

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Review of the Emergency Alert System) EB Docket No. 04-296
)
_____)

**REPLY COMMENTS OF
CTIA – THE WIRELESS ASSOCIATION™**

CTIA – The Wireless Association™ (“CTIA”)¹ respectfully submits these Reply Comments on the *Notice of Proposed Rulemaking* in the above-referenced proceeding (“NPRM”).² As CTIA stated in its comments, CTIA fully appreciates the need to establish an effective, ubiquitous public alert and warning system. The best way to achieve that goal is for the Commission to establish and promote a collaborative working environment among the stakeholders to work quickly and effectively to address this important issue.³ CTIA currently is proceeding with that goal in mind. The wireless industry has initiated several working groups to study the myriad issues that arise when considering expanding the existing point to multipoint EAS service onto the wireless platform, and is working quickly and diligently toward a solution to present to the Commission that would benefit wireless consumers, the government, and the

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. CTIA membership covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² *Review of the Emergency Alert System*, Notice of Proposed Rulemaking, 19 FCC Rcd 15775 (2004) (“NPRM”).

³ *See generally* CTIA Comments.

wireless industry. CTIA already has initiated a dialogue with the Office of Homeland Security at the Commission, and looks forward to working with, and educating, the Commission on the results of the efforts of the working groups.

As CTIA stated in its Comments, the Commission should focus its energy on *revitalizing* the existing EAS, the core of which has worked well for over 40 years. Indeed, replacing the system is not financially viable and could result in significant harm to the public, especially as the public is broadly aware of existing EAS capabilities.⁴ Expansion of the system should only be done to augment, not replace, the service, and should be done cautiously, as it will raise a multitude of technical, operational, and policy questions.

I. THE CMRS INDUSTRY IS WORKING TO UNDERSTAND AND ADDRESS THE UNIQUE ISSUES INVOLVED IN EXTENDING THE EMERGENCY ALERT SERVICE TO INCLUDE WIRELESS.

As CTIA stated above and in its Comments, the industry looks forward to working with the Commission on the possibility of expanding the existing EAS service to include delivery of a Presidential level message to wireless devices. CTIA is actively investigating this issue. While CTIA, as well as virtually all other commenters to this proceeding, acknowledge the critical importance of an effective and efficient public alert system,⁵ CTIA believes that the time is not

⁴ See, e.g., *Assigning Emergency Preparedness Functions to the Federal Communications Commission*, Exec. Order No. 11,092, 63 Fed. Reg. 2216 (1963) (establishing the Emergency Broadcast System (“EBS”), which was subsequently replaced by the EAS); *Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System*, Report and Order and Further Notice of Proposed Rulemaking, 10 FCC Rcd 1786 (1994) (replacing EBS with EAS and extending it to cable systems); *Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503 (1997) (extending EAS to wireless cable systems).

⁵ See, e.g., CTIA Comments at 1; State of Ohio Emergency Management Agency Comments at 1.

right to mandate delivery of EAS over wireless devices.⁶ The industry currently is investigating several different possible delivery mechanisms, each of which has benefits and shortcomings. One of these delivery mechanisms, or a combination of them, could possibly be utilized in the future to deliver EAS messages, or the industry and the FCC may determine that delivery of EAS messages over wireless devices does not make sense.

As CTIA and the wireless industry investigate different delivery mechanisms, several issues that are core to expanding EAS to include wireless have been identified. These issues are being investigated by the working group. For example, as demonstrated by several commenters, wireless systems were not designed to handle the type of communications required for effective EAS.⁷ How will this difference in delivery modes be addressed? Further, the existing EAS was established so that the President could deliver a voice message to the American public. Wireless likely would not be able to offer the same capability in the near term. How would this discrepancy be addressed? Who would be tasked with converting the President's message into a limited text message? Additionally, how should the benefits of sending EAS messages over the wireless network be weighed against the possibility that those same messages may in fact congest the network, limiting the use of wireless devices for both consumers and First Responders at precisely the time when they may be needed the most? These and other core questions would have to be addressed, and CTIA is working toward that goal.

In addition to the core questions, expansion of EAS to wireless also will raise a multitude

⁶ Indeed, as the record demonstrates, the incorporation of a mandatory wireless emergency alert system for mobile services is manifestly not the best way to revitalize the EAS. *See, e.g.,* State of Ohio Emergency Management Agency Comments at 4; Rural Cellular Association Comments at 3.

⁷ *See, e.g.,* Corr Wireless Communications, LLC Comments at 1 (indicating that cellular networks are not designed to accommodate simultaneous broadcasting of messages to entire subscriber bases).

of technical questions specific to each possible delivery mechanism. These questions are being reviewed by one of three working groups established by CTIA and representatives from its member companies. These working groups are focusing on several distinct potential options for wireless EAS: SMS, cell broadcast, and insertion of an additional or modified chip into handsets to receive EAS transmission.

Regarding SMS, CTIA already has documented the fact that, while SMS is available to the majority of wireless subscribers, not all subscribers have access to the service and not all existing operational handsets are SMS capable. Further, the ability to alert large numbers of customers in a reasonable time frame is limited.⁸ CMRS networks must query a database to determine the presence of each user on the network before routing a SMS message to individual devices. Since hundreds of thousands (and possibly millions in the event of a national emergency) of text messages will be sent at the exact same moment (or even within a short timeframe), congestion will occur. In most cases, message delivery could take hours. As Corr Wireless Communications noted in its comments, wireless systems are designed to serve a maximum of one-eighth of its subscriber base at any given time.⁹ This congestion could result in severe degradation to other services, including voice calls. Finally, even if the service was available, and the messages were delivered, it would have to be a limited text message. Currently, SMS messages are limited to 140-160 characters. Accordingly, any message would have to be sufficiently sized to conform to those limitations and yet deliver a meaningful message.

Similarly, technical, operational, and policy questions exist regarding delivery of

⁸ See Rural Cellular Association Comments at 7 (noting that cellular systems may need to be over-engineered to ensure sufficient capacity).

⁹ Corr Wireless Communications Comments at 2.

emergency alert messages via cell broadcast.¹⁰ As with the investigation of the use of SMS to deliver EAS messages, questions regarding cell broadcast are being investigated by an industry working group. Although use of cell broadcast ultimately may be feasible, to CTIA's understanding, it is not currently operational anywhere in the United States and the costs associated with reconfiguring all towers and handsets to accommodate cell broadcasts are indisputably extensive.¹¹ Indeed, the majority of handsets throughout the nation would need to be replaced or upgraded.¹² At a minimum, it would take a number of years to have new handsets substantially deployed to the majority of wireless customers.¹³ Further, CDMA and GSM are at different stages with regard to development of a cell broadcast service, and aligning development and deployment efforts could take time. CTIA is investigating these issues.

Finally, CTIA and industry representatives currently are investigating the insertion of a chip into wireless handsets that would allow for the reception of EAS messages broadcast to those receivers. One example of this is the insertion of a national weather alert radio network chip into a phone that would allow for the reception of NOAA messages.¹⁴ Another solution being considered is the placement of a chip into a handset that would allow for the reception of specific EAS messages, or that could be used as part of the delivery of a one-way multi-media service that could include the capability to receive EAS messages. These types of solutions

¹⁰ See, e.g., Partnership for Public Warning Comments at 20 (noting that cell broadcast is not yet a "proven commodity").

¹¹ See CTIA Comments at 9; Rural Cellular Association Comments at 4.

¹² Partnership for Public Warning Comments at 20.

¹³ *Id.*

¹⁴ Rural Cellular Association Comments at 4, 12-19 (proposing the integration of a supplemental reception capability into cellular handsets that will enable subscribers to receive messages that are broadcast through the existing national weather alert radio network).

could possibly address some of the concerns raised above, but would raise other issues, including development and deployment of such services, and, again, the issue of placing this capability into handsets.

CTIA currently is working with its member companies to investigate each of these proposed delivery mechanisms -- to identify and understand the benefits of each delivery mechanism, and to identify, understand, and possibly address, the shortcomings of a potential delivery mechanism. CTIA will meet with the Commission as soon as the work is complete. For these reasons, CTIA urges the Commission to reject a mandatory wireless emergency alert system. CTIA will continue to work with the Commission and the wireless industry to address the issues raised in this proceeding to reach a solution that makes sense for wireless consumers, the FCC, and the wireless industry.

Respectfully submitted,

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