

to the audit results, and records regarding any alternative measures taken to mitigate the risk of aggregation points and/or monitoring links that are not physically diverse.

§ 9.20 Backup power obligations.

(a) *Covered service.* For purposes of this section, a Covered Service is any facilities-based, fixed voice service offered as residential service, including fixed applications of wireless service offered as a residential service, that is not line powered.

(b) *Obligations of providers of a Covered Service to offer backup power.* Providers of a Covered Service shall, at the point of sale for a Covered Service, offer subscribers the option to purchase backup power for the Covered Service as follows:

(1) *Eight hours.* Providers shall offer for sale at least one option with a minimum of eight hours of standby backup power.

(2) *Twenty-four hours.* By February 13, 2019, providers of a Covered Service shall offer for sale also at least one option that provides a minimum of twenty-four hours of standby backup power.

(3) *Options.* At the provider's discretion, the options in paragraphs (b)(1) and (2) of this section may be either:

(i) A complete solution including battery or other power source; or

(ii) Installation by the provider of a component that accepts or enables the use of a battery or other backup power source that the subscriber obtains separately. If the provider does not offer a complete solution, the provider shall install a compatible battery or other power source if the subscriber makes it available at the time of installation and so requests. After service has been initiated, the provider may, but is not required to, offer to sell any such options directly to subscribers.

(c) *Backup power required.* The backup power offered for purchase under paragraph (b) of this section must include power for all provider-furnished equipment and devices installed and operated on the customer premises that must remain powered in order for the service to provide 911 access.

(d) *Subscriber disclosure.* (1) The provider of a Covered Service shall disclose to each new subscriber at the

point of sale and to all subscribers to a Covered Service annually thereafter:

(i) Capability of the service to accept backup power, and if so, the availability of at least one backup power solution available directly from the provider, or after the initiation of service, available from either the provider or a third party. After the obligation to offer for purchase a solution for twenty-four hours of standby backup power becomes effective, providers must disclose this information also for the twenty-four-hour solution;

(ii) Service limitations with and without backup power;

(iii) Purchase and replacement information, including cost;

(iv) Expected backup power duration;

(v) Proper usage and storage conditions, including the impact on duration of failing to adhere to proper usage and storage;

(vi) Subscriber backup power self-testing and -monitoring instructions; and

(vii) Backup power warranty details, if any.

(2) Disclosure reasonably calculated to reach each subscriber. A provider of a Covered Service shall make disclosures required by this rule in a manner reasonably calculated to reach individual subscribers, with due consideration for subscriber preferences. Information posted on a provider's public website and/or within a subscriber portal accessed by logging through the provider's website are not sufficient to comply with these requirements.

(3) The disclosures required under this paragraph are in addition to, but may be combined with, any disclosures required under § 9.11(a)(5) and (b)(5).

(e) *Obligation with respect to existing subscribers.* Providers are not obligated to offer for sale backup power options to or retrofit equipment for those who are subscribers as of the effective date listed in paragraph (f) of this section for the obligations in paragraph (b)(1) of this section, but shall provide such subscribers with the annual disclosures required by paragraph (d) of this section.

(f) *Dates of obligations.* (1) Except as noted in paragraphs (b)(2) and (f)(2) of this section, the obligations under

Federal Communications Commission

§ 10.10

paragraph (b) of this section are in effect February 16, 2016, and the obligations under paragraph (d) of this section are in effect August 5, 2016.

(2) For a provider of a Covered Service that (together with any entities under common control with such provider) has fewer than 100,000 domestic retail subscriber lines, the obligations in paragraph (b)(1) of this section are in effect August 11, 2016, the obligations in paragraph (b)(2) of this section are in effect as prescribed therein, and the obligations under paragraph (d) of this section are in effect February 1, 2017.

(g) *Sunset date.* The requirements of this section shall no longer be in effect as of September 1, 2025.

PART 10—WIRELESS EMERGENCY ALERTS

Subpart A—General Information

Sec.

10.1 Basis.

10.2 Purpose.

10.10 Definitions.

10.11 WEA implementation timeline.

Subpart B—Election to Participate in Wireless Emergency Alerts System

10.210 WEA participation election procedures.

10.220 Withdrawal of election to participate in WEA.

10.230 New CMS providers participating in WEA.

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

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

10.260 Timing of subscriber notification.

10.270 Subscribers' right to terminate subscription.

10.280 Subscribers' right to opt out of WEA notifications.

Subpart C—System architecture

10.300 Alert aggregator. [Reserved]

10.310 Federal alert gateway. [Reserved]

10.320 Provider gateway requirements.

10.330 Provider infrastructure requirements.

10.340 Digital television transmission towers retransmission capability.

10.350 WEA testing and proficiency training requirements.

Subpart D—Alert message requirements

10.400 Classification.

10.410 Prioritization.

10.420 Message elements.

10.430 Character limit.

10.441 Embedded references.

10.450 Geographic targeting.

10.460 Retransmission frequency. [Reserved]

10.470 Roaming.

10.480 Language support.

Subpart E—Equipment requirements

10.500 General requirements.

10.510 Call preemption prohibition.

10.520 Common audio attention signal.

10.530 Common vibration cadence.

10.540 Attestation requirement. [Reserved]

AUTHORITY: 47 U.S.C. 151, 154(i) and (o), 201, 303(r), 403, and 606; sections 602(a), (b), (c), (f), 603, 604 and 606 of Pub. L. 109-347, 120 Stat. 1884.

SOURCE: 73 FR 43117, July 24, 2008, unless otherwise noted.

Subpart A—General Information

§ 10.1 Basis.

The rules in this part are issued pursuant to the authority contained in the Warning, Alert, and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006, Public Law 109-347, Titles I through III of the Communications Act of 1934, as amended, and Executive Order 13407 of June 26, 2006, Public Alert and Warning System, 71 FR 36975, June 26, 2006.

§ 10.2 Purpose.

The rules in this part establish the requirements for participation in the voluntary Wireless Emergency Alerts system.

[78 FR 16807, Mar. 19, 2013]

§ 10.10 Definitions.

(a) *Alert Message.* An Alert Message is a message that is intended to provide the recipient information regarding an emergency, and that meets the requirements for transmission by a Participating Commercial Mobile Service Provider under this part.

(b) *Common Alerting Protocol.* The Common Alerting Protocol (CAP) refers to Organization for the Advancement of Structured Information Standards (OASIS) Standard CAP-V1.1, October 2005 (available at <http://www.oasis-open.org/specs/index.php#capv1.1>), or any