

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Comment Sought on 911 Resiliency and)	PS Docket No. 11-60
Reliability in Wake of June 29, 2012, Derecho)	
Storm in Central, Mid-Atlantic, and)	
Northeastern United States)	DA 12-1153
)	

REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

Michael F. Altschul
Senior Vice President, General Counsel

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

Brian M. Josef
Assistant Vice President, Regulatory Affairs

CTIA-The Wireless Association®
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
(202) 736-3200

September 4, 2012

TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION AND SUMMARY.....	1
II. RELIANCE UPON THE COMPETITIVE MARKETPLACE IS THE MOST EFFECTIVE WAY TO ENSURE NETWORK RESILIENCY AND CONTINUITY OF SERVICE	3
A. Wireless Providers Are Already Taking Steps to Promote Continuity of Service.....	3
B. The Commission Should Rely on a Flexible, Industry-Based Approach to Manage Network Reliability.....	5
III. NAB’S COMMENTS DISTORT COMMUNICATIONS PROVIDERS’ RESILIENCY CONCERNING THE RESPONSE TO THE DERECHO AND ADVANCE FLAWED ARGUMENTS THAT ARE WELL OUTSIDE THE SCOPE OF THIS PROCEEDING.....	7
A. Broadcasters, Like Any Communications Media, Experience Outages due to Catastrophic Events Such as the Derecho.....	7
B. The Commission Should Reject NAB’s Attempts to Substitute Government Fiat for the Marketplace for FM Chipsets.....	10
C. Wireless Mobile Alerting is Proceeding in a Rapid and Effective Manner.....	12
IV. CONCLUSION.....	14

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Comment Sought on 911 Resiliency and Reliability in Wake of June 29, 2012, Derecho Storm in Central, Mid-Atlantic, and Northeastern United States)	PS Docket No. 11-60
)	
)	DA 12-1153
)	

REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

I. INTRODUCTION AND SUMMARY.

CTIA – The Wireless Association® (“CTIA”) respectfully replies to the comments submitted in response to the Federal Communications Commission’s Public Notice (“Public Notice”) regarding the resiliency and reliability of 911 services following the June 29, 2012 derecho storm.¹ The wireless industry shares the Commission’s goal of protecting networks and quickly restoring communications to protect life and property when disaster strikes. As detailed below and in CTIA’s initial comments, wireless providers have significant experience maintaining, restoring, and expanding service during and after disasters that will prove helpful in this assessment.

First, CTIA stresses that the wireless industry takes its responsibility to consumers very seriously, and undertakes multi-faceted efforts to create national and local strategies to promote resiliency of communications infrastructure. It is imperative that the Commission continue to give wireless carriers flexibility to plan for and respond to catastrophic events. As CTIA has previously stated, the Commission can provide no greater incentive than the carriers’ existing

¹ *Comment Sought on 9-1-1 Resiliency and Reliability in the Wake of June 29, 2012, Derecho Storm in Central, Mid-Atlantic, and Northeastern United States*, Public Notice, PS Docket No. 11-60, DA 12-1153 (July 18, 2012) (“Public Notice”).

interest in protecting their significant network investments and providing wireless consumers with robust service. Wireless carriers have voluntarily employed best practices based on network disaster recovery teams' experiences.

Second, all types of communications media run the risk of outages during severe events, including broadcast systems. Wireless carriers, unlike broadcasters, comply with voluntary *and* stringent mandatory outage reporting requirements to ensure that the Commission and the public are fully informed of system outages. In addition, the Commission should reject inapposite arguments raised by the NAB concerning its self-serving drive to have the government mandate business practices that benefit solely their interests rather than the interests of the public.

Finally, CTIA and the wireless industry have joined the FCC and Federal Emergency Management Agency (FEMA) to offer Americans a robust and reliable wireless emergency alert system. This new wireless mobile alerting system provided by wireless carriers has so far had great success in notifying consumers of emergencies.

In the aftermath of disasters, commercial wireless services are critically important to residents, first responders, and aid workers. CTIA and wireless providers have consistently led the advancement of service continuity and restoration practices in numerous fora and FCC proceedings and look forward to continuing to work with the Commission to advance 9-1-1 and wireless network resiliency and reliability.

II. RELIANCE UPON THE COMPETITIVE MARKETPLACE IS THE MOST EFFECTIVE WAY TO ENSURE NETWORK RESILIENCY AND CONTINUITY OF SERVICE.

A. Wireless Providers Are Already Taking Steps to Promote Continuity of Service.

Although the California PUC reiterates its suggestion that the Commission should mandate back-up power requirements upon the wireless industry,² CTIA and a majority of commenters demonstrate that wireless providers are already taking any number of steps to promote network resiliency and reliability, including the use of back-up power.³ Carriers build redundant networks where appropriate, employ portable or temporary base stations, provision cell sites and switches with back-up power sources, tailor their network resiliency and continuity of service plans to individual localities, and employ network management techniques to address

² Comments of California Public Utilities Committee, PS Docket No. 11-60 (filed Aug. 17, 2012).

³ Comments of CTIA—The Wireless Association, PS Docket No. 11-60 at 2-7 (filed Aug. 17, 2012) (“CTIA Comments”); Comments of Verizon and Verizon Wireless, PS Docket No. 11-60 at 9, 12 (filed Aug. 17, 2-12) (Verizon Wireless has invested in substantial backup power resources—batteries and generators—to minimize the impact of commercial power outages on customers, and Verizon’s 911 networks are deployed with redundant key components, such as mated selective routers, End Office Trunk Groups to each selective router, diversified facilities to the extent possible, and geo-diverse ALI platforms.); Comments of AT&T, PS Docket No. 11-60 at 6-7 (filed Aug. 17, 2012) (Through AT&T’s Network Disaster Response program, AT&T has the equipment and infrastructure to respond quickly in the event of a weather-related disruption. The program maintains an inventory of hundreds of mobile disaster response technologies distributed across the country. AT&T relies on batteries and a generator plan to restore power to cell sites that experience an outage); Comments of T-Mobile USA, Inc., PS Docket No. 11-60 at 8 (filed Aug. 17, 2012) (“T-Mobile Comments”) (T-Mobile installed battery backup power at most sites, quickly deployed portable generators at critical sites and facilities and designed its network with overlapping coverage to minimize the impact of outages from the derecho).

spikes in traffic.⁴ The wireless industry also relies on the best practices they've developed through years of experience facing disasters.⁵

In just the most recent weeks the nation saw a snapshot of wireless providers' disaster preparation activity as they readied their networks and infrastructure in anticipation of Hurricane Isaac. Verizon and Sprint shored up their networks assets in advance of the storm.⁶ AT&T noted that it conducted readiness drills, topped off fuel generators, tested high capacity-back up batteries at cell sites and secured physical facilities against flooding, as well as adding permanent generators to almost 600 cell sites.⁷ In preparation for the storm, carriers deployed new distributed antenna systems, "cells on wheels" ("COWSs"), cells on light trucks ("COLTs"), and portable generators.⁸ In addition, wireless carriers have invested heavily in their disaster relief initiatives.⁹ Many towers in frequently-hit storm areas have battery backups and backup diesel generators, and national carriers and regional providers, including Cricket Communications and SouthernLINC Wireless, have contracts with local diesel providers to refill generators.¹⁰ Sprint

⁴ CTIA Comments at 3-6.

⁵ *See, e.g. id.* at 7-9; T-Mobile Comments at 3.

⁶ TR Daily, "Telcos Seeing Modest Outages From Hurricane" (Aug. 30, 2012).

⁷ TR Daily, "Telcos Seeing Modest Outages From Hurricane" (Aug. 30, 2012).

⁸ John Cox, Network World, "Verizon Braces for GOP Voice/Data Storm, Plus a Hurricane", (Aug. 24, 2012) *available at* <http://www.networkworld.com/news/2012/082412-rnc-verizon-261902.html?page=1>.

⁹ Andrew Berg, Wireless Week, "Carriers Prepared for Possible Hurricane in Gulf", (Aug. 27, 2012), *available at* <http://www.wirelessweek.com/News/2012/08/carriers-ready-for-hurricane-in-gulf/>. TR Daily, "Telcos Seeing Modest Outages From Hurricane" (Aug. 30, 2012) (AT&T invested hundreds of millions of dollars in network upgrades in the Gulf Coast region since Hurricane Katrina. These upgrades included adding permanent generators to almost 600 cell sites in areas across the state impacted by the storm, the placement of key switching facilities in hurricane safe buildings, and upgrading 98 percent of the critical transport network with fiber infrastructure).

¹⁰ David Goldman, CNN, "How Cell Phone Companies Prepare for Hurricanes", (Aug. 24, 2012), *available at* <http://money.cnn.com/2012/08/24/technology/carriers->

had an experienced team working directly with law enforcement to ensure they would have capacity to communicate in a disaster.¹¹ These efforts paid off. Wireless providers saw only limited service outages in the Gulf Coast region as a result of Hurricane Isaac.¹² As these efforts demonstrate, wireless providers are committed to fulfilling their duty to the public and strive to keep their operations up and running in the event of a disaster.

B. The Commission Should Rely on a Flexible, Industry-Based Approach to Manage Network Reliability.

The wireless industry is a highly dynamic ecosystem, and it is not well-suited to a one-size-fits-all approach. With wireless networks undergoing rapid evolution, wireless carriers are in the best position to anticipate and implement voluntary measures to promote network resiliency, and fixed regulations simply do not make sense. As CTIA discussed in its initial comments, the unique circumstances of a given natural disaster will drive the wireless carrier's

hurricanes/?iphoneemail; *See, e.g.*, News Release, Leap, "Cricket Prepares for Hurricane Irene," (Aug. 26, 2011), *available at* <http://leapwireless.mediaroom.com/index.php?s=13383&item=53946>; News Release, SouthernLINC Wireless, "Success Stories: Southern Utility Company Electrics," (last visited Aug. 17, 2012) *available at* <http://www.southernlinc.com/business/success-stories/18-southern-company-electric-utilities.aspx> ("SouthernLINC Wireless built its system with back-up batteries, generators, and towers designed to withstand severe ice and winds").

¹¹ Sprint's emergency response team provides short-term wireless telecommunications equipment, infrastructure, and operations support to federal, state/local public safety, law enforcement, military, and private sector entities. Sprint, "Emergency Response Team", *available at* http://shop2.sprint.com/en/solutions/fixed_mobile_convergence/emergency_response_team.shtm l?ECID=vanity:ert (last visited Aug. 29, 2012). Sprint activated 25 emergency response team wireless devices to state and local agencies in Alabama, Louisiana, and Mississippi. TR Daily, "Telcos Seeing Modest Outages From Hurricane" (Aug. 30, 2012).

¹² TR Daily, "Telcos Seeing Modest Outages From Hurricane" (Aug. 30, 2012) ("AT&T said today that its network in Mississippi has 'performed extremely well' despite the storm," Verizon "said today that the company is not experiencing any network issues or 'customer impacting issues' from Hurricane Isaac. Furthermore, the company has not received any reports of 911 issues related to Verizon in the region during the storm.").

response.¹³ Wireless providers need the flexibility to engage in real-time coordination and respond quickly and appropriately to situations as they occur. The adoption of prescriptive regulations could actually harm network reliability by limiting carriers' abilities to implement innovative solutions that take into consideration the unique aspects not only of an individual carrier, but also the unique aspects of individual markets within a carrier's footprint.

In past proceedings, CTIA has documented the challenges involved in supplying back-up power to all cell sites.¹⁴ For example, some cell sites simply have too little available space to install back-up power equipment,¹⁵ while others may not be able to support the weight of back-up power sources.¹⁶ Also, the power systems used by back-up batteries and generators contain lead, sulfuric acid, oils, and flammable liquids that may subject back-up power facilities to a host of federal, state, and local environmental and safety laws that strictly limit their placement and use.¹⁷ Similarly, the modification of cell sites to implement back-up power raises complicated issues related to zoning and the terms of the leases between wireless carriers and the

¹³ CTIA Comments at 11.

¹⁴ See Comments of CTIA—The Wireless Association, PS Docket Nos. 11-60, 10-92, 06-119 at 14-18 (filed July 7, 2011); Petition for Reconsideration of CTIA—The Wireless Association, EB Docket No. 06-119 (Aug. 10, 2007) (“CTIA Petition”).

¹⁵ See, e.g., CTIA Petition at attached Declaration of Bill Leonard, ¶ 6; (“Roughly 100 of Cricket’s cell sites, including those located in tight spaces such as closets or in church steeples, do not have sufficient space to add batteries or install generators”); *id.* at Declaration of Tony Kent, ¶ 8 (“Cellular South Back-Up Power Declaration”) (“Cellular South also has antennas located within church steeples or on other pre-existing structures. Often, cell site equipment is located in buildings, basements or other enclosed spaces for such cell sites, which simply do not have sufficient additional space to accommodate the batteries necessary to provide for 8 hours of back-up power or a generator and its fuel supply.”).

¹⁶ See, e.g., Cellular South Back-Up Power Declaration at ¶ 7 (“A number of Cellular South’s cell sites are on rooftops. . . . many of those structures may simply not be able to physically support the weight of either additional batteries or a generator.”).

¹⁷ See CTIA Petition at 13-14 (providing examples of safety codes that would be implicated by back-up power requirements).

sites they operate on.¹⁸ These issues will become progressively larger issue as the wireless industry evolves toward the increased use of small cell technologies. In some cases, a COW or COLT may be a better solution than a backup power source, and carriers should have the flexibility to make such judgments.

The Commission can provide no greater incentive than carriers' existing interest in protecting their significant network investments and fulfilling their commitment to consumers to provide robust service. Additional regulations and requirements would be superfluous.

III. NAB'S COMMENTS DISTORT COMMUNICATIONS PROVIDERS' RESILIENCY CONCERNING THE RESPONSE TO THE DERECHO AND ADVANCE FLAWED ARGUMENTS THAT ARE WELL OUTSIDE THE SCOPE OF THIS PROCEEDING.

A. Broadcasters, Like Any Communications Media, Experience Outages due to Catastrophic Events Such as the Derecho.

The National Association of Broadcasters' ("NAB") assertion that broadcast is the most robust and reliable communications service during emergencies does not stand up to scrutiny.¹⁹ Broadcasters, like any other communications media, are susceptible to outages when faced with a catastrophic event. Numerous stories illustrate that broadcasters are far from immune to outages. For example:

- The studio-transmitter link at a University of Virginia radio station's transmitter site went down due to a lightning strike, leaving the operators unable to get audio to the transmitter. The station's general manager ended up streaming the station on his iPhone, which was still functioning normally, and connected it to their radio transmitter.²⁰

¹⁸ *Id.* at 15.

¹⁹ See Comments of the National Association of Broadcasters, PS Docket No. 11-60 at 3-5 (filed Aug. 17, 2012) ("NAB Comments").

²⁰ UVAToday Blog, "MacGyveresque' Efforts to Keep WTJU On Air After Storm," (June 29, 2012), available at <http://uvatoday.org/blog/?p=2073>.

- After derecho winds hit Fort Wayne, Indiana, many of the city’s television and radio stations were knocked off the air.²¹ Indiana Radio Watch “caught a brief moment where all five TV stations showed ‘No Signal’ on the television”, and on radio, about half the stations were silent, including three major stations.²²
- Consumers in the DC, Maryland and Virginia area also reported stations going off air following the derecho.²³
- In the immediate aftermath of Hurricane Ike, sixty-two radio stations and seven TV stations were off the air due to storm damage and/or lack of commercial power.²⁴
- In Houston, Texas, a non-commercial radio station had an outage of more than two days that the station’s manager said was related to storm damage at the transmitter site.²⁵
- WCVE Public Radio experienced transmitter problems and was off the air for more than five days.²⁶

The list of situations where broadcasters experienced outages following severe weather events goes on and on.²⁷ Catastrophic events affect all communications services indiscriminately – and suggestions that broadcast providers are immune to these events are simply incorrect.

²¹ Bob Caylor, The News-Sentinel, “Around 80,000 Hit by Power Outages After Fort Wayne Storm,” (June 30, 2012) *available at* <http://www.news-sentinel.com/apps/pbcs.dll/article?AID=/20120629/NEWS/120629487/1005>

²² Indiana RadioWatch Newsletter, (July 9, 2012), *available at* <http://www.indianaradio.net/archive/070912.html> (noting that WFFT-TV and WFWA-TV both went off the air; WISE-TV and WPTA-TV had problems staying on the air as well as WANE-TV; about half the radio stations were on and half were silent, with WOWO (both AM and FM), WAJI and WMEE silent).

²³ DCRTV.com Mailbag, June 30, 2012, *available at* <http://www.dcrtv.org/mb1206c.html> (consumers posting that “WPFW out,” “WYPF 88.1 (WYPR relay) and WTHU seem to be Frederick area casualties,” and WNST and WRNR were all static).

²⁴ FCC, Public Safety and Homeland Security Bureau, “Disaster Support for Broadcasters”, *available at* <http://transition.fcc.gov/pshs/broadcastersupport.html> (last visited Aug. 28, 2012).

²⁵ Chron.com, “Update: KPFT May Be Off Air Until Friday, Could Face Six-Figure Repair Bill” (Apr. 18, 2012) *available at* <http://blog.chron.com/sportsmedia/2012/04/update-kpft-may-be-off-air-until-friday-could-face-six-figure-repair-bill/> (noting that the station was off air while workers repaired what appeared to be weather-related damage at the station’s antenna site).

²⁶ WCVE Public Radio experienced transmitter problems on Feb. 3, 2012 and was off-the-air for more than FIVE DAYS (120 hours). They posted on their website that the station could be streamed from a website.

Further, wireless and wireline providers are subject to stringent outage reporting requirements that help to provide the Commission and the public with information about the effects on communications networks while broadcast systems generally provide no similar types of outage data to their viewing public. Specifically, wireless carriers must submit a notification to the Commission within 120 minutes of discovering, on any facility that the carrier owns, operates, leases, or utilizes, an outage of at least 30 minutes duration.²⁸ Moreover, there has been widespread voluntary participation by wireless providers in the Commission’s Disaster Reporting Information System (“DIRS”), a voluntary, web-based system that communications companies can use to report communications infrastructure status and situational awareness information during times of crisis. In contrast, if a broadcaster cannot operate in accordance with the FCC’s operating schedule due to an event beyond the control of the licensee, it must give notification to the FCC not later than the 10th day of limited or discontinued operations, and

²⁷ TribStar.com, “WIBQ Off Air Because of Storm Damage”, (Mar. 10, 2012) *available at* <http://tribstar.com/local/x2029122535/WIBQ-off-air-because-of-storm-damage>; Big Country Homepage.com, “Update: KACU Back on Air After Lightning Damage” (July 10, 2012) *available at* http://bigcountryhomepage.com/fulltext?nxd_id=512862 (explaining that a local radio station lost its signal after a lightning strike); WCBC Radio.com, “Oldies 107 Knocked Off Air by Storm”, (Aug. 14, 2012) *available at* <http://www.wbcradio.com/?archiv=oldies-107-knocked-off-air-by-storm>; Erie Times News, “WQLN-TV Still Off Air, Could Resume Broadcasting Tonight”, (Aug. 29, 2011) *available at* <http://www.goerie.com/apps/pbcs.dll/article?AID=/20110829/NEWS02/308299903> (explaining that a storm damaged the station transmitter leaving the station unable to broadcast); Sherry Bracken, Big Island News Center, “LAVA 105 and KKOA Off Air in Hilo, But Coming Back Soon” (June 21, 2012) *available at* <http://www.bigislandnewscenter.com/lava-105-and-kkoa-off-air-in-hilo-but-coming-back-soon/> (noting that a wind storm caused power and phone lines to be lost, which is necessary for island-wide transmission); Duane Dudek, JSONline Tap Milwaukee, “Storm Knocks Stations Off Air” (July 22, 2010) *available at* <http://www.jsonline.com/blogs/entertainment/99070014.html> (explaining that a thunderstorm and flash flooding knocked two stations off the air).

²⁸ 47 C.F.R. § 4.9(e).

can limit or discontinue operation for up to 30 days without obtaining further authority from the FCC.²⁹

The differences in communicating outages are even more disturbing when network configurations are closely studied. Wireless networks are robustly built with extensive redundancy. For example, in an urban market, wireless providers have several hundreds of cell sites within the market providing service. A loss of one of the sites (or portions of a site) that requires reporting to the Commission's outage reporting system generally will not result in actual loss of service to the public due to the fact that substantial numbers of other cell sites provide overlapping coverage. In contrast, a broadcaster generally will have a single transmitting site covering an entire metropolitan area. Should there be an outage at the broadcasting site, absolutely no coverage will be provided in the market. If broadcasting is the "vital first informer" of the public as NAB alleges,³⁰ isn't there just as strong an interest in the broadcast industry providing the Commission with data on all of its outages that affect the public, especially those that occur during emergencies such as natural disasters?

B. The Commission Should Reject NAB's Attempts to Substitute Government Fiat for the Marketplace for FM Chipsets.

As CTIA has discussed in extensive detail in a number of fora, there are a variety of wireless mobile devices that possess working FM receivers.³¹ Should the public desire this

²⁹ 47 C.F.R. § 73.1740(a)(4). In addition, the FCC's Network Outage Reporting system does not cover broadcast and CATV stations, and broadcasters may choose to voluntarily participate in the FCC's Disaster Information Reporting System. FCC, Public Safety and Homeland Security Bureau, "Tech Topic 15: Outage Reporting Systems", *available at* <http://transition.fcc.gov/pshs/techtocics/techtocics15.html> (last visited Aug. 28, 2012).

³⁰ NAB Comments at 1.

³¹ *See, e.g.* Press Release, CTIA, "Music, Wireless and CE Join Together Oppose Mandate for FM Chips in Mobile Devices, Urge Radio Broadcasters to Compensate Artists", (Apr. 18, 2011) *available at* <http://ctia.org/media/press/body.cfm/prid/2075> ("With more than 650 unique wireless devices in the U.S., consumers have a variety of options, including handsets with FM

functionality, they have any number of prospective devices, from small, mid-sized, and large carriers, to select from for this capability.³² But in reality, consumers are simply not demanding FM radio capability. The 2012 Annual Consumer Survey conducted by McLaughlin & Associates and Penn Schoen Berland—a bipartisan survey reaching 1,000 adult wireless users—found that zero respondents across all age brackets considered having an FM radio chipset to be an important cell phone feature.³³

Instead of allowing the public to decide the importance of FM functionality, NAB suggests that the FCC should substitute for the marketplace through mandates of business practices that would elevate FM capabilities over the myriad of other innovative services and applications in mobile devices.³⁴ CTIA strongly disagrees. Consumers prioritize having other features on their phones, such as texting, Internet access, email, photography, and GPS far above

chips.”; Letter from CTIA to the Honorable Jose “Nuno” Lopez, President, Commission on Economic Development, Planning, Commerce, Industry, and Telecommunications, Puerto Rico House of Representatives, (Mar. 7, 2010) *available at* http://files.ctia.org/pdf/filings/PR_HB_3844_Position_Statement.pdf (“Broadcast FM radio service is available in a number of wireless handsets today to consumers who want it.”); Letter from CTIA to Chairman Julius Genachowski et al., (July 20, 2012) *available at* http://files.ctia.org/pdf/120720_-_FINAL_Manufacturer_FM_Chip_Letter.pdf.

³² CTIA and independent third parties have identified dozens of smartphones featuring FM capability. Letter from CTIA to Chairman Julius Genachowski et al., (July 20, 2012) *available at* http://files.ctia.org/pdf/120720_-_FINAL_Manufacturer_FM_Chip_Letter.pdf. In 2009, NAB President/CEO David Rehr wrote to AT&T and Verizon Wireless’ CEO to praise the companies’ addition of FM-capable handsets to the devices they support. Radioink, “Rehr Praises Verizon, AT&T for FM-Capable Handsets”, *available at* <http://www.radioink.com/Article.asp?id=1224136>.

³³ See MyWireless.org 2012 Annual Consumer Survey Data (2012), *available at* <http://www.mywireless.org/media-center/data-center/> (“2012 Annual Consumer Survey”).

³⁴ NAB Comments at 7 (stating that the FCC should encourage the wireless industry to ‘provide improved online and retail information so as to allow consumers to identify mobile devices that include free, over-the-air radio.’). NAB has previously made similar arguments, recommending that wireless carriers undertake numerous burdensome and intrusive practices to promote phones with FM capabilities. See NAB Technology Advocacy Program, *Study of FM Radio-Enabled Handsets in the US*, (Sept. 2010).

FM radio chipsets.³⁵ And further innovations like near field communications, high-definition video recording and high-resolution displays, in which consumers have expressed strong interest, continue to make their way into wireless devices. It would represent an intrusive business practice to force carriers to overhaul the way they market and display their phones.

NAB's "comments" are outside the scope of the *derecho* Public Notice and provide no useful, relevant data that should be considered by the FCC. Instead, CTIA urges the Commission to ignore these comments and instead continue to rely upon the competitive marketplace to devise and develop the most reasonable and effective methods for combating emergency situations.

C. Wireless Mobile Alerting is Proceeding in a Rapid and Effective Manner.

NAB discusses prototypes for mobile DTV that it apparently believes should also be considered for the wireless industry.³⁶ However, the Commercial Mobile Alert System ("CMAS") or Wireless Emergency Alerts ("WEAs") process, which broadcasters were actively involved in,³⁷ established a clear and successful path forward for providing consumers with effective mobile alerting. The Commercial Mobile Service Alert Advisory Committee ("CMSAAC") looked into various other technologies, including FM chipsets and Digital Video Broadcasting – Handheld and ultimately concluded that incorporating them was not technically feasible or would not accomplish the goal of reliable reception of alerts. The reality is that the

³⁵ 2012 Annual Consumer Survey.

³⁶ NAB Comments at 7-8.

³⁷ Broadcaster members of the CMSAAC that participated in the process included National Association of Broadcasters, Texas Association of Broadcasters, Florida Association of Broadcasters, Michigan Association of Broadcasters, Association of Public Television Stations and The Weather Channel.

CMSAAC examined the viability of FM radio as an emergency alerting medium and rejected it, a finding that NAB previously accepted.³⁸

In contrast, wireless providers' deployment of WEAs has been rolled out to great success. WEAs became available in late 2011 and Spring 2012, and allow authorized government agencies to initiate a process to send messages to wireless phone users in a targeted geographic area. Wireless providers representing nearly 97 percent of subscribers are participating in distributing wireless emergency alerts, and carriers such as AT&T, Bluegrass Cellular, Cellcom, Cricket, Sprint Nextel, T-Mobile, U.S. Cellular and Verizon have chosen to offer WEAs.³⁹ Forty-two (42) state and local management agencies in about two dozen states are currently authorized to send imminent-threat alerts, with 100 others in the process of getting certified.⁴⁰ The National Weather Service launched capability to send warnings via CMAS and WEAs in June.⁴¹ WEAs have already been successfully used in a number of different situations to warn consumers of dangerous weather conditions.⁴²

³⁸ Previously, NAB stated that CMAS and EAS "can co-exist as complementary components of a 'National Alert' System as envisioned by the President." Comments of the National Association of Broadcasters and the Association for Maximum Service Television, Inc., PS Docket No. 07-287 at 3 (filed Feb. 5, 2008).

³⁹ CTIA, Consumer Info, "Wireless Emergency Alerts on Your Mobile Device," *available at* http://www.ctia.org/consumer_info/safety/index.cfm/AID/12082 (last visited Aug. 28, 2012).

⁴⁰ FEMA, Integrated Public Alert & Warning System Authorities (Sept. 3, 2012), *available at* <http://www.fema.gov/alerting-authorities/integrated-public-alert-warning-system-authorities>.

⁴¹ National Weather Service Forecast Office, Baltimore Washington, "Wireless Emergency Alerts," *available at* <http://www.erh.noaa.gov/lwx/WEA/WEA.php> (last visited Aug. 29, 2012).

⁴² *See, e.g.* MOCOVOX.com, "After the Storm, Improvements Made to Emergency Alerts" (Aug. 9, 2012) *available at* <http://www.mocovox.com/2012/08/09/after-the-storm-improvements-made-to-emergency-alerts/> (noting that Verizon Wireless provided emergency alerts to its customers about the storm); Heather Geller, News Channel 10, "New Cell Phone Alert System" (Aug. 22, 2012), *available at* <http://www.newschannel10.com/story/19336694/new-cell-phone-alert-system> (noting that Sprint customers received a WEA about severe weather and high winds); Wes Hohenstein, NBC 17,

IV. CONCLUSION

Wireless carriers must have the flexibility to prepare for and respond to disasters and emergencies. Wireless carriers are already undertaking various multi-faceted efforts to ensure the reliability and resiliency of their networks. CTIA urges the Commission to disregard the self-serving comments filed by NAB, which are largely unresponsive to and distract from the Public Notice's topic of inquiry.

By: /s/ Brian M. Josef

Brian M. Josef
Assistant Vice President, Regulatory Affairs

Michael F. Altschul
Senior Vice President and General Counsel

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

CTIA – The Wireless Association®
1400 Sixteenth Street, NW, Suite 600
Washington, DC 20036
(202) 785-0081

September 4, 2012

“New Wireless Weather Alert System Arrives in North Carolina” (July 30, 2012), *available at* <http://www2.nbc17.com/weather/2012/jul/30/7/new-wireless-weather-alert-system-arrives-north-ca-ar-2476867/>.