

TESTIMONY OF

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Hearing on:

Communicating With the Public During Emergencies: An Update on Federal Alert
and Warning Efforts

Subcommittee on Emergency Preparedness, Response, and Communications
Committee on Homeland Security



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Before the House Homeland Security Subcommittee on Emergency Preparedness
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Chairman Bilirakis, Ranking Member Richardson, and members of the Subcommittee, thank you for affording CTIA¹ the opportunity to participate in today's hearing. My name is Christopher 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 ("CMAS") called for by the WARN Act, and I am pleased to have the chance to share with you today what the wireless industry is doing 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 Act² 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 alert capability that would 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's vision is working as designed.

¹ 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/>.

² P.L. 109-347.

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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.³

Following issuance of the FCC’s first report and order, wireless carriers had to elect whether they would participate in the delivery of CMAS messages, well in advance of finalizing the technical specifications for implementing the alerts. I am pleased to tell the Subcommittee 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.

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

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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 CMAS system to be operational by April 2012. And, through advance efforts by the industry, the FCC, and FEMA, CMAS capabilities will be available in New York City by the end of this calendar year.

While we believe the wireless industry is hitting all the marks necessary to deliver on the promise of the WARN Act, there are two areas beyond our control that must be addressed if a seamless national deployment is to occur and be operational next year. First, FEMA must stand-up its CMAS gateway and be capable of receiving and distributing alerts to participating wireless carriers. Through our cooperative coordination with FEMA, we believe that is on track to occur in a timely manner. 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 or irrelevant 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 addition of wireless alerting capabilities to the Emergency Alert System will greatly enhance the ability to promote public safety and health in times of crisis. The wireless industry is committed to delivering CMAS capability next year, and to working with FEMA and the FCC to ensure that subsequent generations of CMAS support additional functionality and granularity. We look forward to an ongoing dialogue with the Subcommittee as that process moves forward.

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