

TESTIMONY OF

Christopher Guttman-McCabe  
Vice President Regulatory Affairs  
CTIA – The Wireless Association®

December 13, 2011

Hearing on:

The development of FEMA's Integrated Public Alert and Warning System (IPAWS)  
as well as the recent test of the nation's Emergency Alert System

House Transportation & Infrastructure Subcommittee on Economic Development,  
Public Buildings, and Emergency Management



Testimony of Chris Guttman-McCabe  
Before the House Transportation & Infrastructure Subcommittee on Economic  
Development, Public Buildings, and Emergency Management  
December 13, 2011

Chairman Denham, Ranking Member Norton, and members of the Subcommittee, thank you for affording CTIA<sup>1</sup> the opportunity to participate in today's hearing. My name is Chris Guttman-McCabe, and I serve as the Association's Vice President for Regulatory Affairs. In that capacity, I have been involved in the wireless industry's efforts to implement the Commercial Mobile Alert Service called for by the WARN Act, and I am pleased to have the chance to share with you today that the wireless industry is doing what is necessary to deliver a state-of-the-art alerting system by early 2012.

The Warning, Alert and Response Network or WARN Act became law as Title VI of the SAFE Ports Act<sup>2</sup> in October 2006. CTIA supported enactment of the legislation, which we believe struck a reasonable balance by attempting to augment the existing emergency alerting system without imposing new cost or technology mandates on the wireless industry. This approach was consistent with, and built upon, previous public-private partnerships that led to the successful creation of Wireless Priority Service (a collaborative effort between the National Communications System and the wireless industry) and the AMBER Alert program (a joint effort involving the Department of Justice, the National Center for Missing and Exploited Children, and the wireless industry).

In the WARN Act, Congress developed an innovative procedure to address the problem of emergency alerting by securing the participation of interested non-governmental parties in the development and deployment of what has been envisioned as a 90-character, geo-targeted, succinct alerting capability that would

---

<sup>1</sup> CTIA – The Wireless Association® is a nonprofit membership organization that has represented the wireless communications industry since 1984. Membership in the association includes wireless carriers and their suppliers, as well as providers and manufacturers of wireless data services and products. Additional information about CTIA may be found at <http://www.ctia.org/aboutCTIA/>.

<sup>2</sup> P.L. 109-347.

Testimony of Chris Guttman-McCabe  
Before the House Transportation & Infrastructure Subcommittee on Economic  
Development, Public Buildings, and Emergency Management  
December 13, 2011

let consumers carrying a wireless device know that there is an imminent threat to health or safety. From CTIA's perspective, it appears that Congress' vision is working as designed.

In the first year after the WARN Act became law, the Federal Communications Commission ("FCC") established the Commercial Mobile Service Alert Advisory Committee ("CMSAAC" or "Advisory Committee") comprised of more than 40 individuals representing tribal, local, state, and federal government agencies (including FEMA and the NCS); communications providers; vendors; third-party service bureaus; broadcasters; consumers' groups; and other technical experts. I served on the Advisory Committee on behalf of CTIA. Over 11 months, the Advisory Committee generated more than 600 documents, held hundreds of meetings, and spent thousands of man-hours to develop a thorough, workable commercial mobile alerts system plan.

Following delivery of the Advisory Committee's recommendations, the FCC has issued orders largely adopting the recommendations developed by the CMSAAC. Among other things, the FCC's orders set forth the alerting service architecture proposed by the Advisory Committee and concluded that a federal entity should aggregate, authenticate, and transmit alerts to the participating wireless providers. FEMA will play this role. The FCC also has required that participating providers must transmit three classes of alerts – Presidential, Imminent Threat, and AMBER alerts – and that consumers be permitted to opt-out of the latter two but not the first. Importantly, the FCC agreed with CMSAAC that wireless carriers opting to deliver alerts should "not be bound to use any specific vendor, technology ... [or] device" to meet their obligations under the WARN Act.<sup>3</sup>

---

<sup>3</sup> In the Matter of The Commercial Mobile Alert System, PS Docket No 07-287, adopted April 9, 2008, at paragraph 33.

Testimony of Chris Guttman-McCabe  
Before the House Transportation & Infrastructure Subcommittee on Economic  
Development, Public Buildings, and Emergency Management  
December 13, 2011

Following issuance of the FCC's first report and order, wireless carriers had to elect whether they would participate in the delivery of wireless emergency alerts, well in advance of finalizing the technical specifications for implementing the alerts. I am pleased to report that mobile providers representing nearly 97 percent of wireless subscribers elected to provide wireless emergency alerts, demonstrating the success of this public-private partnership. Moreover, this figure is likely to increase as additional carriers elect to offer the alerts to their customers once the system is rolled out.

Since providers made their initial elections in September 2008, the wireless industry has been working, in close consultation with FEMA and the FCC, to make the investments and system modifications necessary to enable the wireless emergency alert system to be operational by April 2012. And, I'm pleased to report that providers have deployed and tested the elements of the wireless emergency alert system within their control and currently have the capability to deliver wireless emergency alerts to New York City whenever FEMA finalizes its connections to the gateway that allows alerts to be delivered from alert originators to the carriers.

While we believe the wireless industry is hitting all the marks necessary to deliver on the promise of the WARN Act, there are two key areas beyond wireless carriers' control that must be addressed if a seamless national deployment is to occur and be operational next year. First, FEMA must stand-up its wireless emergency alerts gateway and be capable of receiving and distributing alerts to participating wireless carriers. The wireless industry has worked closely with FEMA for well over a year to move this deployment forward and we commend FEMA for its effort to date. But now is the time to push the ball across the proverbial goal line if we are to ensure a

Testimony of Chris Guttman-McCabe  
Before the House Transportation & Infrastructure Subcommittee on Economic  
Development, Public Buildings, and Emergency Management  
December 13, 2011

smooth launch of the system. Second, substantial and ongoing care must be taken to ensure that potential alert originators at the state, county, and local levels are properly trained about when and how alerts should be originated. This is crucial because it is these alert originators who are responsible for disseminating critical information to the public in a timely manner. If consumers receive confusing, irrelevant, or overly frequent alerts, then even the best alerting system will ultimately fail. We urge you to exercise your oversight authority to ensure that these objectives are achieved.

The wireless industry is committed to delivering wireless emergency alerting capability next year, and to working with FEMA and the FCC to ensure that subsequent generations of the system to support additional functionality and granularity. With this in mind, we do not believe that wireless carriers that participate in the wireless emergency alerting system should be subject to any new requirements that emanate from the implementation of IPAWS. While IPAWS may help to modernize the distribution of alerts on other communications platforms, CMAS is the proper path to deliver and modernize emergency alerts provided over wireless networks. We hope you will keep this in mind as you consider legislative efforts like H.R. 2904.

Thank you for the opportunity to appear on today's panel. I look forward to your questions.

Christopher Guttman-McCabe  
*Vice President, Regulatory Affairs*

Since joining CTIA in 2001, Chris Guttman-McCabe has worked on a wide range of issues involving spectrum, regulatory mandates, and homeland security. Guttman-McCabe became Vice President for Regulatory Affairs in September, 2005, and in that capacity coordinates the association's regulatory policy advocacy.

Prior to joining CTIA, Guttman-McCabe worked as an attorney for four years at the D.C. based law firm Wiley Rein & Fielding LLP. He served as an Associate in the Communications Practice Group where he advised clients on wireless and common carrier issues, including licensing, compliance, and policy matters. Guttman-McCabe started his career as a management and strategic consultant to the steel industry at AUS Consultants and later co-founded Jacobson & Associates, a metals industry management and strategic consulting firm, where he served as the Vice President.

Guttman-McCabe received his B.A. degree in economics from Swarthmore College and his J.D. Magna Cum Laude from Catholic University with a certificate from the Institute for Communications Law Studies.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
*Truth in Testimony Disclosure*

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

CHRISTOPHER GUTTMAN-MCCABE

(2) Other than yourself, name of entity you are representing:

CTIA - The Wireless Association

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

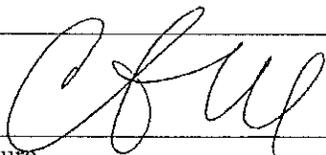
If yes, please provide the information requested below and attach your curriculum vitae.

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

None

Signature



Date

12/12/11