

**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 CTIA – THE WIRELESS ASSOCIATION®

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TABLE OF CONTENTS

	Page
I. INTRODUCTION AND SUMMARY	1
II. THE OVERWHELMING MAJORITY OF COMMENTS SUPPORTS ADOPTION OF THE CMSAAC’S RECOMMENDATIONS AS PROPOSED	2
III. ADOPTION OF NON-CMSAAC PROPOSALS WILL HINDER THE DEVELOPMENT OF THE CMAS.....	3
A. Geo-targeting beyond the county level is not appropriate at this time	4
B. Incorporation of multiple languages into the CMAS is not currently feasible.....	7
C. The Commission should not impose prescriptive, unnecessary notification requirements on CMAS providers.....	9
IV. CONCLUSION.....	12

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I. INTRODUCTION AND SUMMARY.

CTIA – The Wireless Association® (“CTIA”)¹ hereby submits these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Notice of Proposed Rulemaking* in the above-captioned proceeding.² The vast majority of commenters support expeditious adoption of the Commercial Mobile Service Alert Advisory Committee’s (“CMSAAC”) recommendations³ as submitted in their entirety. As demonstrated by CTIA and other commenters, the CMSAAC report adopted by a consensus group representing public safety, Federal, state and local governments, broadcasters, and wireless carriers and manufacturers, represents the best possible plan for the implementation of a Commercial Mobile Alert System

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, Advanced Wireless Service, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

² *The Commercial Mobile Alert System*, Notice of Proposed Rulemaking, FCC 07-214 (Dec. 14, 2007) (“NPRM”).

³ *See generally*, NPRM at App. B: Commercial Mobile Alert Service Architecture and Requirements (Oct. 12, 2007). (“CMSAAC Report”)

("CMAS"). The Commission, therefore, should reject several proposals that go beyond the CMSAAC Report. Specifically, the Commission should reject calls for geo-targeting beyond the county level, the incorporation of multiple languages into the CMAS at this time, and overly prescriptive notification requirements.

II. THE OVERWHELMING MAJORITY OF COMMENTS SUPPORTS ADOPTION OF THE CMSAAC'S RECOMMENDATIONS AS PROPOSED.

The vast majority of commenters in this proceeding urge the Commission to adopt the CMSAAC recommendations.⁴ In supporting the CMSAAC report, these commenters recognized that the CMSAAC struck the right balance in weighing various interests to develop a workable plan that can be implemented within a reasonable period of time to the largest possible number of wireless customers. They agree that the carefully considered and fully-vetted proposals in the CMSAAC report represent the strongest option for developing a successful CMAS with significant wireless carrier participation. For example, Sprint Nextel notes that the "CMSAAC has fully and faithfully discharged its obligations under the WARN Act and has presented the FCC with a readily achievable

⁴ See generally, Comments of CTIA – The Wireless Association ("CTIA Comments"), Comments of 3G Americas ("3G Comments"), Comments of the Alliance for Telecommunications Industry Solutions' Wireless Technologies and Systems Committee ("Alliance Comments"), Comments of Alltel Communications LLC ("Alltel Comments"), Comments of AT&T Inc. ("AT&T Comments"), Comments of Cellcast Technologies, LLC ("Cellcast Comments"), Comments of Ericsson Inc. ("Ericsson Comments"), Comments of Motorola, Inc. ("Motorola Comments"), Comments of Nokia and Nokia Siemens Networks ("Nokia Comments"), Comments of Rural Cellular Association ("RCA Comments"), Comments of SouthernLINC Wireless ("SouthernLINC Comments"), Comments of Sprint Nextel Corporation ("Sprint Comments"), Comments of SquareLoop, Inc. ("SquareLoop Comments"), Comments of T-Mobile ("T-Mobile Comments"), Comments of Telecommunications Industry Association ("TIA Comments"), Comments of Verizon Wireless ("Verizon Comments") (all comments were filed in PS Docket 07-287 on Feb. 4, 2008).

CMAS that should enable most mobile carriers to opt-in and provide emergency alert functionality to their customers.”⁵

Moreover, most of these commenters—along with CTIA—urge the Commission to adopt these recommendations in their entirety without modification.⁶ As the record demonstrates, timely adoption of the CMSAAC recommendations in the rulemakings mandated by the WARN Act is important to the successful deployment of CMAS. Work already has begun to develop industry standards to implement CMAS. Any significant modifications of the CMSAAC recommendations would slow the development and rollout of CMAS.⁷ Furthermore, as several commenters note, the WARN Act limits the Commission’s authority to regulate the development of CMAS by mandating that the Commission adopt rules based on the CMSAAC proposal.⁸ The Commission must follow the unique process prescribed by Congress and adopt the CMSAAC’s recommendations, which are consistent with Congress’s intent.

III. ADOPTION OF NON-CMSAAC PROPOSALS WILL HINDER THE DEVELOPMENT OF THE CMAS.

Despite the CMSAAC’s comprehensive process that considered the views of every class of stakeholder, several entities present alternative proposals for CMAS in their comments – whether they are seeking incorporation of specific technology

⁵ Sprint Comments at 3-4.

⁶ See, e.g., CTIA Comments at 5-6, 3G Comments at 3-6, Alltel Comments at 1-2, AT&T Comments at 1, Ericsson Comments at 5, Motorola Comments at 3, RCA Comments at 1-2, Sprint Comments at 3-4, T-Mobile Comments at 5, TIA Comments at 2-3, Verizon Comments at 4-5.

⁷ See CMSAAC Report at 109 (§ 12.2.1).

⁸ See Alltel Comments at 1-2, Nokia Comments at 5, RCA Comments at 3, Sprint Nextel Corp. at 9-10, Verizon Wireless at 6.

solutions,⁹ different geographic targeting standards,¹⁰ or multiple language CMAS alert capabilities.¹¹ Many of these proposals were considered and dismissed at this time by the CMSAAC.¹² In addition, if adopted, these proposals will hinder both the development and implementation of the CMAS. Therefore, the Commission should reject commenters' proposals that are inconsistent with the CMSAAC report, including mandatory geo-targeting beyond the county level, the transmission of alerts in multiple languages at this time, and overly prescriptive notification requirements.

A. Geo-targeting beyond the county level is not appropriate at this time.

The Commission should require geo-targeting at the county level as the CMSAAC suggested, rejecting more granular geo-targeting. While some commenters support geo-targeting at a zip code level to advance their own specific technology

⁹ See, e.g., Comments of Cellcast Technologies LLC (“Cellcast Comments”), Comments of Purple Tree Technologies (“PTT Comments”), Comments of DataFM, Inc. (“DataFM Comments”) (all comments were filed in PS Docket 07-287 on Feb. 4, 2008).

¹⁰ See, e.g., Comments of the American Association of Paging Carriers, Comments of the California Public Utilities Commission (“CPUC Comments”), Comments of Cellcast Technologies LLC (“Cellcast Comments”), PTT Comments, Comments of Interstate Wireless, Inc. (“Interstate Wireless Comments”), Comments of DataFM, Inc. (“DataFM Comments”) (all comments were filed in PS Docket 07-287 on Feb. 4, 2008).

¹¹ See, e.g., Comments of Acision B.V and One2Many B.V. at 7 (“Comments of Acision”); CPUC Comments at 18-20; Cellcast Comments at 45-47, DataFM Comments at 13; Comments of Global Security Systems, LLC, at 12; Kendall Post, Alert Systems, Inc., at 18-19; Comments of Wireless RERC at 12 (“Wireless RERC Comments”) (all comments were filed in PS Docket 07-287 on Feb. 4, 2008).

¹² See *infra* Sections III (A) – (C). In addition, for example, the CMSAAC considered and dismissed Radio Broadcast Data System (“RBDS”) as a technology that could be used to satisfy CMAS and determined it was not an appropriate solution. See Transcript of Proceedings: Federal Communications Commission Commercial Mobile Services Alert Advisory Committee Meeting (Oct. 3, 2007) at 98-99, <http://www.fcc.gov/pshs/docs/advisory/cmsaac/pdf/meeting-transcript100307.pdf> (last visited Feb. 13, 2008).

solution,¹³ others discount the technical complexities involved and simply assert that zip code targeting will be easier to administer.¹⁴ As detailed below, however, the Commission should reject these requests. Instead, the Commission should continue to monitor this issue and address it as technology evolves.

First, the Commission should reject calls for technology-specific solutions, and instead should continue to embrace technology-neutral solutions.¹⁵ This approach will allow carriers and manufacturers to develop and utilize the technology best suited for their particular networks and encourage future improvements without additional Commission intervention. Although some wireless providers may have the capability for more specificity, many, such as paging systems and systems using multi-county cell sites, do not.¹⁶ Nothing in the CMSAAC report precludes wireless providers from transmitting

¹³ See, e.g., Cellcast Comments at 38; Comments of Acision at 5-6, and DataFM Comments at 12.

¹⁴ See, e.g., Interstate Wireless Comments at 3, 7; NENA Comments at 2; CPUC Comments at 14-15.

¹⁵ See, e.g., *Wireless E911 Location Accuracy Requirements*, Report and Order, 22 FCC Rcd. 20105, ¶13 (2007) (rejecting calls to require carriers to use specific location technologies); *IP-Enabled Services*, Report and Order, 22 FCC Rcd. 11275, 11296 (¶ 43) (2007) (rejecting calls to mandate implementation of a specific technology and instead finding that IP-enabled service providers should have the flexibility to “select the most economical and efficient means of implementing 711 access, based on their network architecture”).

¹⁶ As the American Association of Paging Carriers states, “Historically, paging carriers have engineered their networks and service offerings to reflect the mobility needs and traffic patterns of their customers.... As a result, it may not be feasible for paging carriers to confine alerts transmitted over their systems to either a county-wide or sub-county distribution.” Comments of the American Association of Paging Carriers at 7.

alerts on a more geo-targeted basis.¹⁷ In fact, the report specifically references that carriers may choose to target alerts to a more granular area.¹⁸

Second, the Commission should adopt the CMSAAC's recommendation on geo-targeting as it represents the most efficient means of deploying CMAS at this time. As indicated above, more granular geo-targeting is simply not technically possible for some providers. For other providers, more precise targeting may be economically infeasible.¹⁹ Indeed, as Sprint notes, implementation of geo-targeting on even a county-wide basis will be challenging considering the number of cell sites that must be mapped and geo-coded.²⁰ The adoption of more stringent geo-targeting obligations at this time could discourage participation in the CMAS because carriers are not able to provide geo-targeting at such a granular level.²¹ Moreover, geo-political county boundaries will be more familiar to consumers than zip code boundaries. The CMSAAC recommendations provide the best balance between system effectiveness, technological limitations, and as a result, CMRS carrier participation.²²

¹⁷ For example, although Alltel supports adoption of geo-targeting at the county-level as recommended by the CMSAAC, it notes its plans to target CMAS alerts to areas smaller than counties. *See, e.g.*, Alltel Comments at 4-5.

¹⁸ *See* CMSAAC Report at 52 (§ 5.4).

¹⁹ Comments of MetroPCS Communications, Inc., PS Docket 07-187 at 4 (filed on Feb. 4, 2008)(“MetroPCS Comments”).

²⁰ *See* Sprint Comments at 6.

²¹ *See, e.g.*, Alltel Comments at 4-5, MetroPCS Comments at 5, SouthernLINC Comments at 8-9.

²² *See, e.g.*, CTIA Comments at 7, AT&T Comments at 9.

Third, the Commission should not mandate geo-targeting beyond the county level at this time in deference to the balance established by the WARN Act.²³ The WARN Act is designed to encourage participation by carriers so that the CMAS will be deployed in a timely and efficient manner. The CMSAAC developed its recommendations in this area based on the level of specificity that can be implemented by the largest number of wireless providers. Recognizing this, the CMSAAC adopted proposals that carefully balanced the needs of all affected parties—allowing for parties to develop more technically advanced capabilities for mobile alerts if and when circumstances permit.

Although the Commission should not require granular geo-targeting beyond the county at this time, the Commission and the wireless industry should continue to consider this issue and address it as technology evolves. Wireless providers agree that transmitting alerts to narrower audiences is a laudable long-term goal. To achieve this goal, the wireless industry and the Alert Gateway operator should develop a list of areas as priorities for geo-targeting. As recommended by other commenters, the Commission can then study more specific geo-targeting as part of the CMSAAC’s suggested biennial review process.²⁴

B. Incorporation of multiple languages into the CMAS is not currently feasible.

As many commenters recommended, transmitting emergency alerts in multiple languages should not be required at this time due to the inherent complexities and

²³ See Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Pub. L. 109-347, Title VI-Commercial Mobile Service Alerts, §603(b) (2006) (“WARN Act”).

²⁴ See, e.g., CTIA Comments at 8-9, 3G Comments at 8, Sprint Comments at 7, T-Mobile Comments at 17, TIA Comments at 5. See also CMSAAC Report at 53 (§ 5.4).

technical limitations implicated.²⁵ These complications are found in every level of wireless service from air interfaces that may not be able to handle different languages to wireless devices that cannot accommodate additional character sets. Most importantly, transmitting emergency alerts in multiple languages would significantly increase the amount of data capacity wireless providers would need to send emergency alerts at a single point in time, which could overload wireless providers' systems.

The Commission therefore should reject several commenters' requests that alerts be disseminated in multiple languages.²⁶ These commenters discount the complexities and technical limitations inherent in providing emergency alerts over wireless networks. For example, these commenters generally overlook the need for the system aggregator to translate messages and the additional time and network burden associated with transmitting additional messages. Indeed, one commenter proposing the incorporation of multiple languages acknowledges that there may be accuracy and latency issues.²⁷

Despite the substantial technical challenges, the Commission and the wireless industry should strive to transmit emergency alerts to as many subscribers as possible. Maximizing the effectiveness of the system requires that parties continue to work toward

²⁵ See, e.g., Alltel Comments at 5, Comments of the American Association of Paging Carriers at 8, AT&T Comments at 15-16, MetroPCS Comments at 6, Motorola Comments at 7-8, PTT Comments at 12, T-Mobile Comments at 13, TIA Comments at 8-9.

²⁶ See, e.g., Acision Comments at 7 (recommending the use of an alternative alert transmission mechanism that the CMSAAC rejected for unrelated reasons); CPUC Comments at 20 (asserting that alerts should be provided in 6 languages); Cellcast Comments at 45-47; DataFM Comments at 13; Comments of Global Security Systems, LLC at 12; Kendall Post, Alert Systems, Inc. at 18-19; Wireless RERC Comments at 12 (suggesting that wireless providers should use translation software to provide alerts in additional languages).

²⁷ See Wireless RERC Comments at 12.

providing alerts in multiple languages. Therefore, as recommended by the majority of commenters, the Commission should accept the CMSAAC's proposal that it commit to studying this issue as technology evolves as part of a biennial review process.²⁸ In particular, the Commission should develop a national plan that provides alert initiators at the federal, state, and local levels guidance on issuing multilingual alerts.²⁹ By developing a standardized, national plan for all alert initiators, all alerts will reach the Gateway in a standardized format ready for delivery without translation, thereby ensuring a more efficient deployment of multi-lingual alerts.

C. The Commission should not impose prescriptive, unnecessary notification requirements on CMAS providers.

As stated by CTIA and others in initial comments, the Commission should afford wireless carriers flexibility in determining the best means of notifying customers of CMAS participation by adopting the CMSAAC's recommendations. In doing so, the Commission should reject the overly prescriptive notification proposals as unnecessary and needlessly burdensome.

Numerous commenters stressed the importance of allowing carriers flexibility in notifying their customers.³⁰ AT&T correctly noted that “[a]dding additional detail to the WARN Act's prescription is unnecessary and would become exceedingly complicated

²⁸ See, e.g., Alltel Comments at 5, AT&T Comments at 15-16, Motorola Comments at 7-8, TIA Comments at 10. See also CMSAAC Report at 58 (§ 5.7).

²⁹ See AT&T Comments at 16.

³⁰ See, e.g., AT&T Comments at 12, Comments of the American Association of Paging Carriers at 9, Comments of MetroPCS at 7-8, SouthernLINC Wireless Comments at 11-13; T-Mobile Comments at 10-11.

because of the many and changing ways in which wireless service is sold.”³¹

SouthernLINC Wireless also stated that “carriers have different business models and communicate with their subscribers using a variety of methods,” and therefore “the FCC should refrain from adopting specific requirements for each carrier, regardless of the carrier’s size, business model, or customer preferences.”³² Allowing carriers the flexibility to determine the most effective way of notifying customers will ensure that clear and conspicuous notice is efficiently provided to new and existing subscribers.

Commission-prescribed notice procedures are inappropriate and would be ineffective in reaching the goals of the CMAS. The California Public Utilities Commission (“CPUC”) has asked the FCC to require a notification regime analogous to that required of VoIP providers for enhanced 911 service.³³ As an initial matter, such rules should not serve as a guideline because they were created in response to a specific issue that is inapplicable to CMAS. In its *IP-Enabled Services Order*, the Commission stated that its notice requirements were motivated by concerns that VoIP subscribers’ “reasonable expectations they have developed with respect to availability of 911/E911 services via wireless and traditional wireline telephones may not be met when they utilize interconnected VoIP services.”³⁴ For this reason, the notice requirements in that proceeding were tailored to the notion that customers may have faulty assumptions about the availability of 911 services on their IP-enabled phones. Such a concern is not present

³¹ AT&T Comments at 12.

³² SouthernLINC Wireless Comments at 12.

³³ CPUC Comments at 24.

³⁴ *IP-Enabled Services*, First Report and Order and Notice of Proposed Rulemaking, 10 FCC Rcd 10245, ¶ 48 (2005) (“*IP-Enabled Services Order*”).

here, as a clear and conspicuous point of sale notice as this effort is being launched will prevent similar confusion or assumptions.

As CTIA noted in its initial comments, the CMSAAC has drafted model language for use by wireless providers to notify subscribers of their alert system decision, and wireless providers are already bound by statute to provide point of sale notice.³⁵ Any further requirements imposed by the Commission would have little benefit and would burden carriers and subscribers. For example, the CPUC proposed rules that customers should be required to indicate their understanding that their provider does not offer emergency alerts and sign a document to that effect.³⁶ Such a requirement places an unnecessary burden on consumers and will be impossible for carriers to enforce.³⁷ In turn, carriers will be unable to complete the required verification to the Commission that customers acknowledged the notice. The notification regime envisioned by the CPUC is more likely to serve as an unnecessary drain on carriers' resources and annoy consumers.

Instead of forcing wireless providers to provide notice by a particular means and obtain acknowledgement, the Commission should allow carriers flexibility to furnish consumers with the information needed to make an informed decision regarding their carrier choice. By adopting the CMSAAC's recommendations regarding notifications, the Commission will ensure that wireless subscribers are promptly and properly notified of their carrier's CMAS participation status.

³⁵ CTIA Comments at 12.

³⁶ CPUC Comments at 25.

³⁷ Moreover, enterprise and family-plan accounts include multiple subscribers, but notice would only be acknowledged by a single account holder.

IV. CONCLUSION

For the reasons discussed above as well as those placed into the record in CTIA's prior comments, the Commission should adopt the CMSAAC report's recommendations in their entirety without delay.

Respectfully submitted,

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