

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**COMMENTS OF INCOMPAS**

INCOMPAS, by its undersigned counsel, hereby submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Notice of Inquiry*, which implements Section 9201(e) of the National Defense Authorization Act of 2021 (“NDAA21”) by seeking comment on whether it is technically feasible to deliver alerts through the nation’s Emergency Alert System via the internet, including through streaming services.<sup>1</sup>

**I. INTRODUCTION**

INCOMPAS is the preeminent national industry association for providers of internet and competitive communications networks, including both wireline and wireless providers in the broadband marketplace. We represent fixed broadband companies, including small local fiber and fixed wireless providers that provide residential broadband internet access service (“BIAS”), as well as other mass-market services, such as video programming distribution and voice services in urban, suburban, and rural areas. We also represent companies that are providing business broadband services to schools, libraries, hospitals and clinics, and businesses of all

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<sup>1</sup> *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, Wireless Emergency Alerts*, Notice of Inquiry, PS Docket Nos. 15-94, 15-91 (rel. Mar. 19, 2021) (“*NOI*”) at ¶ 3.

sizes, including regional fiber providers; transit and backbone providers that carry broadband and internet traffic; online video distributors (“OVDs”) that offer video programming over BIAS to consumers, in addition to other online content, such as social media, streaming, cloud services, and voice services.

As required by the NDAA21, the Commission has published a *Notice of Inquiry* to explore ways to improve how the public receives emergency alerts on their mobile phones, televisions, and radios through the nation’s Emergency Alert System (EAS) and Wireless Emergency Alert System (WEA).<sup>2</sup> Through this *Notice of Inquiry*, the FCC is implementing Section 9201(e) of the NDAA21 by seeking comment on whether it is technically feasible to deliver EAS alerts through the internet, including through streaming services. As directed by Congress, the Commission will submit a report on its findings and conclusions to the relevant Congressional committees.<sup>3</sup>

INCOMPAS has various streaming companies as part of its membership, and thus has a number of suggestions for inclusion by the Commission in its report to Congress. INCOMPAS recognizes the importance of this *Notice of Inquiry* as it relates to national security and public safety and highlights herein some foreseeable challenges and possible solutions for streaming services regarding the delivery of EAS alerts.

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<sup>2</sup> *Id.* at ¶ 1.

<sup>3</sup> *Id.* at ¶ 3.

**II. SIGNIFICANT TECHNICAL CHALLENGES EXIST FOR STREAMING SERVICES TO TRANSMIT EAS ALERTS, MANY OF WHICH DUPLICATE CONTENT IN ALERTS ALREADY AVAILABLE TO CONSUMERS ON THEIR MOBILE DEVICES.**

It is critically important to consider whether consumers need to receive emergency alerts from streaming services when most consumers already receive alerts through their mobile devices. Almost every U.S. consumer has a mobile wireless device and receives alerts through the wireless emergency alert (WEA) system on their device that are timely, effective, and appropriately geographically targeted. The content of these alerts is likely to be duplicative of any EAS alert transmitted over a streaming service. Furthermore, the content in these alerts is available from a myriad of other sources. For instance, when traveling on the interstate highway system, one can see highway alerts on electronic billboards that are appropriate to that area; the content often duplicates WEA alerts vehicle passengers receive on their mobile devices. Before extending new alerting requirements to streaming services, it is important to note how consumers receive information today and whether further imposition of regulations are necessary.

Moreover, policymakers should consider that duplicative notifications may negatively impact consumers. Consumers understand that they may receive an EAS alert while watching live broadcast television or listening to the radio. And, as noted above, consumers are accustomed to WEA alerts on their mobile phones, which may be in use or nearby while watching and listening to streaming services. Consumers could become frustrated to receive multiple, nearly simultaneous and identical alerts across their various devices. This may add to alert fatigue, which leads consumers to ignore alerts or opt-out of receiving them altogether.<sup>4</sup>

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<sup>4</sup> Comments of CTIA, PS Docket Nos. 15-94, 15-91 (April 20, 2021) at 10.

The structure of various streaming services could contribute to this confusion. Many streaming services operate on-demand rather than as a live broadcast, and consumers may be confused if they receive a real-time EAS alert from an on-demand streaming service. Moreover, streaming services on mobile devices may consume user data and sending alerts may increase costs for users having limited or prepaid mobile plans.

In short, too many unknowns about consumer impact currently exist with regard to extending emergency alerting requirements to streaming services. INCOMPAS agrees with CTIA that additional fact-finding and consideration of the consumer behavior issues would be necessary before requiring streaming services to support EAS.<sup>5</sup> The Commission should recommend undertaking this additional analysis prior to adoption of any new alerting requirements for streaming services in its report to Congress.

Understanding and identifying various streaming stakeholders and the technical challenges to implementing emergency alert requirements should also be a prerequisite. Neither the NDAA21 nor the Commission has defined the term “streaming service.”<sup>6</sup> A “streaming service” can describe a variety of audio and video content services available on the internet, and the streaming community includes tens of thousands of small streamers as well as larger commercial streaming services. These services operate on a live, near-live, or on-demand basis, and require different technical approaches to stream to a user device. Some streaming services do not have designs that allow for live transmission of emergency alerts, and the vast majority lack the necessary EAS-capable equipment to transmit emergency alerts at this time. Development of new standards, redesigns of product offerings, and procurement of new equipment – investments

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<sup>5</sup> *Id.*

<sup>6</sup> *NOI* at ¶ 58.

of great time, energy, and expense – would be necessary to allow for transmission of alerts throughout the ecosystem.

Streaming services are fundamentally different from broadcast and cable technologies, creating technical challenges to the transmission of emergency alerts. Broadcast and cable send alerts based on location. In contrast, streaming services may be national or international in scope, and local monitoring to send alerts to users would be technically infeasible.

Another technical challenge involves end user location data. In the WEA scenario, an alert is sent over the device's operating system that contains precise location capabilities and can override user location settings for the purpose of receiving emergency alert text messages. But that is not necessarily true of the myriad of devices over which services can be streamed (e.g., televisions, desktop computers, laptops, tablets), which often lack GPS coordinates and/or have not been given user permission to access location information. This larger ecosystem of devices, and the streaming services that operate over them, may not readily identify location or may lack any access to location information, much less location information sufficiently precise to send a critical emergency alert. Users may not want to share their locations with streaming services, even to receive alerts, especially when the devices on which they are watching streaming services already display alert information.

Devices that intake emergency alerts today either operate over stationary services (broadcast or cable) or, when operating in a mobile/nomadic environment, display on single devices that are used by a single person. Streaming services, however, can often be used by multiple users on the same account simultaneously in radically different locations. This common scenario can complicate the targeting of local and state alerts. For example, one member of the household can watch Hulu while on vacation or attending university in Florida, while the rest of

the household is viewing at home in an L.A. suburb, or another household member is on the bus as they travel between the suburbs and downtown Chicago. Service-level alerts would need to be able to parse across users currently using the service and understand where each is located precisely before displaying the alert, lest the wrong information be transmitted to the recipient (which would undermine confidence in alerting systems).

Unfortunately, many streamers face unsurmountable barriers that prevent solving these technical issues. Many streamers are small businesses that lack sufficient resources. Many of the issues would require the creation of new industry standards, which individual streamers lack the ability to implement on their own. Solutions would also involve potentially significant financial investments, such as in new equipment, which could run the risk of some small streamers exiting the industry entirely.

The Commission has always understood the importance of implementing emergency alerts through industry standards bodies. This facilitates industry identification and resolution of potential technical issues in dynamic and deep ways for which the Commission's rulemaking process is not designed. As noted above, there are currently no U.S. standards for transmitting EAS alerts through streaming infrastructure. The Commission should explore whether emergency alerts on streaming services are enabled in any other country and, if so, whether those requirements are premised on industry standards that might be usable in the U.S. Before any requirement is considered, development of standards to address technical challenges and streamline implementation should occur. Once standards are established, sufficient time—at least 24 months after the finalization of the standards—should be allotted for affected services and devices to incorporate the standards. During that time, policymakers should consider how best to educate consumers about any potential changes to how they receive emergency alerts.

### **III. CONCLUSION**

INCOMPAS understands and appreciates the importance of our nation's alert systems for purposes of national security and public safety. With regard to streaming services, many issues remain to be considered. The Commission's report to Congress should identify and provide robust analyses of these challenges.

Respectfully submitted,

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