

TIP #28: FCC Waivers for Live WEA Testing

Our IPAWS [Tip #27](#) covered how to send WEA Test messages. Such test messages are not considered 'live' alerts to the public and do not require special waivers from the Federal Communications Commission (FCC).

WEA Tests differ from actual WEA alerts in order to reduce confusion and minimize any chance that they might be misconstrued as actual alerts. Wireless providers that participate in WEA were required to support WEA Tests as of December 19, 2019.

Mobile phone users will not receive WEA Tests by default. As shipped, manufacturers disable this option in phones, typically called State/Local Test Alerts. The user must opt-in to receive these test messages. IPAWS [Tip #26](#) explained how to opt-in on Android and Apple iOS phones.

It is still possible to gain FCC permission to send a live alert to the public as a test. However, FCC permission for live tests is not automatic. Using live WEA for tests is reserved for special cases and a strong justification must be presented to the FCC for consideration.

The IPAWS Program Management Office (PMO) can help evaluate your testing plans, but only the FCC can permit a live WEA message test. It requires direct communication with the [FCC Public Safety and Homeland Security Bureau](#).

In summary, if you want to obtain an FCC waiver to send a live WEA test, consider the below:

- Call the FCC to discuss your needs before submitting a waiver
- Prepare your waiver to make the best possible showing of need (FCC may provide additional guidance on this)
- In your waiver language you should emphasize the special circumstances of your test and detail your public engagement plans
- Address the question of why this need cannot be achieved using the new WEA Test handling code.

We have briefly highlighted several cases where the FCC granted or denied live WEA test waivers. Any IPAWS Alerting Authority considering sending a live test can review the full text of the FCC decisions, linked in our summaries below.

Los Angeles, CA: Waiver granted

In January 2020, the FCC [permitted Los Angeles World Airports](#) (LAWA) to conduct a public-facing test of WEA at Los Angeles International Airport (LAX) using a WEA code intended for actual emergencies, instead of State/Local WEA Test.



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In light of certain public safety incidents that had occurred at the airport, the FCC said, "LAWA has demonstrated a real need to understand how alerts are transmitted and received by the transient and international populations LAX serves."

The FCC required LAWA to notify the media and public safety agencies in and around Los Angeles that the alert would be a test. It required a "comprehensive multimedia campaign to ensure public understanding" about WEA, the date and time of the test, and "awareness that the WEA alert is just a test."

The FCC also encouraged the public to provide feedback on alerting tests using its online [Public Safety Support Center](#).

Denver, CO: Waiver granted

In August 2018, the FCC [permitted the City and County of Denver](#) Office of Emergency Management and Homeland Security (OEM) to conduct a WEA test that involved the public.

The Denver OEM told the FCC that its test plan would be posted on social media, shared with all City and County of Denver staff, major local media outlets, and neighboring jurisdictions; and would be coordinated with law enforcement, fire, 311 and 911 service providers, to ensure that they are all aware of the planned test.

The FCC said the test "will help educate the public and ensure that OEM personnel are sufficiently well trained in how to use WEA, so that they can effectively initiate an actual alert when necessary" and "would help ensure that WEA can be effectively deployed before the initiation of an actual alert is necessary for the City and County of Denver."

Aliso Viejo, CA: Waiver denied

In February 2020 the FCC [denied the City of Aliso Viejo, California](#) a waiver to conduct a public WEA test that would not use the State/Local Test code. The City told the FCC that it wanted to conduct a public preparedness and proficiency training exercise to test how WEA functions in light of the WEA enhancements and the region's risk of wildfires.

"We agree that public preparedness and proficiency training exercises are a helpful tool for the public, city officials, and alert originators," the FCC said. "And that is why the Commission's rules now provide end-to-end WEA tests using State/Local WEA Test messages. But Aliso Viejo fails to explain why it must conduct an end-to-end test using a Public Safety Message, rather than the State/Local test category."

Sonoma County, CA and Virgin Islands: Waiver denied

The Commission used similar reasoning to deny waivers to the [County of Sonoma, California](#), and to the [Virgin Islands](#). However, the FCC noted that the Emergency Alert System (EAS) rules allow EAS participants to participate in no more than two live code EAS Tests per calendar year without requesting a waiver, provided that the test is conducted to minimize any risk of public confusion.

On that basis, it permitted the Virgin Islands to proceed with a live code EAS test without FCC approval.

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