



PUBLIC NOTICE

Federal Communications Commission
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DA 07-5064

Released: December 19, 2007

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON AT&T
PETITION FOR LIMITED WAIVER OF THE COMMISSION'S *SECOND REPORT
AND ORDER* CONCERNING THE EMERGENCY ALERT SYSTEM**

EB Docket No. 04-296

Comment Date: January 9, 2008

Reply Comment Date: January 22, 2008

The Public Safety and Homeland Security Bureau seeks comment on a Petition for Limited Waiver filed by AT&T¹ of the Commission's *Second Report and Order* concerning the Emergency Alert System (EAS).² Specifically, the *Second Report and Order* requires that wireline video providers participate in the EAS by December 3, 2007.³ In its Petition, AT&T Inc. seeks a waiver of this requirement, arguing that certain technical obstacles preclude it from implementing EAS in its IP-based video service before July 31, 2008, and that it is in the public interest to grant it a limited waiver to that extent.⁴ Accordingly, AT&T requests that the Commission grant it a limited waiver of the December 3, 2007 deadline for EAS compliance for AT&T's IP-based video service to "not later than July 31, 2008."⁵

Interested parties may file comments on the waiver request on or before January 9, 2008. Parties interested in submitting reply comments must do so on or before January 22, 2008. See 47 U.S.C. § 154(i); 47 C.F.R. §§ 0.191(e), and 0.392. All comment and reply comment filings should reference the subject waiver request and **EB Docket No. 04-296**. Comments and reply comments may be filed by using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's

¹ AT&T Petition for Limited Waiver, EB Docket No. 04-296 (filed Nov. 14, 2007) (Petition).

² See Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief, EB Docket No. 04-296, *Second Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 13276 (2007) (*Second Report and Order*); *Erratum*, 22 FCC Rcd 17023 (PSHSB 2007).

³ *Second Report and Order* at 13296-98 ¶¶ 46-50, 13310 ¶ 83.

⁴ See Petition at 7-10.

⁵ *Id.* at 10.

eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **EB Docket No. 04-296** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257,

Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Because of the policy implications and potential impact of this proceeding on persons not party to the waiver request, we believe that it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice, ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b) and must reference **EB Docket No. 04-296**.

For further information regarding this proceeding, contact Thomas J. Beers, Deputy Chief, Policy Division, Public Safety and Homeland Security Bureau, (202) 418-0952.

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