



**advocate for rural wireless telecommunications providers
Washington, DC**

April 6, 2012

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Re: Waiver and Extension Request of the Rural Telecommunications Group; PS Docket Nos. 07-287, 08-146

Dear Ms. Dortch:

The Commercial Mobile Alert System (“CMAS”) is expected to launch on Saturday, April 7, 2012. The Rural Telecommunications Group, Inc. (“RTG”), on behalf of its mobile wireless members who have opted in to provide CMAS service to consumers in their respective service areas, hereby requests from the Federal Communications Commission (“FCC” or “Commission”) a waiver of the deadline or alternatively an extension of the deadline of sixty (60) days from the date that the Federal Emergency Management Agency (“FEMA”) returns an executed Memoranda of Agreement (“MOA”) for commercial mobile service providers to effectively test and implement CMAS and deliver CMAS alerts to individual subscribers. Should the requested waiver be denied, RTG requests a sixty (60) day extension of time from the current April 7, 2012 launch date until June 5, 2012.

Due to the complexities of offering CMAS to subscribers, many commercial mobile carriers, including RTG members, have used third party aggregators to help secure an interface with the Federal Alert Aggregator/Gateway (the “Gateway”). RTG members have worked diligently to do everything in their power to meet the April 7, 2012 CMAS launch date. It has come to the attention of RTG that by-and-large, a majority of smaller commercial mobile carriers are currently unable to provider CMAS alerts to their customers starting tomorrow. One of the primary reasons for this delay is that FEMA has been unable to execute the necessary MOAs for administrative or technical reasons.

The public interest would be best served by a waiver of the Section 10.11 of the Commission’s Rules to delay the implementation deadline in light of the inability to meet it because of issues with FEMA. The Commission’s ultimate goal is widespread support and adoption of CMAS. However, if commercial mobile carriers cannot adequately launch CMAS due to factors outside of their control, they will resort to changing their election designation from “participation” to “non-participation.” This sudden “rush for the door” will then lead to a host of



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customer notification issues and likely customer confusion. Additionally, if any commercial mobile carriers at a later date change their designation yet again, that too will further confuse customers about whether CMAS is being offered by their provider of choice. In view of the unusual factual circumstances involved in this case, application of the Commission's rules would be unduly burdensome and contrary to the public interest. In fact, the underlying purposes of the Commission's rules – the avoidance of customer confusion and the widespread adoption of CMAS -- would be frustrated if a waiver were not granted and commercial mobile carriers elected *en masse* to not participate in CMAS.

Based upon the foregoing, RTG respectfully requests a waiver of the implementation of Rule Section 10.11 until such time that its members can obtain the necessary MOAs with FEMA and implement the CMAS service. If the Commission finds it necessary to grant a waiver request based on a unified timeline, RTG requests a brief extension of time until June 5, 2012 to comply with the Commission's rules. Alternatively, RTG requests a brief extension of time of sixty (60) days from the April 7, 2012 launch date (*i.e.*, June 5, 2012) for its members to comply with Rule Section 10.11.

Respectfully yours,

/s/ Caressa D. Bennet
Caressa D. Bennet
General Counsel

cc: James Arden Barnett, Jr., Chief, Public Safety & Homeland Security Bureau
Thomas Beers, Chief, Policy & Licensing Division
Gregory M. Cooke, Associate Chief, Policy & Licensing Division
Timothy May, Policy & Licensing Division