

§ 10.330

and when it is retransmitted or rejected by the Participating CMS Provider Alert Gateway. If an Alert Message is rejected, a Participating CMS Provider is required to log the specific error code generated by the rejection.

(2) *Maintenance of logs.* Participating CMS Providers are required to maintain a log of all active and cancelled Alert Messages for at least 12 months after receipt of such alert or cancellation.

(3) *Availability of logs.* Participating CMS Providers are required to make their alert logs available to the Commission and FEMA upon request. Participating CMS Providers are also required to make alert logs available to emergency management agencies that offer confidentiality protection at least equal to that provided by the federal Freedom of Information Act (FOIA) upon request, but only insofar as those logs pertain to Alert Messages initiated by that emergency management agency.

[73 FR 43117, July 24, 2008, as amended at 78 FR 16808, Mar. 19, 2013; 81 FR 75725, Nov. 1, 2016]

§ 10.330 Provider infrastructure requirements.

This section specifies the general functions that a Participating CMS Provider is required to perform within their infrastructure. Infrastructure functions are dependent upon the capabilities of the delivery technologies implemented by a Participating CMS Provider.

(a) Distribution of Alert Messages to mobile devices.

(b) Authentication of interactions with mobile devices.

(c) Reference Points D & E. Reference Point D is the interface between a CMS Provider gateway and its infrastructure. Reference Point E is the interface between a provider's infrastructure and mobile devices including air interfaces. Reference Points D and E protocols are defined and controlled by each Participating CMS Provider.

§ 10.340 Digital television transmission towers retransmission capability.

Licensees and permittees of non-commercial educational broadcast television stations (NCE) or public broad-

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cast television stations (to the extent such stations fall within the scope of those terms as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6))) are required to install on, or as part of, any broadcast television digital signal transmitter, equipment to enable the distribution of geographically targeted alerts by commercial mobile service providers that have elected to transmit WEA alerts. Such equipment and technologies must have the capability of allowing licensees and permittees of NCE and public broadcast television stations to receive WEA alerts from the Alert Gateway over an alternate, secure interface and then to transmit such WEA alerts to CMS Provider Gateways of participating CMS providers. This equipment must be installed no later than eighteen months from the date of receipt of funding permitted under section 606(b) of the WARN Act or 18 months from the effective date of these rules, whichever is later.

[78 FR 16808, Mar. 19, 2013]

§ 10.350 WEA testing and proficiency training requirements.

This section specifies the testing that is required of Participating CMS Providers.

(a) *Required monthly tests.* Testing of the WEA from the Federal Alert Gateway to each Participating CMS Provider's infrastructure shall be conducted monthly.

(1) A Participating CMS Provider's Gateway shall support the ability to receive a required monthly test (RMT) message initiated by the Federal Alert Gateway Administrator.

(2) Participating CMS Providers shall schedule the distribution of the RMT to their WEA coverage area over a 24 hour period commencing upon receipt of the RMT at the CMS Provider Gateway. Participating CMS Providers shall determine the method to distribute the RMTs, and may schedule over the 24 hour period the delivery of RMTs over geographic subsets of their coverage area to manage traffic loads and to accommodate maintenance windows.

(3) A Participating CMS Provider may forego an RMT if the RMT is preempted by actual alert traffic or if an

unforeseen condition in the CMS Provider infrastructure precludes distribution of the RMT. A Participating CMS Provider Gateway shall indicate such an unforeseen condition by a response code to the Federal Alert Gateway.

(4) The RMT shall be initiated only by the Federal Alert Gateway Administrator using a defined test message. Real event codes or alert messages shall not be used for the WEA RMT message.

(5) A Participating CMS Provider shall distribute an RMT within its WEA coverage area within 24 hours of receipt by the CMS Provider Gateway unless pre-empted by actual alert traffic or unable due to an unforeseen condition.

(6) A Participating CMS Provider may provide mobile devices with the capability of receiving RMT messages.

(7) A Participating CMS Provider must retain an automated log of RMT messages received by the CMS Provider Gateway from the Federal Alert Gateway.

(b) *Periodic C interface testing.* In addition to the required monthly tests, a Participating CMS Provider must participate in periodic testing of the interfaces between the Federal Alert Gateway and its CMS Provider Gateway, including the public television broadcast-based backup to the C-interface. This periodic interface testing is not intended to test the CMS Provider's infrastructure nor the mobile devices but rather is required to ensure the availability/viability of both gateway functions. Each CMS Provider Gateway shall send an acknowledgement to the Federal Alert Gateway upon receipt of such interface test messages. Real event codes or Alert Messages shall not be used for this periodic interface testing.

(c) *State/Local WEA Testing.* A Participating CMS Provider must support State/Local WEA Tests in a manner that complies with the Alert Message Requirements specified in Subpart D.

(1) A Participating CMS Provider's Gateway shall support the ability to receive a State/Local WEA Test message initiated by the Federal Alert Gateway Administrator.

(2) A Participating CMS Provider shall immediately transmit a State/

Local WEA Test to the geographic area specified by the alert originator.

(3) A Participating CMS Provider may forego a State/Local WEA Test if the State/Local WEA Test is pre-empted by actual alert traffic or if an unforeseen condition in the CMS Provider infrastructure precludes distribution of the State/Local WEA Test. If a Participating CMS Provider Gateway forgoes a State/Local WEA Test, it shall send a response code to the Federal Alert Gateway indicating the reason.

(4) Participating CMS Providers shall provide their subscribers with the option to opt in to receive State/Local WEA Tests.

[73 FR 47558, Aug. 14, 2008, as amended at 78 FR 16808, Mar. 19, 2013; 81 FR 75726, Nov. 1, 2016]

Subpart D—Alert Message Requirements

§ 10.400 Classification.

A Participating CMS Provider is required to receive and transmit four classes of Alert Messages: Presidential Alert; Imminent Threat Alert; Child Abduction Emergency/AMBER Alert; and Public Safety Message.

(a) *Presidential Alert.* A Presidential Alert is an alert issued by the President of the United States or the President's authorized designee.

(b) *Imminent Threat Alert.* An Imminent Threat Alert is an alert that meets a minimum value for each of three CAP elements: Urgency, Severity, and Certainty.

(1) *Urgency.* The CAP Urgency element must be either Immediate (*i.e.*, responsive action should be taken immediately) or Expected (*i.e.*, responsive action should be taken soon, within the next hour).

(2) *Severity.* The CAP Severity element must be either Extreme (*i.e.*, an extraordinary threat to life or property) or Severe (*i.e.*, a significant threat to life or property).

(3) *Certainty.* The CAP Certainty element must be either Observed (*i.e.*, determined to have occurred or to be ongoing) or Likely (*i.e.*, has a probability of greater than 50 percent).

(c) *Child Abduction Emergency/AMBER Alert.* (1) An AMBER Alert is an alert