



## **EXECUTIVE SUMMARY**

SouthernLINC Wireless supports the Commercial Mobile Service Alert Advisory Committee's efforts to present recommendations for a comprehensive wireless emergency alert system. As described herein, there remain significant technical and operational issues that must be resolved in order to implement an efficient alert system that meets the primary goal of the WARN Act – to provide notice to as many wireless subscribers as possible during a federal, state, or local emergency. In particular, there are significant technical issues regarding the geographic targeting capability through the proposed delivery systems: (1) SMS point-to-point, and (2) cell broadcast point-to-multipoint. Accordingly, SouthernLINC Wireless urges the FCC to adopt rules that provide participants with the flexibility to choose the technology that will allow carriers to transmit emergency alerts to their subscribers. The FCC should consider a waiver process for carriers that are engaged in good faith efforts to meet the targeted geographic level.

SouthernLINC Wireless also believes that FCC should adopt other requirements that will fulfill the goals of the WARN Act, including recovery for costs associated with the implementation and ongoing system management and any vendor-imposed handset costs, the exclusion of legacy devices, roaming, and flexible notice requirements. The FCC should encourage broad participation by allowing carriers to implement individualized solutions to transmit alerts in an efficient and reasonable manner.

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southeastern Mississippi and the panhandle of Florida. SouthernLINC Wireless serves the extensive rural territory within its footprint as well as major metropolitan areas and highway corridors.

In addition to traditional mobile voice services, the iDEN network of SouthernLINC Wireless was designed to provide trunked digital dispatch service that would allow customers to communicate with other individuals or within a group at the push of a button (hence the term "push-to-talk" or "PTT"), thus giving the customer telephone handset the ability to essentially function as a high-quality "walkie-talkie. iDEN carriers are further differentiated by the fact that they alone among domestic CMRS carriers give their customers the option of using handsets that are designed to military specifications for ruggedness, durability, and the ability to operate in harsh and adverse conditions. This makes iDEN carriers the logical communications choice for public safety agencies as well as for businesses whose employees must often work in challenging environments, such as public utility storm recovery crews.

## **II. RECOMMENDATIONS OF THE COMMERCIAL MOBILE ALERT ADVISORY COMMITTEE**

Pursuant to Section 602(a) of the Warning, Alert, and Response Network Act, Congress directed the FCC to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of the Commercial Mobile Service Alert Advisory Committee ("Advisory Committee").<sup>2</sup> The Commercial Mobile Service Alert Advisory Committee consisted of representatives of state and local governments, emergency response providers, tribal governments, and "subject matter

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<sup>2</sup> / Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Pub. L. 109-347, Title VI – Commercial Mobile Service Alerts (WARN Act).

experts," such as communications service providers, vendors, and other individuals with relevant technical expertise.<sup>3</sup> The Advisory Committee devoted a substantial amount of time and effort toward developing recommendations that would enable commercial mobile service alerting capability for providers that voluntarily elect to transmit emergency alerts.

SouthernLINC Wireless applauds the work of the Advisory Committee in working diligently toward a solution to present to the FCC that would best serve the goals of the WARN Act – primarily, to notify the public of emergencies through wireless handset devices in a timely and efficient manner. SouthernLINC Wireless urges the FCC to adhere to its statutory directive to adopt rules for the CMAS that are based on the collaborative effort of the Advisory Committee and the broad consensus of the industry. However, SouthernLINC Wireless cautions the FCC against implementing a "one-size-fits-all" approach or mandating steps that go beyond the Advisory Committee's recommendations. For the most part, the Advisory Committee's recommendations represent a balanced approach that takes into account differences in technologies and business models and the limitations of certain technologies that could be used to provide wireless emergency alerts. As explained more fully herein, SouthernLINC Wireless recommends that the FCC adopt rules that allow CMRS providers the flexibility to participate in the CMAS in a manner that is best suited for their technology while still fulfilling the objectives of the CMAS. This will encourage broad participation by CMRS providers in the CMAS.

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<sup>3</sup> / WARN Act, § 602(b).

**A. The FCC Should Adopt Flexible Technical Requirements**

The FCC seeks comment on the availability of technologies now and in the future for the transmission of alerts over the CMAS.<sup>4</sup> As described above, SouthernLINC Wireless operates a digital 800 MHz ESMR system using Motorola's proprietary iDEN technology. The Advisory Committee's report and the FCC's *NPRM* focus primarily on solutions for CDMA and GSM carriers. In particular, the FCC seeks comment regarding two technologies for the transmission of emergency alerts for the CMAS – point-to-point delivery systems, such as Short Message Service (SMS), and cell broadcasting, which is a point-to-multipoint technology.

SouthernLINC Wireless agrees with the Advisory Committee's recommendation that point-to-point delivery technologies are not feasible or practical for the support of the CMAS. While the iDEN network can support an SMS alert system, there are numerous technical and operational limitations that would limit its usefulness, including network congestion, significant time delays, lack of geographic targeting capability, and roaming concerns. With the iDEN network in particular, Sprint Nextel has previously explained that "control channel capacity is an issue" with implementing an SMS broadcast emergency alert system.<sup>5</sup> For example, Sprint Nextel stated that, in conducting a pilot project for AMBER Alerts, it had to limit the number of messages per second sent to an area in order to avoid overburdening cell site capacity.<sup>6</sup>

SouthernLINC Wireless echoes Sprint Nextel's concerns over the ability of an SMS broadcast emergency alert system to provide a viable solution for the iDEN

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<sup>4</sup> / *NPRM* at ¶ 8.

<sup>5</sup> / Comments of Sprint Nextel at 13, EB Docket No. 04-296 (filed Jan.24, 2006).

<sup>6</sup> / *Id.*

network. As numerous other carriers have pointed out, the use of SMS for emergency alerts can take hours to complete delivery and can lock up the network.<sup>7</sup> Unlike the current Emergency Alert System (EAS), which operates on broadcast networks designed to transmit messages from point-to-multipoint, the commercial wireless networks are designed for separate point-to-point communications. SMS messages cannot be used to transmit alerts to a large number of subscribers in a reasonable timeframe. Instead, carriers must query a database to determine the presence of each user on the network before routing a SMS message to individual handsets.

SMS alerts cannot be used to target cell phones based on their last known geographic location. Instead, carriers must target specific mobile devices through the use of a database, which would prevent SMS alerts from being delivered to a large number of subscribers in a reasonable amount of time. In all but the smallest emergency situations where only a handful of subscribers need to be notified, this process would take a significant amount of time. Furthermore, once the SMS alerts are transmitted to individual handsets, subscribers are likely to use their devices to make calls and send text or picture messages. The load on the network would then increase substantially, like producing severe network congestion and further delaying the delivery of the emergency alerts.

The Advisory Committee's report suggests that cell broadcast may be a viable solution for the CMAS. The FCC's *NPRM* asks for comment on whether there are significant differences in how CDMA or GSM systems could employ cell broadcasting to

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<sup>7</sup> / Comments of CTIA at 8, EB Docket No. 04-296 (filed Oct. 29, 2004); *Ex Parte* letter from Jim Bugel, Cingular Wireless, to Marlene H. Dortch, FCC, EB Docket No. 04-296 (filed June 9, 2006); Comments of Cingular Wireless at 7-8 (filed Jan. 24, 2006); Comments of CTIA, EB Docket No. 04-296 at 3 (filed Jan. 24, 2006).

provide wireless emergency alerts. While cell broadcasting may ultimately work on CDMA and GSM systems, SouthernLINC Wireless's iDEN platform does not currently have the capability for cell broadcasting. SouthernLINC Wireless notes that other carriers have explored the use of cell broadcasting for iDEN and confirmed that cell broadcasting is not a viable option for iDEN. Specifically, CTIA stated in 2004 that "while cell broadcast capability ultimately may be possible on the GSM platform . . . even more work would need to be completed for the CDMA and iDEN platforms."<sup>8</sup> In 2005, Nextel (now Sprint Nextel), a nationwide iDEN carrier, explored the use of cell broadcasting and concluded that "there is currently no standard for cell broadcast for iDEN" and that "implementing cell broadcast in an iDEN system would require significant investment in the network and all new handsets."<sup>9</sup> For SouthernLINC Wireless, it would be prohibitively expensive to implement a cell broadcast system.

Accordingly, SouthernLINC Wireless urges the FCC to adopt rules that provide CMAS participants with the flexibility to choose the technology that will allow carriers to transmit emergency alerts to their subscribers. SouthernLINC Wireless is currently considering all available options for delivery of emergency alerts and will continue to work with vendors to develop a viable solution for the iDEN platform. SouthernLINC Wireless wants to ensure that it has the ability to transmit emergency alerts to its subscribers in the most efficient and cost effective manner.

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<sup>8</sup> / Comments of CTIA at 9, EB Docket No. 04-296 (filed Oct. 29, 2004).

<sup>9</sup> / *Ex Parte* Letter from Laura L. Holloway, Nextel, to Marlene H. Dortch, FCC, EB Docket No. 04-296 (filed Feb. 15, 2005).

**B. There are Significant Challenges with Geographical Targeting**

There may ultimately be advances in technology that would allow the iDEN platform to isolate customers geographically and send emergency alerts in an efficient manner. In the interim, SouthernLINC Wireless is exploring whether there are options that it could use to transmit emergency alerts. However, it is premature to suggest that they will ultimately provide a viable solution for a national alert system on the iDEN network.

Given the technical limitations of using SMS and the lack of cell broadcasting capability on the iDEN network, SouthernLINC Wireless cautions the FCC against adopting standards for CMAS alerts to be provided to areas smaller than counties. SouthernLINC Wireless agrees with the Advisory Committee that CMRS providers "currently have limited capability to deliver geo-targeted alerts."<sup>10</sup> The Advisory Committee noted that point-to-point technologies lack geo-targeting capabilities because they are targeted to phone numbers instead of a specific alert.<sup>11</sup> The Advisory Committee also recommended that for wireless technology RF propagation areas, which may greatly exceed a single county, participating providers "support geo-targeting subject to limitations imposed by their technology."<sup>12</sup>

The Advisory Committee indicated that providing CMAS alerts on a county level would initially be feasible for participating carriers. However, SouthernLINC Wireless is still dubious about the feasibility of providing emergency alerts to its subscribers on any

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<sup>10</sup> / *NPRM* at Appendix, B, at 52, Commercial Mobile Service Alert Advisory Committee, Commercial Mobile Alert Service Architecture and Requirements ("*Advisory Committee Report*").

<sup>11</sup> / *Advisory Committee Report* at 52.

<sup>12</sup> / *Id.*

type of geographical basis, let alone on a county level. Even providing CMAS alerts on a county basis raises significant challenges for carriers in achieving the desired level of accuracy. At this time, SouthernLINC Wireless does not know whether providing emergency alerts at the county level would be feasible for iDEN. Thus, SouthernLINC Wireless believes that it would be inadvisable for the FCC to go beyond the Advisory Committee's recommendations by mandating CMAS alerts be sent on a smaller geographic basis at this time.

The purpose of the WARN Act is to alert as much of the public as possible during a federal, state, or local emergency. SouthernLINC Wireless certainly understands the importance of providing emergency alerts and the need for an efficient comprehensive alert system. The FCC should recognize the need for carriers to continue examining the technical capabilities required to achieve geographical targeting of emergency alerts. In order to achieve the goals of the WARN Act, the FCC should provide for leniency in allowing carriers to address technical problems that arise in meeting the targeted geographical level of CMAS alerts. Even though the CMAS is a voluntary program, many carriers will want to participate. In order to encourage broad participation, the FCC should provide carriers with reasonable latitude to allow them to participate in the CMAS. This would serve the public interest by facilitating deployment of the CMAS. Otherwise, many wireless carriers who might elect to participate in the CMAS may be unable to do so. The FCC should consider a waiver process for carriers that are engaged in good faith efforts to meet the recommended county level, as well as other technical parameters.

For SouthernLINC Wireless's iDEN technology, there is no existing technology deployed or available for near-term deployment that will support a comprehensive CMAS with geo-targeting capability. Until such technology can be developed and implemented, the FCC consider waivers for carriers that are unable to meet the county level due to the technical limits of their delivery technology. Through the waiver process, the FCC can certify that carriers are deemed to be fully compliant with the requirements of the CMAS, subject to the geographic limits of their delivery technology.

**C. The FCC Should Allow Carriers to Recover Certain Costs Associated With the Implementation of the CMAS**

The FCC's *NPRM* seeks comment on a participating service provider's ability to recover costs associated with the provision of CMAS alerts.<sup>13</sup> While the WARN Act specifies that participating carriers may not impose a separate or additional charge for transmission or capability, the FCC should not interpret this provision to limit cost recovery of developmental costs incurred by carriers. SouthernLINC Wireless believes that the statutory limitation on cost recovery should be interpreted to apply only to separate charges associated with the specific costs involved in transmitting each alert and that subscribers should not be charged a per-alert fee.

There are significant technical upgrades that must be made in order to implement a wireless emergency alert system. Regardless of the delivery mechanism chosen by participating carriers (*e.g.*, SMS or cell broadcast), there will be significant costs involved in developing and maintaining the necessary network capacity to transmit emergency alerts. Carriers should be permitted to recover costs associated with the implementation and ongoing system management and any vendor-imposed handset costs. It is anticipated

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<sup>13</sup> / *NPRM* at ¶ 38.

that participating providers may incur additional developing and manufacturing costs, and carriers should have the discretion to recover such costs from their subscriber base. This interpretation will encourage greater carrier participation. Cost recovery for the incremental costs involved in developing and maintaining the infrastructure, not the cost in transmitting the alert, would be consistent with the WARN Act.

**D. The CMAS Should Not Apply to Legacy Devices**

SouthernLINC Wireless supports the Advisory Committee's recommendation that the CMAS should not apply to legacy mobile devices.<sup>14</sup> The FCC should not mandate the replacement of mobile devices to support the CMAS. Requiring carriers to replace consumer handsets is simply not an efficient way to implement the goals of the WARN Act. No matter what incentives are offered by carriers to get their subscribers to trade in their phones, carriers may not be completely successful in convincing customers to switch phones.

As the CMAS is in its early stages and carriers are still working through technical challenges in implementing the alert system, subscribers may decide to wait before upgrading their handsets. Subscribers may be unwilling to go through the hassle of replacing their device until carriers have resolved the various technical issues. Carriers will also have to educate their subscribers about the new CMAS, and it may take some time before customers understand the CMAS and decide to change their handsets. For those participating carriers that elect only to transmit emergency alerts in a portion of their service area, there would be even less of an incentive for subscribers to replace their

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<sup>14</sup> / *Advisory Committee Report* at 64.

handsets. Thus, the FCC should rely on customers to purchase CMAS-capable devices through the normal market mobile device lifecycle replacement.

**E. The FCC Should Support Roaming**

SouthernLINC Wireless supports the Advisory Committee's recommendation that roaming for the CMAS be supported on an intra-technology basis.<sup>15</sup> Under the Advisory Committee's proposal, if SouthernLINC Wireless's subscribers roam onto another iDEN carrier's network, that roaming subscriber would receive CMAS alerts from the iDEN operator in the serving market. SouthernLINC Wireless strongly agrees that it would be in the public interest to require participating carriers to allow subscribers of other networks to roam . This would ensure that all subscribers with mobile wireless services capable of receiving CMAS alerts have access to critical information during emergencies.

**F. The FCC Should Adopt Flexible Notice Requirements**

The FCC's *NPRM* requests comment on the methods by which wireless carriers that elect not to participate in the CMAS should notify prospective and existing subscribers.<sup>16</sup> SouthernLINC Wireless supports the Advisory Committee's recommendation that carriers retain the discretion to determine how to provide specific information regarding (1) whether or not they offer wireless emergency alerts, and (2) which devices are or are not capable of receiving wireless emergency alerts.<sup>17</sup> SouthernLINC Wireless also supports the Advisory Committee's recommended text for providing notice to subscribers.<sup>18</sup>

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<sup>15</sup> / *Advisory Committee Report* at 59.

<sup>16</sup> / *NPRM* at ¶¶ 25 -30.

<sup>17</sup> / *Advisory Committee Report* at 25-26.

<sup>18</sup> / *Id.*

Carriers should retain the flexibility to provide notice in their own formats and consistent with their existing marketing and billing practices. Carriers routinely communicate service and equipment upgrades and offers to existing subscribers. The Advisory Committee devoted a substantial amount of time and discussion to the issue of providing notice to subscribers. SouthernLINC Wireless believes that the Advisory Committee's recommendations represent a balanced approach that will encourage broad participation by carriers and will ensure that customers can make informed decisions about choosing their service provider. The approach recommended by the Advisory Committee will thus best serve the goal of the WARN Act to inform the public of emergencies through wireless devices.

The FCC should acknowledge that carriers have different business models and communicate with their subscribers using a variety of methods. SouthernLINC Wireless believes that general guidance from the FCC regarding the suggested format and procedures for providing notice to subscribers would be sufficient to meet the requirements of the WARN Act. However, the FCC should refrain from adopting specific requirements for each carrier, regardless of the carrier's size, business model, or customer preferences. Every carrier uses different methods of providing notices to their subscribers based on customer preferences, and there would be little benefit to subscribers in limiting the methods by which they can receive notice. For new customers, carriers should have flexibility to provide notice either through package inserts, including the notice on the service provider's subscription terms and conditions, or by posting a notice of 8.5 inches by 11 inches in the store. Carriers should have

flexibility to provide notice to existing customers through *either* bill inserts, bill messages, separate direct mailings, or on the carrier's website.

SouthernLINC Wireless believes that the FCC can meet the goals of the WARN Act by requiring carriers to engage in good faith efforts to notify their subscribers. If carriers fail to take reasonable steps to notify their customers, the FCC would certainly have authority to take appropriate action. However, the FCC should evaluate each carrier on a case-by-case basis. SouthernLINC Wireless opposes the imposition of any burdensome notice or record keeping requirements on regional and small, rural carriers. The FCC should not assume that all carriers, regardless of size, have the same resources to comply with extensive record keeping or filing requirements. The FCC should not require carriers to maintain a record of subscribers who have acknowledged receipt of the notice or to submit burdensome reports with the FCC demonstrating that the carrier has met its notice requirement. SouthernLINC Wireless asserts that it would be unrealistic to expect every customer to affirmatively respond to notices and that it would be counterproductive for carriers to expend tremendous resources in tracking down customers that choose not to respond. Instead, SouthernLINC Wireless suggests that the FCC and carriers should be focused on resolving the technical challenges presented by implementing the CMAS and on meeting the goals of the WARN Act.

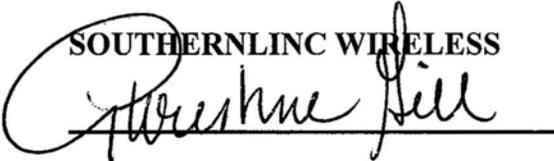
### **III. CONCLUSION**

SouthernLINC Wireless supports the Advisory Committee's efforts to develop recommendations for a comprehensive alert and warning system for wireless carriers. For SouthernLINC Wireless's iDEN network, uncertainty remains as to whether deployment of a solution using SMS broadcast or the group call feature will be possible. There are significant technical and operational issues that SouthernLINC Wireless must

address before it can determine the likelihood of implementing an alert system. The Advisory Committee and many carriers agree that a point-to-point SMS alert system would not be practical or efficient for delivering a large number of messages quickly over a broad geographic area. The cell broadcasting system envisioned by the Advisory Committee is not currently compatible with the iDEN network and would require significant upgrades that would be prohibitively expensive for SouthernLINC Wireless. Thus, it is critical that the FCC adopt rules that provide for flexibility in the CMAS and which address differences in technology. If carriers elect to participate, they should be able to determine the timeline by which they can implement the system for their subscribers. The FCC should encourage broad participation by allowing carriers to implement individualized solutions to transmit alerts in an efficient and reasonable manner.

**WHEREFORE, THE PREMISES CONSIDERED,** SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

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