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ATTORNEYS AT LAW

22 June 2006

Ex Parte

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20065

Re: In the Matter of Review of the Emergency Alert System, EB Docket No. 04-296

Dear Ms. Dortch:

On Thursday, 22 June 2006, Chris Pearson and Jim Healy of 3G Americas, along with undersigned counsel, met with Chairman Martin's legal advisor, Fred Campbell, in connection with the above-noted matter. During this meeting we indicated that:

- 3G Americas understands the need for a robust emergency alert system (EAS) that uses the country's many communications resources, including mobile wireless carriers.

- 3G Americas has done a number of technology studies to evaluate how mobile wireless networks can reasonably be used to provide emergency alert messages, and believes there is no technology solution available in the short-term that will allow mobile wireless carriers to provide more than small scale opt-in emergency alert messaging.

- In the short-term, only an opt-in Amber Alert type of messaging, for a limited number of messages, would be possible using existing SMS technology.

- There are, however, technologies (e.g., Cell Broadcast, Multimedia Broadcast/Multicast Service) that would eventually allow more robust emergency messaging by mobile wireless carriers.

- If, however, the Commission wants to provide a real public benefit, it is critical that it take the time to work with industry to do it right.

- This means that before the Commission sets any mandates or deadlines, it should establish a set of criteria for EAS service. But it is important that these criteria be established in an open, face-to-face process during which interactive discussion among all interested parties is possible.

- This is because there are trade-offs between the criteria chosen and the time and cost needed to implement more robust EAS services.

- For example, whether the EAS messages must be text, audio or video will have an impact on both cost and time of implementation. So, too, will other performance requirements, such as how often a message must be sent, how long that message will be, and whether EAS messages must interrupt ongoing calls.

- There are other important trade-offs that must also be considered, such as that between network availability for first-responders and others, and the length of a message and the number of times it must be sent.

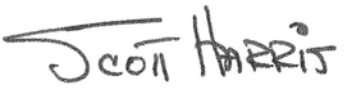
- Moreover, simply because a wireless carrier offers a particular form of service – text, audio, or video – does not mean that form of service is adaptable to provide EAS messages. This is because the scope and scale of an EAS alert is likely to be dramatically different than what is required for commercial service.

- Rather than imposing mandates immediately, the Commission should establish a process of at least ninety days duration (under the auspices of its Technical Advisory Committee or through an open informal committee) during which industry members, FCC staff, and other interested parties can develop suggested criteria for EAS services.

- The outcome of that process can then be put on Public Notice, which would allow the Commission to establish formal criteria and adopt a reasonable timeline for implementation by the end of this year.

Please direct any questions regarding this notification to me.

Respectfully submitted,



Scott Blake Harris
Counsel for 3G Americas

cc: Fred Campbell