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EX PARTE MEMORANDUM

February 26, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 – 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: International Comparison and Consumer Survey Requirements in the
Broadband Data Improvement Act, GN Docket No. 09-47;
A National Broadband Plan for our Future, GN Docket No. 09-51;
Deployment of Advanced Telecommunications Capability
to All Americans in a Reasonable and Timely Fashion, GN Docket No. 09-137;
Universal Service Contribution Methodology, WC Docket No. 06-122

Dear Ms. Dortch:

Representatives of the American Association of Paging Carriers (AAPC) yesterday met with John Giusti, Chief of Staff to Commissioner Copps, concerning wireless broadband access policies and reform of the contribution methodology for funding the Universal Service Fund (USF), as those issues relate to the National Broadband Plan under development by the Commission. The AAPC representatives included Roy Pottle, President, Scott Forsythe, Immediate Past President and member of the Executive Committee; Ted McNaught, Past President and member of the Executive Committee; and the undersigned as Counsel to AAPC.

At the meeting, AAPC summarized information concerning the status of the paging industry today, including innovative emergency alerting and command and control services the industry currently provides with paging technology; and it discussed why the broadcast protocol employed in paging technology makes it uniquely fast and reliable for emergency alerting applications. AAPC urged that the wireless component of the National Broadband Plan provide for meaningful access by entrepreneurs like paging carriers, so that they can develop new service offerings for their clientele such as the health care industry, industrial and school campuses, utilities, and local and state first responder and home security agencies.

AAPC stated that it would be inconsistent with “competitive neutrality” to adopt a “Numbers” contribution methodology, in light of the vast difference in Average Revenue Per Unit (ARPU) realized by a paging carrier and by a cellular/PCS carrier; and that it likewise is inconsistent with “competitive neutrality” for paging carriers (who are not eligible for ETC status or high cost support) to continue contributing to USF so that cellular/PCS carriers can obtain funds to build out their competitive services in rural areas. AAPC therefore urged the Commission to reassess the

Marlene H. Dortch, Secretary

February 26, 2010

Page Two

underlying equities of the USF contribution policies as part of its overall reform of the USF program.

Attached are copies of the handouts provided to Mr. Giusti during the meeting.

Respectfully submitted,

s/Kenneth E. Hardman

Enclosures

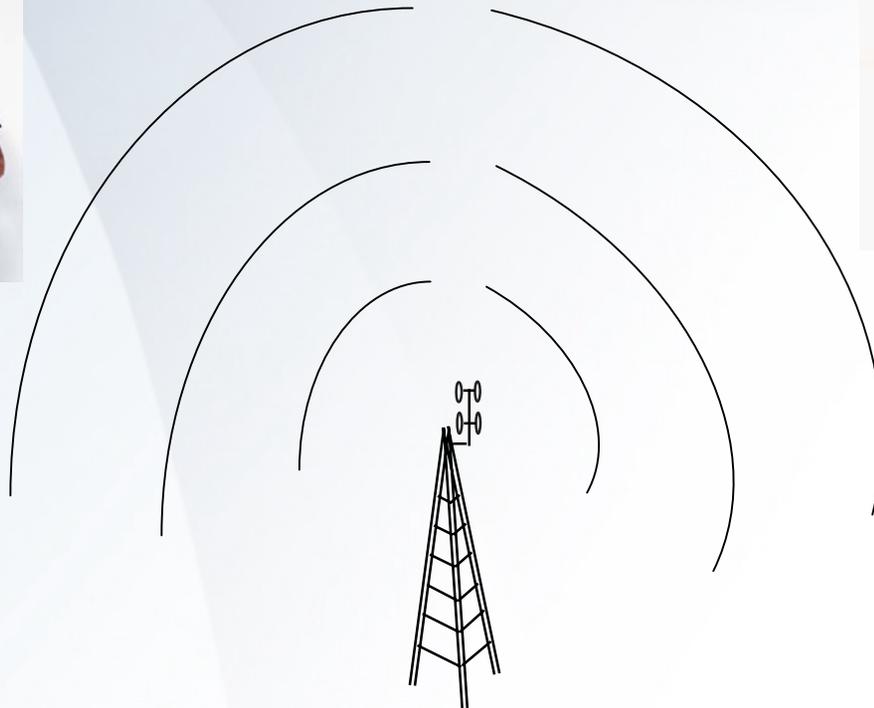
cc: John Giusti, Esq.

AMERICAN ASSOCIATION OF PAGING CARRIERS
GN Docket Nos. 09-47, 09-51, 09-137; WC Docket No. 06-122
February 25, 2010

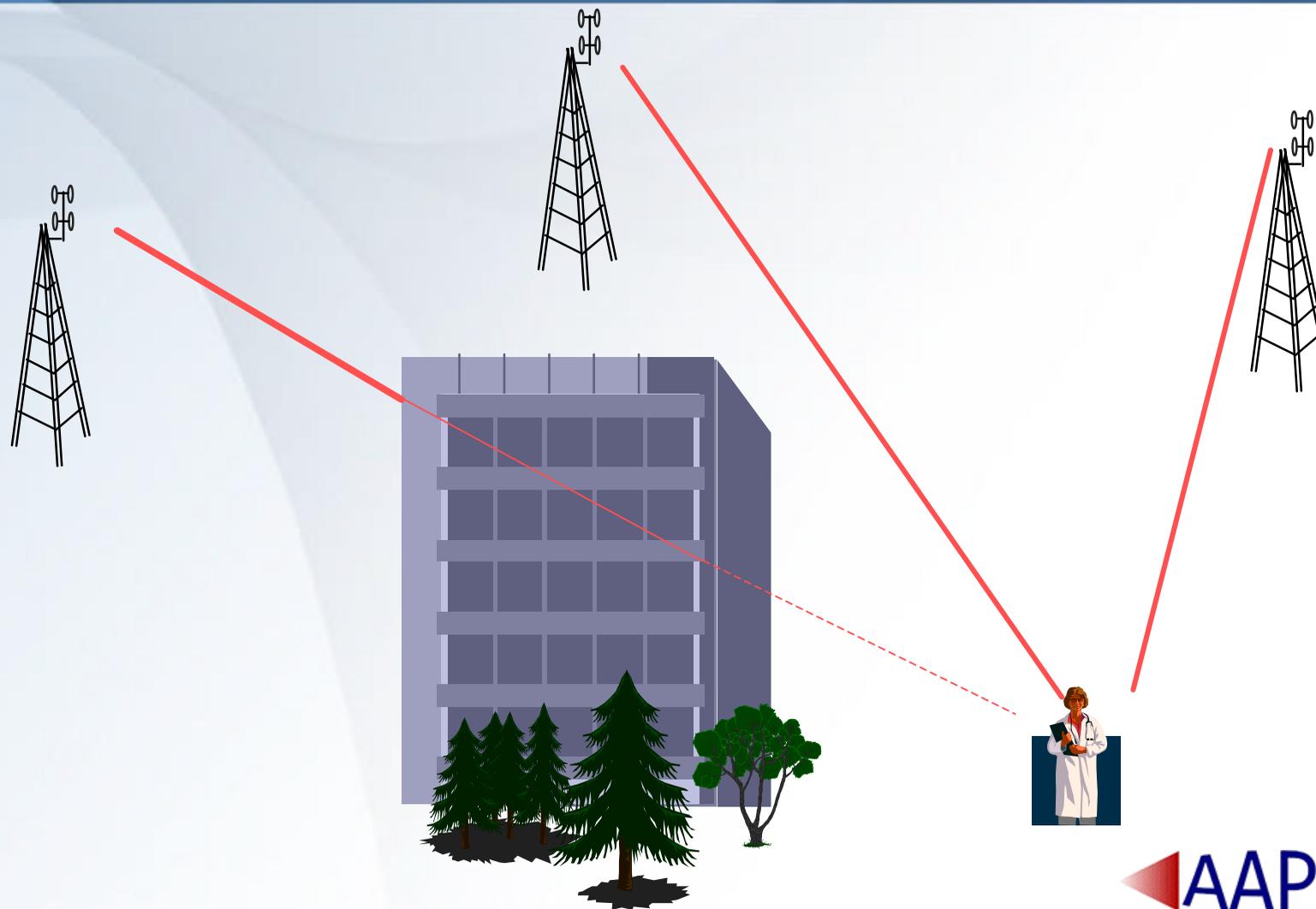
- * Paging industry continues to serve approximately 7 million customers nationwide (12/31/08)
- * Predominant customer base includes health care industry, including hospitals, doctors and EMT services; first responder police and fire departments; and critical infrastructure agencies such as energy utilities
- * Paging still is one of the fastest and most reliable mass alerting technologies for use during public emergencies
- * The Commission's "competitive neutrality" policy in Universal Service Fund (USF) matters is directly applicable to the wireless industry in the context of contribution methodology
 - * Paging ARPU is approximately \$8 monthly, compared to more than \$50 ARPU for cellular/PCS
 - * Basing USF contributions on a fee per telephone number unreasonably favors cellular/PCS over paging
 - * Cellular/PCS carriers are substantial recipients of USF disbursements, while paging carriers are not eligible for ETC status
 - * Appropriate contributions to USF are made by the end users placing pages; paging services themselves should not be separately assessed for contributions

Messaging with Group Call

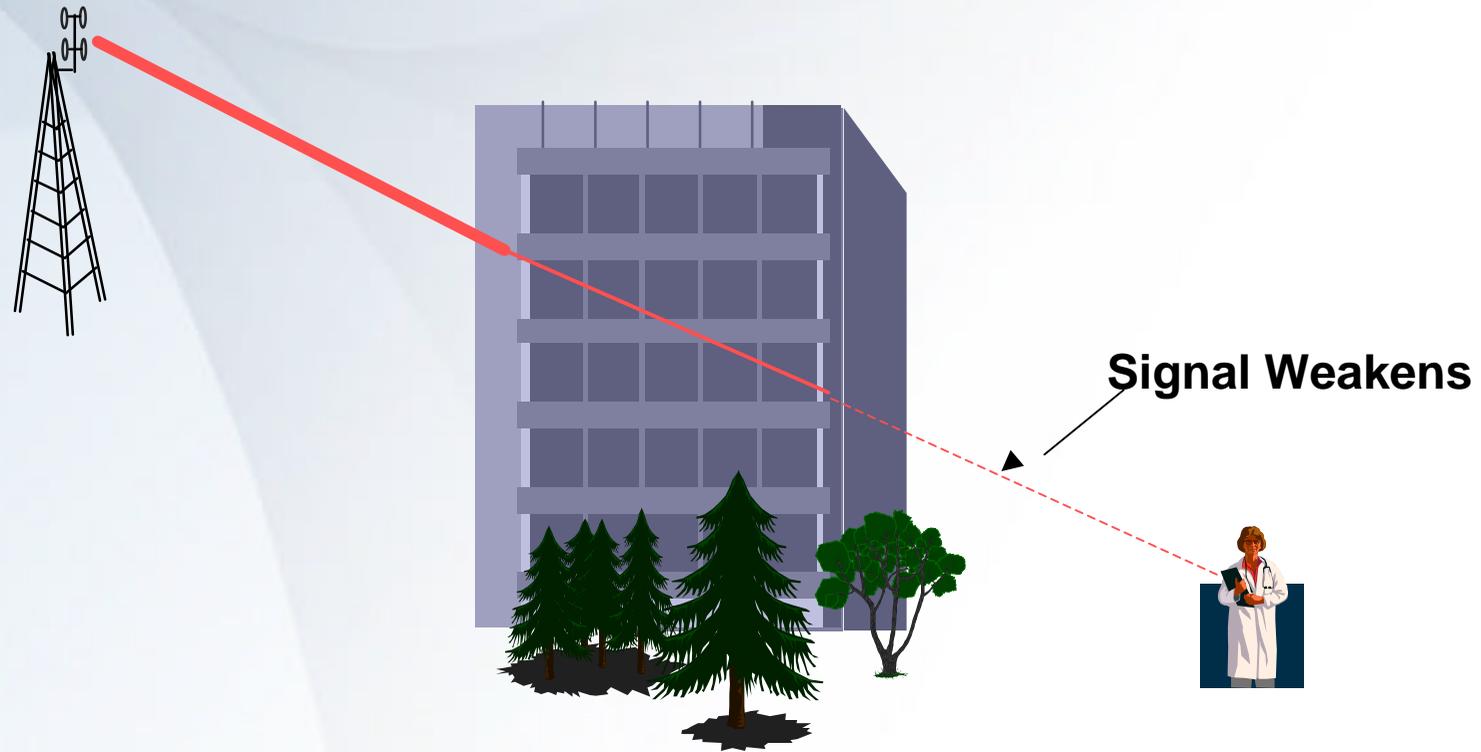
- ▶ A common message is sent simultaneously to many responders
- ▶ Significantly reduces response time



Simulcasting via Paging Significantly Improves Messaging Reliability



Single Transmitter Solution Used in Cellular Systems



Why Paging in Emergency Situations?

▶ Performance -- Messages must reach intended recipients

- ▶ Paging technology uses a unique “One-to-Many” feature to broadcast “GROUP CALL” messages that all paging devices can receive at the same time.
- ▶ Radio paging systems can easily provide solid reception in outdoor areas by simply adding transmitter sites to expand outer perimeters and to fill in areas where signals are weakened by obstructions or rugged terrain.
- ▶ Paging transmitters and antennas can be installed in buildings and shielded areas to provide signal penetration into hard to reach areas.
- ▶ Paging technology uses satellite and terrestrial radio links to network transmitter sites together causing them all to simultaneously broadcast (SIMULCAST) the same signal at the same time.

Why Paging in Emergency Situations?

- ▶ **Reliability -- System must work during emergency period**
 - ▶ Using Simulcast technology paging transmitters purposely provide overlapping signals in many areas. If a transmitter site is disabled signals from adjacent sites fill in the areas.
 - ▶ Paging transmitters are powerful enough to broadcast reliable signals up to 15 miles away. This minimizes the number of sites that could be affected in most emergency situations.
 - ▶ Portable paging transmitters and antennas can easily be placed in affected areas as soon as it is safe for technical personnel to enter an area.
 - ▶ These emergency backup systems, along with pagers and other communications devices, can be stored in shelters and ready for quick deployment by non-technical survivors in the area.
 - ▶ Paging transmitters can operate for long periods using backup batteries and generators that use multiple types of fuel.

Paging In Crisis Situations -- Snapshots

- ▶ The Katrina Independent Panel Report cited:
 - ▶ “Public safety personnel did not seem to have adequate training on alternative communications technologies, such as paging . . .”
 - ▶ “Paging systems seemed more reliable in some instances than voice/cellular systems because paging systems utilize satellite networks, rather than terrestrial systems, for backbone infrastructure.”
 - ▶ “Two-way paging operations remained generally operational during the storm and did provide communications capabilities for some police, fire emergency medical personnel, but could have been more widely utilized . . .”
 - ▶ [It is recommended that the FCC:] “Urge [not order] public safety licensees to familiarize themselves with alternative communications technologies to provide communications when normal public safety networks are down. Such technologies include satellite telephones, two-way paging devices . . .”

Paging In Crisis Situations -- Snapshots

- ▶ **At Women's Hospital and Tulane Lakeside Hospital:**
 - ▶ “Pagers were used by Medical Staff for communicating with the doctors and nurses in transporting the Mom's and Babies from one facility to another. Text messaging was the only way to get critical messages out to the doctors and nurses since phone lines were all down or all circuits busy.”
- ▶ **Lisa Thompson, Wireless Communications Systems Manager, Arlington County, VA, Public Safety Emergency Communications Center, regarding the events of September 11, 2001:**
 - ▶ “I wanted to take a moment to tell you how fantastic paging has been throughout the Pentagon incident. From the initial wireless message to notify our Police, Fire, EMS, County Manager and ECC staff, to the recall of all dispatchers, Police Officers, Firefighters, paging has performed flawlessly.”

Paging In Crisis Situations -- Snapshots

- ▶ **The Arlington County After-Action Report on the Response to the September 11 Terrorist Attack on the Pentagon* (the “AAR”) contained the following:**
 - ▶ “Almost all aspects of communication continue to be problematic, from initial notification to tactical operations. Cellular telephones were of little value in the first few hours and cellular priority access service (CPAS) is not provided to emergency responders. Radio channels were initially oversaturated and interoperability problems among jurisdictions and agencies persist.” (AAR at p. 9)
 - ▶ (AAR at p. 9). . . pagers were cited as “the most reliable means of notification”.
 - ▶ “Every firefighter and EMS responder should have a pager to receive dispatch notices both on and off shift.” (AAR at p. 20)
 - ▶ (AAR at p. 34). . . pagers were cited as the “the most reliable recall device” for first responders.

* Full report available at <http://www.co.arlington.va.us/departments/Fire/edu/about/FireEduAboutAfterReport.aspx>.

