



## TABLE OF CONTENTS

	<b>Page</b>
I. Commenters Overwhelmingly Agree that the Commission Should Adopt the Recommendations Proposed in the CMSAAC Report. ....	2
II. The Commission Should Reject Proposals Designed to Accommodate Proprietary Technologies and Self-Interested Business Plans.....	6
III. The Commission Should Not Impose Onerous and Potentially Harmful Requirements on Entities That Elect to Participate in the CMAS .....	12
IV. Conclusion. ....	16

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 AT&T INC.**

**INTRODUCTION AND EXECUTIVE SUMMARY**

AT&T Inc., on behalf of AT&T Mobility LLC and its wholly-owned and controlled wireless affiliates (collectively “AT&T”) hereby submits reply comments on the Commission’s *Notice of Proposed Rulemaking* in the above-referenced Commercial Mobile Alert System (“CMAS”) proceeding.<sup>1</sup> As the record in this proceeding demonstrates, the public interest supports adoption without modification of the recommendations of the Commercial Mobile Service Alert Advisory Committee (“CMSAAC”), as detailed in the Commercial Mobile Alert Service Architecture and Requirements Report (“Report”).<sup>2</sup> Consistent with the Report, the Commission should reject technology mandates designed to advance parochial business interests rather than CMAS development and deployment. In addition, the agency should reject proposals to deviate from the CMSAAC Report recommendations by imposing onerous and potentially harmful requirements. Such requirements would only delay and complicate achievement of the

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<sup>1</sup> See *The Commercial Mobile Alert System*, Notice of Proposed Rulemaking, PS Docket No. 07-287 (2007) (“NPRM”). All comments referenced herein were filed on February 4, 2008, in PS Docket No. 07-287, unless noted otherwise.

<sup>2</sup> See *NPRM*, Appendix B, Commercial Mobile Service Alert Advisory Committee Report (“CMSAAC Recommendations”).

WARN Act's objectives while negatively impacting the willingness of wireless carriers to participate.

**I. COMMENTERS OVERWHELMINGLY AGREE THAT THE COMMISSION SHOULD ADOPT THE RECOMMENDATIONS PROPOSED IN THE CMSAAC REPORT.**

Commenters overwhelmingly agree that the Commission should move forward to adopt the CMSAAC recommendations as detailed in the Report.<sup>3</sup> The Report represents the balanced consensus of a diverse group of stakeholders on core issues, and any significant variance from the Report's recommendations on these core issues could affect the ability and readiness of carriers to provide emergency alerts.<sup>4</sup> As expected, the CMSAAC's consensus-building process produced recommendations that have garnered widespread support. The record reflects strong

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<sup>3</sup> See Comments of 3G Americas at 3-6 ("3G Americas Comments"); Comments of the Alliance for Telecommunications Industry Solutions' Wireless Technologies and Systems Committee at 4 ("ATIS Comments"); Comments of Alltel Communications LLC at 1-2 ("Alltel Comments"); Comments of AT&T Inc. at 1 ("AT&T Comments"); Comments of CTIA – The Wireless Association® at 1 ("CTIA Comments"); Comments of Ericsson Inc. at 5 ("Ericsson Comments"); Comments of Motorola, Inc. at 2-3 ("Motorola Comments"); Comments of Nokia and Nokia Siemens Networks at 4 ("Nokia Comments"); Comments of Rural Cellular Association at 1-2 ("Rural Cellular Association Comments"); Comments of SouthernLINC Wireless at 3 ("SouthernLINC Comments"); Comments of Sprint Nextel Corporation at 3-4 ("Sprint Nextel Comments"); Comments of T-Mobile at 5 ("T-Mobile Comments"); Comments of the Telecommunications Industry Association at 2-3 ("TIA Comments"); Comments of Verizon Wireless at 4-5 ("Verizon Wireless Comments").

<sup>4</sup> The Commission should disregard CellCast Technologies' criticisms that the CMSAAC recommendations are *ultra vires* and a failure, as well as Alert Systems Inc.'s uninformed and self-interested request to defer the CMAS rulemaking. See Comments of CellCast Technologies, LLC at 4 ("CellCast Comments"); Comments of Kendall Post, Alert Systems Inc. at 20 ("Alert Systems Comments"). Both commenters' descriptions of the CMSAAC proposals as insufficient and in need of further development are baseless and contrary to the evidence in this proceeding. Commenters representing a wide variety of interests recognize the importance and thoroughness of the Report's recommendations. See *supra* n. 3. Moreover, AT&T fears that if the FCC defers the rulemaking or rejects the Report's recommendations, this may prompt states and large cities to initiate independent activities, which would threaten the future of a national system.

support for the CMSAAC's core findings in the areas of planning and deployment, technical standards and cost recovery.

Commenters broadly support the CMSAAC Report's planning and deployment proposals, including the carrier opt-in process, staged benchmarks, and customer notification.<sup>5</sup> But the record reflects a consensus that wireless carriers will require flexibility as they encounter and address unforeseen but inevitable developments, innovations, and setbacks that arise during CMAS construction. A known constraint that *must* be resolved before carriers offer service is the federal government's successful construction of the "A" interface and the establishment of the Alert Gateway and Alert Aggregator.<sup>6</sup> For these reasons, AT&T concurs with commenters who urge the Commission not to "prescribe a date certain by which a CMS provider must be able to offer emergency alerting."<sup>7</sup> Carriers will also require flexibility in implementing the WARN Act's consumer notification requirements given significant differences in how carriers communicate with their customers.<sup>8</sup>

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<sup>5</sup> See AT&T Comments at 2; Motorola Comments at 9-10; Rural Cellular Association Comments at 6; T-Mobile Comments at 6.

<sup>6</sup> T-Mobile explains that the CMAS cannot "be implemented until the government establishes the Alert Gateway and Alert Aggregator – and works with relevant public safety agencies to have alerts transmitted to the Aggregator in the required protocol." T-Mobile Comments at 7.

<sup>7</sup> Sprint Nextel Comments at 8-9; *see also* T-Mobile Comments at 6-7.

<sup>8</sup> See Comments of the American Association of Paging Carriers at 9-10 ("AAPC Comments"); AT&T Comments at 12-14; CTIA Comments at 11-13; Comments of MetroPCS Communications, Inc. at 7-10 ("MetroPCS Comments"); Rural Cellular Association Comments at 5-6; SouthernLINC Comments at 11-13. Because carriers do not own or control indirect distribution retail outlets, AT&T strongly agrees with MetroPCS that carriers should not be held liable for an indirect distributor's "failure to follow a carrier's [notification] directives provided that the licensee put the distributor on notice and took reasonable steps to prompt compliance." MetroPCS Comments at 8.

The record also reflects widespread support for the CMSAAC Report's technical recommendations. Many commenters acknowledge that cell broadcast appears to hold promise as a reliable GSM and UMTS carrier transport technology for the efficient delivery of timely emergency alerts<sup>9</sup> while urging the Commission to refrain from mandating a transport technology.<sup>10</sup> As to technologies with little promise, commenters overwhelmingly agree that SMS does not allow for the efficient and timely delivery of mass alerts.<sup>11</sup> The record also strongly supports having a single federal government entity serve as the Alert Aggregator and the Alert Gateway, whether it assumes this role directly or via a third party contractor.<sup>12</sup> As commenters note, the CMSAAC Report's recommendation of a single *logical* connection for alert distribution is not the same as a single *physical* connection. The Report proposes a geographically redundant Alert Gateway network architecture with multiple data connections, eliminating any risk of a single point of failure.<sup>13</sup> And commenters agree with the Report's conclusions regarding limiting geo-targeting to the county level.<sup>14</sup>

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<sup>9</sup> See Comments of Acision B.V. and one2many B.V. at 5-6 (filed Jan. 11, 2008) ("Acision Comments"); AT&T Comments at 3; CellCast Comments at 11; Motorola Comments at 3-4; Comments of Purple Tree Technologies at 4 (filed Feb. 1, 2008) ("Purple Tree Comments"); Sprint Nextel Comments at 4; Comments of Westchester County, New York at 2-3 ("Westchester County Comments").

<sup>10</sup> See AAPC Comments at 3; AT&T Comments at 4-5; Ericsson Comments at 5; MetroPCS Comments at 2; Motorola Comments at 5; T-Mobile Comments at 20; TIA Comments at 5.

<sup>11</sup> See Acision Comments at 5; Alltel Comments at 4; AT&T Comments at 4; CellCast Comments at 9-11; T-Mobile Comments at 20.

<sup>12</sup> See Alltel Comments at 4; AAPC Comments at 4; AT&T Comments at 6; T-Mobile Comments at 15.

<sup>13</sup> See AAPC Comments at 5; AT&T Comments at 7. The small number of commenters that express concern over a single point of failure may have misinterpreted Figure 2-1 in the CMSAAC Report. See CMSAAC Recommendations, Figure 2-1. The figure depicts a single  
*Footnote continues on the next page . . .*

The record also reflects a consensus that the Commission should acknowledge handset constraints and limitations in fashioning CMAS requirements. In this vein, commenters oppose extending emergency alerts to legacy devices,<sup>15</sup> and support the CMSAAC recommendation that the Commission initially require alerts only in English.<sup>16</sup> AT&T concurs while also supporting the biennial review committee's further study of the feasibility of supporting additional languages and urging the Commission to develop a national plan on multilingual alerts.

In addition, the record supports a construction of the WARN Act that allows wireless carriers to recover costs incurred in the development of CMAS and in the provision of mobile emergency alerts.<sup>17</sup> As commenters explained, cost recovery for CMAS is consistent with the plain language of Section 602(b)(2)(C) of the WARN Act.<sup>18</sup> The Commission historically has

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line that runs from the Alert Gateway to a wireless carrier. This diagram is a logical, rather than physical, description of the CMAS architecture.

<sup>14</sup> See 3G Americas Comments at 7-8; Alltel Comments at 4-5; AT&T Comments at 7-9; CTIA Comments at 7-9; MetroPCS Comments at 4-5; Nokia Comments at 5; T-Mobile Comments at 16-17; TIA Comments at 4.

<sup>15</sup> See AAPC Comments at 7-8; AT&T Comments at 15; SouthernLINC Comments at 10; TIA Comments at 5-6.

<sup>16</sup> See Alltel Comments at 5-6; AAPC Comments at 8; AT&T Comments at 15-16; CTIA Comments at 9-10; Motorola Comments at 7-8; Purple Tree Comments at 12; T-Mobile Comments at 13-14; TIA Comments at 10. The California Public Utilities Commission's ("CPUC") recommendation that the Commission require the transmittal of alerts in a minimum of six languages is premature given the current technical limitations identified in the record. See Comments of the California Public Utilities Commission and the People of the State of California at 20 ("CPUC Comments").

<sup>17</sup> See AT&T Comments at 18; CellCast Comments at 53; CTIA Comments at 10; Motorola Comments at 8-9; SouthernLINC Comments at 9; Sprint Nextel Comments at 7-8.

<sup>18</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), § 602(b)(2)(C).

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.

**II. THE COMMISSION SHOULD REJECT PROPOSALS DESIGNED TO ACCOMMODATE PROPRIETARY TECHNOLOGIES AND SELF-INTERESTED BUSINESS PLANS.**

AT&T urges the Commission to reject technology mandates in favor of affording wireless carriers the flexibility needed to design, deploy, and evolve the CMAS to meet the emergency alerting needs of the American public. Commenters broadly agree that success of the CMAS is contingent on the FCC following the CMSAAC Report's guidance and allowing carriers the flexibility to choose alert transmission technologies that are compatible with their unique network resources and constraints.<sup>19</sup> Accordingly, the Commission should reject proposals that would force carriers to adopt specific transport technologies,<sup>20</sup> interim alerting solutions, or proprietary technologies with unsubstantiated geo-targeting capabilities. The focus of these proposals is the furtherance of discrete and parochial business plans rather than advancement of the CMAS.

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<sup>19</sup> CMSAAC Recommendations at 5.1 (stating that a "CMSP's networks shall not be bound to use any specific vendor, technology, software, implementation, client, device, or third party agent, in order to meet the obligations under the WARN Act"). *See also* AAPC Comments at 3; AT&T Comments at 4-5; Ericsson Comments at 5 (explaining that the Commission will stunt important alerting advances – such as the use of Multimedia Broadcast Multicast Service ("MBMS") – if the Commission fails to remain technology-neutral); MetroPCS Comments at 2; T-Mobile Comments at 20; Motorola Comments at 5; TIA Comments at 5.

<sup>20</sup> The technologies most often mentioned in the context of CMAS technology mandates are cell broadcast and FM radio. However, to the extent the comments of Interstate Wireless may be construed as proposing that the Commission mandate 900 MHz paging technologies as the CMAS transport technology, AT&T also opposes such a request. *See* Comments of Interstate Wireless, Inc. at 7 (filed Jan. 9, 2008) ("Interstate Wireless Comments").

In particular, the Commission should not mandate cell broadcast for alert transmissions.<sup>21</sup>

Although cell broadcast shows promise for GSM and UMTS, mandating any particular technology would unnecessarily constrain carriers and inhibit the technological evolution of the CMAS. Every technology is subject to limitations. In the case of cell broadcast, the fact that the technology is in limited deployment in networks and mobile handsets,<sup>22</sup> has the potential to drain handset batteries,<sup>23</sup> and has been subject to limited field testing<sup>24</sup> all counsel against a transport technology mandate. CellCast's field tests conducted with Einstein Wireless in Wisconsin do little to resolve these concerns about the viability and scalability of cell broadcast in a national

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<sup>21</sup> See CellCast Comments at 11-13; Comments of the Cellular Emergency Alert Systems Association at 2 (“CEAS Association Comments”).

<sup>22</sup> AT&T believes it is important to correct the CEAS Association's inaccurate statement that the NPRM recognized that cell broadcast could serve as an “immediate solution” in the CMAS. See CEAS Association Comments at 2. Neither the NPRM nor the CMSAAC recommendations state that cell broadcast is an immediate solution.

<sup>23</sup> The Commission should disregard Acision and one2many's assertion that cell broadcast no longer suffers from battery consumption problems. See Acision Comments at 5 (citing Karin Axelsson and Cynthia Novak, Bachelor's Thesis, “Cell Broadcast as a Global Warning System (June 2007)). The research these cell broadcast proponents rely on for support – a bachelor's thesis – has been studied by mobile phone vendors and deemed invalid because: (1) the researchers did not use a statistically valid set of samples; (2) a single configuration was used that did not represent the configuration used by major U.S. operators; and (3) the study tested a few high end phone models but failed to examine commonly used lower-priced devices.

<sup>24</sup> Acision and one2many reference a small field study conducted by the Dutch Ministry of Internal Affairs that determined that cell broadcast could be a viable technology for warning purposes in the Netherlands. See Acision Comments at 5. But the implementation and deployment issues for a country the size of the Netherlands are completely different than the implementation and deployment issues faced by national carriers in the United States. In the Netherlands, the subscriber base is 7-8 million people, and cellular providers operate over 5,000 cell sites. This dwarfs in comparison to AT&T's 70 million subscribers and over 40,000 cell sites.

alert system.<sup>25</sup> For these reasons, the agency should reject CellCast's proposed requirement<sup>26</sup> that carriers produce information about their ability to support cell broadcast.<sup>27</sup> This proposal would invert the relationship between carriers and vendors and put carriers in the position of justifying a decision not to purchase a particular product. With respect to cell broadcast-equipped handsets that currently may be available in the marketplace, AT&T notes that such devices lack full CMAS capabilities as proposed in the CMSAAC Report. Instead of focusing on a particular technology, consistent with the WARN Act and the recommendations of the CMSAAC, the Commission should direct its efforts to defining the capabilities of the CMAS and afford carriers discretion as to technology choice.

Likewise, the Commission should reject proposals to mandate the use of proprietary and incompatible FM radio capabilities into the CMAS and individual handsets.<sup>28</sup> FM radio alerting

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<sup>25</sup> See CellCast Comments at 15 (urging the Commission to bypass the necessary carrier-conducted field testing and mandate cell broadcast immediately). The conclusions drawn from the Wisconsin trials are of limited value in assessing the adequacy of cell broadcast as a nationwide transport method because of the small size of Einstein Wireless' network and the small number of individuals that participated in the trials.

<sup>26</sup> See *id.* at 12 (asking the Commission to require carriers to "provide details on the costs and time lines for activation of cell broadcast functionality in their networks" as well as "an analysis of their ability to support, in a timely manner, the receipt, transport, and transmission of emergency alert messages using cell broadcast technology and the activation of cell broadcast functionality in existing mobile handsets").

<sup>27</sup> To the extent CellCast suggests that all AT&T phones support cell broadcast, it is factually inaccurate. See *id.* at 13 (stating that in CellCast's "recent trip to an AT&T Wireless storefront [it] found that nearly every mobile handset on display was configured with the cell broadcast feature enabled"). AT&T does not offer cell broadcast anywhere in its service area, and any cell broadcast capabilities found on mobile devices used on AT&T's network have not been tested or validated on the network. Accordingly, AT&T cannot guarantee the operation of the cell broadcast capabilities found on those devices.

<sup>28</sup> See Comments of DataFM, Inc. at 3 ("DataFM Comments") (requesting that the Commission "require the inclusion of an RDS chip in all newly marketed cellular telephones and  
*Footnote continues on the next page . . .*

methods, including those proposed by DataFM and Global Security Systems, are neither feasible nor practical for cellular devices for a variety of reasons.<sup>29</sup> To begin with, most current handsets lack FM radio capabilities. Of the current family of AT&T handsets, less than 10% have FM capability, and such capability is not included in future handsets that AT&T, with its vendors, is already developing for future sale in the U.S. market. Moreover, handsets that possess FM capability do not have the Radio Data Broadcast System (“RBDS”) or Radio Data System (“RDS”) capabilities that FM radio proponents would rely on for broadcasting alerts.

Significant technical constraints also limit the utility of FM radio as an emergency alerting solution. The large FM antennas needed to receive alerts do not fit into individual handsets. Mobile users would need to carry or wear an additional device to receive FM radio alerts. Currently, cell phone users with FM radios address this problem by wearing headsets when using the FM radio – the headset cord serves as the FM antenna. But this is not a practical, everyday solution for most mobile device users. Additionally, FM radio alerting methods would significantly drain the battery life of mobile devices. To be effective, the FM receiver would need to be turned on at all times, tuned to the proper station in the subscriber’s current location, and constantly listening for the data burst containing the alert. And FM radio solutions would have limited value for mobile users located in rural areas. FM stations frequently do not provide coverage in such areas.

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require non-commercial educational FM radio stations to install the necessary equipment to broadcast RDS based emergency alerts”); *see also* Initial Comments of Global Security Systems, LLC (“Global Security Comments”).

<sup>29</sup> We agree with Rural Cellular Association that, as a threshold matter, the Commission should not mandate FM radio or RBDS because these technologies “were not presented for detailed analysis by the [CMSAAC’s] Communications Technology Group”. Rural Cellular Association Comments at 2, n. 6; *see also* CellCast Comments at 19 (opposing RBDS).

Moreover, FM radio technologies, including those proposed by DataFM and Global Security Systems, are unsuitable for the CMAS given the directive of the WARN Act. The WARN Act charges the Commission with developing a system for the voluntary transmission of alerts by commercial mobile service providers. But FM radio technologies are not used to provide CMRS. These services are offered by firms like Global Security Systems and DataFM that do not provide interconnected service. Because these services are not under the control of CMRS providers, they fall outside the scope of the WARN Act.

Imposing an interim technology mandate – as SquareLoop proposes – is no more viable than longer term mandates. SquareLoop urges the Commission to require wireless carriers to utilize SquareLoop’s non-CMSAAC compliant interim emergency alert technology upon request by a public safety entity.<sup>30</sup> As an initial matter, the WARN Act establishes aggressive timelines for CMAS development and deployment. Directing resources to interim solutions would only delay and complicate achievement of the WARN Act’s desired end state. In addition, the fact that SquareLoop’s technology is not CMSAAC-compliant<sup>31</sup> renders it inappropriate for the CMAS on an interim or long term basis. The WARN Act requires carriers that participate in the CMAS to follow the standards, procedures, and protocols adopted by the Commission, and makes liability protection contingent upon compliance.<sup>32</sup> By relying on a non-CMSAAC compliant technology, SquareLoop’s proposal would deny carriers the benefit of the WARN

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<sup>30</sup> See Comments of SquareLoop, Inc. at 9 (“SquareLoop Comments”).

<sup>31</sup> See *id.* (SquareLoop acknowledges that its technology does not operate “according to the proposed CMSAAC standard.”).

<sup>32</sup> WARN Act, § 602(b)(2)(B)(ii),(e)(1).

Act's liability protection and thereby decrease, if not eliminate, carrier participation in the CMAS.

Finally, the Commission should reject Purple Tree Technologies' ("Purple Tree's") self-serving and technically infeasible proposal for more granular geo-targeting<sup>33</sup> and instead adopt the CMSAAC Report's county-level recommendation. Purple Tree fails to recognize that cellular is only one of a number of technologies that will support emergency alerting capability within the CMAS. As service providers and equipment manufacturers explain, various platforms, including paging and iDEN technologies, cannot geo-target below the county level and may have problems even achieving county-level compliance.<sup>34</sup> Imposing mandates inconsistent with the capabilities of the technologies in use would delay the roll-out of CMAS and reduce voluntary participation. The CMSAAC Report allows for carriers, on a voluntary basis, to pursue more precise geo-targeting to the extent their technology permits<sup>35</sup> without imposing a rigid, one-size-fits-all approach.

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<sup>33</sup> Purple Tree Technologies has designed a system that "targets alerts to a very specific geographic area, even a specific display and a shopping mall." *See* Purple Tree Comments at 2.

<sup>34</sup> *See, e.g.*, AAPC Comments at 6-7 (explaining that "it may not be feasible for paging carriers to confine alerts transmitted over their systems to either a county-wide or subcounty distribution"); SouthernLINC Comments at 7-9 (explaining that 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"); Nokia Comments at 5; Sprint Nextel Comments at 6; T-Mobile Comments at 16; 3G Americas Comments at 7-8; TIA Comments at 4.

<sup>35</sup> *See* Alltel Comments at 4-5 (noting Alltel's plan to target areas smaller in size than counties).

**III. THE COMMISSION SHOULD NOT IMPOSE ONEROUS AND POTENTIALLY HARMFUL REQUIREMENTS ON ENTITIES THAT ELECT TO PARTICIPATE IN THE CMAS.**

The Commission should reject proposed deviations from the CMSAAC Report recommendations that would complicate and hamper development and implementation of the CMAS. Specifically, the Commission should reject proposals to: (1) include call-back information in emergency alerts; (2) require EAS-style end-to-end testing in a mobile environment; (3) mandate interoperability between the CMAS and EAS; or (4) compel carriers to secure consumer acknowledgment of a carrier's election not to participate in the CMAS. Imposition of any of these requirements would increase the cost, complexity and time needed to deploy the CMAS without countervailing benefits.

The Commission should reject proposals to require call-back contact information or URLs in emergency alerts. The California Public Utilities Commission ("California PUC") suggests that the Commission consider adding an element for a URL and telephone numbers, "if doing so will not cause congestion in the network."<sup>36</sup> However, as the California PUC recognized with this caveat, adding URLs and telephone numbers to alerts would lead to harmful network congestion and potential network failure. Additionally, such a requirement may discourage participation in the CMAS because some technologies may not have the capability to include this additional information.

Likewise, the Commission should reject any testing requirements in excess of the CMSAAC recommendations. The additional requirements that commenters propose are unnecessary and would constrain network resources. A few commenters request that the

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<sup>36</sup> CPUC Comments at 3, 12.

Commission adopt monthly end-to-end testing, similar to that used for EAS.<sup>37</sup> As commenters opposing new testing requirements note, EAS employs vastly different technologies than the CMAS and the EAS does not operate in a mobile environment.<sup>38</sup> The Commission explicitly carved wireless out of its EAS regime,<sup>39</sup> and commenters have provided no basis for revisiting that decision.

The Commission also should reject calls for CMAS/EAS interoperability.<sup>40</sup> Such a requirement would needlessly increase the cost and complexity of the CMAS design process. AT&T agrees with the National Association of Broadcasters and the Association For Maximum Service Television, Inc. that “[a]lthough the two systems are not directly compatible, they can co-exist as complementary components of a ‘National Alert System’ as envisioned by the

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<sup>37</sup> See Purple Tree Comments at 14. See also CPUC Comments at 29; Comments of Wireless RERC at 17-18 (“Wireless RERC Comments”).

<sup>38</sup> See AAPC Comments at 10; AT&T Comments at 16-18; Nokia Comments at 5; T-Mobile Comments at 22; TIA Comments at 8.

<sup>39</sup> See *Review of the Emergency Alert System*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625 (2005) (limiting participation in the EAS to providers of digital television and radio, digital cable, and satellite television and radio); see also *Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief*, Second Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 13275, 13279, ¶ 8 (2007) (choosing not to “address commercial wireless carrier participation in EAS” in the Order “in light of the passage of the WARN Act”).

<sup>40</sup> See CellCast Comments at 56 (suggesting CMAS can be hierarchically deployed and include interfaces for EAS); Alert Systems Comments at 20 (suggesting the CMAS should be fully compatible with, and integral to a National Alert System). AT&T also believes it is unnecessary to convene an additional federal advisory committee to develop an approach to integrate EAS and CMAS, as suggested by Wireless RERC. See Wireless RERC Comments at 18.

President . . . [I]t is unnecessary for the Commission to mandate compatibility between CMAS and EAS.”<sup>41</sup>

While not opposing alternative architecture proposals for portions of the CMAS before the C Reference point, AT&T urges the Commission to reject any proposal that would require more than one connection to wireless carriers.<sup>42</sup> The CMAS concept is only feasible if there is a single logical connection to wireless carriers. While state and local agencies may participate in the initiation of alerts, distribution of alerts to wireless carriers should not be fragmented. AT&T would approve of a network architecture that includes regional aggregators that funnel alerts to a central aggregator. But a single, federal Alert Aggregator and Gateway should distribute alerts to wireless providers. The CMAS network architectures proposed by CellCast,<sup>43</sup> DataFM, Inc.<sup>44</sup> and Interstate Wireless, Inc.,<sup>45</sup> by contrast, would require wireless carriers to support a minimum

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<sup>41</sup> Comments of National Association of Broadcasters and The Association For Maximum Service Television, Inc. at 3 (filed Feb. 5, 2008).

<sup>42</sup> See Westchester County Comments at 3 (suggesting one way to streamline the system and avoid the risks associated with a single point of failure would be to expand the role of state and county emergency agencies and create sub alert aggregators); Interstate Wireless Comments at 2 (suggesting an alternative solution that would have each state serve as a “State Gateway”).

<sup>43</sup> See CellCast Comments at 23-25 (proposing an architecture that allows states and localities to opt-out of participation in the national CMAS, to send messages directly to wireless carriers, and to send messages that concern a wide-range of topics, including beach and traffic conditions).

<sup>44</sup> See DataFM Comments at 13. See also Global Security Comments at 16 (suggesting state and local entities must be involved in the aggregation of messages).

<sup>45</sup> See Interstate Wireless Comments at 2 (suggesting an alternative solution where the national aggregator would be responsible for only the presidential and national alerts, and the national gateway would send everything down to the state gateways, which would send the alerts).

of 51 interconnections and possibly as many as 4,000 state, county and local interconnections. Such proposals are simply not viable and should be rejected.

Finally, the Commission should reject the unnecessary and cumbersome notification requirements proposed by the California PUC.<sup>46</sup> The California PUC proposes that the Commission prescribe VoIP-like notification requirements – including obtaining individual customer acknowledgements – for carriers that elect not to provide CMAS.<sup>47</sup> As AT&T noted in its opening comments, such a requirement is unnecessary given the long lead time between carrier elections and the initial provision of emergency alert capability.<sup>48</sup> Consistent with the CMSAAC Report recommendation,<sup>49</sup> the Commission should instead afford carriers flexibility in implementing the WARN Act’s customer notification requirements.

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<sup>46</sup> The Commission also should reject Wireless RERC’s excessive and unworkable proposal that carriers provide constant updates to the FCC regarding their CMAS participation. *See* Wireless RERC Comments at 15.

<sup>47</sup> *See* CPUC Comments at 21-24. The California PUC also suggests that providers that discontinue CMAS service should be required to post a public notice in their retail outlets and on their websites and that the Commission should prescribe specific procedures (including verification of customer receipt) that carriers must follow when informing customers that they may terminate subscriptions without penalties or ETFs. *Id.* at 22-28. All of these proposals are burdensome and unnecessary.

<sup>48</sup> *See* AT&T Comments at 13-14.

<sup>49</sup> CMSAAC Recommendations at 3.4.1.

**IV. CONCLUSION.**

For the foregoing reasons, the Commission should adopt the recommendations of the CMSAAC report without modifications.

Respectfully submitted,

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