Microsoft Innovation & Policy Center
901 K Street, NW 11th Floor
Washington, DC 20001

Tel 202-263-5900
Fax 202-783-0583
Paula.Boyd@microsoft.com

8 March 2016

Via ECFS
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Notice of *Ex Parte* Communication
Improving Wireless Emergency Alerts and Community-Initiated Alerting, PS Docket No. 15-91

Dear Ms. Dortch:

On 4 March 2016, the undersigned along with Susan Chory, Aaron Staser, and Gunnar Halley, all from Microsoft Corporation, at the request of James Wiley met via teleconference with James Wiley, Rasoul Safavian, Behzad Ghaffari, Yoon Chang, Lisa Passarella, and Carolynn Shillingburg, all from the Commission's Public Safety and Homeland Security Bureau, to discuss matters relating to proposals for improvements to the wireless emergency alerts as set forth in PS Docket No. 15-91. We responded to questions from FCC staff about positions taken in Microsoft's written comments and reply comments as well as those raised by others in that proceeding. Specifically:

- We expressed the position that no efforts to improve the system, however well-intentioned, should in any way detract from or interfere with achieving the primary goal of the WEA system which is to alert users to imminent life-threatening circumstances *without delay*. We emphasized that minimizing delay is imperative because mere seconds can be critical in some emergencies.
- We noted our concern about the potential for delay involved in sending a multi-segment (*e.g.*, four-part) message of 90 characters each as well as the potential for delay involved in concatenating a four-part 90-character-each WEA message and encouraged any requirements in these regards to be standards-based.
- With respect to embedding URLs in alerts:
  - If the alert contains an embedded URL, clicking on that URL will dismiss the alert. Assuming the message history memory is not full, emergency alerts dismissed by

Windows Phone users remain in their message history just like a text message and can be retrieved from that location for purposes of accessing the URL. We noted that consumers would need to know to look in their message history in order to return to the URL.

- In addition, if embedded URLs were to be contained in emergency alerts, standards would need to address the impact of displaying stacked alerts in the event that the user seeks to access the embedded alert. For example, in the event of multiple stacked alerts in which the top alert contains an embedded URL, standards should address whether the remaining alerts should be displayed before the user can access the URL in the top alert.
- To the extent consumers click on the URL to access information at the website, a high number of simultaneous queries could overload the target website's server during an emergency. Critical functionality running on the same server may be compromised by the increased load. For example, if the server hosts first responders' communications and scheduling as well as the target website, too much strain caused by users seeking to access the target website could put at risk critical first-responder support tasks.
- In other countries we have observed use of notifications to users without the traditional emergency alert features (e.g., without the device making emergency alert noise and vibration patterns and without the alert being given prominence over other uses of the phone) to deliver public safety information that is not deemed as urgent as the notification typically associated with a WEA.

- We are aware of countries in which emergency alerts are supported in a primary language and a secondary language. In these circumstances, the primary language alert must be presented on <u>all</u> phones because the device is not guaranteed to receive an alert in a secondary language. The secondary language alert, if it is sent, is presented in addition to the primary language alert on phones that have that language established as their default in the mobile operating system. In all cases, the alert originator is appropriately responsible for issuing the translation in both languages.
- Some of the geo-targeting proposals could fail to notify devices in motion or could result in alerts that are sent to too small of a geographic location. For example, a parent might not be alerted to an emergency occurring at their child's school five miles away.
- We expressed support for the current method of not disrupting use of the voice telephone capability of the mobile device when emergency alerts are delivered to the device. Standards for emergency alerts require dominance on the device's user interface but they do not stop other data processes from running on the device. We recommend not requiring the device to stop all data usage while the emergency alert is being displayed because the background data is not interfering with the emergency alert. It also is possible that the background data is fetching information that will be useful to the user (*e.g.*, news alerts about the emergency, social messaging posts from family and friends about the emergency, or Twitter feeds from local law enforcement about the same topic).

- We expressed general support for more user-friendly WEA settings, but indicated that the Commission should proceed with caution because user misinterpretation or mis-use of those settings could result in frustration with wireless emergency alerts generally. Thus, we encouraged intensive user testing of any proposed changes.
- We discouraged the Commission from using consumer devices (even those who would opt-in) for testing purposes. Those consumers who would opt-in would likely not represent a sufficiently large data group. In addition, a poor consumer experience could reduce willingness to remain enrolled in the alert system generally. We encouraged the Commission to leverage data already collected for testing purposes.
- We encouraged the Commission to consider any proposed changes as they would be experienced by a user during a life-threatening emergency which necessitates quick, clear and simple guidance.
- We explained that emergency alerts are a complex component of a mobile operating system. Different layers of the mobile operating system often are affected by a technical change to emergency alerts. Thus, changes made in one part of the stack to meet new requirements might have unintended consequences in other parts of the stack – or for the user experience. In addition, multiple entities must coordinate to support a technical solution for emergency alerts. Accordingly, the Commission should allow reasonable time for testing and implementation of any rule changes.

Microsoft believes that the Commission should focus on the consumer experience when considering improvements and must not in any circumstance interfere with or degrade the ability to alert users to life-threatening emergencies without delay. In addition, the potential improvements discussed on the record in this proceeding should be addressed to a standards body. The learning opportunity from the multiple waivers, delays, and rule changes needed in the period following adoption of the E-911 rules is that the Commission should be reluctant to adopt rules that rely on further technological development for compliance.

Respectfully submitted,

/s/ Paula Boyd

Paula Boyd
Director, Government and Regulatory Affairs
Microsoft Corporation

cc: James Wiley (via e-mail at james.wiley@fcc.gov)
Rasoul Safavian (via e-mail at rasoul.safavian@fcc.gov)
Behzad Ghaffari (via e-mail at behzad.ghaffari@fcc.gov)
Yoon Chang (via e-mail at yoon.chang@fcc.gov)
Lisa Passarella (via e-mail at lisa.passarella@fcc.gov)
Carolynn Shillingburg (via e-mail at carolynn.shillingburg@fcc.gov)