

**Before the
Federal Communications Commission
Washington, DC 20554**

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

**REPLY COMMENTS
OF
ONSTAR CORPORATION**

OnStar Corporation (“OnStar”) hereby submits these comments in response to the Federal Communications Commission’s (“the Commission”) Notice of Proposed Rulemaking (“NPRM”) released December 14, 2007 in the above captioned proceeding.

BACKGROUND

OnStar, a wholly owned subsidiary of General Motors Corporation, provides telematics services to the owners of vehicles manufactured by General Motors (Chevrolet, Buick, Pontiac, GMC, Cadillac, Saturn, Saab, and Hummer) and select other automotive manufacturers. As of January 2008, OnStar was the largest provider of such services in the United States and Canada with approximately 5.0 million subscribers.

OnStar’s telematics system combines wireless telecommunications with GPS and is integrated (embedded) into the electrical architecture of the vehicle. This allows the provision of information services that are interactive with the vehicle such as Automatic

Crash Response (ACR), remote diagnostics, stolen vehicle location and remote door unlock, as well as other call center based information services such as navigation, point of interest routing, and crisis assistance.

OnStar also offers subscribers an optional, hands-free, one button voice-activated, prepaid, wireless telecommunications service branded Hands Free Calling (“HFC”). These reply comments relate solely to HFC, the only OnStar service that is arguably subject to provisions of the WARN Act.

DISCUSSION

OnStar joins CTIA and others in supporting the Commercial Mobile Service Alert Advisory Committee (“CMSAAC”) recommendations and urges the Commission to adopt the recommendations “as-is” in so far as those recommendations apply to commercial mobile service provider licensees and wireless hand-held devices operating on their networks. However, we urge the Commission to provide an interpretation of the WARN Act requirements and CMSAAC recommendations that specifically excludes, at this time, wireless devices that are embedded into the electrical architecture of a motor vehicle (“embedded wireless devices”).

CMSAAC Did Not Consider Embedded Wireless Devices

It is clear from the CMSAAC recommendations report that while the CMSAAC went to great lengths to provide a very detailed analysis of every aspect of the delivery of commercial mobile alert services (“CMAS”) to hand-held wireless devices,¹ they did not extend that analysis to the delivery of CMAS to wireless devices embedded into the electrical architecture of a motor vehicle. Nor is there any evidence that they sought input from the National Highway Traffic Safety Administration (“NHTSA”) on the impacts of imposing such requirements on embedded wireless devices.

Embedded wireless devices have never been designed with the expectation that they should support text messaging delivered into a motor vehicle. Such devices are primarily designed to minimize the occasion for the driver to take his/her eyes off the road and/or hand(s) off of the steering wheel. In fact, AT&T noted in its comments in this proceeding that “tests sent via CMAS directly to mobile devices have the potential to distract, confuse, and even endanger mobile users, and may conflict with the underlying purpose of state laws that ban drivers from text messaging – to prevent driver distraction.”²

OnStar supports the objective of delivering emergency alert messages to vehicle occupants, and is studying opportunities to enable such services. However, we believe

¹ See CMSAAC recommendations at 1.1.6; “This section describes the impact to the mobile devices, i.e. the handsets, for the support of CMAS alerts...CMAS alerts could have a significant impact on handset battery life...”

² See Comments of AT&T Inc., pages 17-18, PS Docket No. 07-287.

the current state of technology does not readily support the hands-free delivery of CMAS to embedded wireless devices. While the CMSAAC recommendation report does define streaming audio as one of the CMAS Alert Service Profiles, it also identified it as a “future capability”.³

CMAS To Embedded Wireless Devices Is Redundant

OnStar believes the exclusion of embedded wireless devices from the WARN Act rules at this time would not necessarily leave vehicle occupants uninformed in an emergency situation. Since motor vehicles equipped with embedded wireless devices are also equipped with in-vehicle radio systems which are already subject to emergency alert system requirements, subjecting embedded wireless devices to the requirements of the CMSAAC recommendations would create redundant alerting mechanisms.⁴

Additionally, many drivers have hand-held wireless devices that are turned on while they drive and these devices will necessarily receive CMAS alerts.

From a motor vehicle safety perspective there may be additional considerations in excluding embedded wireless devices at this time, and particularly in the absence of experience with CMAS and drivers. To the extent that broadcast technology is employed to deliver CMAS messages, it is entirely possible that driver workload could peak in an

³ See CMSAAC recommendations at 1.1.5.

⁴ In fact, the existence of redundant alert systems may potentially result in confusion among vehicle occupants as both systems may be attempting to deliver the alert at the same time. Additionally, it may also result in a system conflict since a text-to-speech delivery for the CMAS may be the most appropriate delivery format for the embedded wireless device which shares the audio components of the vehicle radio system. Consequently, the CMAS alert may be delivered over-top of the radio message already in progress.

undesirable manner with multiple alerts going off simultaneously or nearly so. It is important to recognize that at any given time some number of drivers will be turning, changing lanes, parking or engaged in other maneuvers the safe execution of which could be complicated by unanticipated alert signals/ringing from multiple wireless devices.

Complications of Multiple Commercial Mobile Provider Licensee Partners

As a reseller of prepaid commercial mobile service, OnStar has been designed to operate on a nationwide basis. As such, the OnStar embedded wireless device operates over the CDMA networks of various commercial mobile service licensees. In addition to the complexities that have been discussed thus far regarding the delivery of CMAS to an embedded wireless device, the multiple licensee relationships, necessary to ensure reliable nationwide, coast-to-coast OnStar service, would potentially require OnStar to develop multiple system interfaces in order to accept and process alerts transmitted from its various licensee partners. This results in developmental and cost burdens that are not shared by any other carrier or manufacturer.

Notice at Point of Sale

To the extent that the Commission declines to interpret the requirements of the WARN Act and the CMSAAC recommendations to exclude embedded wireless devices (i.e. only apply to hand-held/handset devices), OnStar supports the CMSAAC recommendation that commercial mobile providers be permitted the flexibility to determine the best means

of notifying their customers regarding CMAS participation. This will be especially important for providers, such as OnStar, that offer service to/through embedded wireless devices.

Since motor vehicles are subject to a unique stream of commerce as compared to traditional wireless handsets, and motor vehicles have a significantly longer expected use life and may go through multiple owners, they necessarily cannot be subject to a uniform notification requirement primarily designed for handsets. Motor vehicles are not “packaged” as traditional handsets are and are subject to strict federal motor vehicle safety standards and labeling requirements.⁵ Thus, notice requirements that may work for a provider of service to handsets may not and will likely not work for a service provider offering service to an embedded wireless device.

CONCLUSION

For these reasons, OnStar respectfully requests the Commission to adopt an interpretation of the WARN Act requirements and the CMSAAC recommendations that excludes embedded wireless devices at this time. OnStar fully supports the periodic review of the CMAS and evolution of technology. OnStar is hopeful that in time there will be an appropriate solution for the delivery of CMAS messages to embedded wireless systems

⁵ Additionally, since current motor vehicle owner privacy laws make it difficult for service providers like OnStar to know when a vehicle with an embedded wireless device has changed owners, this would limit any ability to track, collect, and maintain customer acknowledgements of the device’s ability to receive CMAS alerts. For this reason, as well as the complexities of the automotive distribution channel, OnStar does not support any requirement to obtain and a maintain record of customer CMAS acknowledgements.

and that the solution will take into account the unique environment in which embedded wireless systems operate.

Respectfully submitted,

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