



**National Cable & Telecommunications Association**  
25 Massachusetts Avenue, NW – Suite 100  
Washington, DC 20001  
(202) 222-2300  
[www.ncta.com](http://www.ncta.com)

**Legal**

(202) 222-2445  
(202) 222-2446 Fax

January 22, 2008

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Review of the Emergency Alert System, AT&T Petition for Limited Waiver  
EB Docket No. 04-296**

Dear Ms. Dortch:

In comments filed December 3, 2007 in the Commission's review of the Emergency Alert System ("EAS"), EB Docket No. 04-296, the National Cable & Telecommunications Association, Inc. ("NCTA") addressed AT&T's "Petition for Limited Waiver" of the effective date for implementing EAS capability for its U-Verse television service. In response to the public notice seeking comments on AT&T's petition, NCTA hereby reiterates and incorporates by reference its comments from that filing.

AT&T seeks to defer its obligation to provide emergency alert information to its customers until July 31, 2008. In its waiver request, AT&T argues that its particular network architecture, which it characterizes as a "sophisticated, IP-based switched data services network that utilizes two-way communications," is somehow so different from what it terms "a traditional cable system" that it should be entitled to special treatment with respect to its EAS obligations. It also incorrectly states that the manner in which cable systems deliver EAS messages differs from the manner in which its "IP-based switched data services network" would deploy EAS.<sup>1</sup>

In discussing its "encrypted IP network and complex client-server architecture," AT&T states that cable systems modify unencrypted video streams to add the message which then becomes part of the video signal. This is not the case. Nearly all digital content on cable systems is encrypted, with the exception of local broadcast stations carried on the system.<sup>2</sup> In providing emergency alert messages, cable systems do not modify their video streams. They send the EAS message to set-top boxes in a separate, out-of-band communications channel. The set-top boxes convey the EAS message for display on the television screen by overlaying the information onto the video output of the box itself, or by instructing the box to tune to a program

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<sup>1</sup> See AT&T Waiver Request at 4, ¶¶ 1, 2.

<sup>2</sup> See 47 C.F.R. § 76.630.

or channel containing the emergency alert information, likely the same manner in which AT&T's network accomplishes the text messaging.

Thus, contrary to AT&T's assertion, encrypted video signals transmitted from the cable headend are not modified in order to deliver an EAS text message. The record in this proceeding should be clear that cable systems in no way "create unacceptable security risks to the network, customer information or content," as AT&T claims, by disabling the video encryption.

In sum, if the Commission deems it appropriate to grant AT&T's request for an additional six months beyond the effective date of the rules, it should not do so based on mischaracterizations about cable systems and the nature in which EAS messages are delivered.

Sincerely,

Daniel L. Brenner  
Loretta P. Polk