Before the
Federal Communications Commission
Washington, D.C. 20554

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

REPLY COMMENTS OF MOTOROLA, INC.

Motorola, Inc. ("Motorola") respectfully submits these reply comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding ("NPRM").[1] As discussed below, the record in this proceeding demonstrates the widespread support for the recommendations of the Commercial Mobile Service Alert Advisory Committee ("CMSAAC").[2] Consistent with Motorola's comments, commenters nearly unanimously support expeditious adoption of the CMSAAC recommendations, without change, by the Commission. Motorola also urges the Commission not to mandate that handset manufacturers install specific technology in their devices.

I. COMMENTERS OVERWHELMINGLY SUPPORT THE CMSAAC'S RECOMMENDATIONS.

Commenters in this proceeding enthusiastically support the adoption of the CMSAAC's recommendations, as proposed.[3] AT&T noted that the CMSAAC

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[1] *The Commercial Mobile Alert System,* Notice of Proposed Rulemaking, FCC 07-214 (Dec. 14, 2007) ("*NPRM*")

[2] *See NPRM* at Appendix B: Commercial Mobile Alert Service Architecture and Requirements (Oct. 12, 2007) ("CMSAAC Report").

[3] *See, e.g.*, Comments of 3G Americas at 3-6; Comments of ATIS at 3-4; Comments of Alltel at 1-2; Comments of AT&T at 2; Comments of CTIA at 1; Comments of Ericsson at 5; Comments of Nokia and Nokia Siemens Networks at 4; Comments of Rural Cellular Association at 1-2; Comments of SouthernLINC Wireless at 3; Comments of Sprint Nextel at 3-4; Comments

was composed of a "diverse group of stakeholders that share a common interest in development and deployment of an effective and reliable emergency alert system" and that its recommendations represent a "balanced consensus of these stakeholders on core issues."[4] CTIA observed that because of this diverse group of stakeholders, "Commission adoption of the CMSAAC recommendations as submitted will encourage the highest level of carrier participation."[5] Verizon Wireless noted that the CMSAAC's report also provides "recommendations for continued development of features as technology and carrier delivery systems evolve."[6]

In particular, commenters emphasize the importance of adopting the CMSAAC's recommendations without modification,[7] noting that the Commission lacks the authority to impose its own guidelines beyond the confines of the CMSAAC's parameters.[8] 3G Americas asserted that "[t]he CMSAAC recommendations represent a balance of…competing considerations" and that the CMSAAC's technical work and Congress's intent "would be vitiated if the Commission now considers recommendations advanced by a single company

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of T-Mobile at 5; Comments of the Telecommunications Industry Association at 2-3; Comments of Verizon Wireless at 4-5.

[4] Comments of AT&T at 1.

[5] Comments of CTIA at 2.

[6] Comments of Verizon Wireless at 4-5.

[7] *See, e.g.,* Comments of 3G Americas at 3-6; Comments of AT&T at 2; Comments of CTIA at 6; Comments of Ericsson at 4-5; Comments of Sprint Nextel at 3-4.

[8] *See, e.g.,* Comments of Alltel at 1-2; Comments of Ericsson at 4-5; Comments of Nokia and Nokia Siemens Networks at 5; Comments of Rural Cellular Association at 3-5.

outside the CMSAAC process."[9] Alltel added that "[b]y seeking comments on matters either outside the scope of the CMSAAC recommendations or otherwise attempting to revisit matters resolved by the CMSAAC, the Commission is not only exceeding its authority but undermining the very basis of the voluntary nature of the WARN Act process."[10]

Commenters strongly support a point-to-multipoint approach to transmitting messages, such as cell broadcast.[11] AT&T noted the potential of cell broadcast, asserting that "cell broadcast allows for the rapid delivery of messages to very large numbers of users with capable devices across a significant geographic area, and looking forward, provides for the possibility of more precise geo-targeting of messages."[12] Several commenters noted the weakness of point-to-point SMS,[13] with Sprint Nextel arguing that "the use of point-to-point technologies would not enable the offering of a nationwide CMAS as envisioned by the WARN Act."[14]

Although SouthernLINC Wireless agreed with the CMSAAC's statements regarding point-to-point technologies, it noted the importance of flexible technical

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[9] Comments of 3G Americas at 6.

[10] Comments of Alltel at 2.

[11] *See, e.g.,* Comments of the American Association of Paging Carriers at 3; Comments of AT&T at 3-4; Comments of Global Security Systems at 7-8.

[12] Comments of AT&T at 4.

[13] *See, e.g.,* Comments of Acision B.V. and One2Many B.V. at 5; Comments of Alltel at 4; Comments of the American Association of Paging Carriers at 3; Comments of AT&T at 4; Comments of Nokia and Nokia Siemens Networks at 4; Comments of SouthernLINC Wireless at 4; Comments of Sprint Nextel at 4-5.

[14] Comments of Sprint Nextel at 4-5.

requirements for CMAS.[15] Specifically, SouthernLINC Wireless noted that cell broadcasting is not a feasible option for its iDEN technology, and that the Commission should adopt rules that allow providers the flexibility to choose the technology that will best allow them to transmit emergency alerts to their subscribers.[16] Motorola fully supports this proposal.

Commenters also expressed support for use of the Common Alerting Protocol, as well as the CMSAAC's proposed guidelines for message content, classes, and formatting.[17] MetroPCS observed the importance of limiting the classes of messages to three because users are unlikely to read and respond to messages if too many are sent.[18] MetroPCS also supported a 90 character limit, noting that such a limit allows for effective delivery and ensures that messages will actually be read.[19]

The CMSAAC's proposed timeline for implementation received widespread support from commenters. CTIA stressed the importance of adopting final rules well in advance of the statutory deadline, observing that "the industry standardization recommended by the CMSAAC is already moving forward" but that "the standardization process cannot be finished before firm

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15 Comments of SouthernLINC Wireless at 4.

16 *Id.* at 6.

17 *See, e.g.,* Comments of MetroPCS at 3-4; Comments of the National Association of Broadcasters and the Association for Maximum Service Television at 2-3; Comments of T-Mobile at 9-10, 17-18.

18 Comments of MetroPCS at 4.

19 *Id.*

rules are set in place."[20] Rapid implementation will aid the standards-setting process and ensure that wireless providers are able to make informed decisions about their CMAS participation by September 2008.

Commenters agree that the CMAS rules should allow a CMAS provider to recover the costs incurred in implementing the system. As noted by AT&T, cost recovery for CMAS is consistent with the plain language of the WARN Act, and "the Commission historically has allowed carriers to recover the costs of Commission-mandated obligations through their rates and Congress was aware of this precedent when it passed the WARN Act."[21] The fact that carriers are forbidden from charging for the delivery of a particular CMAS alert does not mean that costs cannot be recovered through general service fees. The Commission should allow for such cost recovery, as it will encourage CMAS participation.

II. IT IS CRITICAL THAT THE COMMISSION MANDATE OUTCOMES, NOT TECHNOLOGY.

Contrary to several commenters' proposals, decisions about what technology is installed in a handset should be left to handset manufacturers and wireless carriers.[22] The Commission, therefore, should deny all proposals to mandate a specific technology for CMAS.

The purpose behind the WARN Act and the CMSAAC was to develop an outcome – a commercial mobile alerting system that best serves consumers –

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[20] Comments of CTIA at 14.

[21] Comments of AT&T at 18.

[22] *See, e.g.,* Comments of Global Security Systems LLC; Comments of DataFM, Inc.; Comments of SquareLoop, Inc.

and not to mandate use of a specific technology. The Commission should follow the CMSAAC's lead and reject proposals by commenters that mandate the inclusion of specific, limited technologies into wireless handsets.

The Commission has consistently refrained from passing rules that would mandate the use of a particular technology, stressing the importance of "technical and operational flexibility" and finding that such rules are premature and hinder innovation.[23] The Commission should not mandate use of a particular technology for CMAS, particularly one that is inconsistent with CMRS operation. Instead, the Commission should focus its efforts on adopting rules that best ensure the outcome sought: ensuring that all Americans have the capability to receive timely and accurate alerts, irrespective of what communications technologies they use.[24]

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[23] *See In the Matter of IP-Enabled Services*, Report and Order, 22 FCC Rcd 11275, ¶ 43 (2007) ("In adopting the 711 abbreviated dialing requirements for TRS in the *711 Order*, the Commission permitted covered entities to 'select the most economical and efficient means of implementing 711 access, based on their network architecture.' We conclude that the same technical and operational flexibility should be extended to interconnected VoIP providers. For this reason, we do not mandate any particular technology for implementing 711 access to TRS."); *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340, ¶ 62 (2003) ("Similarly, revising Part 68 to impose a particular technical solution would be inconsistent with our conclusion that the states are in a better position to determine the manner in which E911 should be deployed in a particular locality. Further, because multiple technical solutions are possible, any revision to Part 68 that would mandate a particular technology would possibly inhibit innovation."); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 199 FCC Rcd 12475, ¶ 86 (2004) ("We conclude that it is premature to mandate any particular transmission speed technology. Such technology continues to develop.").

[24] *NPRM* at ¶ 3.

III. CONCLUSION

Motorola applauds the Commission for taking a critical step towards ensuring that all Americans have the capability to receive commercial mobile alerts during disasters and other emergencies. Motorola was actively involved in the CMSAAC and will continue to be fully committed to standards-setting efforts and other steps in the development of a CMAS. The recommendations of the CMSAAC will, if adopted as proposed, lead to the deployment of the best possible CMAS. For this reason, Motorola, as well as many other commenters in this proceeding, strongly supports the rapid and complete adoption of the CMSAAC proposals.

Respectfully submitted,

/s/ Mary E. Brooner

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