



September 22, 2017

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

RE: Veto Request for S4383a/A4140a

Dear Governor Cuomo:

On behalf of CTIA, the trade association for the wireless communications industry, I am writing to respectfully request your veto of S4383a/A4140a, which is an act to study the feasibility of implementing an emergency alert notification system that requires alerts to be displayed while using video streaming service. A successful emergency alert system already exists in New York, and the creation of a second alerting service is thus unnecessary.

The wireless industry participates in the Wireless Emergency Alerts (WEA) system in New York and across the United States. Wireless Emergency Alerts (WEA) have been available since 2012 and are free, text-like notifications sent to a consumer's wireless device that tell them when there's a dangerous situation – whether man-made or natural disasters like a hurricane or earthquake – where one happens to be. This is a voluntary program supported by wireless operators to help make Americans safer. The alerts will rebroadcast until the situation is no longer a threat. These alerts include Presidential Alerts, Imminent Threat Alerts, which include severe man-made or natural disasters, such as tornadoes, dangerous flooding, shelter in place warnings, etc., and AMBER Alerts. In addition, local and state public safety officials can use the WEA system to send messages both before and after emergencies to aid in preparation for and recovery from both natural and man-made disasters.

More and more New Yorkers move to using mobile services as the primary way in which they access the internet, streaming services and information in emergencies. In fact, 33 percent of New Yorkers live in wireless only households¹ and 70 percent of all high-speed

¹ CDC / NCHS, National Health Interview Survey Early Release Program, Modeled Estimates of the Percent Distribution of Household Telephone Status for Adults Aged 18 and over, by State: United States, 2015, August 2016, at http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless_state_201608.pdf



broadband connections in New York are mobile.² Establishing static rules set by the Public Service Commission would hamper continued innovation and growth of the communications industry. Establishing an alerting system just for New York is unnecessary, as it would be redundant and costly.

New York Emergency Alerts would be Redundant

Because Wireless Emergency Alerts (WEA) already exist and most people look to their mobile phone in times of emergencies, there is no need to establish a second, redundant system of alerting residents.

WEA alerts are sent by a specific process in which federal, state, local and tribal public safety agencies must apply to the Federal Emergency Management Agency (FEMA) to become alert-originating authorities.

Once the alert-originators are authorized, FEMA authenticates the sender and the alert. FEMA transmits the WEA to the more than 100 participating wireless providers who may have customers in that designated alerting area. Only those customers in that target area receive the alert.

Each WEA message states who is sending the alert, what is happening, who is affected and what action to take. WEA is not a text message because it uses a different kind of technology to ensure they are delivered immediately. WEA uses a point-to-multipoint system, which means alert messages will be sent to those within a certain area, unlike text messages that are not location aware. For example, if a New York resident has a WEA-capable device, but happened to be in metropolitan Chicago when a tornado occurred, the device would receive an “Imminent Threat Alert.”

Many emergencies in New York oftentimes require coordination with federal and adjacent state and local jurisdictions. Having a stand-alone system just for alerting residents using just one type of service would not be efficient and would require additional coordination with authorities.

² FCC, Internet Access Services: Status as of June 30, 2015, August 2016, at https://apps.fcc.gov/edocs_public/attachmatch/DOC-340664A1.pdf.



Since it has been implemented, WEA has helped save lives across the country and in New York. Because this system works through a federal agency, any changes to this system would most efficiently be handled at the federal level to provide proper authorization and distribution through multiple carriers.

New York Emergency Alerts would be Costly and Not Technically Feasible

Establishing new rules for providers of streaming services at a time when mobile and connect life innovation is exploding as new consumer and commercial applications are being brought to the market could be costly for innovation as well as the state of New York. Additionally, CTIA members have concerns that such messaging over streaming services is not technically possible today. Streaming service does not have jurisdictional boundaries and such a service would not be able to be implemented on a state or municipal basis. Innovation will continue and the marketplace may establish new services in this area to meet consumer demand.

The cost to the state of New York for expending resources to study and mandate the development of a technology that could be obsolete in the near future appears shortsighted. The cost of investigating this issue could be upwards of \$200,000 with no guarantee that a solution could even be developed in the near future.

With a Wireless Emergency Alerts system already in place which has worked to save lives in New York and the innovation that continues to occur in the telecommunications space, this is not the time to hamper innovation with the study of the establishment of a redundant and costly new system. We respectfully urge you to veto this legislation.

Sincerely,

Lisa V McCabe
Director, State Legislative Affairs