

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

In the Matter of)
)
Applications for the Transfer of Control)
Of Licenses and Authorizations from) **WT Docket No. 04-70**
AT&T Wireless Services, Inc. and its)
Subsidiaries to Cingular Wireless Corp.)

Petition to Deny

The Cellular Emergency Alert Service association, US (CEASa) hereby petitions the Commission to deny the above captioned applications unless amended to guarantee the spectrum to be transferred will allow use of the broadcast channel timeslot spectrum by authorized government agencies for real-time, geographically scalable broadcast of Short Messaging instruction to citizens-at-risk.

- 1) The broadcast channel portion of the GSM spectrum is presently under utilized and as such has no present commercial value to the assignees.
- 2) Cell-Broadcast is a recognized standard of GSM and has the unique ability as a download only messaging functionality to provide mass-notification to an unlimited number of terminals real-time emergency instruction that can not adversely impact normal network voice and text services operations.
- 3) Use of the GSM spectrum's broadcast channel for Emergency Alert and Advisory applications, is consistent with, and an extension of CFR FCC Part 11 rules that established the Emergency Alert Service, and its stated goal of providing US citizens location-specific emergency alert service "through the voluntary participation of other (not radio and TV licensees) communications

technologies". A capability that can not be achieved by commercial broadcast technology.

I declare under penalty of perjury that the foregoing statements are true and correct.

Date: _____
Chicago, Illinois

D. D. 'Bud' Weiser
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