TESTIMONY OF
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BEFORE THE

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT

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Good morning Chairwoman Norton, Ranking Member Graves, and distinguished members of the Subcommittee. I am Christopher Guttman-McCabe, Vice President for Regulatory Affairs at CTIA, The Wireless Association®. CTIA is the international organization that represents all sectors of the wireless communications industry: wireless carriers, manufacturers, and data companies. I am privileged to appear before you today to present CTIA's views on the important topic of implementing a modern, effective public alerting and warning system on behalf of our carrier members and more than 255 million wireless consumers. My comments today focus on the wireless industry's efforts to develop and deploy a commercial mobile alert service to notify citizens of emergencies, whether natural or man-made, and what role Government has played and can play in the future to advance that effort.

The Importance of Government – Wireless Industry Partnership in Advancing Public Alerting Capabilities

This is an exciting time. The wireless industry and federal, state and local governments all recognize the importance of the timely dissemination of emergency warnings and alerts to as wide a group as possible. CTIA and the industry understand the role wireless can play in this process. At the same time, Government has wisely recognized in recent years that engaging in regulatory flexibility efforts through partnership with industry – rather than imposing inflexible mandates – results in faster implementation of solutions.

The wireless industry has in its recent past several examples of what can happen when government and industry partner voluntarily in the creation of a new service – Wireless Priority Service and AMBER Alerts. Wireless Priority Service is a White House-directed National Security/Emergency Preparedness program, through the National Communications System ("NCS"), that utilizes commercial wireless networks to deliver priority access to key government officials during times of crisis and high call volume. Government, through both the NCS and the Federal Communications Commission ("FCC" or "Commission"), worked with industry to develop the requirements for the service but, did not mandate a solution. Instead, government provided funding to manufacturers and vendors for development of the capability, resulting in the rapid deployment of the service in two phases. Importantly, the service was developed and deployed with key input from the technology experts, resulting in no challenges, no appeals, and no delays.

CTIA and the industry also launched a voluntary Wireless AMBER Alert Service in partnership with the Department of Justice and the National Center for Missing and Exploited Children that helps to protect our Nation's children. By making potentially life-saving AMBER

Alert text messages available to wireless subscribers who "opt in" to the offering, this program will significantly increase the reach of the AMBER Alert notification program. The carriers currently participating collectively provide service to more than 90% of U.S. wireless customers. The service has been designed to be scalable so that additional carriers can continue to join the effort going forward.

In the emergency alerting context, CTIA and the industry have dedicated substantial time, effort and money toward developing and implementing an effective alert capability for wireless users. CTIA and the industry have coordinated their efforts with the Department of Homeland Security and the Federal Emergency Management Agency ("FEMA"), as well as with the FCC. In particular, the industry participated in the *National Capital Region Digital Emergency Alert System Pilot*, designed to demonstrate the distribution of Emergency Alert Service ("EAS") messages.

The wireless industry and dozens of other interested stakeholders presently are working to develop commercial mobile service alert systems under the Warning, Alert and Response Network Act ("WARN Act").[1] My remarks today will describe the wireless industry's efforts to date to implement the WARN Act and explain how these efforts comport with the goals set out in the "Integrated Public Alert and Warning System Modernization Act of 2008," H.R. 6038.

The WARN Act

Congress got it right when setting out to establish a framework for creating and deploying wireless emergency alerts. The WARN Act, enacted on October 13, 2006 as part of the Security

[1] Warning, Alert, and Response Network (WARN) Act, Title VI of the Security and Accountability For Every Port Act ("SAFE Port Act"), Pub. L. 109-347, 120 Stat. 1884 at § 602(a) (2006); *In re The Commercial Mobile Alert System*, First Report and Order, PS Docket No. 07-287, FCC 08-99 (rel. Apr. 9, 2008) ("Report and Order").

and Accountability For Every Port ("SAFE Port") Act, established a process for developing and implementing a Commercial Mobile Alert System ("CMAS"), in which wireless carriers may elect to transmit emergency alerts to their subscribers. Most relevant to today's discussion, the WARN Act provided for the (1) creation of a joint government-industry partnership to develop the requirements of a voluntary wireless emergency alert service, with the goal of establishing standards; (2) appointment of a body responsible for weighing specific alerting and warning requirements against industry capabilities; (3) designation of a federal entity tasked with administering the alert service and creation of rules governing who may generate messages coupled with a process to authenticate and secure alert messages; and (4) funding for research, development, and deployment of a nationwide alert service.

The WARN Act properly balances wireless carriers' existing capabilities with the requirements of an effective Emergency Alert service, at the same time recognizing that wireless technology is evolving. This continuing evolution will enable carriers to provide improved and enhanced alerting capabilities over time – reflecting the idea underlying H.R. 6038 that developing a national emergency alerting system should not be a one-time event.

In the WARN Act, Congress developed a unique procedure to address the problem of emergency alerting by securing the participation of interested parties in the development and deployment of a Commercial Mobile Alert Service. Congress's plan is working as scripted. Within one year of enactment, the FCC established an advisory committee, the Commercial Mobile Service Alert Advisory Committee ("CMSAAC" or "Advisory Committee"), comprised of more than 40 individuals representing federal, state, local, and tribal government (including FEMA and the NCS); communications service providers; vendors, developers, and manufacturers; third party service bureaus; broadcasters; representatives of certain groups of consumers; and

individuals with technical expertise, among others. I served as a representative of the Advisory Committee on behalf of the wireless industry. Though it worked expeditiously to comply with the statutory schedule, the Advisory Committee spent the requisite time to understand every individual viewpoint and considered how each could be addressed in the final recommendations for the alert service. Over 11 months, five main committees and their subcommittees generated over 600 numbered documents, held hundreds of meetings to discuss in detail each carefully considered point, and spent thousands of man-hours to develop the Advisory Committee's recommendation. To ensure that every voice was heard, in addition to the countless working group meetings, the Advisory Committee held six public meetings to discuss its progress and allowed for public comment on its work. A thorough, workable plan for the deployment of the commercial mobile alerts system was developed.

The FCC also has diligently performed its duties under the WARN Act. Shortly after the Advisory Committee submitted its final recommendations, the Commission sought public comment and, on April 9, 2008, issued its First Report and Order largely adopting the recommendations in their entirety. The Order set forth the alerting service architecture proposed by the Advisory Committee and concluded that a Federal Government entity should aggregate, authenticate, and transmit alerts to the participating wireless providers. Just last week FEMA announced its intention to fulfill this important role. The FCC also required that participating providers must transmit three classes of alerts – Presidential, Imminent Threat, and AMBER alerts and must include an audio attention signal and vibration cadence for subscribers with disabilities and the elderly. Within the alert service architecture, wireless providers are responsible for administering a number of elements, including the Service Provider Gateway, infrastructure and

mobile devices. Participating carriers also must provide alert messages to those subscribers roaming on their networks.

Additionally, the Commission adopted several technical requirements based on the Advisory Committee's recommendations, including requiring geo-targeting at the county-level and limiting multi-language alerting to the transmission of alerts in English only at this time. It is important to note that the decisions regarding geo-targeting and English-language alerts reflect the technological constraints wireless carriers presently face. The Advisory Committee, however, specifically contemplates future implementation of more granular geo-targeting and further investigation into adding other languages, such as Spanish, to wireless alerts as technology evolves. With regard to geo-targeting, the Advisory Committee recommended that certain urban areas with populations exceeding 1,000,000 inhabitants or with other specialized alerting needs be identified for priority consideration for implementing more precise geo-targeting. It also recognized the desire to move forward with this process in a number of areas with particularly urgent alerting needs as soon as possible and recommended that funding under Section 604 of the WARN Act be provided to FEMA for this purpose.

The FCC continues to work expeditiously to issue rules in the coming months that will address the distribution of alerts by non-commercial educational and public broadcast stations and procedures for wireless carriers to elect to transmit emergency alerts to subscribers.

The Commercial Mobile Alert System Complements the Integrated Public Alert and Warning System Modernization Act of 2008

The efforts underway to develop and deploy the Commercial Mobile Alert System, with the strong likelihood of FEMA's involvement as the Alert Aggregator and Gateway operator,

complement the goals established in H.R. 6038, the Integrated Public Alert and Warning System Modernization Act of 2008. The WARN Act provides a sensible process that will help facilitate the development and evolution of a wireless alerting service and the role that it can play in the modernization of the IPAWS as envisioned in H.R. 6038. Moreover, I believe that its creation and implementation under a commercial – government partnership process will enhance the effectiveness of a comprehensive emergency alerting system.

H.R. 6038 directs FEMA to modernize the Integrated Public Alert and Warning System ("IPAWS") to ensure that Presidential emergency alerts can be sent and received by Government and its citizens. As part of this broad goal, the Bill authorizes FEMA to set technical standards, processes, protocols and procedures. H.R. 6038 also enables FEMA to direct how to adapt the distribution and content of messages based on geographic location, risks, or user preferences; ensure these alerts can effectively warn those with disabilities and limited proficiency in English; and make sure adequate training and testing occurs. The Bill contemplates an IPAWS that draws on multiple and diverse communications technologies, maintains the ability to incorporate or migrate to future technologies, reach the broadest portion of the affected population as possible, and offer redundant alerting mechanisms where practicable.

I could not agree more with the goals of H.R. 6038. And I will say that the wireless industry, under the framework of the WARN Act, is pursuing and accomplishing many of these goals with the FCC and FEMA in creating the commercial mobile alert service. While the FCC and the WARN Act Advisory Committee have established the commercial mobile alert service architecture and many of the technical standards and procedures, FEMA – if selected by the FCC as the federal Alert Aggregator – will develop standards and protocols to fulfill its role as Alert Aggregator and issue technical specifications governing the Alert Gateway. Moreover, the

Advisory Committee has engaged on, and will continue to advance, issues regarding the distribution and content of messages based on geographic location. In addition, the FCC adopted the Advisory Committee's recommendation requiring participating carriers to include an audio attention signal and vibration cadence on alert-capable handsets to ensure that those with disabilities could receive these alerts. Although the technical impediments to wireless alerts in multiple languages are significant, the Advisory Committee will continue to study ways to provide alerts beyond English only. Moreover, the FCC is currently working on further rules to implement the WARN Act, including rules governing testing of alert transmission and reception, for participating providers. I respectfully submit that many of the goals and requirements set forth in H.R. 6038 either already have been addressed or presently are being addressed in the wireless context. Thus, the WARN Act process is effectuating the Bill's worthy goal of ensuring broader dissemination of Presidential-level alerts and warnings. But CTIA cautions against Congress or agencies taking any action that could disrupt the wireless industry's significant efforts and progress to date.

CTIA and the wireless industry support the evolution of a framework for a comprehensive alert service that ultimately can be transmitted on multiple retransmission media, including wireless. CTIA and the industry believe that, while wireless can be a component of any alerting service, such a service should not focus solely on wireless. Rather, a complete public alert and warning system should explore the full range of communications media and devices, without limiting itself to wireline and wireless telephones, radio, television, cable or satellite.

Conclusion

A government-industry partnership, as seen in the development of Wireless Priority Service and wireless AMBER alerts, and as being realized right now under the WARN Act process, will facilitate development and deployment of a comprehensive, modern emergency alert and warning system. In the wireless context, I am optimistic that the government-industry partnership model will lead to an evolving mobile alerting system that taps the wireless industry's creativity and ingenuity.

CTIA and the wireless industry look forward to continuing their work with Government in the creation and deployment of a commercial mobile alert system. Thank you again for this opportunity to highlight our efforts to enhance the nation's public warning and alerting capabilities.