27 December 2015

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

In the Matter of: PS Docket No. 15-91
Notice of Proposed Rulemaking "FCC 15-154"

COMMENTS OF GARY E. TIMM, AN INDIVIDUAL

The following Comments are in response to the FCC request for comment regarding proposed rules to revise the FCC Part 10 rules governing WEA.

Although the filer of these Comments serves on a number of EAS-related committees, such as Broadcast Chair of the Wisconsin SECC, the Comments below are strictly those of the filer as an individual and do not necessarily represent the views of any committee or organization with which the filer is associated.

Comments requested in NPRM:

Para. 31 to 33: Providing Multilingual WEA Messages

The Commission asks if any remaining problems in implementing multilingual alerting are "device-based, network-based, or both?' In addition to any technical factors, it needs to be considered that multilingual messages must be authored by the alert originator sending the message. FEMA recommends that WEA should be enhanced to support delivery of alert messages in languages other than English "if the alert is made available by the originator in other languages". The ability of alert originators to provide multilingual messages is as great or greater an impediment to achieving these alerts as are

the technical factors involved. Given that alert originators do not fall under FCC purview, the FCC will need to work closely with FEMA to identify funding and resources to enable alert originators to author multilingual messages if WEA alerting in languages other than English is to be implemented.

Additionally, the Commission seeks comment "on the impact of requiring WEA alerts in languages other than English on the ability of Participating CMS Providers to comply with the rules we propose today", and the paragraph goes on to talk about the possible technical limitations of the CMS Provider networks. The FCC proposal to "require WEA alerts in languages other than English" is not a rule that CMS Providers could comply with on their own, as alert originators are the entities that must author those multilingual alerts, as FEMA underscored in its comments. FCC must work closely with FEMA to ensure that alert originators are provided with the funding and resources to author multilingual messages before those alerts can be "required" of CMS Providers.

Lastly on this topic, it may have been observed lately that some experimental multilingual EAS messages have been sent. A recent FEMA Regional EAS Test on November 17, 2015 was sent and displayed in both English and Spanish. In addition, a pilot project in Minnesota has been displaying EAS alerts in Spanish, Hmong and Somali. The reason this experimental multilingual EAS alerting was possible is that in EAS, the full CAP message is received by an intelligent device (the EAS encoder-decoder). In the case of the FEMA test, the EAS unit was able to extract the Spanish information block that was part of the CAP message authored by FEMA. In Minnesota, the EAS unit stores "canned" multilingual text and audio of the elements in the CAP message to present to non-English speakers. In both cases, the multilingual message presentation depends on the intelligent EAS encoder-decoder receiving the CAP message to extract the data out of it. In the case of WEA, while a smartphone is an intelligent device that could contain "canned" non-English text, with WEA the actual CAP message is not sent to the smartphone device so it could not perform the functions currently used in experimental EAS multilingual alerts. Any multilingual WEA text must be placed into the customized WEA alert text by the alert originator.

Para. 44 to 54: Promoting State and Local Testing and Proficiency Training

Regarding CSRIC's three proposed options for state and local WEA testing as detailed in paragraph 45, I agree with CSRIC's #2 proposal allowing alert originators to conduct WEA tests that could be received by wireless customers that opt in to receive alerts. The FCC should not implement CSRIC's #3 proposal to send WEA tests to all wireless customers. Further, the FCC should not implement CSRIC's #1 proposal to allow alert originators to utilize the current RMT process – this could cause great confusion with the EAS RMT which these alert originators should not be sending, in addition to the point made in the NPRM that RMT testing which stops at the carrier alert gateway would do little to test the system for state and local authorities.

However, the reference to the RMT brings up an important point. The FCC does not propose what WEA Event Code should be used for testing by state and local alerting authorities. Without a state/local WEA test code stipulated in the FCC WEA rules, such testing cannot be conducted. I would point out that in Footnote 163, CSRIC calls for the FCC to grant a waiver to its rules "to allow state and local testing of WEA to begin immediately in light of the critical need for this service." The FCC responds that, "While Section 10.350 of the WEA rules specifies that RMT and C-Interface testing are required, it does not prohibit other testing from being undertaken voluntarily." The FCC continues, "Accordingly, no waiver is necessary to permit state and local alert originators, FEMA/IPAWS, and Participating CMS Providers to agree to deliver state and local WEA tests on a voluntary basis during the pendency of this rulemaking." However, this FCC response ignores the fact that state and local alert originators have no WEA Event Code to use for this testing. Thus, the FCC presumption that voluntary state and local testing is possible "during the pendency of this rulemaking" is not valid unless the FCC acts to make it so. This would require the FCC adoption of a WEA test code. I would submit that an appropriate WEA Event Code for routine testing would be the same one used in EAS, the Required Weekly Test (RWT). If the FCC agrees with CSRIC that allowing immediate local and state testing would be beneficial, the Commission should issue an immediate Public Notice adopting an appropriate WEA Event Code for testing,

such as the RWT code. However, a timeline would be needed for Alert Origination Service Providers to add the test code to their origination software, and CMS Providers would need to add the test code to their CMSP Alert Gateway software as well. With this built-in timeline, the FCC should issue a Public Notice to institute a state and local WEA test code as soon as possible, especially considering the large volume of proposals in this NPRM and thus the perceived lengthy timeline until the eventual WEA Report and Order will be released.

Finally regarding state and local testing, CSRIC in Figure 2 of paragraph 46 lists ten (10) "Assumptions" regarding state and local testing. It isn't clear whether the FCC intends to adopt some, any, or all of these CSRIC-proposed conditions. The FCC did comment on one of these conditions, #2 where CSRIC states that, "State/Local WEA Test would be subject to a 24 hour preload." I agree with the FCC that state and local WEA tests should not be subject to a 24-hour relay window by carriers, these tests should instead be forwarded to customers immediately upon receipt, as the FCC has proposed. I did not see adequate justification for CSRIC condition #1, "Alert Originator, FEMA/IPAWS and carriers participate in automated scheduling process for State/Local WEA Test." This seems overly burdensome for state and local authorities to coordinate, and FEMA and the carriers to administer, especially if these tests will be forwarded immediately upon receipt as the FCC proposes. It is also not clear why CSRIC condition #3 is needed, "State/Local WEA Test not allowed during the 24 hour period of an RMT." These test messages take only moments to deal with on the carrier systems, so it isn't clear where a conflict exists here. CSRIC conditions #4 and #5 seem reasonable, that tests shouldn't be conducted when real WEA emergency messages are being distributed. CSRIC conditions #6 and #7 on multiple alerts in a county, and multistate alerts, would typically be preplanned by alert originators anyway. CSRIC condition #8 on alert originators only testing in their own geographic area is already covered in the Public Alerting Authority Authorization form filed with FEMA when IPAWS alerting was granted to that alert originator. CSRIC condition #9 of limiting tests to a 15 minute duration may or may not suit the needs of alert originators conducting ongoing exercises. I agree with CSRIC condition #10 that receiving the tests by cellular subscribers should be an opt-in choice.

Although many of these CSRIC conditions are technical in nature and compromises may need to be found with the carriers, it should also be considered that receiving these test messages will most likely be an opt-in choice, so these test messages will affect far fewer customers than the typical real WEA alert message. Hopefully, the limited audience of these test messages will justify needing only a small number of conditions, so that simplified state and local WEA testing can begin as soon as possible.

Para. 55 to 60: Requiring Alert Logging and Test Reporting

The FCC is considering imposing alert logging and test reporting requirements upon the CMS Providers. Above all, if this CMS Provider reporting requirement is adopted by the Commission, the Electronic Test Reporting System (ETRS) being developed by the FCC for use by EAS Participants should not be used as the collection system for this WEA reporting. Attempting to wrap WEA reporting into the EAS Participant ETRS would inevitably delay the ETRS rollout, which the FCC has little time for if ETRS is to be ready for a presumed Fall 2016 FEMA IPAWS National Test. The Commission should not further complicate the design and deployment of the ETRS by injecting a WEA reporting capability requirement into the mix at this point in time.

Regarding the proposal to require CMS Providers to log times alerts are acknowledged or rejected, as well as the error code, does the FEMA Alert Gateway log perhaps already contain these details returned from the carriers on each transaction? It would seem that before the FCC requires reporting from these carriers who are voluntarily participating in WEA, the audience and need for this reporting should be established. Regarding the need, while the proposed monthly reports of the alert category, originator, area, etc. would be interesting, are they integral to the system operating? The Commission asks if carriers should be required to report test results back to alert originators, such as message latency and accuracy of geo-targeting. While the alert originators might appreciate this data, the carriers have historically been very protective of these types of details; carriers should not be subjected to invasive reporting requirements on a system they are voluntarily participating in. Perhaps the Commission's alternative proposal of informal carrier communication with alert originators is the best road to take.

Para. 71 to 75: Non-commercial Educational and Public Broadcast Television Station Testing

Currently, NCE/Public TV stations are required to devote part of their digital TV signal to carry a back-up path for WEA messages to the carriers in case the Internet connection to the carriers should fail. The FCC asks if it should begin requiring these TV stations to test this equipment. It appears the FCC does not fully understand how this system works. The equipment at the TV stations receives data from FEMA and automatically relays that data to the carriers; the TV stations have no practical role in the operation of this equipment and thus have no practical way to test it. The FCC should take note of the two similar quotes it put into Footnote 221, one of them saying, "NCE stations play a passive automatic role and do not have the ability to actively test WEA". The FCC proposal for NCE/Public TV station equipment testing is not workable or possible as stated. However, the Commission could alternatively propose that regular testing from FEMA to the carriers by way of the equipment located at these TV stations be conducted, if that testing is not already being done, with the carriers reporting back to FEMA if they successfully received the data from the TV stations. This would accomplish real-world testing of the equipment at the TV stations, thus fulfilling the FCC's goal to ensure this equipment is working.

Para. 76 to 77: WEA Prioritization

The FCC asks if WEA alert data "in transit" should have priority over all other data "in transit", especially considering that all traffic is increasingly data. It would seem that since WEA messages have their own "in transit" carrier system channel, they already do not compete with other data by design. The point has always been made that WEA messages will get through, even when voice and customer-data channels are overburdened. Thus it would appear that no priority for WEA data is needed beyond that designed into the system.

However, the FCC does make a passing reference in this section to an issue that should be explored. In paragraph 76, the FCC points out how the current rules prohibit WEA messages from interrupting an active voice or data session on the user's handset. In paragraph 77, the Commission asks if it should amend its WEA rules "to address prioritization… on the mobile device." However, the FCC makes no proposals to address this question. Given that many applications these days are running data in the background unknown to the device user, continuing the practice of WEA alerts not interrupting data sessions may preclude the timely reception of WEA messages on an increasing basis. WEA messages should be given priority over in-progress data sessions, if it can be shown there are no overriding issues with this practice. Admittedly, in the past a voice call to 911 would not be interrupted under this scenario, but with the current evolution of text-to-911 being implemented, interrupting that text data session could have undesirable consequences. Is it possible to distinguish between interrupting a text-to-911 data session vs. interrupting a random "app" data session that would most likely pick up later where it left off when it was interrupted? While this issue would appear to be a growing problem, it needs additional expert study for the FCC to make an informed decision on the consequences of changing this WEA rule.

Para. 82 to 88: Implementation Timeframe

The FCC proposes a 60-day timeframe to implement state and local WEA testing, based in part on the Commission believing in paragraph 85 that voluntary state and local WEA testing will already be underway "during the pendency of this rulemaking." See my comments already stated in the state and local testing section above on the probable fallacy of that presumption unless the FCC takes steps to make it so. Associated with that comment, note my concerns on the timeline required for Alert Origination Service Providers and the carriers to integrate the necessary new WEA Event Code to allow state and local testing. The timeframe for implementing state and local testing should take these factors into account.

Regarding the timeframe to implement carrier test reporting, if the FCC does adopt carrier use of the ETRS, which I do not support, I would submit that the carriers should not be trying to access ETRS and enter initial data in the same 60-day window after ETRS launch as all the EAS Participants are already required to do. A staggered approach to carriers and EAS Participants entering initial data would be prudent.

Regarding the timeline to commence NCE/Public TV station equipment testing, as noted in my comments in that section above, that testing would actually be conducted between FEMA and the carriers. Any adopted timeline should be adjudicated with those entities.

Respectfully submitted,
Gary E. Timm