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May 22, 2012

Via ECFS

David Furth, Acting Chief
Public Safety & Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
David.Furth@fcc.gov

Re: PS Docket No. 08-146
PS Docket No. 07-287
Request for Waiver (and Extension of CMAS Deployment Date)

Dear Mr. Furth:

Panhandle Telecommunication Systems, Inc. (“Panhandle”), by its attorneys, hereby seeks a waiver, to the extent necessary, of Section 10.11 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”), and seeks an extension of time, until June 30, 2012, in which to implement the Commercial Mobile Alert System (“CMAS”).

On August 29, 2008, Panhandle notified the Commission of its election to participate in CMAS and transmit emergency alerts to its subscribers. On April 4, 2012, the undersigned sent an e-mail to Timothy May of the Commission’s Public Safety & Homeland Security Bureau (“Bureau”) informing the Commission that Panhandle had encountered delays that threatened its ability to launch CMAS by April 7, 2012 and requesting an extension of 30 to 60 days in which to implement CMAS. Specifically, Bennet & Bennet informed the Commission of all the proactive steps Panhandle had taken since 2008 in order to prepare for a timely launch of CMAS, including its selection of third party vendor Intrado, Inc. (“Intrado”) to act as an aggregator and connection to the Federal Emergency Management Agency (“FEMA”), entering into an agreement with Intrado as third party aggregator on September 12, 2011, Panhandle’s successful completion of all testing on its end, and ultimately the delays encountered by Intrado in its ability to execute an agreement with FEMA.

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On April 6, 2012, the Rural Telecommunications Group, Inc. (“RTG”), on behalf of its wireless members who have opted-in to provide CMAS, including Panhandle, filed a Waiver and Extension request seeking “a waiver of the deadline or alternatively an extension of the deadline of sixty days from the date that the Federal Emergency Management Agency (“FEMA”) returns an executed Memorandum of Agreement (“MOA”) for commercial mobile service providers to effectively test and implement CMAS and deliver CMAS alerts to individual subscribers.”

Since that time, Panhandle has worked diligently with Intrado to launch CMAS as quickly as possible and the two companies conduct weekly conference calls to discuss the status of the project. Panhandle was notified by FEMA on May 2, 2012 that a Memorandum of Agreement had been executed between FEMA and Panhandle. On May 9, 2012, Intrado informed Panhandle that it received a formal document from the IPAWS PMO stating that Intrado had successfully completed IPAWS-OPEN Federal Alert Gateway to CMSP Gateway C interface testing but that Intrado was still waiting on the Department of Homeland Security (“DHS”) to execute the Intrado-FEMA agreement and begin production testing. As of Tuesday, May 22, 2012, Panhandle is still waiting for Intrado to execute the necessary Interconnection Security Agreement with FEMA, conduct final production testing, and receive formal authorization from FEMA to begin CMAS production services.¹

Notwithstanding Panhandle’s April 4 extension request and April 6 waiver request (as a member of RTG), the Commission has requested that Panhandle seek formal waiver relief. Accordingly, Panhandle now requests the foregoing relief, to the extent necessary.

For the foregoing reasons, good cause has been shown to warrant grant of the requested waiver.² Panhandle has voluntarily agreed to support CMAS in full and it has completed all steps within its control in order to deliver CMAS alerts to its subscribers. Until Intrado and FEMA execute agreements and finish production testing, it is impossible for Panhandle to launch CMAS.

¹ Intrado has given Panhandle no estimate of when it expects these steps to be completed. Panhandle is hopeful that Intrado can complete its testing and provide authorization by the end of June. However, should it appear that Intrado will be unable to do so by that date, Panhandle will seek an additional extension.

² Under Section 1.3 of the Commission’s rules, a rule “may be waived by the Commission on its own motion or on petition if good cause therefore is shown.”

Accordingly, in light of the ongoing delays outside of its control, Panhandle respectfully requests a formal waiver of the April 7, 2012 deadline and an extension until June 30, 2012 to begin providing CMAS alerts to subscribers.

Respectfully submitted,

By: */s/ Michael R. Bennet*

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