

public safety officials throughout the country have been subscribing to and using ENS services to provide emergency alerts. Local public safety officials have actual experience in emergency alert messaging, and many ENS providers supply training, drawing on the experiences of their overall customer bases.² ENS services are useful, accessible to local authorities, and frequently used.³

Congress and the FCC have developed the WEA service, which should be a complementary service to ENS and other public notification systems; another public alerting tool with its own advantages and disadvantages and use-cases. *However the WEA service is a failure.* WEA is not particularly useful because the messages are too short, and the alerts are sent to entire counties including areas and individuals not at risk to the conditions being reported. It is not very accessible, with regulations and procedures for its use appearing more designed to inhibit than promote its use. It continues to be underutilized by local authorities, because it is not as useful, accessible or expeditious as other public notification tools.

When WEA is used for Amber Alerts and Weather Alerts, the overly-broad areas to which the alerts are transmitted has resulted in end users disregarding WEA alerts, opting out, or even turning their phones off until after the situation giving rise to the alerts has subsided. Unfortunately, confusion between WEA and ENS services has also caused people receiving multiple and irrelevant WEA alerts to unregister their devices from ENS services, compromising the effectiveness of ENS.

² Indeed, through their use of ENS, local public safety officials likely have greater experience-based expertise in public notification and emergency messaging than the Commission or FEMA.

³ As BRETSA stated in its Comments, the transition to CMS and VoIP services in which the service is not associated with a specific address or location, and/or subscribers' residential, business, educational or fixed service addresses are not reported by the service provider to the SSP or PSAP (other than by some VoIP providers for a fee), has diminished the effectiveness of ENS. ENS nevertheless remains an important public alerting tool with specific capabilities, increasingly reliant on self-registration of phone and fax numbers, and text and e-mail addresses by end users. ENS effectiveness could be better maintained through CMS and VoIP providers either voluntarily or pursuant to regulation, (i) collecting and providing to SSPs or PSAPs pursuant to appropriate non-disclosure provisions the service, residential, business or educational addresses associated with each customer telephone number, or (ii) using their many contacts with their customers to promote customer self-registration with ENS services for their areas.

The relatively rare use of WEA for local alerting as compared with ENS is one reason BRETSA's January 13, 2016 Comments herein promote integration of the WEA service with commercially provided ENS interfaces. Commercial notification system providers with experience in actually making alerting systems accessible and useful, can make the WEA service accessible and useful for local public safety officials and integrate WEA with ENS interfaces.

Like the Commission and other federal agencies, CMS-providers appear to disrespect the capabilities, training, experience and local knowledge of public safety officials. For example, these parties advocate continuation of rules to (i) limit message length, to avoid delays in message delivery and public confusion, (ii) continue to prohibit telephone numbers and URLs in WEA messages, to avoid network congestion, and (iii) require FEMA vetting and training as a precondition to use of the service. *See* AT&T Comments, at 3, 11-14, Sprint Comments, at 2, 3-4, 6, T-Mobile Comments, at 2, 6. However ENS services have not been subject to limits on message length, the prohibited inclusion of telephone numbers and URLs, or required FEMA training; and yet BRETSA and countless other public safety entities have *successfully* used these services for more than a decade.

Local officials throughout the country will have access to and can take into consideration not only the generalized factors the Commission and CMS armchair-quarterbacks cite with respect to message length and inclusion of telephone numbers and URLs, but also information such as the specific type of incident involved, the size of the area and number of people impacted/notified, and the benefits of diversion of phone calls to 9-1-1 for additional information regarding alerts.

Public notifications already result in network congestion, because people receiving the notifications call 9-1-1 seeking confirmation or additional information about the notification.

Additional people call family members or friends after receiving a public notification. Public safety officials have nevertheless found it necessary and appropriate to use public notification services, although they know that the notifications will generate additional calls to 9-1-1. Such calls can overwhelm PSAP resources and delay receipt and response to calls for service.

Officials thus alert PSAP personnel to expect such calls when a notification is initiated,⁴ and it is a consideration in determining whether to issue an ENS or WEA notification.

Thus, public safety officials are most certainly aware that inclusion of telephone numbers and URLs in WEA messages can result in network congestion, which could prevent delivery of ENS messages and people in need of assistance from reaching 9-1-1. However inclusion of an alternative telephone number, URL which could be accessed by wireline or broadband internet service as well as by mobile internet access, twitter feed information, or other alternative information source could reduce *PSAP* congestion, and possibly network congestion to the extent voice calls to 9-1-1, family or friends are not the most efficient use of network resources. Local officials will take these considerations into account in the context of a specific incident about which public notification may be made.⁵

AT&T expresses concern that breaking a message of up to 360 characters into multiple shorter messages may cause public confusion. The shorter messages already cause public confusion because they do not permit enough characters to describe the incident or emergency

⁴ National Weather Service and other entities initiating WEA notifications do *not* notify PSAPs in advance of transmitting the notifications, even though these notifications also result in additional 9-1-1 calls and the PSAP will not even know that a WEA notification has been made unless PSAP policy allows personnel to have their personal wireless phones on the dispatch floor, and PSAP personnel receive a WEA message.

⁵ Sprint also expresses concern that inclusion of URLs in WEA messages could raise cybersecurity issues. Sprint Comments, at 7. BRETSA does not understand how inclusion in an outgoing message with *no* response capability of a URL for an information page could create or increase a cybersecurity risk. A denial of service attack on the URL would only restore the *status quo ante*, and users would call 9-1-1 for additional information. BRETSA's suggestion that the Commission or FEMA establish a common website with a brief URL (for purposes of limiting the number of message characters required for the URL), and directing end-users to a page on this website for additional information regarding any incident and WEA activation; might minimize any *bona fide* cybersecurity concerns.

and inform what action should be taken. Multiple WEA messages to provide sufficient information would today require an end user to receive and correctly correlate the messages.

AT&T describes the situation of a user receiving over a 2G or a 3G system four, 90-character messages derived from a 360-character WEA message, and the likelihood of the end user putting the messages in the proper order, as “a regulatory wager...not worth taking.” AT&T Comments at 6,7. It may be that not only public safety officials, but also ordinary citizens are reasonably intelligent, and capable of grasping the essential meaning of four 90-character messages even if read out of order. (90 characters is less than the length of the average line of text in AT&T’s Comments.) Even if an AT&T customer is confused by messages received out-of-order, the customer may be able to call an included number or access an included URL to access more complete information. BRETSA’s suggestion of automatically numbering the derived message parts (*e.g.*, “1 of 3”, “3 of 4”), would enable even a person meeting AT&T’s customer profile to determine if a message part is missing, and the order in which the parts should be read. The level of risk will also depend on the level of intermixture of 2G, 3G and 4G service within a public safety authority’s jurisdiction. In any event, it is not a regulatory risk but a public safety risk which can best be assessed *by public safety officials* in the circumstances and context in which the WEA message is composed and transmitted. Give the public safety officials the tools, and let them make the calls based on the facts-at-hand, and their training, experience and knowledge in meeting the public safety needs of their constituents.

Local public safety officials are professionals with superior knowledge, training and experience dealing with the public and public safety incidents. Condescending rules intended to protect local officials from themselves are counterproductive, and should not be perpetuated.⁶

⁶ Even assuming local use of WEA might be inefficient, the remedy is to promote use allowing local officials to gain experience with WEA; not to limit its use. Experience is remedial.

II. CMS Providers, Which Earn \$Billions in Revenues From Use of the Public Ether, Should Not Be Heard To Complain of the Costs of Supplying WEA Service.

Broadcasters have participated in the EBS and EAS services to meet their public interest obligations arising from their commercial use of the radio frequency spectrum, a *public* resource. CMS providers also make commercial use of the radio frequency spectrum, counting their revenues in the billions of dollars. In fact, for many years the prime rationale for consumer purchase of cellphones was to allow the user to reach help in an emergency while away from home.⁷ AT&T's suggestion that public safety officials should use cell broadcast *in a commercial setting* rather than WEA for some public alerting services should be rejected.⁸

CMS providers should be *required* to participate in WEA and to implement improvements to WEA as a condition of their commercial use of public resources. They should not be heard to complain of the cost of implementing improvements to WEA. See, e.g., AT&T Comments, at 8.⁹

CMS providers generally support improvements to WEA, but submit that more study and more time to implement changes will be required, and that additional study of more narrowed geo-targeting will be required. *See, e.g.*, T-Mobile Comments at 5, 7. This is the now very-familiar Velvet Glove gambit, in which service providers in a regulated industry laud and support a regulatory agency's goals, *generally*; but express concerns as to the cost and time required to implement the changes, technical issues which require additional study, and

⁷ Commercial provision of cellular service commenced in 1985, with consumers purchasing cellular phones to be able to reach help away from home; yet most wireless providers did not even accept 9-1-1 calls or route 9-1-1 calls to *any* PSAP until required by the Commission to do so almost 15 years later.

⁸ AT&T Comments, at 19.

⁹ AT&T actually expresses concern that improvement of WEA will impose costs on CMS providers "that small and rural providers may not be able to bear." Rather than deprive the entire nation of improved and usable WEA service because a small number of CMS providers may find the improvements cost-prohibitive, the Commission should (i) adopt rules for *all* providers including AT&T and other providers serving the vast majority of CMS customers, and (ii) grant temporary waivers to those carriers which demonstrate that they cannot bear the costs of the service improvements.

unanticipated consequences (*e.g.*, concerns that inclusion of telephone numbers and URLs in messages will cause network congestion and cybersecurity vulnerabilities). Only after they have delayed action as long as possible and the Commission is finally ready to adopt regulations over their objections, will industry stakeholders come forward with a proposal to implement watered-down requirements. In this case, this approach by industry stakeholders will delay use by local authorities of an effective life-saving service. The Commission should adopt forthwith regulations to make WEA useful and effective for local public safety authorities.

III. Conclusion.

BRETSA suggests that, contrary to the arguments of CMS providers:

- Local Public Safety Officials who have been creating and transmitting public alerts to their constituents for years, may actually know what they're doing;
- Commercial entities which have successfully marketed public alerting services to the public safety community, with their services having become an almost ubiquitous asset of public safety organizations throughout the U.S., may be able to assist in making WEA practically available to those same public safety organizations, and integrating ENS and WEA interfaces and messaging; and
- CMS providers generating billions of dollars in revenues through use of a public resource, the radio-frequency spectrum, have an

obligation to use that resource in part to serve the public interest
and provide public safety alerting.

Respectfully submitted,

**BOULDER REGIONAL EMERGENCY
TELEPHONE SERVICE AUTHORITY**

By: _____/s/_____

Joseph P. Benkert

Joseph P. Benkert, P.C.

P.O. Box 620308

Littleton, CO 80162

(303) 948-2200

Its Attorney

February 12, 2016