

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of** )  
 )  
**The Commercial Mobile Alert System** ) **PS Docket No. 07-287**  
 )

**To: The Commission**

**REPLY COMMENTS OF RURAL CELLULAR ASSOCIATION**

Rural Cellular Association (“RCA”)<sup>1</sup>, by its attorney, submits these Reply Comments with regard to the Commission’s obligation to adopt rules to enable commercial mobile service alerting capability for Commercial Mobile Service (“CMS”) providers that elect to transmit emergency alerts.<sup>2</sup> In the Comment phase of this proceeding RCA urged the Commission to adopt rules for a Commercial Mobile Alert System (“CMAS”) that incorporate, without change, recommendations of the Commercial Mobile Service Alert Advisory Committee (“CMSAAC” or “Advisory Committee”).

**I. Commenting CMS Providers Unanimously Urge Adoption of the Expert Advisory Committee’s Recommendations**

Under terms of the Warning Alert and Response Network (“WARN”) Act, §602(b), CMS providers will elect whether or not to participate in the CMAS after the Commission adopts rules in this proceeding. Their independent decisions can reasonably be expected to be based largely upon practical considerations, not the least of which will be their ability to select the delivery technology in that “...service providers are in the best position to understand their network and customer

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<sup>1</sup> RCA was formed in 1993 to address the distinctive issues facing wireless service providers serving rural and small market areas. RCA is an association representing the interests of approximately 100 small and rural wireless licensees providing commercial services. RCA acknowledges the efforts of Arthur L. Prest who represented RCA members’ interests as a member of the CMSAAC and assisted with RCA’s Comments and Reply Comments in this proceeding.  
<sup>2</sup> *Notice of Proposed Rulemaking*, PS Docket No. 07-287, FCC 07-214, released December 14, 2007 (“NPRM”).

requirements to ensure that mobile alerts are delivered in the most effective fashion.” (AT&T Inc. Comments at p. 4)

While CMS providers seldom view policy questions exactly alike, for various reasons including size of carrier or for competitive reasons, it is well worth noting in this instance that every CMS provider and every group representing CMS providers that filed comments in this proceeding urged the Commission to adopt without change the recommendations of the CMSAAC.<sup>3</sup> Likewise, the equipment suppliers to CMS providers that filed comments also unanimously requested the Commission to adopt the CMSAAC’s recommendations without change,<sup>4</sup> as did the groups that are engaged in technical planning and standards development for the wireless communications industry.<sup>5</sup> Many of these commenters participated in the Advisory Committee’s work along with representatives of a broad range of public and private stakeholders. The Advisory Committee received input and studied alternatives over the better part of a year, and presented the Commission a timely and comprehensive set of recommendations.

As RCA noted in the opening round of comments, the Commission has been directed by Congress and the WARN Act to

...complete a proceeding to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of such Advisory Committee necessary to enable commercial mobile service alerting capability for commercial mobile service providers that voluntarily elect to transmit emergency alerts. [WARN Act, at §602(a)]

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3 See Comments of Alltel Communications, LLC, American Association of Paging Carriers, AT&T Inc., CTIA – The Wireless Association®, MetroPCS Communications, Inc., RCA, SouthernLINC Wireless, Sprint Nextel Corporation, T-Mobile and Verizon Wireless.

4 See Comments of Ericsson Inc., Motorola, Inc. and Nokia and Nokia Siemens Networks.

5 See Comments of Alliance for Telecommunications Industry Solutions (ATIS), Telecommunications Industry Association (TIA) and 3G Americas.

The statute presents the Commission with a rulemaking task and states unequivocally that the requirements for a CMAS are to be “based on the recommendations of the Advisory Committee.” Thus, the Commission’s rulemaking authority under the WARN Act is limited,<sup>6</sup> and it is not the intention of Congress for the Commission to entertain proposals that were not vetted by the Advisory Committee and included in its recommendations.

RCA’s Comments also noted that the President’s June 2006 Executive Order contemplates the transmission of alerts and warnings by “communications systems” but only to the extent “as provided by law.”<sup>7</sup> As observed by Sprint, “the only law that gives the FCC any say over the development of a CMAS is the WARN Act. And, under that Act, the FCC has no authority to require that CMS providers ‘transmit alerts and warnings to the public as part of a public alert system.’”<sup>8</sup>

While the Commission’s rulemaking authority is limited the Commission should have confidence that the recommendations of the Advisory Committee have solid support from CMS providers and the organizations that support them, including equipment suppliers and standards organizations. Adoption of those recommendations without change will best promote a high level of participation in the CMAS by wireless carriers.

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6 See Comments of Sprint Nextel Corporation (“Sprint”) at pp. 1-2.

7 Executive Order at §3(b)(iii).

8 Sprint Comments at p. 10, citing *NPRM* at ¶1

## **II. Adoption of Certain Other Proposals Would Deter or Render Impractical Carrier Participation**

### **A. Geotargeting**

RCA agrees with the American Association of Paging Carriers (“AAPC”) that a requirement for dynamic geo-targeting of CMAS alerts to a very limited geographic area would be a mistake. As stated by AAPC “it is a fallacy to conclude from this laudable premise that the persons directly in harms way are the *only* persons who should receive an alert, and that all others should be *excluded* from receiving an alert.”<sup>9</sup> AAPC explained that the Commission should bear in mind that persons served by the CMAS are, by definition, mobile. “Physically, they could be anywhere at all when an alert regarding a particular area is sent, but that does not speak to whether they have a meaningful interest in an alert for a particular area or whether they should receive the information contained in the alert.”<sup>10</sup> AAPC offered the example of a hazardous chemical spill in Manhattan that would be of interest not only to those persons in the immediate area of the spill but also to those persons in surrounding areas who may be planning to go to the affected area within a short time after the disaster (whether for business reasons, commuting or otherwise), or even to those who have relatives or friends living or working in the affected area. For similar reasons, AAPC noted that if a tornado is expected to touch down in the City of Fairfax, for example, it does not mean that others in the Washington, D.C. metropolitan area (who may live or work there, or have relatives or friends who do) who do not happen to be physically present in the City of Fairfax at the time do not have a legitimate interest in the information and should be excluded from receiving such an alert. RCA

agrees that the Commission "...should not conclude that dynamic geotargeting as evidently contemplated by the NPRM is necessary or even desirable for CMAS."<sup>11</sup>

It is important to recognize that "Alert FM" and other systems based on the Radio Broadcast Data System (RBDS) rely upon technology that was not vetted by the CMSAAC and accordingly they are not a part of the recommendations submitted by the CMSAAC. Furthermore, such systems make use of ZIP codes for dissemination of alert messages.<sup>12</sup> Because wireless phones are geographically mobile the user might not be located in the ZIP codes that were input into the device and, therefore, the user may not receive a critical emergency alert. None of the Comments proposing Alert FM and other RBDS solutions address the geographic mobility issue.

**B. Some Comments Indicate Misunderstandings of Current CMS Equipment and Network Capabilities**

RCA disagrees with various comments submitted on behalf of Westchester County New York,<sup>13</sup> among them: "Cell broadcast is already available through most network infrastructures and in most phones, so there is no need to build any towers, lay any cable, write any software, or replace terminals. Once the wireless carriers have agreed to support the technology, subscribers just need to activate the functionality, opting in to the alert notification service."<sup>14</sup> In fact, the exact opposite is true. To meet the requirements defined in the CMSAAC's recommendations, all handsets will need to be replaced. And most wireless networks are not currently Cell Broadcast capable (in particular CDMA phones and networks).

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9 AAPC Comments at p. 6.

10 *Id.*

11 *Id.* at p. 7.

12 See, for example, the comments of Audemat-Aztec: "Consumers simply input our zip codes for targeted alerts and choose who we would like to receive messages from."

RCA does not agree with CellCast Technologies, LLC's ("CellCast") comment that "cell broadcast technology should have been addressed and recommended by CMSAAC as it is a currently available technology that can enable a CMS provider to receive, transport and deliver emergency alert messages using existing mobile carrier network infrastructure, and in many cases facilitate the receipt by existing subscriber handsets without requiring further technical development"<sup>15</sup> and their statement that "mobile device manufacturers have already implemented GSM and CDMA standard compliant features in their products, including the ability to receive and display cell broadcast alert messages."<sup>16</sup> These statements are at odds with the fact that the CMSAAC spent months vetting cell broadcast technology and identifying problems inherent with existing CDMA and GSM cell broadcast technology and defining requirements that would be needed to fix those deficiencies (e.g., battery life, discrete emergency alert tones and vibration cadence, etc.). Input as to what is available and what was needed to be changed in existing CDMA and GSM handsets and network infrastructure was reviewed at length by handset manufacturers, infrastructure providers and wireless carriers. The CMSAAC also extensively reviewed other issues including the maximum character message length, dynamic geographic specificity and multiple language issues. The bottom line was that cell broadcast as presently available is not ready for prime time and significant standards work and product development is required to make it so. In addition CellCast's comment that "For example, there is no known technical reason, and it is not made clear by the report, for the CMSAAC recommendation that all levels of messages be submitted

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13 The comments included no name of the representative of Westchester County who prepared the comments.

14 Comments of Westchester County at p. 2.

15 CellCast Comments at p. 6.

16 *Id.* at p. 12.

by all levels of message originators at all levels to a single Alert Aggregator”<sup>17</sup> is self serving in that it is CellCast’s business interest to not have a single Alert Aggregator.<sup>18</sup> The CellCast comments are GSM-centric and often include sweeping statements that might be true for GSM but are not true for CDMA. For example, unlike GSM, CDMA technology does not allow for the concatenation of multiple pages of text, thus CDMA is limited to the total number of characters that can be sent. CellCast talks at length as to how handsets can be easily upgraded by SIM card replacement and ignores the fact that CDMA phones do not use SIM cards!

RCA also disagrees with a suggestion by the California Public Utilities Commission (“CPUC”) that alert messages should include Uniform Resource Locators (URLs) and telephone numbers.<sup>19</sup> Inclusion of URLs or telephone numbers would encourage users to make calls in response to alerts received, thereby at the very least making it difficult or impossible for anyone to complete a critical telephone call and in the worst case taking the entire wireless network down. In Comments of T-Mobile it was pointed out that “inclusion of such information could cause customers to flood the wireless network with telephone calls to the specified number, or use their wireless network to reach the listed URL, resulting in potentially crippling network congestion – perhaps even prior to the time when the carrier has finished transmitting the message to the target audience.”<sup>20</sup>

In addition RCA disagrees with the CPUC position regarding multiple language alerts: “California recommends that the FCC strongly consider requiring transmittal of alerts in a minimum

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17 *Id.* at p. 8.

18 *Id.* at fn. 8.

19 Comments of CPUC at p. 13.

20 T-Mobile Comments at pp. 19-20.

of six languages, but explore the possibility of including additional languages.”<sup>21</sup> This issue was vetted and studied for months by the CMSAAC and it was determined that it is not technically possible to provide alerts in multiple languages with existing technology. Motorola, Inc. explained that there are “numerous challenges that currently prohibit the transmission of alerts in multiple languages” specifically (1) “the message must be delivered to the wireless provider in the language that it is to be delivered in, and it must follow the format of CMAS”<sup>22</sup> and (2) “the existing air interfaces of wireless providers have technical limitations that make the support of multiple languages impossible without a significant negative impact on capacity and latency.”<sup>23</sup> In Comments of the Telecommunications Industry Association (“TIA Comments”) mention was made of the fact that the issue of providing alerts in multiple languages was raised “again” in the final CMSAAC meeting to adopt the committee’s final recommendations. At that meeting “[n]umerous committee members reiterated that support for multiple languages is not technically feasible at this time because latency is increased each time an alert in a different language is made.”<sup>24</sup> For that reason RCA supports the CMSAAC recommendation that the CMAS rules only require the transmission of alerts in English.

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21 CPUC Comments at p. 20.

22 Comments of Motorola, Inc. at pp. 8-9. Motorola observed that “the Alert Gateway would need to be able to generate [each] mobile alert in multiple languages” because “[n]either wireless provider networks nor mobile devices...have the capabilities of translating messages.” *Id.* at 8.

23 *Id.* at 8, fn. omitted. It was noted that not all phones contain all character sets and handsets may lack memory to house them all. Further, a shorter message may be required in the English language in order to ensure a translation that meets the data limit.

24 TIA Comments at pp. 9-10, fn. omitted.

### **III. Summary and Conclusion**

RCA respectfully urges the Commission to adopt rules that incorporate the Advisory Committee's recommendations that were universally supported by all CMS providers that filed comments, and endorsed as well by CMS equipment suppliers and standards organizations. The public will benefit from CMAS only if CMS providers elect to opt in. RCA members that serve rural markets have indicated a desire to participate if the standards are practical and there are not unreasonable economic and administrative burdens that are associated with the program.

Respectfully submitted,

**RURAL CELLULAR ASSOCIATION**

*[filed electronically]*

David L. Nace  
Its Attorney

Lukas, Nace, Gutierrez & Sachs, Chartered  
1650 Tysons Boulevard, Suite 1500  
McLean, Virginia 22102  
(703) 584-8678

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