



Telecom Decision CRTC 2019-239

PDF version

Ottawa, 8 July 2019

Public record: 8662-A197-201811216

Senior Officials Responsible for Emergency Management – Application to modify the wireless public alerting visible test schedule

*The Commission **approves** an application from the Senior Officials Responsible for Emergency Management to (i) modify the wireless public alerting test schedule to include at least one, and up to two, annual visible public tests; and (ii) require wireless service providers to participate in a second annual visible public test if an alerting authority elects to execute such a test during the month of November.*

Background

1. Emergency alerts are messages, issued by public officials designated as emergency management officials (EMOs [also referred to as alert-issuing authorities in this decision]),¹ for immediate distribution to the public to warn of dangers to life and property. These messages contain information relating to the nature of the threat, the area affected, and actions the public should take.
2. Emergency alerts are issued through the National Public Alerting System (NPAS). First, an EMO enters an alert in the National Alert Aggregation and Dissemination (NAAD) System, which is part of the NPAS. Next, the NAAD System verifies and authenticates alerts entered by the EMO, and ensures quick and secure delivery of the alerts to last-mile distributors for automatic transmission to end-users.
3. In Broadcasting Regulatory Policy 2014-444, the Commission announced amendments to various instruments with a view to requiring broadcasters and broadcasting distribution undertakings (BDUs), with very limited exceptions, to participate in the NPAS.²
4. In Telecom Regulatory Policy 2017-91, the Commission determined that Canadian wireless service providers (WSPs) would be required to implement emergency alert distribution capability on their networks. In Telecom Decision 2018-108, the Commission required WSPs to immediately distribute emergency alerts received from the NAAD System operator. This requirement did not apply to pre-long-term evolution (LTE) networks.

¹ EMOs include Government of Canada agencies, provincial and territorial governments, and authorized municipal agencies.

² Commission-mandated alert distributors include radio and television broadcasters, cable and satellite service distributors, and wireless service providers.

5. In Telecom Decision 2018-108, the Commission also approved a schedule of five WPA tests per year. Four of these tests would be invisible to mobile wireless service customers, while one would be a visible public test occurring in May during National Emergency Preparedness (EP) Week.
6. In Telecom Decision 2018-85, the Commission approved an awareness and public education campaign for WPA. It also stated that it expected WSPs, for the first two years of WPA implementation, to send a minimum of one text message per year to their customers on LTE networks in regions where WPA test alerts are being issued in order to inform them of upcoming visible public tests. The Commission also expected WSPs to provide all resources related to the sending of these text messages and to ensure that their content is consistent among WSPs.
7. The first round of visible public tests occurred on 7 and 9 May 2018. A number of issues occurred during these tests, including the failure of test alerts to be distributed by some WSPs in some provinces. Given these issues, and in response to a letter filed with the Commission by the Senior Officials Responsible for Emergency Management (SOREM)³ in which it was indicated that overall, federal, provincial, and territorial EMOs recognize the value of a second, all-channel (i.e. wireless and broadcast) visible public test, a second round of visible public tests took place in November 2018. All WSPs were required to participate in these tests, which were generally successful.

Application

8. The Commission received an application from SOREM, dated 12 December 2018, in which SOREM requested that the Commission modify the WPA test schedule to include two annual visible public tests: one during EP Week in May, and one in November.
9. The Commission received interventions from the Canadian Wireless Telecommunications Association (CWTA) and TELUS Communications Inc. (TCI) in response to SOREM's application, as well as responses to requests for information issued to Pelmorex Weather Networks (Television) Inc. (Pelmorex),⁴ SOREM, and WSPs.

Issues

10. The Commission has identified the following issues to be addressed in this decision:
 - Should the Commission require WSPs to carry out two visible public tests per year?

³ SOREM is an organization that works to harmonize and improve emergency practices across Canada. SOREM consists of representatives from all provincial and territorial governments' EMOs and from Public Safety Canada.

⁴ Pelmorex operates the NAAD System.

- If so, should the Commission require that WSPs create awareness of the two visible public tests?
- Should the Commission impose remedial regulatory mechanisms regarding unsuccessful visible public tests?
- Should there be provisions with respect to the cancellation of a visible public test by a WSP?

Should the Commission require WSPs to carry out two visible public tests per year?

Positions of parties

Number of visible public tests per year

11. SOREM requested that the Commission require WSPs to carry out two visible public tests per year.
12. SOREM indicated that the aim of visible public testing is to test the system and equipment, enable alert issuers to practice alerting procedures, and increase public awareness of WPA. Conducting only one visible test per year results in a missed opportunity to increase public awareness through reinforcement of the public's memory about the new WPA technology.
13. The CWTA and TCI supported SOREM's request. They submitted that a maximum of two visible public tests would be sufficient, with the CWTA indicating that any more than two would be excessive and possibly lead to "alert fatigue."
14. TCI submitted that once public awareness of the NPAS matures, it may be possible to decrease the frequency of visible public tests to once per year, during EP Week in May. However, it submitted that SOREM, as the body responsible for emergency management, is in the best position to assess the number of visible public tests required, taking into consideration the interests of all stakeholders.

Harmonization of broadcast alert and WPA test schedules

15. SOREM was of the view that the current discrepancy between the test schedules for mobile wireless devices and radio and television is likely to cause confusion since the test alerts are delivered quarterly through radio and television, but only annually through mobile wireless devices. SOREM submitted that as a result of these differing schedules, the broadcast-only tests would likely result in Canadians questioning whether the WPA system was out of sync with the other alert delivery mechanisms or was not working at all.
16. SOREM submitted that approval of its request would enable the harmonization of test schedules and policies across all emergency alert distribution channels: radio, television, and mobile wireless devices. Specifically, there would be two visible

public tests per year across all channels. With respect to the current policy regarding test alerts distributed by broadcasting undertakings, SOREM submitted that if the Commission approved its application, the NAAD System Governance Council (the Governance Council) would amend the related NAAD System Test Message Policy, including timelines for identifying the semi-annual test dates and making them available to alert distributors and to the public.⁵

17. SOREM noted that, in light of the public interest generated by the 7 and 9 May 2018 visible public tests, provinces and territories, in consultation with SOREM, cancelled the 20 June 2018, 19 September 2018, 19 December 2018, and 20 March 2019 quarterly radio and television tests to avoid public confusion between broadcast and WPA tests.
18. The CWTA and TCI also supported the harmonization of broadcast and WPA visible public tests.
19. The CWTA submitted that a harmonized schedule would enable federal, provincial, and territorial EMOs to coordinate their respective activities, including awareness initiatives directed at residents in their jurisdictions.
20. TCI submitted that a harmonized schedule would reinforce that emergency alerts, regardless of how they are delivered, are all part of the same NPAS. It would also increase public confidence in the NPAS and in end-to-end testing of the system by all participants. Further, TCI supported a submission from Bell Mobility Inc. (Bell Mobility) that the harmonization of the test schedules would create synergies with respect to awareness of WPA and broadcast alerting, and eliminate the need for text message notifications to be sent to mobile wireless service customers regarding upcoming tests.

Scheduling of and participation in two visible public tests

21. With respect to the timing of the visible public tests, the CWTA submitted that all emergency-alerting stakeholders, including WSPs, should collaborate and take into consideration identified requirements and concerns.
22. TCI submitted that keeping the timing of visible public tests consistent would enable all NPAS participants to prepare their systems and operations for testing, and would provide consistency for the general public.
23. The CWTA and TCI indicated that the visible public tests should be scheduled as far in advance as possible to ensure that all stakeholders are prepared for testing. WSPs and Pelmorex will require predictability in scheduling to carry out numerous activities, including preparing and disseminating customer notifications and addressing internal resource needs, such as call centre staff education and additional staffing.

⁵ These changes do not require Commission approval.

24. The CWTA also submitted that visible public tests are beneficial only when each federal, provincial, and territorial jurisdiction participates.

Commission's analysis and determinations

Number of visible public tests per year

25. Paragraph 7(a) of the *Telecommunications Act* (the Act) sets out the following policy objective: "to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions." The Commission is of the view that more frequent visible public testing will ensure that WPA remains functional on the relevant WSP-operated networks, thereby ensuring that Canadians will be warned of unfolding and imminent danger to life and property, and thus contribute to the achievement of the above-noted policy objective. More frequent visible public testing will also ensure that more Canadians with new and/or updated mobile wireless devices become and remain aware of the existence of WPA and the manner in which EMOs use it.

26. The Commission notes that most WSPs supported having a second annual visible public test. Accordingly, the Commission is of the view that approving SOREM's request (i) would not have a material negative impact on the telecommunications industry, and (ii) would benefit Canadians as well as the NPAS.

27. Further, the Commission considers that a second annual visible public test will enable alert-issuing authorities to practice various procedures more frequently and ensure that employees continue to have appropriate and necessary training to maximize the effective use of WPA.

Harmonization of broadcast alert and WPA test schedules

28. The Commission agrees with SOREM's view that different test schedules are likely to result in Canadians questioning whether the WPA system is out of sync with other alert-delivery mechanisms, or is not working at all. The Commission also considers that different test schedules interfere with the opportunity to increase public awareness of all alert-distribution channels.

29. Accordingly, the Commission considers that SOREM's proposal to amend the WPA test schedule to enable the harmonization of broadcast and WPA test alerts would benefit Canadians.

Scheduling of and participation in two visible public tests

30. The Commission considers reasonable the CWTA's submission that emergency-alerting stakeholders should collaborate to determine the specific timing of visible public tests, and should take into consideration identified requirements and concerns.

31. However, it is not within the Commission's authority to determine if and when a particular alert-issuing authority will participate in a visible public test. While emergency public alerting practices vary across the country, and inconsistent visible public testing among the various jurisdictions may occur, leading to a less-than-maximum benefit, these tests also serve to (i) confirm the end-to-end WPA functionality between alert-issuing authorities, the NAAD System, and alert distributors, and (ii) assess whether system improvements are warranted. The Commission therefore considers that WSPs should be required to distribute to their subscribers two visible test alerts annually, regardless of whether all jurisdictions elect to participate.

Conclusion

32. As shown by the inconsistent results of the first round of visible public tests in May 2018, continued province- and territory-wide WPA testing remains important, since it enables WSPs to assess whether their WPA systems are fully functional. Furthermore, the improved results following the second round of visible public tests in November 2018 demonstrates that continued testing enables alerting stakeholders to be made aware of and address outstanding issues. More frequent visible public tests also increase awareness of WPA among Canadians.

33. Accordingly, the Commission adds the following to the existing WPA testing obligation for WSPs:

- Pursuant to sections 24 and 24.1 of the Act, the Commission **directs** all WSPs that are required to participate in WPA as part of the NPAS to distribute to their subscribers served by non-pre-LTE networks, during the month of November of each year, a visible test alert where an alert-issuing authority elects to schedule and execute a visible WPA test alert during that month.

Should the Commission require that WSPs create awareness of the two visible public tests?

Positions of parties

34. SOREM submitted that the regulatory mechanisms regarding awareness of visible public tests, as set out in Telecom Decision 2018-85, should not be extended. In its experience, the text messages received by Canadians notifying them of an upcoming visible public test create confusion and can be misleading, since some recipients have perceived the message as an indication that their mobile wireless device is WPA-compatible and will therefore receive the test alert as well as actual emergency alerts, when this is not always the case.

35. SOREM submitted that alternative means for WSPs to advise their subscribers of upcoming visible public tests should be considered.

36. Bell Mobility, Rogers Communications Canada Inc., Saskatchewan Telecommunications, Shaw Telecom G.P., and TCI submitted that it has been shown

that the use of text messages as a public awareness tool causes confusion that outweighs the benefits of a limited increase in awareness.

37. These carriers also submitted that feedback received following the May 2018 visible public tests suggested that confusion resulted from the fact that some customers assumed that because they received a text message informing them of the upcoming test, they would also receive a test alert.
38. These carriers further submitted that many customers cannot distinguish between a text message notification and a WPA test alert message due to the two having a similar text format.
39. These carriers argued that Alert Ready's initiatives to create awareness of broadcast tests (e.g. through television, radio, and social media) could also be used to inform Canadians about WPA tests.⁶ Further, as shown by the public's reaction to the November 2018 visible public test, for which most WSPs did not provide advance text message notifications to their customers, Canadians already have a good level of awareness surrounding WPA tests.
40. Bragg Communications Incorporated, carrying on business as Eastlink; Hay Communications Co-operative Limited; and Quebecor Media Inc., on behalf of Videotron Ltd., submitted that it would be beneficial for Canadians to be made aware of a change to the WPA schedule for visible public tests via text message.

Commission's analysis and determinations

41. Since the implementation of WPA, numerous wireless emergency alerts have been successfully issued across the country. These alerts have proven their newsworthiness and generated reactions on various social media platforms. WSPs sent out text message notifications to create awareness of WPA tests in the spring of 2018 and in the spring of 2019. Furthermore, the Commission considers that the November 2018 visible public tests contributed to creating awareness among Canadians.
42. The Commission further considers that Alert Ready's awareness initiatives could be used to inform Canadians about WPA tests, as noted by some parties.
43. In light of the above, the Commission is of the view that Canadians are well informed about WPA tests. Accordingly, the Commission determines that no regulatory measures are required with respect to creating awareness of the November visible public test. However, the Commission expects that Pelmorex and WSPs will create awareness of the new visible public test schedule in a manner that best suits their needs.

⁶ Alert Ready is operated by Pelmorex and is considered by the emergency-alerting community as the NPAS's main hub for awareness and education regarding public alerting.

Should the Commission impose remedial regulatory mechanisms regarding unsuccessful visible public tests?

Positions of parties

44. SOREM submitted that WSPs should be required to inform the Governance Council, immediately upon detection, of any network, equipment, or service failures that prevented the distribution of WPA test alerts. Such information should include the scope (e.g. number of subscribers affected) and the geographic extent of the issue, and WSPs should continue to provide regular updates to the Governance Council regarding the steps undertaken to address and resolve the issue.
45. SOREM also submitted that WSPs should be required to inform their subscribers in a timely manner of the WPA service interruption, the steps being undertaken to resolve the issue and restore the service, and where to go to receive further updates and information (e.g. WSP websites).
46. The CWTA and TCI submitted that neither of SOREM's proposed requirements should be approved. They indicated that WSPs have already implemented the practice of sharing information with the Governance Council, citing live conference calls that occurred during the visible public tests in May and November 2018.
47. The CWTA and TCI further submitted that it is impossible for a WSP to know how many subscribers are affected by an identified failure, or to identify specific subscribers that should be notified. Further, the CWTA indicated that a network- or province-wide notification would cause confusion and undermine the effectiveness of successful visible public tests.

Commission's analysis and determinations

48. The Commission considers that holding live conference calls during visible public tests is the most expeditious way to share information during such tests. Further, the Commission notes the CWTA's and TCI's submission that WSPs have no way to determine which subscribers received test alerts and which subscribers should have received them but did not, and considers that sending notifications regarding service interruptions or test failures to an entire subscriber base following a visible public test, including to subscribers that may have received the alert, is likely to create confusion and generate a loss in confidence in the WPA system among Canadians.
49. Accordingly, the Commission determines that it will not impose any remedial mechanisms with respect to unsuccessful visible public WPA tests.
50. The Commission reminds WSPs that, in accordance with Telecom Decision 2018-108, should a WSP "wave off" test alert delivery in the circumstances referred to in that decision, WSPs are required, among other things, to notify their affected end-users of (i) the network operational emergency or other extraordinary situation that prevented the WSP from participating in the visible public test, and (ii) when end-users will be able to receive a test alert again, in the event that one is issued by an EMO.

51. However, the Commission expects that WSPs will share relevant information with the Governance Council and the Commission to ensure that best practices are implemented in a consistent manner across all service providers, thus ensuring the effectiveness of the WPA system.

Should there be provisions with respect to the cancellation of a visible public test by a WSP?

Positions of parties

52. The CWTA submitted that there should be a provision to permit the cancellation of a scheduled visible public WPA test on a regional basis in the event that an actual emergency has recently occurred.

Commission's analysis and determinations

53. There is little information on the record of the proceeding with respect to this issue. Accordingly, it would not be appropriate for the Commission to address the CWTA's request as part of its analysis of SOREM's application. Nonetheless, the Commission notes that in Telecom Decision 2018-108, it set out provisions with respect to non-participation by WSPs in scheduled visible public tests.

Secretary General

Related documents

- *CRTC Interconnection Steering Committee – Consensus reports on a proposed wireless public alerting test alert schedule and methodology*, Telecom Decision CRTC 2018-108, 29 March 2018
- *CRTC Interconnection Steering Committee – Consensus reports on a proposed wireless public alerting awareness and education campaign*, Telecom Decision CRTC 2018-85, 8 March 2018
- *Implementation of the National Public Alerting System by wireless service providers to protect Canadians*, Telecom Regulatory Policy CRTC 2017-91, 6 April 2017
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447, and 2014-448, 29 August 2014