

Reply Comments on Notice of Proposed Rulemaking  
Docket 07-287, February 19, 2008  
DataFM, Inc.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In re )  
 )  
The Commercial Mobile Alert System ) PS Docket No. 07-287  
 )  
To: The Commission )

***REPLY COMMENTS ON NOTICE OF PROPOSED RULEMAKING***

DataFM, Inc. (“DataFM”), by its counsel, and pursuant to FCC Rule Section 1.415, replies to the comments filed in response to the Commission’s Notice of Proposed Rulemaking, FCC 07-214 (December 14, 2007) (“NPRM”) in this proceeding. In support, the following is shown.

In its opening comments, Data FM explained that it is currently operating an emergency alert system with capabilities far superior to and which can be integrated with the proposed CMAS system. The DataFM system is a multi-use, point to multi-point communication system which provides early warnings and alerts that are both geographic and demographic specific. It can provide messages down to the household level, essentially as a point to point system. DataFM uses the existing ubiquitous FM radio infrastructure to provide personalized notification of appropriate action necessary to mitigate loss of life and property. *See generally* [www.dataFM.com](http://www.dataFM.com).

DataFM's comments endorsed the Commission's goal to ensure that all Americans have the capability to receive timely and accurate alerts, warnings and critical information concerning impending disasters and other emergencies irrespective of technology. Data FM explained that although the CMSAAC proposals are a step in the right direction, there are inherent limitations in a warning alert system based solely on CMS. DataFM explained that additional provisions need to be made to provide for the most robust and ubiquitous warning system. DataFM urged that in adopting technical standards in this rulemaking the Commission should strive to accommodate technologies like DataFM's, which offer the public such enhanced features as point to multipoint transmission, demographic addressability and extended message capability. Specifically, DataFM requested the Commission to require the inclusion of an RDS chip in all newly marketed cellular telephones and similar electronic devices, and require non-commercial educational FM radio stations to install the necessary equipment to broadcast RDS based alert messages.

Review of the comments filed in response to the NPRM plainly support DataFM's comments. The National Association of Broadcasters ("NAB") and the Association for Maximum Service Television, Inc. ("AMST") echo DataFM's concern that the 90 character limit of the proposed CMAS system is inadequate. Moreover, those comments point out the potential for substantial latency in the CMAS system. NAB/AMST Comments at 2-3. *See also* Comments of American Association of Paging Carriers at 3. They urge, as does

DataFM, that the Commission consider utilizing the RDS system for distributing warnings to mobile phones and other devices that can be equipped with FM receiver chips because RDS can provide an efficient means for distributing emergency warnings to a targeted audience. Indeed, as DataFM demonstrated, it does present emergency warnings to targeted audiences now. This is confirmed by the attached letter from the Director of the National Office of Disaster Services of Antigua and Barbuda. Exhibit 1, hereto. In fact DataFM's system appears to be the only system to date which has provided emergency warning messages on a demographic as well as geographic basis.

The Comments of Global Security Systems, LLC ("GSS") largely mirror DataFM's comments. GSS appears to have developed an RDS based system similar to DataFM's, and notes the various advantages of the use of the currently built-out FM radio service and RDS technology over the limited utility of the proposed CMAS alert system. GSS Comments at 5-12. Likewise, GSS expounds on the limitations of the Digital Emergency Alert System, including lack of redundancy and coverage limitations. GSS Comments at 13-14.

The comments submitted by the National Emergency Number Association ("NENA") are particularly of interest. NENA points out that the proposed county-level targeting for geographic based warnings is problematic. NENA explains that greater precision and

flexibility is necessary. NENA Comments at 2.<sup>1</sup> As DataFM, explained in its comments, a system such as its, provides the capability to target down to a single household.

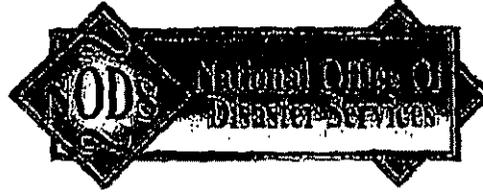
Finally, as the AAPC Comments point out (at 3) the future will likely see several warning and alerts systems placed in operation using various technologies. It is therefore essential that the standards and procedures the FCC adopts be carefully tailored not to preclude the operation of these various systems -- including systems already in service -- each of which has its particular advantages and limitations. The goal should be a warning and alert system which is integrated to the task of getting messages out to those who need to know as fast as possible, as efficiently as possible, and as comprehensible as possible to prevent loss of life and property when disaster strikes or is about to strike.

As shown by DataFM's comments and the comments of others in this proceeding, the bulk of the recommendations of the CMSAAC are well founded and should be adopted. However, it would be a mistake to rely solely upon the proposed CMAS warning system. With the existing national FM infrastructure in place, a system such as DataFM's can establish a national warning canopy extremely cost effectively with greater utility than the proposed CMAS system, including demographic based and secure messaging. That system is already in operation in the Carribean and in the state of Georgia. Technical protocols for

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<sup>1</sup>Likewise NENA questions that the 90 character limit proposed for the CMAS system may be inadequate. NENA Comments at 2-3.



**GOVERNMENT OF ANTIGUA AND BARBUDA**

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February 1, 2008

Hon. Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

RE: DataFM, Inc. and PS Docket 07-287

Dear Chairman Martin:

I am the Director of the National Office of Disaster Services of Antigua and Barbuda. I understand the Federal Communications Commission is exploring how best to implement in the United States a comprehensive warning and alert system.

I am writing you to advise you concerning our experience with a wonderful warning and alert system which has been donated to our islands as a result of the good graces of the Anglican Church. That system is operated by an American company called DataFM, Inc.

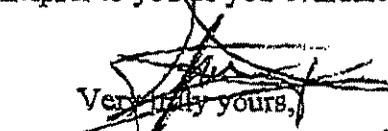
The DataFM system was installed in 2006 as a tsunami warning system, the first in the Caribbean. Is it also used for coordination of all emergency medical responders on the islands.

On November 29, 2007, an earthquake struck the Caribbean. We suffered resulting outages of our cell phone service, wireline telephone service, cable TV service, electrical power, Internet service, and television service.

However, the DataFM system, which was installed in our public buildings, police stations, fire stations, and other emergency responder locations, was operable and allowed us to send messages to our emergency services personnel. This gave them the information they needed to properly respond to the emergencies then occurring on the islands.

We have thus experienced first hand the benefits a warning and alert system can provide. I hope this information is helpful to you as you evaluate how best to implement your own warning and alert system

Very truly yours,

  
Philmore Mallett  
NODS Antigua