

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

To: The Commission

REPLY COMMENTS OF HUBBARD RADIO, LLC

Hubbard Radio, LLC. (“Hubbard”) submits its reply comments in the above-referenced docket to urge the Commission to explicitly recognize the value of activated FM chips in mobile devices as an important contributor to a strengthened Wireless Emergency Alert (“WEA”) system.¹ The Commission seeks to improve the WEA system in various ways,² at least some of which may exacerbate the network congestion that wireless networks often experience during emergencies. There is another option: The FCC should encourage industry efforts to activate FM chips in mobile devices. The docket already contains considerable evidence concerning the interplay between existing WEA practices and local media, particularly broadcasters, which provide the detailed information that individuals need during weather emergencies and similar life-endangering incidents.³ Fostering arrangements to open smartphones to FM broadcasts

¹ Hubbard is a subsidiary of Hubbard Broadcasting, Inc., a family-owned and -operated broadcasting company with, among other assets, 49 radio stations located in Minnesota, Illinois, Missouri, Ohio, Arizona, Washington, and the District of Columbia. The stations include the award-winning WTOP-FM, which serves the Washington, DC metro area 24/7 with news, traffic and weather.

² *Improving Wireless Emergency Alerts and Community-Assisted Alerting*, Notice of Proposed Rulemaking, PS Docket No. 15-91, at ¶¶ 1-3 (rel. Nov. 19, 2015) (“*Notice*”).

³ See Joint Comments of the National Association of Broadcasters and National Public Radio, PS Docket No. 15-91 (Jan. 13, 2016) (“NAB/NPR Comments”) (noting that current alerts often direct recipients to “check local media”); Comments of the International Association of Fire Chiefs, PS Docket. No. 15-91 (Jan. 6, 2016) (“IAFC Comments”).

would help consumers to quickly obtain detailed emergency information from trusted news sources in their communities, thereby serving many of the goals the FCC identifies in the *Notice* without further straining wireless network capacity.

The record demonstrates that wireless communications networks can be overwhelmed by congestion during emergencies. The *Notice* acknowledges a fact of modern American life in emergency situations: Sharp and unexpected spikes in demand on mobile communications networks often result in congestion that prevents wireless calls from being completed.⁴ Notwithstanding technical strides made by the wireless industry over time, dropped or incomplete calls have remained common experiences from the time of the 9/11 attacks through more recent weather hazards.⁵ Moreover, mobile network facilities themselves can be vulnerable in weather emergencies, sustaining damage that further constrains capacity.⁶ As much as the Commission may wish or hope to the contrary, it is not realistic to expect that commercial mobile networks will be able to satisfy immediate consumer demands around rare emergency events.⁷

⁴ *Notice* at ¶ 23.

⁵ See NAB/NPR Comments at 10 (citing news reports and analyses on the failure of cellphone networks during recent earthquakes, hurricanes, bridge failures, and terrorist bombings).

⁶ Amir Nasr, *FCC's Emergency Alert Debate Might Not Include FM*, MORNING CONSULT (Nov. 10, 2015) available at <http://morningconsult.com/2015/11/fccs-emergency-alert-debate-might-not-include-fm/> (“In 2012, Hurricane Sandy knocked out the power for multiple data centers in New York and left individuals in the area with no means of accessing vital safety information.”). See also NAB/NPR Comments at 7-8 (contrasting wireless network facilities with more highly protected broadcast transmitters and towers).

⁷ See *Notice* at ¶ 30 (noting that the Communications Security, Reliability and Interoperability Council, a federal advisory committee, concluded in 2014 that even the latest generation of wireless infrastructure technically could not support bandwidth-intensive “multimedia” messaging). Challenges exist from the private investment perspective as well. A wireless communications provider in the Cayman Islands was forthcoming on this issue in responding to criticism of its congested network during a recent earthquake: “Everyone started making calls at exactly the same time and we experienced an overload. . . . If it was suggested that companies should configure their networks to cope with the level of traffic in an emergency scenario, it neither makes business nor logical sense, because of the outrageous costs involved.” See Kevin Shereves, *Mobile calls failed after quake*, CAYMAN NET NEWS (Jan. 25, 2010).

Certain proposals in the *Notice*, such as permitting the inclusion of URLs and phone numbers in WEAs, seem likely to add to wireless networks' burdens in emergencies by expanding the number and duration of one-to-one communications. Broadcast radio's one-to-many architecture, in contrast, is designed to efficiently disseminate breaking news about emergencies and disasters – and to do so without adding to wireless network congestion.

Local broadcasters already deliver the kind of emergency information that the Notice contemplates. Hubbard appreciates the Commission's general desire to see WEAs deliver more robust emergency information,⁸ and we do not minimize any mobile industry efforts to work toward those goals. But broadcasters already can and do provide the kind of granular, geo-specific information that the *Notice* discusses, which is precisely why many current WEAs direct recipients to “check local media” for details. Hubbard and many other broadcasters employ experienced local news staffers to quickly gather the latest news about emergencies from a variety of public safety sources and then disseminate that information broadly.⁹ Listeners overwhelmingly turn to stations such as WTOP-FM during weather emergencies like the recent storm that overwhelmed the East Coast, which we attribute to our reputation as a trusted 24/7 local news source.¹⁰ It makes eminent sense, therefore, to facilitate easier consumer use of radio

⁸ *Notice* at ¶¶ 23-30.

⁹ It is important to recognize that emergency information often comes from a variety of local, state, and federal sources. For example, Hubbard's WTOP-FM reports during the January 2016 blizzard in the Washington, DC region drew on information gathered from the National Weather Service; state public-safety agencies, and local governments (including school districts), as well as from private businesses and local citizens. More than 100 WTOP newsroom employees were involved in the multi-day coverage of that storm. The FCC cannot expect wireless providers to deploy similar resources to gather and synthesize news inputs from a variety of government and private sources.

¹⁰ See, e.g., Paul Farhi, *WTOP (103.5 FM) tops ratings with coverage of Washington's Feb. snowstorms*, WASHINGTON POST (Mar. 3, 2010), available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/02/AR2010030201854.html> (visited Feb. 7, 2016). The Post story quoted a station executive as noting that for thousands left without power in the storm, WTOP was the only source of continuous information: “We felt as if our job was to hold the hands of people sitting there in the cold and dark.”

news sources during emergencies by actively encouraging wireless providers to activate FM chips in smartphones.

Government leaders at all levels recognize that activated FM chips in mobile phones can bolster public safety communications. Given the vulnerability of mobile networks to congestion during emergencies and the proven value of broadcast news reports for public safety, it is not surprising that government leaders – including first responders – increasingly support efforts to activate the FM chips already embedded in most new smartphones.¹¹ Comments in the docket already recount the endorsement of the Administrator of the Federal Emergency Management Agency and congressional leaders who oversee homeland security issues for expanding mobile devices’ utility in emergencies by activating the chips.¹² The International Association of Fire Chiefs now has added its voice to those urging the FCC to work with wireless providers

to develop standard approaches for accessing FM radios in smartphones for WEA messages.... Driving consumers to their FM radios after an alert may help relieve congestion on the wireless broadband network during times of emergency, freeing up vital capacity for emergency responders and others.¹³

The Commission should heed these calls. Activated FM chips in smartphones will allow individuals caught in emergency situations to immediately connect with experienced local broadcasters for up-to-the-minute news and safety information. At the same time, WEA

¹¹ As the record reflects, essentially 100 percent of new smartphones contain FM chips, but approximately 63 percent of them have not been activated. NAB/NPR Comments at 2.

¹² *Id.* at 4 (quoting FEMA Administrator Craig Fugate and citing joint letter of Ranking Members on the House of Representatives Committees on Homeland Security and on Transportation and Infrastructure). Hubbard also appreciates Commissioner Rosenworcel’s call for FCC encouragement of industry discussions on greater activation of FM chips in mobile handsets. *Notice*, Statement of Commissioner Jessica Rosenworcel.

¹³ IAFC Comments at 2.

referrals to FM broadcasts should offload demand that would otherwise tie up wireless networks and possibly impede first responders' communications. The FCC should facilitate industry efforts to more widely activate FM broadcast reception devices by explicitly encouraging that result.

Respectfully submitted,

HUBBARD RADIO, LLC

By: /s/ David A. Jones

David A. Jones
Vice President and General Counsel
Hubbard Radio, LLC
3415 University Avenue West
St. Paul, MN 55114

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