

December 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 December 27, 2017, I spoke with James Wiley of the Federal Communications Commission's ("FCC" or "Commission") Public Safety and Homeland Security Bureau to discuss the above-referenced proceeding.¹ Specifically, Competitive Carriers Association² ("CCA") and the Commission discussed the proposals in the FNPRM regarding enhanced geo-targeting of wireless emergency alert ("WEA") messages.³ CCA noted its appreciation for the FCC's recognition of the unique challenges faced by competitive carriers, especially smaller carriers that do not have the same access to devices as the largest carriers. Accordingly, CCA encourages the Commission to adopt rules that foster the most effective and efficient means for geo-targeting WEA messages.

CCA agrees that refining the delivery location of WEA will improve the quality of information that consumers receive during disasters and emergencies, limit network impacts, and reduce the potential for over-alerting⁴ and CCA members continue to work toward an enhanced geo-targeting standard. Specifically, CCA supports CTIA's assertion that "integration of new enhanced WEA geotargeting capabilities into devices and networks will require no less than 36 months from the effective date of new

¹*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").

² 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 including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

³ *Wireless Emergency Alerts*, Order on Reconsideration, PS Docket No. 15-91 et al. (rel. Nov. 1, 2107) ("Order on Reconsideration").

⁴ 2016 Report & Order ¶¶ 50-57.

FCC rules.”⁵ CCA also agrees that additional analysis is necessary to determine whether and to what extent legacy devices are capable of supporting device-based geo-targeting and “the impact to consumers to obtain new devices and/or require software upgrades.”⁶ The Alliance for Telecommunications Industry Solutions has noted that “a full analysis of the changes needed to satisfy any new regulatory requirements will be necessary” and “it is likely that some legacy devices will not be able to support the [geo-targeting] changes via a software upgrade.”⁷ In these instances, new devices likely will be required to achieve a device-based enhanced geo-targeting requirement. As CCA has noted throughout this and numerous other proceedings, smaller rural and regional carriers do not have access to the latest devices on the same timeline as the largest carriers, if at all. Therefore, CCA urges the Commission to follow past precedent and provide non-nationwide providers an additional 12 – 24 months beyond CTIA’s request for 36 months, at the earliest.

Perhaps more importantly, there appears to be inconsistent evidence about the technical capability of all carriers to achieve the FCC’s enhanced WEA goals. While CCA members are committed to providing consumers with the most accurate and up-to-date information in times of emergencies, it would defy logic for the Commission to adopt rules that are technically infeasible. This could result in dozens of carriers seeking waivers of overly-ambitious rules, or worse, carriers opting-out of the voluntary WEA program. As such, CCA requests that the Commission take more time to explore and determine what is technically feasible, in order to produce the most effective and efficient WEA policies for consumers and carriers alike.

CCA looks forward to continued work with the Commission to further important consumer safety issues including enhanced WEA capabilities. 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 questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

General Counsel & Executive Vice President
Competitive Carriers Association

cc (via email): James Wiley

⁵ See *ex parte* Letter from Matthew Gerst, Assistant Vice President – Regulatory Affairs, CTIA®, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 (filed Dec. 21, 2017).

⁶ *Id.*

⁷ See *ex parte* Letter from Thomas Goode, General Counsel, ATIS, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 (filed Dec. 14, 2017). In addition, Apple commented that “iPhones do not support device-based geo-targeting for WEA messages.” See *ex parte* Letter from Paul Margie, Harris, Wiltshire & Grannis LLP, Counsel for Apple Inc., to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-91 (filed Aug. 14, 2017).