committed to broadcasting WEA alerts, the FCC should confirm that the "best approximates" standard provides sufficient flexibility to allow continued broadcasting at the county level.

⁵ See CTIA Petition for Reconsideration, PS Docket No. 15-91 (filed Dec. 1, 2016) ("CTIA Petition").

⁶ See CCA WEA EP at 2. See also, e.g., 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); and Revised Petition of Competitive Carriers Association for a Waiver at 7-9, GN Docket No. 15-178 (filed Apr. 8, 2016)).

⁷ 2016 Report & Order ¶ 52

⁸ *Id.* ¶¶ 50-57.

⁹ FNPRM ¶¶ 138-146.

¹⁰ As the FCC notes, 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. See 2016 Report & Order ¶ 52.

CCA looks forward to continued work with the Commission to further enhanced emergency alerting for the benefit of consumers and industry alike. This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email): Matthew Berry
Michael Carowitz
Zenji Nakazawa
Lisa Fowlkes
Nicole McGinnis
Megan Henry
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Scott Bergmann
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