

Before the
Federal Communications Commission
Washington, DC 20554

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

To: The Commission

REPLY COMMENTS

Cingular Wireless LLC (“Cingular”), as well as a majority of the other commenters in this proceeding,¹ fully supports the Commission’s efforts to improve the current Emergency Alert System (“EAS”) but believes important issues, particularly technical concerns, need to be addressed before EAS can be successfully implemented in a manner that best serves its intended purpose. The CMRS industry generally, and GSM carriers in particular, are actively working toward a solution that will enable wireless carriers to provide an effective EAS solution to their customers and complement the already robust EAS regime provided by broadcast and cable providers. Government intervention at this early stage, however, will likely impede the process that industry is undergoing to determine the most technically viable, cost effective, and reliable EAS solution for CMRS carriers. Cingular welcomes the participation of the FCC and other government stakeholders as the development of a successful EAS progresses.

The record supports a measured approach. Most commenters opposed the immediate imposition of EAS rules on wireless carriers and/or urged the FCC to make any EAS regime

¹ *Review of Emergency Alert System*, EB Docket No. 04-296, *First Report and Order and Further Notice of Proposed Rulemaking*, FCC 05-191 (rel. Nov. 10, 2005) (“*First Report and Order*” or “*Further Notice of Proposed Rulemaking*”).

voluntary.² Commenters that urged the imposition of EAS obligations on CMRS carriers generally were promoting their proprietary EAS products or services.³ These products and services are unproven. Thus, the Commission should take the necessary time to partner with industry to develop a viable, tested solution for CMRS EAS.

Cingular and other commenters support following the wireless priority service (“WPS”) model – the formation of a public-private partnership to explore solutions and the concomitant commitment to establish any needed regulatory requirements only after solutions have been developed.⁴ For WPS, the Commission declined to adopt technical standards in order to give industry the flexibility needed to develop solutions. The success of WPS – which has now been

² CTIA – The Wireless Association[®] Comments at 7 (EAS regulatory requirements are unnecessary); Rural Cellular Association Comments at 5 (EAS participation by cellular carriers should be voluntary); Sprint Nextel Corporation Comments at 2-3 (urged the FCC not to impose EAS requirements on the wireless industry at this time); T-Mobile USA, Inc. Comments at 1, 4, 10-13 (participation in wireless EAS should be voluntary); National Association of Broadcasters Comments at 13 (in lieu of additional regulatory requirements, the FCC should focus on voluntary participation); BellSouth Entertainment, LLC Comments at 3 (imposing regulations on wireless providers is premature); Airt2me, Inc. Comments at 2, 4 (participation by wireless carriers should be voluntary); Consumer Electronics Association Comments at 2 (voluntary activity and flexible standards are more beneficial than rigid FCC requirements); Ericsson Inc. Comments at 9 (“neither a technology mandate nor a near term wireless EAS deployment deadline is appropriate”).

³ For example, Airt2me, Alert Systems, Azos, Ericsson, and VeriSign all urge CMRS participation in EAS, while advocating use of a product that they created or manufactured that could be used for the provision of CMRS EAS. Airt2me, Inc. Comments at 1-2 (does not support a CMRS EAS requirement, but urges voluntary participation); Alert Systems, Inc. Comments at 2-3; Azos AI, LLC Comments at 1-2; Ericsson Inc. Comments at 6-7 (does not support a near term wireless EAS requirement); VeriSign, Inc. Comments at 2-3. Also, USA Mobility, a paging carrier, argues for an expanded national alert system that includes paging service providers and other wireless carriers. USA Mobility’s calls for paging and wireless participation also are self-interested, in that it is hoping to boost the declining paging industry by demonstrating that its product has a useful purpose in the public safety world. Some members of the disability community also supported imposition of CMRS EAS requirements.

⁴ Cingular Comments at 4-5; CTIA – The Wireless Association[®] Comments at 5, 8; T-Mobile USA, Inc. Comments at 13; Sprint Nextel Corporation Comments at 11.

deployed on a nationwide basis – should encourage the Commission to find in favor of letting the industry and market resolve this issue.

The wireless industry generally, with CTIA’s leadership, has taken steps to work with the FCC and other government agencies to move toward an EAS solution. Additionally, as outlined in CTIA’s reply comments, CTIA is proposing to host a one-day seminar in March to discuss and develop a plan for CMRS EAS. CTIA intends to invite all industry participants, the FCC, the Federal Emergency Management Agency (“FEMA”), the National Oceanic & Atmospheric Administration (“NOAA”), and the National Communications System (“NCS”) to this meeting.

GSM carriers also have been working toward a technical solution that will suit the unique demands of GSM technology. As noted in its reply comments, 3G Americas, LLC already has begun studies and investigations to determine the best way for mobile wireless telephone networks to play a part in EAS. 3G Americas has studied the following possible EAS solutions for GSM and other wireless providers: Short Message Service (“SMS”), cell broadcast, and incorporation of a second radio device into mobile handsets. These studies and investigations make clear, however, that finding the right solution will take time and substantial resources, but the results, like WPS, will be worth the effort.

3G Americas found key, important issues surrounding use of SMS for the deployment of EAS messages to wireless customers, including capacity shortages and the inability to deliver messages to specified geographic areas.⁵ Technical obstacles were identified with respect to the incorporation of a second radio device into mobile handsets, including replacement of handsets, bigger and heavier handsets, and increased drain on battery power. 3G Americas notes that cell broadcast is thus far the most promising solution for provisioning CMRS EAS, but concluded

⁵ *Accord* Cingular Comments at 7-8.

that it will take time to implement use of such a solution. Additional time certainly is required because, as Cingular pointed out in its comments, important technological problems remain with regard to cell broadcast technology.⁶

CONCLUSION

For the foregoing reasons, the Commission should partner with the CMRS industry to explore CMRS EAS issues, but should not adopt any requirement at this time.

Respectfully submitted,

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⁶ Cingular Comments at 8-10. Cell broadcast problems, which stem largely from the point-to-multipoint nature of the services, include: a need to turn on the cell broadcast functionality in handsets or possible replacement of handsets; the creation of capacity problems due to high volumes of EAS messages during emergencies; the inability of customers to receive the broadcasts while roaming or while the handset is in use; the need to develop an indicator on the handset of an emergency alert; and limited language and text capabilities.