

June 24, 2008

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

Re: *Ex Parte Presentation*, PS Docket No. 07-287

Dear Ms. Dortch:

On June 23, 2008, Brian Josef, Director, Regulatory Affairs, CTIA – The Wireless Association® (“CTIA”), spoke by telephone with Jeffery Goldthorp, Chief, and Jean Ann Collins, Deputy Chief, of the Communications System Analysis Division in the Public Safety and Homeland Security Bureau. During the conversation, the parties discussed a potential ambiguity in the Commercial Mobile Alert System (“CMAS”) testing procedures proposal submitted by CTIA on May 23, 2008.¹ Out of an abundance of caution and to eliminate the potential for any confusion, CTIA hereby requests that the Commission strike the CTIA-proposed language under Section 10.500(h), which adds a provision to the mobile device rules regarding the capability for mobile devices to receive required monthly tests (“RMTs”), if possible.

In CTIA’s May 23rd Proposed Language for CMAS Testing Rules, CTIA suggested adding a new Section 10.xxx addressing testing procedures. Specifically, Section 10.xxx(e) states that “Mobile devices supporting CMAS shall not be required to support reception of the RMT. A Participating CMS Provider may provide mobile devices with the capability for receiving RMT messages.” In addition, CTIA proposed adding a new Subsection (h) to the existing “General Requirements” Section 10.500, to read: “CMAS mobile device functionality is dependent on the capabilities of a Participating CMS Provider’s delivery technologies. Mobile devices are required to perform the following functions: ... (h) Providing the capability for mobile device reception of RMTs, if any.”

CTIA’s Proposed Language for CMAS Testing Rules intended to make clear that the mobile device shall not be required to support RMTs, but nevertheless would provide participating carriers the flexibility to offer devices that are capable of receiving RMTs. CTIA understands that the suggested Section 10.500(h) may render this intent unclear. Accordingly, CTIA asks the Commission to strike Section

¹ See Letter from Brian M. Josef, Director, CTIA – The Wireless Association®, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated May 23, 2008.

10.500(h). CTIA submits that the suggested language in Section 10.xxx(e) accurately reflects its intent and represents a clear, workable testing rule for participating carriers.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Brian M. Josef

Brian M. Josef

cc: Lisa Fowlkes
Jeffery Goldthorp
Jean Ann Collins