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January 24, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

**Re: Notice of Oral *Ex Parte* Communication,
WT Docket No. 04-296 – Review of the Emergency Alert System**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of oral *ex parte* presentations in connection with the above-captioned proceeding. I represented the Rural Cellular Association ("RCA") along with Arthur L. Prest of Prest & Associates in meetings on January 24, 2005 with the following:

Office of Commissioner Abernathy: The Hon. Kathleen Q. Abernathy and Jennifer Manner, Senior Counsel

Office of Commissioner Copps: Paul Margie, Spectrum and International Legal Advisor

Office of Commissioner Martin: Sam Feder, Legal Advisor on Spectrum and International Issues

Office of Commissioner Adelstein: The Hon. Jonathan S. Adelstein; and Barry Ohlson, Senior Legal Advisor

Discussion in meetings this date referred to RCA's Comments in response to the Commission's Notice of Proposed Rulemaking in this matter. In the meetings today RCA referred to a "White Paper on Emergency Alert Systems using Cellular Technology" that was submitted with RCA's Comments. The limitations to use of Short Messaging Service or "SMS" and Cell Broadcast technology were discussed. Mr. Prest illustrated the capacity limitations on transmission of text messages by SMS and Cell Broadcast technology by reviewing the weekly National Weather Service ("NWS") test message and indicating how much (or little) of that

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message would be received by the public if transmitted over SMS or by Cell Broadcast. The attached summary sheet reflects the limitations of text messaging for delivery of EAS messages.

During the meetings Mr. Prest demonstrated a portable radio tuned to the NWS "NOAA" warning system. As described in its Comments, RCA urges study of a concept that involves integration into the cellular handset of a supplemental reception capability so that subscribers that "opt-in" to the service may receive messages that are broadcast through the existing national weather alert radio network. Messages of importance to all would be receivable by all; messages of a local character such as severe weather alerts would be received from the NWS station in nearest proximity to the cell phone user. Such a delivery system would be most effective if the wireless network would dynamically program the Specific Area Message Encoding ("SAME") code that corresponds to the area being sent an alert by a local national weather station into the supplemental NWS receiver in the handset as that handset moves from cell to cell.

Sincerely,

Filed Electronically

David L. Nace
Counsel for Rural Cellular Association

cc: Best Copy and Printing, Inc. (by email)

NOAA NWS Test Message

Entire Audio Message:

This is a test of the NOAA radio warning device. During potentially dangerous weather situations, specially built weather radios will be automatically activated to warn of the impending hazards. Tests of these radios and the warning system will be conducted by the National Weather Service every Wednesday between 11 AM and Noon. Reception of this broadcast, and the warning alarm, will vary at any given location. This variability, normally more noticeable at greater distances from the transmitter will occur even though you are using a good quality receiver in perfectly good working order. To provide the most consistent warning service possible, the warning alarm will be activated only for warnings and selected watches affecting the listening area.

STATS:

39 seconds of audio

122 words

661 characters

782 characters including spaces

164 characters and spaces (SMS text message limit¹):

This is a test of the NOAA radio warning device. During potentially dangerous weather situations, specially built weather radios will be automatically activated to

256 characters and spaces (CDMA Cell Broadcast message limit):

This is a test of the NOAA radio warning device. During potentially dangerous weather situations, specially built weather radios will be automatically activated to warn of the impending hazards. Tests of these radios and the warning system will be conducted

1395 characters and spaces (GSM Cell Broadcast message limit):

GSM Cell Broadcast capacity provides 88 message characters including spaces. However 15 groups can be concatenated and sent thus increasing the total message length to 1395 characters. These messages cannot be received by a mobile that is not idle (N.B., also true for CDMA), and it would take about 30 seconds to send all 1395 characters.

¹ Verizon Wireless limits text messages to 160 characters and spaces including the "from". Thus this EAS SMA text message from "NWS" would look like this: This is a test of the NOAA radio warning device. During potentially dangerous weather situations, specially built weather radios will be automatically activa