

April 5, 2012

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VIA ECFS

James Arden Barnett, Jr., Chief  
Public Safety & Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
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Re: Waiver Request

Dear Mr. Barnett:

This request is being filed on behalf of MetroPCS Wireless, Inc. and all of its Federal Communications Commission (the "Commission") license-holding subsidiaries (collectively, "MetroPCS").<sup>1</sup> For good cause shown, MetroPCS requests a brief extension of time, to May 15, 2012, of the April 7, 2012 deadline for MetroPCS to implement the Commercial Mobile Alert System ("CMAS") for transmitting emergency alerts to its subscribers. In support of this waiver request, the following is respectfully shown:

MetroPCS is licensed by the Commission to provide Commercial Mobile Radio Service ("CMRS") in certain major metropolitan areas in the United States. Specifically, MetroPCS is the fifth largest facilities-based mobile broadband wireless carrier in the United States, based on number of subscribers served, serving approximately 9.3 million subscribers as of December 31, 2011.

MetroPCS has opted to participate in the voluntary CMAS and is looking forward to providing this important public safety service to its subscribers. After evaluating a number of options, MetroPCS elected to work with Interop Technologies ("Interop") to implement its CMAS solution. Interop is a leading provider of highly reliable and secure mobile communication technology to both commercial and government users. MetroPCS has a pre-existing relationship with Interop in connection with MetroPCS' over-the-air provisioning of CDMA handsets, and previously found Interop to be reliable and responsive. As a result, MetroPCS opted to adopt the Interop's Mobile Alerts Solution for the purpose of participating in the CMAS.

MetroPCS has been working with Interop for a considerable period of time to meet the April 7, 2012 implementation date, and substantial progress has been made. Connectivity between Interop and MetroPCS has been established and tested. MetroPCS also has signed the requisite Memorandum of Agreement ("MOA") with the Federal Emergency Management Agency ("FEMA") Integrated Public Warning System ("IPAWS") Program Management Office. The only remaining link in MetroPCS' end-to-end system that needs to be completed in order for MetroPCS to provide CMAS is to establish a secure interface between the Federal Alert Aggregator/Gateway (the "Gateway") and Interop. Unfortunately, unexpected delays have occurred. The standard Interconnection Security Agreement ("ISA") proposed by

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<sup>1</sup> MetroPCS' license-holding subsidiaries are as follows: MetroPCS 700 MHz, LLC; MetroPCS AWS, LLC; MetroPCS California, LLC; MetroPCS Florida, LLC; MetroPCS Georgia, LLC; MetroPCS Massachusetts, LLC; MetroPCS Michigan, Inc.; MetroPCS Networks California, LLC; MetroPCS Networks Florida, LLC and MetroPCS Texas, LLC.

FEMA for CMAS implementation was crafted for direct connections by a participating carrier with the Gateway and not for a third-party service provider such as Interop. As a consequence, implementation was delayed at a critical time in the schedule. Approximately six months were lost due to the absence of a signed ISA agreement between FEMA and Interop. The timetable of the interactions between FEMA and Interop, as provided to MetroPCS by Interop, was as follows:

- 11/10/2011 – Interop completes J-STD-102 testing certification with FEMA
- 12/09/2011 – FEMA notification to Interop regarding the development of a Interconnection Security Agreement (ISA) document for hosted systems
- 01/06/2012 – Interop receives the Hosted ISA
- 01/26/2012 – Interop submits completed Hosted ISA to FEMA
- 02/26/2012 – FEMA requests Interop revise certain parts of ISA (multiple requests for change over a two-week period)
- 03/12/2012 – Hosted ISA returned to FEMA
- As of 04/05/2012, Interop has received the final signature on its ISA documentation from FEMA, but is still awaiting the final signature from the Department of Homeland Security (“DHS”).

Two aspects of this timetable are noteworthy. First, Interop was diligent in responding promptly to each FEMA draft. Second, the final ISA was returned signed by Interop almost a month ago and still has not been executed by DHS and returned to Interop, which continues to create delay at a critical point in time. Interop plans to move promptly to establish connectivity and test its interface with the Gateway once the ISA has been executed by DHS. MetroPCS has been advised, however, that the best case for completing the end-to-end system, assuming the ISA executed by DHS were received promptly, is the week of April 16, 2012, which is why this extension request is being filed. However, in order to avoid having to burden the Commission with multiple requests in the event of any further unavoidable delays, MetroPCS requests an extension to May 15, 2012.<sup>2</sup> MetroPCS and Interop will, nonetheless, continue to strive to bring MetroPCS’ CMAS systems online as soon as possible, and will notify the Commission in writing promptly upon achieving compliance.

In addition to the issues described above relating to the execution of the ISA, Interop had an implementation issue with one of MetroPCS’ Nortel switches in the Springfield, Massachusetts area (the “Springfield Switch”).<sup>3</sup> While MetroPCS and Interop were testing the CMAS functionality of the Springfield Switch, it was determined that an incorrect cell-ID addressing scheme was being used to deliver the message broadcast due to certain outdated Nortel/Ericsson information contained in the Springfield Switch’s documentation. In order to correct the issue, Interop was required to change the cell-ID extraction process in the Commercial Mobile Service Provider gateway (“CSMP GW”). Changes to the CSMP GW cell-ID extraction process are currently ongoing and are expected to be completed by Interop on April 20, 2012, with final testing to take place on April 23, 2012. However, even if this process had been completed before April 7, 2012, this network would also not be able to provide CMAS because the ISA has not been executed by DHS, and thus the interconnecting circuit has not been tested.

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<sup>2</sup> MetroPCS has selected May 15, 2012, because CMRS carriers not participating in the CMAS are obligated to meet the customer notification requirements by that date. See Public Notice, Public Safety and Homeland Security Bureau Announces Timetable for Commercial Mobile Service Providers Electing Not to Transmit Commercial Mobile Alert System (CMAS) Alerts to Notify Existing and Potential Customers, DA 12-419 released March, 16, 2012. Since MetroPCS is not opting out of the CMAS program and does not want to create customer confusion, it does not intend to notify customers of the brief extension of the implementation date that is requested herein.

<sup>3</sup> This switch serves only approximately 30,000 of MetroPCS’ 9.3 million subscribers and was the result of an acquisition that closed in late 2010.

The Commission has the authority to waive a compliance deadline for good cause shown. See 47 C.F.R. Section 1.3. (“[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.”) Here, good cause is shown by the facts that: (1) MetroPCS and Interop proceeded on a timely and diligent basis in a good faith effort to meet the April 7, 2012, compliance date; (2) the inability to meet the deadline is due to unexpected circumstances beyond its immediate control;<sup>4</sup> and, (3) only a brief extension is being requested, which serves as confirmation that MetroPCS has been making a bona fide effort to comply. Under these circumstances, a waiver will not eviscerate the rule, but rather will serve the public interest.

Based upon the foregoing, MetroPCS respectfully requests a brief extension of time to May 15, 2012, to comply with the implementation deadline established by Section 10.11 of the Commission’s rules and the Public Notice released December 7, 2009.<sup>5</sup>

Kindly refer any questions in connection with this matter to the undersigned.

Sincerely,

MetroPCS Wireless Inc.

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<sup>4</sup> Since FEMA played an active role in establishing the April 7, 2012, compliance date, neither MetroPCS nor Interop would have expected the process of negotiating the revised ISA to take so long on FEMA’s part.

<sup>5</sup> See “FCC’s Public Safety and Homeland Security Bureau Sets Timetable in Motion for Commercial Mobile Alert Service Providers,” DA 09-2556, released Dec. 7, 2009.