

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

In the Matter of)	
)	
Review of the Emergency Alert System;)	
)	
Independent Spanish Broadcasters)	EB Docket No. 04-296
Association, the Office of Communication)	
Of the United Church of Christ, Inc., and the)	
Minority Media and Telecommunications)	
Council, Petition for Immediate Relief)	

COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION

Frontier Communications Corporation (“Frontier”) hereby submits the following comments in response to the numerous petitions for temporary waiver seeking extended relief from compliance with the Emergency Alert System (“EAS”) requirements in Section 11.56 of the Federal Communications Commission’s (“Commission” or “FCC”) rules.¹ Frontier, which operates a telecommunications network across 27 states, is the largest provider of communications services focused on rural America and overlaps with many of the territories included in the waiver petitions. Frontier is committed to doing its part to meet the Commission’s broadband deployment goals in its territories.² Frontier is investing hundreds of

¹ Cequel Communications, LLC d/b/a Suddenlink Communications, *Petition for Temporary Waiver*, EB Docket No. 04-296 (filed Dec. 27, 2012) (requesting an additional six month waiver); Charter Communications, *Petition for Temporary Waiver*, EB Docket No. 04-296 (filed Dec. 31, 2012) (requesting an additional two and four month waivers depending upon the location); New Wave, *Petition for Temporary Waiver*, EB Docket No. 04-296 (filed Dec. 31, 2012) (requesting an additional six month waiver); James Cable, LLC, *Petition for Temporary Waiver*, EB Docket No. 04-296 (filed Dec. 31, 2012) (requesting an additional six month waiver).

² *In re: Joint Statement on Broadband*, GN Docket No. 10-66, *Joint Statement on Broadband*, 25 FCC Rcd 3420 (2010) (“Every American should have a meaningful opportunity to benefit from the broadband communications era—regardless of geography, race, economic status, disability, residence on tribal land, or degree of digital literacy.”)

millions of dollars to deploy broadband in predominantly rural areas; the areas that the Commission found are most likely to lack service.³ While Frontier does not oppose the petitions at this time, Frontier urges the Commission to clearly inform the petitioners that they cannot continue to file waivers indefinitely to avoid compliance with the Commission's EAS rules; petitioners must invest in the infrastructure necessary to ensure that they meet the Commission's standards.

In the *Fifth Report and Order* the Commission explained that “modernizing the EAS to make it capable of processing CAP-formatted alert messages is necessary and consistent with our statutory goals,”⁴ which include “the national defense, and the promotion of safety of life and property through the regulation of wire and radio communications networks.”⁵ Accordingly, the Commission decided “to require EAS Participants to be able to receive CAP-formatted messages” by June 30, 2012.⁶ The requirement extended to all EAS Participants and no blanket exemptions from compliance were issued.⁷

The Commission recognized at the time that “the physical availability of broadband Internet access would be a physical predicate for compliance with the requirement that EAS Participants be able to receive CAP-based alerts.”⁸ Accordingly, the Commission decided to

³ *In re: Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act; A National Broadband Plan for Our Future*, GN Docket Nos. 10-159; 09-51, *Sixth Broadband Deployment Report*, 25 FCC Rcd 9556 at ¶ 28 (2010) (“*Sixth Broadband Deployment Report*”) (“Based on our analysis, we conclude that broadband is not being deployed to all Americans in a reasonable and timely fashion. Our analysis shows . . . approximately 14 to 24 million Americans do not have access to broadband today. [This] group appears to be disproportionately lower-income Americans and Americans who live in rural areas.”).

⁴ *In re: Review of the Emergency Alert System; Independent Spanish Broadcasters Association, The Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief*, *Fifth Report and Order*, 27 FCC Rcd 642 at ¶ 2(2012). “CAP” stands for “Common Alerting Protocol.”

⁵ *Id. citing* Section 1 of the Communications Act of 1934 (as amended), 47 U.S.C § 151.

⁶ *Id.* at ¶ 3.

⁷ *Id.* at ¶ 152.

⁸ *Id.*

allow EAS Participants to file for waiver on a case-by-case basis where there was no broadband physically available. As the petitioners note, the FCC decided that “the physical unavailability of broadband Internet service offers a presumption in favor of a waiver.”⁹ The Commission, however, believed that in all but the most limited of circumstances the duration of any such waiver would be limited to six months.¹⁰ EAS Participants were expected to use that period to explore all broadband options available.

The Petitioners all seek an extension of their original six month waivers, and therefore are beyond the scope of what the Commission envisioned necessary in order for the Petitioners to fulfill their obligations to receive CAP-based alerts. As the Commission observed, “the obligation to deploy CAP-enabled EAS equipment was adopted in 2007, thus, all EAS Participants have had ample time to prepare. . . .”¹¹ Some of the petitioners’ requests for additional time for compliance are undoubtedly financially-related. The Commission decided that “whether the cost of broadband Internet access in a given geographic area (or other potential substitute CAP alert distribution mechanisms) would constitute grounds for a waiver of the basic CAP-related obligations, any such determination would be relative to the facts and circumstances of an individual case.”¹² Suddenlink, for example, states that the “expenses for obtaining broadband at the [locations for which it seeks waiver] will total more than \$70,000.”¹³ While \$70,000 is a significant amount of money, that amount will cover 6,000 subscribers and constitutes only 0.003% of Suddenlink’s revenues for 2011.¹⁴

⁹ *Id. See, e.g.*, Suddenlink Petition at 4.

¹⁰ *Id.* (“For this reason, we believe that any waiver based on the physical unavailability of broadband Internet access likely would not exceed six months, with the option of renewal if circumstances have not changed.”).

¹¹ *Id.* at ¶ 153.

¹² *Id.* at ¶ 152.

¹³ Suddenlink Petition at 3.

¹⁴ *See* Cequel Communications Holdings I, LLC, Annual Report as of December 31, 2011 at 4 *available at* <http://phx.corporate-ir.net/phoenix.zhtml?c=213551&p=irol-reportsannual>.

In the case of some of these companies that requested an additional six month waiver of compliance, like Suddenlink, if the current waiver petition is granted it will have had a year to explore broadband solutions to its remaining headends. The Commission stated that “in the few instances where the rules we adopt today may result in new costs to EAS Participants, we believe that these costs are more than outweighed by the significant benefits to public safety that a functioning CAP-based EAS will bring to the American public.”¹⁵ Part of these companies’ public safety obligations includes investing in the necessary infrastructure; this should be the last waiver that the Commission considers on this topic. Accordingly, Frontier urges the Commission to affirmatively remind the companies of their duty to fulfill their public interest obligations.

Respectfully submitted,

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¹⁵ *Fifth Report and Order* at ¶ 5.