



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 06-2502
December 12, 2006

NOTICE CONCERNING EX PARTE STATUS OF INFORMATION SUBMITTED TO THE COMMERCIAL MOBILE SERVICE ALERT ADVISORY COMMITTEE

Washington, DC -- Pursuant to Section 603 of the Warning, Alert and Response Network Act (WARN Act),¹ the Commission established the Commercial Mobile Service Alert Advisory Committee (“Advisory Committee”). The Advisory Committee will develop and recommend technical standards and protocols to facilitate the voluntary transmission of emergency alerts by Commercial Mobile Service (CMS) providers. The Advisory Committee’s recommendations must be submitted to the Commission within one year from the date of enactment of the WARN Act (i.e. October 12, 2007).²

On December 5, 2006, the Commission announced the appointment of members to the Advisory Committee, including the appointment of FCC Chairman Kevin J. Martin as Chair of the Advisory Committee.³ Because Chairman Martin and FCC staff will participate in the work of the Advisory Committee, we are announcing that, pursuant to section 1.1200(a) of the Commission’s rules, 47 C.F.R. § 1.1200(a), presentations to the Advisory Committee will be treated as exempt presentations for ex parte purposes. This treatment is appropriate since presentations to the Advisory Committee, like comments on a Notice of Inquiry, will not directly result in the promulgation of new rules. *See* 47 C.F.R. § 1.1204(b)(1) (exempt treatment of Notices of Inquiry).

We recognize, however, that there is presently pending a docket entitled *In the Matter of the Review of the Emergency Alert System*, EB Docket 04-296 (“EAS Rulemaking Proceeding”), which is considering several issues to be addressed by the Advisory Committee. The Commission will not rely in EB Docket 04-296 on any information submitted to the Advisory Committee, or to any of its subcommittees or working groups, unless that information is first placed in the record of the EAS Rulemaking Proceeding.

PSHSB Contact: Lisa M. Fowlkes, (202) 418-7452 or lisa.fowlkes@fcc.gov

¹ WARN Act Section 603. The WARN Act was enacted on October 13, 2006, as part of the Security and Accountability for Every Port Act, Pub. L. No. 109-347, 120 Stat. 1936-1943 (2006).

² The Advisory Committee held its first meeting today.

³ *See* Notice of Appointment of Members to the Commercial Mobile Service Alert Advisory Committee; Agenda for December 12, 2006 Meeting, *Public Notice*, DA 06-2474 (PSHSB, December 5, 2006).