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SUMMARY

Verizon Wireless supports every aspect of the CMSAAC Recommendation and urges the Commission to adopt each aspect of that Recommendation “as is.” Adopting the CMSAAC Recommendation in its entirety would serve the public interest, speed implementation of a CMAS capability, and be consistent with the law and Congress’ intent in adopting the WARN Act.

The WARN Act requires the FCC to adopt rules based on the recommendations of the CMSAAC, and limits the FCC’s rulemaking authority under the Act to a handful of specified areas. Accordingly, the FCC would violate the WARN Act by adopting technical standards contrary to the CMSAAC recommendations. Beyond the legal obstacle to imposing additional requirements, any such requirements are technically infeasible, unwarranted, and would undermine a fast, effective wireless alert system.

Verizon Wireless opposes any FCC rule that would require carriers employ any particular technology by which to deliver alerts to mobile subscribers. The CMSAAC Recommendation was careful not to mandate any particular technology for the delivery of alerts. Consistent with that approach, the FCC rules should adopt a framework for the delivery of authenticated alerts to commercial mobile service providers and leave the decision to carriers how best to implement broadcast technologies to deliver those alerts to subscribers.

Verizon Wireless supports a single entity at the national level having responsibility for the Alert Aggregation function. The Alert Aggregator can determine how best to establish secure and redundant links between alert initiators at the state and local level and the Alert Gateway to best manage and authenticate alerts. Carriers should not be required to establish and maintain many points of interconnection and receive alerts from a multiple number of sources.

Verizon Wireless supports the CMSAAC recommendation of a 90-character message limit. The CMSAAC recommendation carefully balanced the character limitations of the various technologies carriers will use to distribute messages, the need to include all of the commercial mobile alert message (“CMAM”) fields of information in the alert message, and the effect on delivery times and accuracy that could result from multiple concatenated pages of messages being sent. Longer messages are not necessary to pass the required information and would increase latency and create the possibility that the entire alert message is not received.

Verizon Wireless supports the CMSAAC recommendation that phone number, URLs, or other contact information not be included in alert messages. The CMSAAC fully explored the affects of including such contact information in mobile alerts and concluded that doing so would likely lead to network congestion. Requiring contact information to be included would risk slowing or blocking the immediate delivery of alerts to consumers.

Verizon Wireless supports the CMSAAC recommendation initially to target alerts to areas no larger than counties. Carriers face many challenges in targeting alert messages. Carriers must pre-determine which cell sites serve that area and manually load that information into the switch before implementing the capability. Narrowing the required target area will slow implementation of alerts, create the possibility for latency, and risk under-notifying mobile subscribers that may be travelling to the alert area.

Verizon Wireless supports the CMSAAC recommendation to transmit alerts only in English. Because messages delivered by cell broadcast over CDMA networks must be sent sequentially, each additional language supported requires a separate message to be sent by the Alert Gateway to carrier networks and then delivered to subscribers. The more messages that are sent, the greater the latency in delivering messages and the greater the chances are that the

message will not be received. Given these technical challenges, the Commission should not require carriers to support messages in languages other than English at this time.

Verizon Wireless opposes any prescriptive carrier election notice requirements, particularly rules that require new or existing customers to acknowledge receipt of notice. As the Commission is aware, carriers sell their products through a number of outlets, many of which do not involve direct contact with the customer. Requiring a particular method of providing notice and requiring customer acknowledgment for new or existing customers is not feasible. The CMSAAC Recommendation and text proposal fully satisfy the WARN Act requirement for clear disclosure, and the WARN Act requirement for conspicuous notice is sufficient to guide carrier decisions regarding how to convey that notice to subscribers. No additional notice requirements are necessary.

Verizon Wireless opposes the filing of any report with the carrier election notification to the FCC. In particular, Verizon Wireless opposes recommendations that carriers file detailed information about their networks with the FCC or with state regulatory agencies. The WARN Act merely requires an election notification and a commitment to provide CMAS in accordance with FCC rules. These requirements can easily be met with a simple election filing stating that the carrier agrees to provide CMAS in accordance with the Commission's rules.

changes in the processes, protocols, and procedures by which CMAS would be provided. As discussed below, Verizon Wireless opposes these suggested changes.

I. DISCUSSION

A. The Commission Lacks the Authority to Deviate from the CMSAAC Recommendations.

In its comments, Verizon Wireless noted that the WARN Act requires the FCC to adopt rules based on the recommendations of the CMSAAC,² and limits the FCC's rulemaking authority under the Act to a handful of specified areas.³ It is clear from these provisions that Congress intended the Commission to adopt the recommendations of the CMSAAC in their rules for CMAS, not to change them.⁴

Similarly, some commenters argued that the FCC would violate the WARN Act by adopting rules that contradict the Advisory Committee's recommendations for the technical standards, protocols and procedures necessary to enable CMAS. Alltel, for example, argued that "by seeking comment 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 WARN Act process."⁵ The Rural Cellular Association stated that "the Commission appears to have overlooked the statutory limitation on its rulemaking

² Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Pub.L. 109-347, Title VI—Commercial Mobile Service Alerts (WARN Act), Section 602(a).

³ *Id.*, Section 602(d).

⁴ Verizon Wireless Comments at 5-6.

⁵ Alltel Comments at 2.

authority insofar as the NPRM specifically invites public comments on ‘alternatives to the CMSAAC’s recommendations.’”⁶ Verizon Wireless agrees that the FCC would violate the WARN Act by adopting technical standards contrary to the CMSAAC recommendations.

B. The Commission Should not Mandate that CMAS Be Delivered Over FM Radio Broadcast Facilities or that Commercial Mobile Service Devices Include FM Radio Chipsets.

In the NPRM, the Commission sought comment on the available transport technologies for CMAS. In this context, the Commission sought comment on whether radio data systems could meet the Commission’s goals for efficient delivery of alerts over the CMAS.⁷ A number of parties submitted comments recommending that Commission consider using Radio Broadcast Data System (“RBDS” or “RDS”) for distributing emergency warnings to mobile phones.⁸ One commenter, DataFM, requested that the Commission require “the inclusion of an RDS chip in all newly marketed cellular telephones and require non-commercial educational FM radio stations to install the necessary equipment to broadcast RDS based alert messages.”⁹

Verizon Wireless opposes any FCC rule that would require carriers employ any particular technology by which to deliver alerts to mobile subscribers. Before including FM radio chips in devices, carriers would need to determine the effect such capabilities

⁶ Rural Cellular Association Comments at 4.

⁷ NPRM at 5 (para. 10).

⁸ *See, e.g.*, Pontotoc County Emergency Management Agency Comments at 1, NAB Comments at 3; Global Security Systems Comments at 2-4, 11-14.

⁹ DataFM Comments at 3.

would have on the size of current devices and the user interface. In light of the issues that any particular choice of technology may have on carrier networks and customer devices, the CMSAAC Recommendation was careful not to mandate any particular technology for the delivery of alerts and therefore made no recommendation with respect to RBDS. Consistent with that approach, the FCC rules should adopt a framework for the delivery of authenticated alerts to commercial mobile service providers (“CMSPs”) and leave the decision to carriers how best to implement broadcast technologies to deliver those alerts to subscribers. Should the federal government elect to develop a system using FM radio infrastructure to broadcast alert messages, then CMSPs that elect to participate in CMAS should be able to determine whether to elect to make handsets with FM radio chips available to their subscribers to receive alerts. Under no circumstances, however, should the Commission mandate that handsets include FM radio chips.

C. Additional Protocols Are Not Needed to Ensure the Secure Delivery of Messages from the Alerting Gateway to Carrier Gateways.

In the NPRM, the Commission noted that “the CMAS as proposed by the CMSAAC likely will require a higher layer protocol that carries meta-data with the alert message, and can send authentication and authorization data to the alert’s originator.” The Commission sought comment on whether a higher layer protocol is necessary.¹⁰ Purple Tree Technologies commented that it agreed that a higher layer protocol will be required for message authentication and reliability between the Alert Gateway and each CMSP Gateway.¹¹

¹⁰ NPRM at 5 (para. 11).

¹¹ Purple Tree Technology Comments at 5-6.

Verizon Wireless disagrees with Purple Tree Technologies that a higher layer protocol is necessary for message authentication and reliability between the Alert Gateway the CMSP Gateways. The CMSAAC Recommendation regarding higher layer protocols was intended to address the linkage between the Alert Gateway and the alert originators. As contemplated by the CMSAAC, alerts will be received by the Alert Gateway function and authenticated at the Alert Gateway. Under the “Trust Model” proposed by the CMSAAC, authenticated messages will be passed from the Alert Gateway to the CMSP Gateways over secure links based upon standard IP security mechanisms such as VPN tunnels and IPSEC functionality.¹² Alert messages will not be authenticated at the CMSP Gateway. Accordingly, the higher layer of protocols is only necessary for the Alert Gateway – alert initiator transport link and is not required for messages passing from the Alert Gateway to the CMSP Gateways.

D. The FCC Should Not Require Carriers to Interconnect to Multiple Aggregators in order to Receive CMAS Messages.

In the NPRM, the Commission seeks comment on the CMSAAC recommendation for a centralized Alert Aggregator function established and operated by a federal government agency. In particular, the Commission asks whether a centralized system is best positioned to accomplish the goals of the CMAS, whether a centralized system would run the risk of creating a single point of failure, whether the system proposed would be able to support the aggregation of alerts from federal, state and local alert initiators, and whether a centralized system would be able to interact and determine the status of a diverse set of alerting systems. The Commission also seeks comment on

¹² CMSAAC Recommendation at 75, Section 8.3.

whether the aggregator concept should be expanded to include state and county emergency agencies.¹³

Parties addressing this issue generally supported the centralized Alert Aggregator function with that function being operated by a designated government agency or its authorized agent. Some parties also supported the use of sub-aggregators -- regional aggregators that would receive messages from state and local message initiators and pass those messages up to the centralized federal aggregator function.¹⁴ Westchester County recommended that Sub Alert Aggregators have the ability to send messages directly into the “National Alert Gateway” should the National Aggregator be unavailable for any reason.¹⁵

From the CMSP point of view, the Alert Aggregator function should be designed in the manner that makes the most sense in terms of establishing secure and redundant links between alert initiators and the Alert Gateway and in terms of best managing and authenticating alerts. The agency chosen to operate the Alert Aggregator function should therefore work with state and local authorities to create a system that best accomplishes these goals. Verizon Wireless supports a single entity at the national level having responsibility for the Alert Aggregation function so that Verizon Wireless does not need to establish and maintain many points of interconnection and receive alerts from a

¹³ NPRM at 5-6 (paras. 12-13).

¹⁴ California PUC Comments at 7 (supporting regional points of contact); Westchester County Comments at 3-4 (supporting the use of “Sub Alert Aggregators”); Purple Tree Technologies Comments at 6 (recommending regional aggregators be used for load balancing); Global Security Systems Comments at 17 (recommending the use of “local portals”).

¹⁵ Westchester County Comments at 4.

multiple number of sources. For security and network efficiency purposes, carriers should not be required to establish points of interconnection and receive alerts from many different sources. To avoid creating a single point of failure, the Alert Aggregator function can and should establish two redundant points of interconnection with each carrier as has been done with AMBER Alerts.

E. The 90-Character Limit Established by the CMSAAC Is Appropriate and Is Sufficient to Pass the Required Information Fields to Customers.

The FCC seeks comment on whether it should adopt a character limit for alerts transmitted over the CMAS. It notes that the CMSAAC recommended a limit of 90 characters of text and the FCC seeks comment on that recommendation.¹⁶ Most commenters addressing message character limits supported the CMSAAC 90-character recommendation. AT&T, MetroPCS, Motorola and Wireless RERC supported the 90-character limit proposed by the CMSAAC.¹⁷ Alert Systems likewise supported the CMSAAC recommendations, but recommended that CMAS should accommodate supplemental and verbose message formats for more advanced technologies.¹⁸ Purple Tree and NENA raised concerns about whether a 90-character message would be sufficient to pass all of the information in the five information fields recommended by the CMSAAC. Purple Tree, therefore, recommended only making two of the five fields,

¹⁶ NPRM at 6-7 (para. 15).

¹⁷ AT&T Comments at 8; MetroPCS Comments at 3; Motorola Comments at 6; Wireless RERC Comments at 8.

¹⁸ Alert Systems Comments at 15.

event type and area affected, mandatory.¹⁹ Only one commenter, CellCast, took exception to the 90-character limit.²⁰ It stated that the theoretical character limit for cell broadcast technology is 15 concatenated pages of 90 characters each. However, acknowledging that each message frame takes 1.8 seconds to transmit, it recommended an alert message of two concatenated pages per message for a total of 180 characters.²¹

Verizon Wireless supports the CMSAAC recommendation of a 90-character message limit. The CMSAAC recommendation carefully balanced the character limitations of the various technologies carriers will use to distribute messages, the need to include all of the commercial mobile alert message (“CMAM”) fields of information in the alert message, and the effect on delivery times and accuracy that could result from multiple concatenated pages of messages being sent.²² In particular, the CMSAAC was concerned that sending concatenated pages of messages takes longer to deliver, uses up more network resources, and increases the likelihood that the pages will be received out of order or that only some of the message pages will be received.²³ As a result, customers would not get messages as quickly and may not get complete information.

¹⁹ Purple Tree Comments at 10; NENA Comments at 2-3 (NENA did not recommend an alternative solution).

²⁰ Interstate Wireless, a paging carrier, indicated that the 90-character limit will work, but indicated that paging technologies could accommodate more characters. Interstate Wireless Comments at 3-4.

²¹ CellCast Comments at 27-28.

²² In addition, the paging channel that would be used to deliver messages in a cell broadcast system is also used for call set-up and other network information. Longer alert messages also have the ability to affect network performance by limiting the availability of the paging channel to pass other important information.

²³ See MetroPCS Comments at 3; CellCast Comments at 28; Motorola Comments at 6.

Weighing all these factors, the CMSAAC concluded that limiting the alert message to 90 characters was the only workable solution. The CMSAAC also created a sample CMAM message demonstrating that all alert fields could be included in a 90-character message.²⁴ Because requiring more message characters is not necessary to pass the CMAM message fields and would likely negatively impact delivery times, delivery reliability, and network resources, the Commission should adopt the CMSAAC recommended 90-character limit.

F. The Commission Should Not Require Alert Messages to Include Phone Numbers or Web Addresses.

The FCC seeks comment on whether alert messages should include phone numbers, URLs or other response and contact information in certain commercial mobile alerts.²⁵ The CMSAAC recommended against including a phone number or URL as part of the CMAM. The CMSAAC stated that including such information in the CMAM “would encourage mass access of the wireless network.”²⁶ The CMSAAC members were concerned that the sudden influx of calls and/or data sessions that would result if a phone number or URL was included would overly strain wireless networks during a time when those networks are already likely to be highly congested. AT&T and T-Mobile echoed the CMSAAC recommendation stating that including phone numbers or URLs could cause customers to flood the wireless network resulting in potentially crippling network congestion.²⁷ Only two parties supported the inclusion of a URL or phone number in the

²⁴ CMSAAC Recommendation at 109, Section 10.4.7.

²⁵ NPRM at 7 (para. 20).

²⁶ CMSAAC Recommendation at 54, Section 5.3.2.

²⁷ AT&T Comments at 8-9; T-Mobile Comments at 19-20.

CMAM alert message. The California PUC stated it supported inclusion of a URL and, if feasible, telephone numbers. It argued that network management controls should be able to manage any resulting network congestion.²⁸ NENA likewise commented that including a phone number such as 3-1-1 would be a useful capability. NENA stated it did not want message recipients instructed to dial 9-1-1, however, stating that 9-1-1 should be called only for emergencies.²⁹

Verizon Wireless supports the CMSAAC recommendation that phone number, URLs, or other contact information not be included in alert messages. The CMSAAC fully explored the affects of including such contact information in mobile alerts and concluded that doing so would likely lead to network congestion. While network management tools may be helpful in avoiding congestion in some instances, these tools do not help when traffic volumes exceed the system capacity. The worst thing the Commission could do would be to impose an additional requirement that would risk slowing or blocking the immediate delivery of alerts to consumers.

G. Geo-Targeting Below the County Level Should Not Be Required Except As Provided in the CMSAAC Recommendation.

The CMSAAC stated that while it is the goal of the CMAS for providers to be able to deliver alerts to the area specified by the alert initiator, due to technical limitations “an alert that is specified by a geocode, circle or polygon . . . will be transmitted to an area not larger than the CMSP’s approximation of coverage for the county or counties

²⁸ California PUC Comments at 12.

²⁹ NENA Comments at 3-4.

with which that geocode, circle, or polygon intersects.”³⁰ The CMSAAC further recommended that carriers may elect to target smaller areas. In the interim period before dynamic targeting is available, the CMSAAC recommended that the Alert Gateway operator should identify certain areas with populations exceeding 1 million inhabitants or with other specialized alerting needs for priority consideration for more precise targeting. The CMSAAC also recommended that the FCC encourage DHS/FEMA, in concert with CMSPs, immediately to initiate research, development and testing to develop innovative technologies that will allow CMSPs to transmit geo-targeted alert messages to the public.³¹ The FCC seeks comment on these recommendations in the NPRM.³²

Many parties supported the CMSAAC recommendations regarding geo-targeting.³³ These parties argued that while some carriers may be able to and may elect to more precisely target mobile alerts, a more stringent geo-targeting requirement could delay CMAS implementation, increase carriers costs, stifle innovation, and reduce voluntary participation in CMAS. Parties also commented that more narrowly targeted alerts increase the risk that mobile users that might be affected, such as a subscriber in an automobile that is initially outside the affected area, will not receive a message that could affect that subscriber as the subscriber travels into the affected area. Parties commented that targeting alerts at the county level best balances the goals of including those who

³⁰ CMSAAC Recommendation at 55-56, Section 5.4.

³¹ *Id.*

³² NPRM at 8 (paras. 21-22).

³³ 3G Americas Comments at 6-10; Alltel Comments at 4-5; AT&T Comments at 7; CTIA Comments at 7-9; MetroPCS Comments at 4-5; Nokia and Nokia Siemens Networks Comments at 5; SouthernLINC Comments at 7-9; SprintNextel Comments at 5-7; TIA Comments at 3-4; T-Mobile Comments at 16-17.

might be affected while not being overly inclusive.³⁴ The California PUC supported the CMSAAC recommendation regarding identifying urban areas for more precise targeting and encouraging DHS/FEMA to work with carriers to develop more advanced targeting capabilities.³⁵

Other parties commented that more precise geo-targeting should be required.³⁶ These parties argued, generally, that cell broadcast allows for targeting at the cell-site level, that more precisely targeted messages would ensure that parties at risk are notified while parties outside the affected area are not notified, and that subscribers would not lose faith in alerts by receiving too many alerts that do not affect them.³⁷

Verizon Wireless supports the CMSAAC recommendations regarding geo-targeting. Although cell broadcast technically allows messages to be targeted to a specific cell site, carriers face many challenges in targeting alert messages. No matter what geo-target area size is selected, carriers must pre-determine which cell sites serve that area and manually load that information into the switch before implementing the capability. Since there are more than 3000 U.S. counties,³⁸ mapping cell sites at the county level will take significant resources to accomplish. If geo-targeting were required

³⁴ See CITA Comments at 7-9; MetroPCS Comments at 4-5; TIA Comments at 3-4.

³⁵ California PUC Comments at 16.

³⁶ Acision B.V. and One2many B.V. Comments at 6-7; Alert Systems Comments at 17-18; California PUC Comments at 13-15; Interstate Wireless Comments at 3; NENA Comments at 2; Purple Tree Technologies Comments at 11; Westchester County Comments at 2-3.

³⁷ See California PUC Comments at 13-15; Purple Tree Technologies Comments at 11; Westchester County Comments at 2-3.

³⁸ NIST website, www.nist.gov.

at the zip code level, as recommended by the California PUC, mapping cell sites would require more than 10 times the resources since there are more than 40,000 United States zip codes.³⁹ Requiring carriers to map cell sites to more precise areas than counties, therefore, will increase carrier costs – possibly leading some carriers to elect not to participate – and delay the implementation of CMAS. Moreover, because cell site mapping is a manual process, more mapping presents the possibility for more errors in the mapping process. Also, because carriers are constantly making changes to cell sites to improve coverage or to accommodate additional cell sites, more precise targeting will necessarily increase the workload of network engineers to revisit the mapping to account for these changes.

More precisely targeted messages can also increase latency in the delivery of alert messages. With cell broadcast technology, a separate message must be generated by the switch for each target area. If the target areas are geographically small, an event that affects a large geographic area will require multiple alert messages to be sent by the switch to cell sites in multiple target areas. This increase in data traffic will impose delays in the delivery of alert messages.

Verizon Wireless does not believe setting the baseline for geo-targeting to areas smaller than counties is advisable. Excessively granular alerts can result in under-notifying the public and could create difficulties for alert initiators to determine which areas to include in the “area affected” field. For example, some zip codes only apply to one building and would result in far too granular of an alert in many instances. Targeting alerts at the county level is the best way to ensure that subscribers receive the notice

³⁹ U.S. Census Bureau, <http://censtats.census.gov>.

before it is too late. Finally, Verizon Wireless notes that NOAA targets its weather alerts based on Federal Information Processing Standards (“FIPS”) codes, which are based on counties or their equivalent. The CMSAAC county level targeting proposal is therefore consistent with consumer expectations regarding alert messages.

The CMSAAC recommendation for geo-targeting carefully considered all of the costs and benefits associated with geo-targeting given the current state of technology. The CMSAAC concluded that geo-targeting at the county level, in most circumstances, is the best way to ensure that the right number of subscribers receive the alert notice. The CMSAAC also provided for more precise targeting in large urban areas and a path for attaining more precise targeting capabilities going forward. Given these factors, the Commission should adopt the CMSAAC geo-targeting recommendation in its entirety.

H. Technical Limitations Prevent Providing Alerts in Multiple Languages.

The Commission seeks comment on the CMSAAC recommendation initially to provide alerts only in English. It asks for information regarding how providing alerts in multiple languages will affect the generation and distribution of alerts.⁴⁰ Several parties commented that the CMAS alerting capability should include alerts in alternate languages. These parties stated that message recipients should be able to receive alerts in their language of choice and that sending alerts in multiple languages is technically feasible.⁴¹ Acision B.V. and One2Many B.V. asserted that cell broadcast technology

⁴⁰ NPRM at 9 (para. 24).

⁴¹ Acision B.V. and One2many B.V. Comments at 7; Alert Systems Comments at 18-19; California PUC Comments at 18-20; CellCast Comments at 45-48; Westchester County Comments at 3.

makes 65,000 channels available for message transmission, 999 of which can be activated from the menu of the phone. They claimed that alerts in different languages can be assigned to different channels which could be activated by the subscriber according to his/her language choice.⁴²

The majority of commenters, however, argued that myriad technical challenges prevent CMAS from being able to support transmission of alerts in multiple languages. Carriers, trade associations, and equipment manufacturers supported the CMSAAC recommendation initially only to support transmission of alerts in English.⁴³

Verizon Wireless understands the benefits of providing alerts to the public in their language of choice. It further supports efforts to develop a workable technological solution that will enable generation and delivery of alerts in multiple languages. However, due to the technological challenges that currently exist, Verizon Wireless supports the CMSAAC recommendation to transmit alerts only in English.

In order for alerts to be delivered in different languages, the messages must be sent by the Alert Gateway to carrier networks in the alternate language. This is because wireless provider networks and many handsets do not have the capability to translate messages.⁴⁴ In addition, language translation software that may be present in some devices is not reliable and most cell phones do not support non-Latin character sets. Accordingly, the Alert Gateway must either perform the translation or receive and verify

⁴² Acision B.V. and One2many B.V. Comments at 7. *See also* Westchester County Comments at 3.

⁴³ Alltel Comments at 5-6; AT&T Comments at 15-16; CTIA Comments at 9-10; MetroPCS Comments at 6-7; Motorola Comments at 7-8; Purple Tree Technologies Comments at 12; TIA Comments at 7-10.

⁴⁴ Motorola Comments at 7-8.

the message in the alternate language from the alert initiator. Because some language character sets require 2 Bytes per character, sending messages in such languages would limit messages to 45 characters.

Assuming the Alert Gateway can perform these functions, there are technical challenges to transmitting alerts in multiple languages, particularly over CDMA networks. Contrary to the assertions of Acision B.V. and One2many B.V., cell broadcast over CDMA networks is not capable of sending multiple transmissions simultaneously over different channels. Rather, messages must be sent sequentially.⁴⁵ Each additional language supported therefore requires a separate message to be sent by the Alert Gateway to carrier networks and then delivered to subscribers. The more messages that are sent, the greater the latency in delivering messages and the greater the chances are that the appropriate message will not be received. Moreover, the more messages devices are required to listen to and decipher, the more battery life is depleted. Given these technical challenges, the Commission should not require carriers to support messages in languages other than English at this time.

I. The FCC Should Allow Carrier Flexibility in Providing Notice to Customers About CMAS Capabilities and Should Not Mandate Customer Acknowledgement of Notice Receipt.

The WARN Act requires the FCC, within 120 days after adopting technical rules, to complete a proceeding to allow licensees electing to providing alerts to provide such alerts to subscribers, to require providers electing, in whole or in part, to provide emergency alerts to subscribers to provide clear and conspicuous notice at the point of sale that it will not transmit such alerts, and to require licensees electing not to provide

⁴⁵ See Alltel Comments at 5-6.

alerts to notify existing subscribers of their election.⁴⁶ The CMSAAC, working with CTIA, developed and recommended common language that it proposes be used by carriers to notify new customers at the point of sale and existing customers of the election to transmit alerts in part or not to transmit alerts.⁴⁷ The CMSAAC further recommended that carriers be given the discretion to determine how to provide specific information regarding whether or not they offer CMAS and which devices are or are not capable of receiving wireless emergency alerts. Carriers should also have discretion to determine how to tailor additional notice, if necessary, for devices offered at other points of sale.⁴⁸ The Commission seeks comment on these recommendations and on whether to require more specific notification procedures, including requiring new and existing customers to acknowledge receipt of the notice and to provide notice about particular devices. The Commission also seeks comment on whether notice should be required regarding a carrier election to provide CMAS and on whether service providers should be required to demonstrate that they have met the requirements adopted.⁴⁹

Carriers addressing the customer notice issue were unanimous in their support for the CMSAAC recommendation for flexible notification requirements.⁵⁰ These parties argued that the notice text proposed by the CMSAAC satisfies the WARN Act requirement for clear notice. They explained that different carriers with different

⁴⁶ WARN Act, Section 602(b)(1).

⁴⁷ CMSAAC Recommendation at 28, Section 3.4.2.

⁴⁸ *Id.*, at 27, Section 3.4.1.

⁴⁹ NPRM at 10-11 (paras. 28-30).

⁵⁰ AT&T Comments at 11-14; CTIA Comments at 11-13; MetroPCS Comments at 7-9; Rural Cellular Association Comments at 5-6; SouthernLINC Comments at 11-13.

business models use various methods of providing notice of products and services to customers. Rather than limit carrier notification to a specific method, the Commission should allow carriers to determine what works best, subject to the WARN Act requirement that the notice be “clear and conspicuous.” They argued that carriers should not be required to provide notice of the election to provide CMAS, since such notice is not required under the WARN Act.⁵¹ With respect to compliance, these commenters opposed any requirement for carriers to demonstrate compliance, arguing that the FCC already has enforcement tools to ensure compliance.⁵²

Only two parties recommended more onerous notification requirements for carriers.⁵³ The California PUC recommended that notice of the election to or not to provide alerts should be included in FCC notice requirements. With respect to new customers, the California PUC recommended customer notice procedures similar to the requirements for carrier discontinuance, reduction or impairment of service contained in Section 63.71 of the Commission’s rules, and device notice requirements similar to those required for 911 service in Section 20.18 of the Commissions rules.⁵⁴ Both the California PUC and Wireless RERC supported a requirement that customers acknowledge their receipt and understanding of the notification at the point of sale.⁵⁵

⁵¹ See CTIA Comments at 11-13; Rural Cellular Association Comments at 5-6; SouthernLINC Comments at 11-13.

⁵² See SouthernLINC Comments at 13.

⁵³ California PUC Comments at 20-26; Wireless RERC Comments at 13-14.

⁵⁴ California PUC Comments at 20-24.

⁵⁵ California PUC Comments at 22-23; Wireless RERC Comments at 14.

Verizon Wireless supports the CMSAAC recommendations regarding notification requirements for new and existing customers and opposes the onerous and prescriptive notification recommendations of the California PUC and Wireless RERC. At the outset, Verizon Wireless notes that the Section 63.71 rules the California PUC supports for notice of carrier election not to provide alerts, do not apply to “non-dominant” carriers such as CMRS providers. The Commission should not consider imposing any requirements designed for dominant carriers on the highly competitive CMRS industry.

The need to provide clear and conspicuous notice to prospective and existing customers must be balanced with customers’ desire not to be bogged down in an overly long buying experience where they are required to read and initial several pages of legalese as a prerequisite to purchasing wireless service. To require notice of carrier elections to be acknowledged in writing by customers is contrary to consumers’ interests in convenience and the rapid availability of services. Similarly, existing customers do not want to be inundated with requests from their service provider regarding the services they are already receiving. Accordingly, carriers are constantly trying to balance the need to inform against consumers’ desire for simplicity and speed at the point of sale. Onerous and prescriptive notification requirements eliminate carriers’ ability to strike the appropriate balance.

For this reason, Verizon Wireless opposes any rules requiring new or existing customers to acknowledge receipt of notice. As the Commission is aware, carriers sell their products through a number of outlets, many of which do not involve direct contact with the customer. Accordingly, requiring a particular method of providing notice and requiring customer acknowledgment for new or existing customers is not feasible. The

CMSAAC Recommendation and text proposal fully satisfy the WARN Act requirement for clear disclosure, and the WARN Act requirement for conspicuous notice is sufficient to guide carrier decisions regarding how to convey that notice to subscribers. No additional notice requirements are necessary.

J. CMAS Providers Should Not Be Required to Provide Information About their Network Message Delivery Capabilities to the FCC or to State Authorities.

The WARN Act requires the Commission to establish procedures by which licensees providing CMAS notify the FCC of their election to provide CMAS and agree to transmit alerts in a manner consistent with FCC technical standards.

⁵⁶ The Commission seeks comment on the manner by which service providers shall notify the Commission of their election and attest to their adoption of FCC standards, protocols and procedures. The Commission asks whether carriers should file their election electronically and what information carriers should submit in their report to the Commission.⁵⁷

Very few commenters discussed carrier election filings with the FCC. The Rural Cellular Association supported electronic filing of the carrier election. The California PUC and Wireless RERC supported requiring carriers to file reports with their election notifications including detailed information about how they plan to provide alerts, including information about the carrier's "C" reference point, the CMSP Gateway, the CMSP infrastructure, mobile devices with CMAS functionality, implementation

⁵⁶ WARN Act, Section 602(b)(2).

⁵⁷ NPRM at 12 (para. 33)

timelines; and geographic information about where alerts are available.⁵⁸ The California PUC stated that these reports should be made available to state PUCs.⁵⁹

Verizon Wireless opposes the filing of any report with the carrier election notification to the FCC. The WARN Act merely requires an election notification and an agreement to provide CMAS in accordance with FCC rules. These requirements can easily be met with a simple election filing stating that the carrier agrees to provide CMAS in accordance with the Commission's rules. Carriers deem information about their network capabilities and how they provision service offerings to be competitively sensitive and highly confidential. Including this type of information in carrier election filings, particularly if that information is shared with other entities, presents a substantial risk that competitively sensitive information will become public. Neither the California PUC nor Wireless RERC explain why detailed information about carrier capabilities is necessary, nor why a simple carrier affirmation that it provides CMAS in accordance with the FCC's rules is not sufficient.

⁵⁸ California PUC Comments at 26-27; Wireless RERC Comments at 15.

⁵⁹ California PUC Comments at 26.

II. CONCLUSION

The FCC should adopt the recommendations of the Commercial Mobile Service Alert Advisory Committee in their entirety. Each of the proposed changes to those recommendations made by commenters has already been discussed and considered fully by the CMSSAC. Adopting these changes will only serve to make implementing CMAS more difficult and costly, create the possibility for latency in the delivery of alert messages, and make carriers less likely to elect to provide CMAS.

Respectfully submitted,

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