

**Written Statement  
Of**

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**Before the  
Subcommittee on Emergency Communications, Preparedness and Response  
Committee on Homeland Security  
U.S. House of Representatives**

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Good Morning Chairman Cuellar, Ranking Member Dent and other Members of the House Subcommittee on Emergency Communications, Preparedness, and Response. Thank you for the opportunity to appear before you on behalf of the Federal Communications Commission to discuss our work to satisfy the requirements of the Warning Alert and Response Network (WARN) Act and establish the Commercial Mobile Alert System (CMAS).

## **Introduction**

One of the FCC's primary statutory obligations is to promote the safety of life and property through the use of wire and radio communication. An essential element of that obligation is the ability to alert the American public in times of emergency. In complying with our statutory obligations under the WARN Act, the Commission has taken a significant step towards implementing one of our highest priorities – ensuring that all Americans have the capability to receive timely and accurate alerts, warnings and critical information regarding impending disasters and other emergencies irrespective of what communications technologies they use. As we have learned from recent disasters, such a capability is essential to enable Americans to take appropriate action to protect their families and themselves from loss of life or serious injury.

For over 50 years, the United States has had a mechanism in place to deliver alerts to the American public, particularly for the President to communicate with the public in the event of a national emergency. Until recently, that primary mechanism was the Emergency Alert System (EAS), a broadcast-based system that requires radio, television and cable systems to deliver emergency alerts to the country. The FCC has continued to develop the manner in which alert and warning systems take advantage of current technologies, for example, by expanding the EAS from its roots in analog television and radio to include participation by digital radio and television broadcasters, digital cable television providers, satellite radio and television, and wireline common carriers providing video programming.

Wireless services are becoming equal to television and radio as an avenue to reach the American public quickly and efficiently. According to CTIA, the wireless trade association, approximately 258 million Americans currently subscribe to wireless services. Wireless service has progressed beyond voice communications and now provides subscribers with access to a wide range of information critical to their personal and business affairs. In times of emergency, Americans rely on their mobile services for critical, time-sensitive information. Needless to say, a comprehensive mobile alerting system would bring great benefit to the public by quickly reaching people on the go, where they do not necessarily have access to broadcast radio or television.

When the President signed the Security and Accountability For Every Port (SAFE Port) Act into law on October 13, 2006, he enacted its component legislation, the WARN Act, thus establishing a process for the creation of a Commercial Mobile Alert System, whereby commercial mobile service, or CMS, providers may elect to transmit emergency alerts to their subscribers. The WARN Act required the Commission to undertake a series of actions to accomplish that goal. I am happy to report that the Commission has met all of its WARN Act deadlines to date, and has taken significant steps to facilitate the development of an effective Commercial Mobile Alert System. I will briefly summarize those requirements and the Commission's efforts to date.

## **The Commission's Implementation of the WARN Act**

First, by December 12, 2006, 60 days after enactment of the WARN Act, the Commission was required to establish and convene an advisory committee to recommend technical standards and other requirements by which commercial mobile service providers could voluntarily transmit emergency alerts. As required by the Act, the Commission established an advisory committee, the Commercial Mobile Service Alert Advisory Committee (CMSAAC), consisting of a diverse and balanced array of experts including: representatives of public safety organizations such as APCO, the International Association of Fire Chiefs and the National Association of State EMS Officials; local governments including Contra Costa County, California and the City of New York; a Federally-recognized Indian tribe; five major wireless carriers and an organization representing rural carriers, equipment manufacturers and vendors; the National Association of Broadcasters as well as the Texas, Michigan and Florida state broadcasters associations; the Association of Public Television Stations; organizations representing people with disabilities and the elderly; and Federal government agencies, including FEMA and NOAA and other experts. As required by the WARN Act, the Committee held its first meeting on December 12, 2006.

Next, the WARN Act required that the CMSAAC develop and submit its recommendations to the Commission by October 12, 2007, within one year after enactment of the statute. The CMSAAC submitted its report to the Commission in a timely manner, recommending an end-to-end alerting system by which alerts from Federal, state, tribal and local governments would be received by an Alert Aggregator which would aggregate, authenticate and validate the alerts. The alerts would then be sent to an Alert Gateway which would process the alert into a 90-character format that could be sent to CMS providers. The alert would then be sent to CMS Providers' gateway and infrastructure for processing and then ultimately transmitted to subscribers' handsets. A key part of the Committee's recommendation was that the Alert Aggregator and Alert Gateway functions be administered by a Federal government agency. Many of the wireless carriers indicated during the Committee's deliberation and in comments in the rulemaking that a Federally-administered alert aggregator/gateway was essential to their participation in the CMAS.

On December 14, 2007, the Commission issued a Notice of Proposed Rulemaking seeking comment on implementation of the WARN Act, including the recommendations of the advisory committee. The Commission received over 60 comments on the issues raised in the Notice.

Within 180 days of receipt of the CMSAAC's recommendations, or April 9, 2008, the Commission was required to adopt technical standards, protocols, procedures and technical requirements based on the CMSAAC's recommendations, necessary to enable alerting capability for commercial mobile service providers. I am pleased to report that the Commission released its CMAS Report and Order adopting those requirements on that date and thus complied with the mandate of the statute.

The Commission's Order generally adopted the CMSAAC's recommendations. Specifically, the Commission adopted the end-to-end architecture for the CMAS proposed by the CMSAAC. It also concluded that a Federal government entity should perform the alert aggregator and alert gateway functions, as recommended by the CMSAAC. The Commission, however, did not designate a specific federal government agency to fulfill these functions. Recognizing that no federal agency expressed a willingness and ability to assume these functions and that our sister agency FEMA had filed comments saying that it could not legally perform these functions, the Commission pledged to

work with its Federal colleagues and Congress, if necessary, to identify an appropriate government entity to fulfill these roles, whether it be FEMA, another DHS entity, NOAA or the FCC.

The Commission's Order also adopted functional capability requirements for CMS provider-controlled elements of the CMAS (*i.e.*, the CMS Provider Gateway, CMS provider infrastructure and handsets). In addition, the order adopted technologically neutral rules: (1) addressing emergency alert formatting, classes and elements and requiring participating CMS providers to transmit three classes of alerts – Presidential, Imminent Threat, and AMBER alerts; (2) requiring participating CMS providers to target alerts at areas no larger than the county-level, as recommended by the CMSAAC; and (3) requiring participating CMS providers to include an audio attention signal and vibration cadence on CMAS-capable handsets in order to ensure that people with disabilities had access to these alerts. Due to implementation issues, including network congestion concerns raised by wireless carriers during both the Committee's deliberations and the rulemaking proceeding, the Commission declined to require at this time participating CMS providers to transmit alerts in languages in addition to English. With respect to the availability of CMAS alerts while roaming, subscribers will receive alert messages if the carrier operating the network has a roaming agreement with the subscriber's CMS provider and is participating in the CMAS, and the subscriber's mobile device is configured for and technically capable of receiving alert messages. Finally, the Commission determined that CMAS alerts may not preempt an ongoing phone call or data session.

### **Next Steps**

With the adoption of technical requirements last month, the Commission has now turned to implementing other requirements of the WARN Act. Specifically, within 90 days of our adoption of the technical requirements on July 8, 2008, the statute requires the Commission to adopt rules requiring non-commercial educational (NCE) and public broadcast stations to install equipment and technologies to enable the distribution of geographically targeted alerts by CMS providers that have elected to transmit emergency alerts. The statute also requires that, within 120 days of adoption of CMAS technical requirements, or by August 7, 2008, the Commission must adopt rules that, among other things, establishes the process by which CMS providers would elect to transmit emergency alerts to subscribers. The Commission is on track to meet both statutory deadlines.

The Commission has – and will – continue to coordinate with the wireless industry, the public safety community, DHS, FEMA, NOAA and others as we seek to advance the CMAS to full implementation. We anticipate that our federal colleagues at FEMA and NOAA will be active participants as we move forward, and we look forward to working with them as we seek to find an appropriate Federal entity to perform the aggregator/gateway function.

We have also received, and continue to receive, valuable input from interested individuals, state and local emergency management agencies, and various elements of the communications sector on our implementation of the CMAS. We look forward to working with these stakeholders, the public and members of Congress to ensure that we provide an effective Commercial Mobile Alert System to the American people.

### **Conclusion**

Thank you for the opportunity to appear before you today. This concludes my testimony and I would be pleased to answer any questions you may have.