

Federal Communications Commission

§ 10.240

period of development, testing and deployment of the WEA in a manner consistent with the rules in this part no later than 10 months from the date that the Federal Alert Aggregator and Alert Gateway makes the Government Interface Design specifications available.

[78 FR 16807, Mar. 19, 2013]

Subpart B—Election To Participate in Wireless Emergency Alerts System

SOURCE: 73 FR 54525, Sept. 22, 2008, unless otherwise noted.

§ 10.210 WEA participation election procedures.

(a) A CMS provider that elects to transmit WEA Alert Messages, in part or in whole as defined by § 10.10(k) and (l), shall electronically file with the Commission a letter attesting that the Provider:

(1) Agrees to transmit such alerts in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission; and

(2) Commits to support the development and deployment of technology for the “C” interface, the CMS provider Gateway, the CMS provider infrastructure, and mobile devices with WEA functionality and support of the CMS provider selected technology.

(b) A CMS provider that elects not to transmit WEA Alert Messages shall file electronically with the Commission a letter attesting to that fact.

(c) CMS providers shall file their election electronically to the docket.

[73 FR 54525, Sept. 22, 2008, as amended at 78 FR 16807, Mar. 19, 2013; 83 FR 8623, Feb. 28, 2018]

§ 10.220 Withdrawal of election to participate in WEA.

A CMS provider that elects to transmit WEA Alert Messages, in part or in whole, may withdraw its election without regulatory penalty or forfeiture if it notifies all affected subscribers as well as the Federal Communications Commission at least sixty (60) days prior to the withdrawal of its election. In the event that a carrier withdraws

from its election to transmit WEA Alert Messages, the carrier must notify each affected subscriber individually in clear and conspicuous language citing the statute. Such notice must promptly inform the customer that he or she no longer could expect to receive alerts and of his or her right to terminate service as a result, without penalty or early termination fee. Such notice must facilitate the ability of a customer to automatically respond and immediately discontinue service.

[78 FR 16807, Mar. 19, 2013]

§ 10.230 New CMS providers participating in WEA.

CMS providers who initiate service at a date after the election procedure provided for in § 10.210(d) and who elect to provide WEA Alert Messages, in part or in whole, shall file electronically their election to transmit in the manner and with the attestations described in § 10.210(a).

[78 FR 16807, Mar. 19, 2013]

§ 10.240 Notification to new subscribers of non-participation in WEA.

(a) A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall provide clear and conspicuous notice, which takes into account the needs of persons with disabilities, to new subscribers of its non-election or partial election to provide Alert messages at the point-of-sale.

(b) The point-of-sale includes stores, kiosks, third party reseller locations, web sites (proprietary or third party), and any other venue through which the CMS provider’s devices and services are marketed or sold.

(c) CMS Providers electing to transmit alerts “in part” shall use the following notification:

NOTICE REGARDING TRANSMISSION OF WIRELESS EMERGENCY ALERTS (Commercial Mobile Alert Service)

[[CMS provider]] has chosen to offer wireless emergency alerts, including enhanced geo-targeting, within portions of its service area, as defined by the terms and conditions of its service agreement, on wireless emergency alert capable devices. There is no additional charge for these wireless emergency alerts.

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Wireless emergency alerts, including enhanced geo-targeting, may not be available on all devices or in the entire service area, or if a subscriber is outside of the [[CMS provider]] service area. For details on the availability of this service and wireless emergency alert capable devices, including the availability and benefits of enhanced geo-targeting, please ask a sales representative, or go to [[CMS provider's URL]].

Notice required by FCC Rule 47 CFR 10.240 (Commercial Mobile Alert Service)

(d) CMS providers electing in whole not to transmit alerts shall use the following notification language:

NOTICE TO NEW AND EXISTING SUBSCRIBERS REGARDING TRANSMISSION OF WIRELESS EMERGENCY ALERTS (Commercial Mobile Alert Service)

[[CMS provider]] presently does not transmit wireless emergency alerts. Notice required by FCC Rule 47 CFR 10.240 (Commercial Mobile Alert Service).

[73 FR 54525, Sept. 22, 2008, as amended at 78 FR 16807, Mar. 19, 2013; 83 FR 8623, Feb. 28, 2018]

§ 10.250 Notification to existing subscribers of non-participation in WEA.

(a) A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall provide clear and conspicuous notice, which takes into account the needs of persons with disabilities, to existing subscribers of its non-election or partial election to provide Alert messages by means of an announcement amending the existing subscriber's service agreement.

(b) For purposes of this section, a CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall use the notification language set forth in § 10.240 (c) or (d) respectively, except that the last line of the notice shall reference FCC Rule 47 CFR 10.250, rather than FCC Rule 47 CFR 10.240.

(c) In the case of prepaid customers, if a mailing address is available, the CMS provider shall provide the required notification via U.S. mail. If no mailing address is available, the CMS provider shall use any reasonable method at its disposal to alert the customer to a change in the terms and conditions of service and directing the subscriber to voice-based notification

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or to a Web site providing the required notification.

[73 FR 54525, Sept. 22, 2008, as amended at 78 FR 16807, Mar. 19, 2013]

§ 10.260 Timing of subscriber notification.

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, must comply with §§ 10.240 and 10.250 no later than 60 days following an announcement by the Commission that the Alert Aggregator/Gateway system is operational and capable of delivering emergency alerts to participating CMS providers.

[78 FR 16807, Mar. 19, 2013]

§ 10.270 Subscribers' right to terminate subscription.

If a CMS provider that has elected to provide WEA Alert Messages in whole or in part thereafter chooses to cease providing such alerts, either in whole or in part, its subscribers may terminate their subscription without penalty or early termination fee.

[78 FR 16807, Mar. 19, 2013]

§ 10.280 Subscribers' right to opt out of WEA notifications.

(a) CMS providers may provide their subscribers with the option to opt out of the "Child Abduction Emergency/ AMBER Alert," "Imminent Threat Alert" and "Public Safety Message" classes of Alert Messages.

(b) CMS providers shall provide their subscribers with a clear indication of what each option means, and provide examples of the types of messages the customer may not receive as a result of opting out.

[73 FR 54525, Sept. 22, 2008, as amended at 78 FR 16808, Mar. 19, 2013; 81 FR 75725, Nov. 1, 2016]

Subpart C—System Architecture

§ 10.300 Alert aggregator. [Reserved]

§ 10.310 Federal alert gateway. [Reserved]

§ 10.320 Provider alert gateway requirements.

This section specifies the functions that each Participating Commercial

Mobile Service provider is required to support and perform at its CMS provider gateways.

(a) *General.* The CMS provider gateway must provide secure, redundant, and reliable connections to receive Alert Messages from the Federal alert gateway. Each CMS provider gateway must be identified by a unique IP address or domain name.

(b) *Authentication and validation.* The CMS provider gateway must authenticate interactions with the Federal alert gateway, and validate Alert Message integrity and parameters. The CMS provider gateway must provide an error message immediately to the Federal alert gateway if a validation fails.

(c) *Security.* The CMS provider gateway must support standardized IP-based security mechanisms such as a firewall, and support the defined WEA “C” interface and associated protocols between the Federal alert gateway and the CMS provider gateway.

(d) *Geographic targeting.* The CMS provider gateway must determine whether the provider has elected to transmit an Alert Message within a specified alert area and, if so, map the Alert Message to an associated set of transmission sites.

(e) *Message management—(1) Formatting.* The CMS provider gateway is not required to perform any formatting, reformatting, or translation of an Alert Message, except for transcoding a text, audio, video, or multimedia file into the format supported by mobile devices.

(2) *Reception.* The CMS provider gateway must support a mechanism to

stop and start Alert Message deliveries from the Federal alert gateway to the CMS provider gateway.

(3) *Prioritization.* The CMS provider gateway must process an Alert Message on a first in-first out basis except for Presidential Alerts, which must be processed before all non-Presidential alerts.

(4) *Distribution.* A Participating CMS provider must deploy one or more CMS provider gateways to support distribution of Alert Messages and to manage Alert Message traffic.

(5) *Retransmission.* The CMS provider gateway must manage and execute Alert Message retransmission, and support a mechanism to manage congestion within the CMS provider’s infrastructure.

(f) *CMS provider profile.* The CMS provider gateway will provide profile information on the CMS provider for the Federal alert gateway to maintain at the Federal alert gateway. This profile information must be provided by an authorized CMS provider representative to the Federal alert gateway administrator. The profile information must include the data listed in Table 10.320(f) and must comply with the following procedures:

(1) The information must be provided 30 days in advance of the date when the CMS provider begins to transmit WEA alerts.

(2) Updates of any CMS provider profiles must be provided in writing at least 30 days in advance of the effective change date.

TABLE 10.320(f)—CMSP PROFILE ON FEDERAL ALERT GATEWAY

Profile parameter	Parameter election	Description
CMSP Name	Unique identification of CMSP.
CMSP gateway Address	IP address or Domain Name. Alternate IP address	Optional and subject to implementation.
Geo-Location Filtering	<yes/no>	
If yes, list of states	CMAC Geocode for state	If “yes”, the only CMAM issued in the listed states will be sent to the CMSP gateway. If “no”, all CMAM will be sent to the CMSP gateway. List can be state name or abbreviated state name.

(g) *Alert logging.* The CMS provider gateway must perform the following functions:

(1) *Logging requirements.* Log the CMAC attributes of all Alert Messages

received at the CMS Provider Alert Gateway, including time stamps that verify when the message is received,