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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:

Wisconsin RSA #7 Limited Partnership d/b/a Element Mobile (“Element Mobile”), 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 January 26, 2012, Element Mobile notified the Commission of its election to participate in CMAS and transmit emergency alerts to its subscribers.¹ 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 Element Mobile 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 Element Mobile had taken since 2011 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 May 23, 2011, initiation of CMAS testing in October 2011, utilization of IS-824 software in the Element

¹ Element Mobile was not in operation at the time of the release of the Commission’s *Public Notice* (DA 08-1866) in 2008 which requested that all commercial mobile service providers provide notice of whether they elect to participate, either in whole or in part, in CMAS.

Mobile switch, Element Mobile's successful completion of all testing on its end by January 9, 2012, Element Mobile's execution of the FEMA test agreement on January 12, 2012, and the execution of the FEMA production agreement on April 2, 2012. Element Mobile informed the FCC that its implementation of CMAS was dependent on FEMA responding to Intrado's requests for connectivity to the Intrado CBC Gateway to complete final production testing, which was not scheduled to occur prior to April 7, 2012.

On April 6, 2012, the Rural Telecommunications Group, Inc. ("RTG"), on behalf of its wireless members who have opted-in to provide CMAS, including Element Mobile, 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, Element Mobile 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. On April 12, 2012, Intrado informed Element Mobile of its review of the FEMA testing process, the status of final CBC center tests, and the outstanding steps necessary to get the CMAS product into Element Mobile's market. On April 27, 2012, Element Mobile and FEMA completed the final edits to the IPAWS production agreement proposed by FEMA which was forwarded to the Department of Homeland Security ("DHS") for final execution. Intrado received from FEMA on May 9, 2012 a formal document stating that Intrado had successfully completed IPAWS-OPEN Federal Alert Gateway to CMSP Gateway C interface testing and that only production testing and final DHS signatures remain outstanding. Finally, on May 16, 2012, Element Mobile received the executed FEMA IPAWS production agreement from Ms. Lauren Cisek at FEMA/DHS and final testing with Intrado is planned for the week of May 28, 2012. The last major outstanding steps are production testing of CMAS delivery to Element Mobile recipients and a formal authorization from FEMA to begin CMAS production services.²

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

² Intrado has given Element Mobile no estimate of when it expects these final steps to be completed. Element Mobile 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, Element Mobile will seek an additional extension.

For the foregoing reasons, good cause has been shown to warrant grant of the requested waiver.³ Element Mobile 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 Element Mobile to launch CMAS. Accordingly, in light of the ongoing delays outside of its control, Element Mobile 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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³ 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."