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Lisa Fowlkes

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 Sent: Thursday, April 10, 2008 6:11 PM
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 Subject: FW: Text change 2

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Introduction:

2.

- *Initial implementation:* **In accordance with the timeline recommended by the CMSAAC,** participating CMS Providers **must begin development and testing** according to these rules no later than 10 months from the date the FCC announces the selection of a Federal Government entity to perform the Alert Aggregator and Alert Gateway functions required to implement the CMAS.

G. Timeline for Implementation of Technical Requirements, Standards and Protocols.

92. In its recommendations, the CMSAAC proposed a specific timeline for the implementation of the CMAS. According to the CMSAAC, it would take a minimum of 24 months from the date by which CMS providers must elect to participate in the CMAS under section 602(b)(2)(A) of the WARN Act) to deploy the

CMAS.^[1] The CMSAAC proposed deployment timeline was based upon the assumptions that (1) the CMSAAC recommendations contained within this document are accepted without any major technical changes and (2) the government documentation and deliverables are available at the milestone dates indicated on the timeline. In this regard, the CMSAAC also assumed that the requirements, development, and deployments of the Alert Gateway and Alert Aggregator would align with the CMS provider developments to allow for testing during the development process and prior to CMAS deployments. The CMSAAC recommended timeline assumed that Federal Government interface specifications would be available in January, 2008, 10 months before CMAS development and testing was to begin.

93. At the outset we note that the majority of commenters that addressed the issue supported the CMSAAC's proposed deployment timeline.^[2] Further, in its comments, FEMA asked the Commission not to adopt an effective date for these rules until all legal issues regarding the Federal government's role in the CMAS have been identified and resolved. In making this request, FEMA provided no indication as to when it believes such issues may be resolved.^[3]

94. Issues related to the CMSAAC proposed timeline fall under the election provisions of section 602(b) of the WARN Act, and so are not strictly within the purview of this initial technical order that complies with section 602(a). However, we agree with the CMSAAC that the Alert Aggregator and Alert Gateway must be in place in order for CMS providers to complete development of the CMAS and to begin receiving and transmitting emergency alerts.

95. Accordingly, **in accordance with the CMSAAC proposed timeline,** CMS providers must **begin development and testing** to the technical rules we adopt today no later than 10 months from the date of announcement of an entity to provide the Alert Aggregator and Alert Gateway functions **and availability of the**

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Government/Interface Design specifications. This time period is consistent with the 10 months the CMSAAC proposed timeline indicates would elapse between the availability of the Aggregator/Gateway interface design specification and the beginning of CMAS development and testing. We believe that this will give the government and industry stakeholders sufficient time to **begin development, including** the federal government's role. It will also give electing CMS providers adequate time to come into compliance with the rules adopted herein.

§ 10.11 CMAS Implementation Timeline.

Notwithstanding anything in this part to the contrary, a Participating CMS provider shall **begin development and testing** with the rules in this part no later than 10 months from the date of announcement by the FCC of an entity or entities to provide the Alert Aggregator and Federal alert gateway functions **and availability of the Government Interface Design Specifications. The Alert Aggregator and Federal alert gateway functions shall be available to the Participating CMS provider no later than 22 months from the date of announcement by the FCC of an entity or entities to provide the Alert Aggregator and Federal alert gateway functions.**
