

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Wireless Emergency Alerts	)	PS Docket No. 15-91
	)	
Amendments to Part 11 of the Commission’s	)	PS Docket No. 15-94
Rules Regarding the Emergency Alert System	)	

**COMMENTS OF APCO INTERNATIONAL**

The Association of Public-Safety Communications Officials (APCO) International, Inc.,<sup>1</sup> offers the following comments in response to the Further Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>2</sup> As the Commission acknowledges, “WEA messages save lives, whether it is by providing early warnings of imminent natural disasters such as tornadoes or by helping to recover children who have been abducted.”<sup>3</sup> APCO commends the Commission for taking steps to improve WEA’s use and effectiveness by developing testing standards and performance metrics to identify areas for improvement, as well as implementing WEA testing in partnership with state and local public safety agencies.<sup>4</sup> APCO’s comments provide a public safety perspective on: I) WEA performance metrics and reports; II) additional measures to examine WEA functionality; and III) enhancing WEA with multimedia capabilities.

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<sup>1</sup> Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 36,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 Emergency Communications Centers (ECCs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

<sup>2</sup> Wireless Emergency Alerts, Amendments to Part 11 of the Commission’s Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91, 15-94, *Further Notice of Proposed Rulemaking*, FCC 22-31 (2022) (“FNPRM”).

<sup>3</sup> *Id.* at para. 1.

<sup>4</sup> Public Safety and Homeland Security Bureau Seeks Partners to Help with WEA Performance Testing, PS Docket No. 22-160, *Public Notice*, DA 22-445 (rel. Apr. 21, 2022).

## I. WEA Performance Metrics and Reports

As a general matter, APCO agrees that gaining insight into the reliability, speed, and accuracy of WEA will help promote its use and effectiveness.<sup>5</sup> As the Commission notes, the WEA system is being under-utilized due to alert originators' lack of confidence in the WEA system.<sup>6</sup> Regular reports on WEA performance will increase transparency and improve public safety agencies' trust in the system, and help the Commission identify opportunities for improvement.

The Commission seeks comment on how speed, reliability, and accuracy should be defined for WEA performance reports issued by participating service providers.<sup>7</sup> Performance metrics should take into account public safety agencies' perspectives and identify areas of improvement to increase the use and effectiveness of WEA messages. Thus, APCO agrees with the Commission's proposed alternative definitions, such that: reliability "means the proportion of devices within the target area while the alert is active that successfully displayed the alert;" speed "be measured as the difference between the time that an alert is initiated by an authorized alert originator and the time that the alert is displayed at the mobile device;" and accuracy "be defined as the proportion of the alert recipients that received the alert within and further than 0.1 miles from the target area."<sup>8</sup> Additionally, the Commission asks whether these reports should reflect specific information about the time and location of alert receipt.<sup>9</sup> The performance metrics should be presented with sufficient granularity to provide useful operational insights for alert originators. For example, alert originators may find value in understanding speed measured in

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<sup>5</sup> FNPRM at para. 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at para. 9.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at para. 13.

seconds, not minutes, and knowing how far (in meters or tenths of a mile) unintended recipients are from the alert area to add context to the reported proportion of recipients beyond the 0.1 mile overshoot threshold.

The Commission seeks comment on how participating providers should measure their performance for these reports.<sup>10</sup> APCO agrees that the reports should include an analysis of aggregate data from WEA messages that were or should have been transmitted during the reporting period – not only test messages.<sup>11</sup> Aggregate data from real alerts will provide more useful insights for public safety agencies. Implementing an automatic reporting capability for WEA-capable mobile devices would likely be an effective method for collecting the data; the Commission should avoid an approach that depends upon public safety agencies to expend resources on data collection. The Commission seeks comment on how frequently WEA performance reports should be collected.<sup>12</sup> APCO agrees that reporting more frequently than annually could be useful.<sup>13</sup> Quarterly reporting, as is the case for the 9-1-1 location performance reports required of certain wireless service providers, would provide helpful insight for public safety agencies, particularly through the initial years following WEA enhancements.<sup>14</sup>

## II. Additional Measures to Examine WEA Functionality

The Commission asks what other measures of WEA's performance should be considered.<sup>15</sup> To the extent practical, the reports should enable public safety agencies to evaluate the functionality of WEA capabilities, particularly with regard to recent enhancements. For instance, participating service providers should measure the extent to which enhancements such

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<sup>10</sup> *Id.* at para. 10.

<sup>11</sup> *Id.* (citing NYCEM 2016 Comments at 15).

<sup>12</sup> *Id.* at para. 11.

<sup>13</sup> *See id.* (citing NYCEM 2016 Comments at 15).

<sup>14</sup> *See* 47 C.F.R. § 9.10(i)(3)(ii)(B).

<sup>15</sup> FNPRM at para. 9.

as clickable embedded links are working as intended. Similarly, the reports could provide insight into progress resolving the issue of unintentional duplicate alerts described in the 2021 Nationwide WEA Test Report.<sup>16</sup>

The Commission asks whether the reports should take into account those device makes and models that cannot be updated to deliver alerts within 0.1 miles of the target area.<sup>17</sup> This inquiry raises an important aspect of WEA functionality that requires attention. Under the WEA rules, as of December 13, 2019, new devices and devices capable of being upgraded must limit alert delivery to the target area plus 0.1 mile overshoot.<sup>18</sup> In the leadup to this rule's adoption, APCO's expectation based on comments from the industry and the Commission was that most if not all smartphones would be capable of being upgraded. Yet, in July 2021, CTIA estimated that only 34% of active smartphones supported enhanced geotargeting.<sup>19</sup> It's unclear why a larger portion of smartphones did not support enhanced geotargeting. Additionally, in a more recent filing on designing the WEA geotargeting performance tests, it was suggested that the enhanced geotargeting requirement does not apply when devices are served by a cell site outside of the targeted area.<sup>20</sup> This exception is not in the rules, and CTIA has not provided a technical basis for this limitation. APCO is concerned that the geotargeting requirement has been misinterpreted.

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<sup>16</sup> See Report: August 11, 2021 Nationwide WEA Test, Public Safety and Homeland Security Bureau, at 3 (rel. Dec. 30, 2021) available at <https://www.fcc.gov/document/fcc-releases-report-nationwide-wea-test>; see also FNPRM at para. 23.

<sup>17</sup> FNPRM at para. 13.

<sup>18</sup> See 47 CFR § 10.450(a); see also New Enhancements to Wireless Emergency Alerts Will Be Available on December 13, 2019, PS Docket Nos. 15-91, 15-94, *Public Notice*, 34 FCC Rcd 11042 (rel. Nov. 25, 2019) (extending the compliance deadline for WEA enhancements, including geotargeting, to Dec. 13, 2019).

<sup>19</sup> Letter from Matthew Gerst, Vice President, Regulatory Affairs, CTIA, to Lisa Fowlkes Chief, Public Safety and Homeland Security Bureau, FCC, PS Docket Nos. 15-91, 15-94, at 2 (filed Jul. 22, 2021).

<sup>20</sup> Comments of CTIA, PS Docket No. 22-160, at 3 (filed May 23, 2022) (requesting the Commission to “control for WEA-capable devices that are... served by a cell site that is outside the geotargeted area for the alert[] or served by a network extender or in-building microcell that is not identified by the wireless provider's network as part of an alert area.”).

The Commission should hold the service providers to a plain reading of the geotargeting requirement.

### III. Enhancing WEA with Multimedia Capabilities

Finally, APCO urges the Commission to act on its proposal to require support for multimedia content in WEA messages.<sup>21</sup> As the Commission noted in 2016, “Allowing multimedia content in WEA Alert Messages would have tremendous public safety benefits.”<sup>22</sup> Embedding photos, symbols, maps, and other multimedia content will provide the public with better emergency information. For several years, consumers have been able to send a high-quality multimedia message to multiple recipients with near-immediate delivery, even across other carriers’ networks. Thus, APCO continues to support a multimedia enhancement that is not limited to, for example, thumbnail-sized images.<sup>23</sup> Service providers should upgrade WEA systems in a manner that eliminates disparities between what’s available to consumers and what’s available to WEA alert originators. When technology exists that could save lives, it should be used to save lives. Wireless carriers are in a position to improve public safety, and they should ensure that upgrades to their networks can be used in parallel to improve emergency alerts.

Respectfully submitted,

APCO INTERNATIONAL

By:

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<sup>21</sup> Wireless Emergency Alerts; Amendments to Part 11 of the Commission’s Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91, 15-94, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 16-127, at para. 126 (2016) (“2016 WEA FNPRM”).

<sup>22</sup> *Id.* at para. 131.

<sup>23</sup> See Comments of APCO International, PS Docket Nos. 15-91, 15-94 (filed May 29, 2018) (responding to 2016 WEA FNPRM at paras. 126-27 and explaining that support for multimedia content in WEA should not be limited to Public Safety Messages, thumbnail-sized images and hazard symbols, or 4G LTE and future networks).

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June 21, 2022