

April 8, 2008

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Docket No. PS Docket No. 07-287 – Notice Of Ex-Parte Communication**

Dear Ms. Dortch:

In accordance with Sections 1.1206 and 1.1204(a)(10) of the Commission's Rules, 47 C.F.R. §§1.1206 and 1.1204(a)(10), at the request of Ms. Angela Giancarlo, Chief of Staff and Senior Legal Advisor to Commissioner Robert M. McDowell, the undersigned, on behalf of Global Security Systems, LLC ("Global"), had a teleconference with Ms. Giancarlo on April 7, 2008.¹ During the teleconference, we generally discussed Global's position on certain issues raised in the Reply Comments in the referenced Docket concerning FM-radio-based alert technologies, including Global's RBDS-based Alert FM System. The undersigned referred Ms. Giancarlo to the attached materials, which had previously been filed in this Docket in connection with earlier ex parte notices, as reflective of those positions.

Global is electronically filing this notice using the Commission's Electronic Filing System for inclusion in Docket No. 07-287.

Sincerely,



Paul C. Besozzi
Counsel to Global Security Systems, LLC

cc: Matthew Straeb
Angela Giancarlo

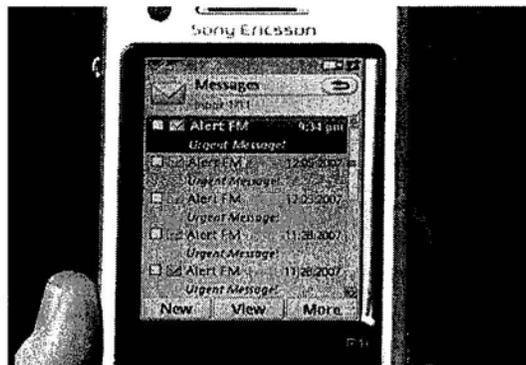
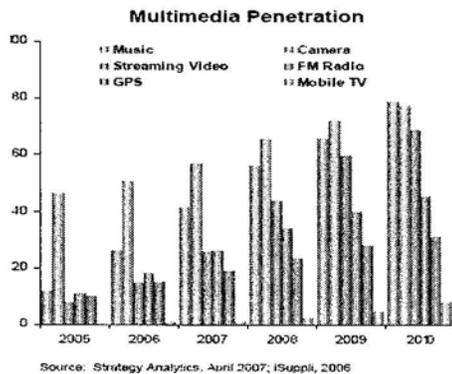
¹ Ex parte contacts initiated by Commission during the Sunshine period are permissible. 47 C.F.R. § 1.1204(a)(10).

Discussion Points

1. **Who Is Global Security Systems (“GSS”)?** – GSS provides emergency and personal alert messaging services in connection with alerts initiated by federal, state and local agencies. The technology uses the FCC-approved Radio Broadcast Data System (“RBDS”) standard over FM radio subcarrier frequencies. GSS participated as a member of CMSAAC and filed Initial and Reply Comments in the proceeding.
2. **GSS Does Not Seek Mandate Of Specific Technology** – GSS is not advocating that the Commission mandate that wireless carriers use a specific technology to satisfy CMAS requirements; carriers should be given flexibility. This is consistent with the legislative intent, expressed in the Senate amendment that became the WARN Act, that a national alert system “shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts.” The statutory language that was adopted does not restrict what technology commercial mobile service providers may use to provide alerts to their customers. Indeed the NPRM itself stresses the Commission’s commitment to “enhance the redundancy, reliability and security of emergency alerts...by *requiring that alerts be distributed over diverse communications platforms.*” NPRM, ¶4. FM-radio-based systems employing the RBDS standard should be included in the candidate mix.
3. **FM-Radio-Based Technologies Are Not Outside The Scope Of The WARN Act** – FM-radio-based alert delivery technologies are consistent with, and not outside the scope of, the WARN Act. The legislative history of the WARN Act does not support the conclusion that Congress intended to exclude such technologies from consideration and, therefore, such an exclusion would be an overly narrow reading of that intent. If such were the case, there would be no reason for the Commission to consider alternate transport technologies. The restriction of technologies would be inconsistent with what the Commission concedes is one of its “*highest priorities*” – “*ensuring that all Americans have the capability to receive timely and accurate alerts.*” NPRM, ¶3.
4. **There Should Be Single Federal Alert Aggregator And Gateway** – GSS agrees that a single Federal agency or third-party contractor should be responsible for aggregating Federal alerts. FEMA raises the question of whether there is existing authority for that entity to “develop, implement, operate, or maintain elements of the CMAS that regard alerts, warnings or notifications originated by State and Local authorities.” Obviously, once such authority is in place, since many such alerts are local in nature, the designated Alert Aggregator and Gateway must develop a cost effective and technically feasible way to coordinate with such authorities if CMAS is to be able to deliver such alerts. If FEMA declines to act as the Federal Alert Aggregator and Gateway then GSS supports the selection of another appropriate Federal agency.

5. **RBDS Technologies Do Not Impair Or Interfere With Handset Operations** – As the Commission itself observes “*much of the alert technology will reside in the subscriber’s mobile device.*” NPRM, ¶38. Employment of the RBDS standard using the FM radio subcarrier frequencies does not impair handset operations.

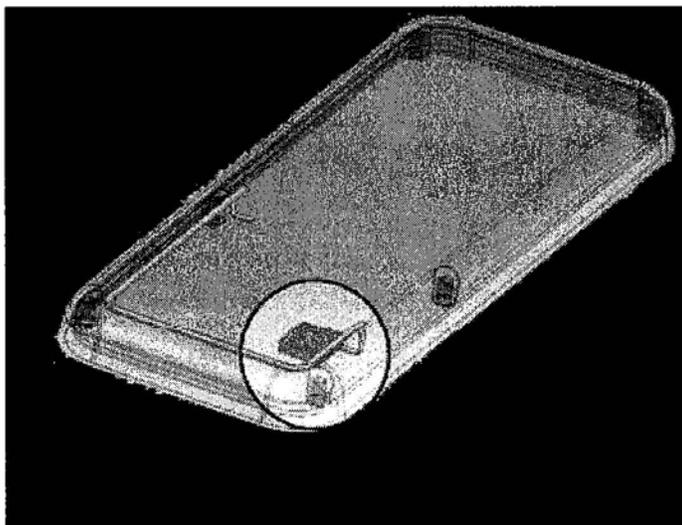
a. **Increasing the Cost And Size Of Handsets** – The addition of an FM chip has no impact on handset size and such a chip costs \$.80 to \$1.00 in large quantities. Based on GSS’ research to date, there are more than 50 models of handsets on the market today that have FM radio chips (See <http://www.visualradio.com/vr/phones.htm>) and reportedly handsets with that capability have over 35% market penetration (Figure 1, Strategy Analytics, 2007 Report and iSuppli, 2006 Report – included in GSS Initial Comments).



b. **Creating Radio Frequency Issues With Handset Performance** – There are no unique or special radio frequency issues that would justify the Commission’s exclusion of RBDS-based options; the RF circuitry for FM-capable handsets is similar in design and implementation to Bluetooth, GPS and other common features on handsets available for purchase in today’s marketplace.

c. **Impact On Battery Life** – Based on GSS’ research, on average, RBDS-based technologies using an FM chip consume 3% of daily battery power. RBDS-based-testing was conducted on a feature-rich and commonly used handset manufactured by one of the top three providers. Other proposed technologies (e.g., cell broadcast) would also use battery power.

d. **Requirements For Second Or Different Antenna** – There are solutions to any antenna requirements. Currently, handset manufacturers installing FM chips apparently rely on two antenna configurations: (1) attached headset acts as an antenna or (2) integrated wire antennas which are actively tuned to reduce the cost and footprint of the antenna in the handset (See http://rfdesign.com/mag/radio_miniature_fm_antenna/ and http://rfdesign.com/microwave_millimeter_tech/laird-fm-antenna-0913/ - see below). This antenna arrangement demonstrates the redundancy benefit of RBDS-based technologies. With a second RF channel to support FM-based reception, a handset will receive alert signals even if cell tower base stations fail due to overloading, inclement weather, damage or power loss.



- e. **Longer Time To Deploy Than Cell Broadcasting** – FM-radio-based technologies are proven and operating today. Even the supporters of cell broadcasting say that it is not yet ready for CMAS.
- f. **Use Of Zip Codes To Distribute Alerts** – FM-radio-based alerts can be distributed on a geographic basis other than zip codes.
7. **GSS Does Not Advocate Mandating FM Chips In Handsets** – Consistent with its position on mandating a specific technology, GSS is not asking the FCC to mandate the inclusion of FM radio chips in handsets. As noted above, many handset models already include such chips and demand is apparently growing for handsets with FM radio capabilities.
8. **FCC Has Discretion In Adopting CMAS Rules** – Congress did not require that the FCC be a mere rubber stamp for CMSAAC in adopting CMAS rules. If that were the case, this proceeding would have been totally unnecessary. The WARN Act does not direct the FCC to adopt the CMSAAC recommendations as the CMAS rules. The Commission has discretion to shape the rules “based on the recommendations” of the CMSAAC. The Commission itself specifically asks for “*alternatives to the CMSAAC’s recommendations.*” (NPRM, ¶6).