



PUBLIC NOTICE

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OMB Control Number 3060-1113

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES TIMETABLE FOR COMMERCIAL MOBILE SERVICE PROVIDERS ELECTING NOT TO TRANSMIT COMMERCIAL MOBILE ALERT SYSTEM (CMAS) ALERTS TO NOTIFY EXISTING AND POTENTIAL CUSTOMERS

PS Docket No. 07-287

Washington D.C. – By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) of the Federal Communications Commission (FCC) initiates a 60-day period during which commercial mobile service (CMS) providers that have elected not to transmit Commercial Mobile Alert System (CMAS)¹ alerts, in whole or in part throughout their service areas, must comply with the customer notification requirements set forth in 47 C.F.R. §§ 10.240 and 10.250.² Accordingly, affected CMS providers must provide the requisite notice no later than May 15, 2012.

On April 7, 2012, CMS providers will begin to offer CMAS service to their customers. Because CMAS is a voluntary program,³ not all CMS providers currently intend to provide CMAS service or do not intend to provide CMAS service throughout their entire service areas. The notice requirements in 47 C.F.R. §§ 10.240 and 10.250 are designed to prevent consumer confusion about CMAS availability from service providers.

PSHSB takes this action pursuant to Section 10.260 of the Commission's rules, which requires that CMS providers electing not to transmit CMAS alerts, in whole or in part throughout their service areas, must comply with customer notification requirements set out in sections 10.240 and 10.250⁴ "no later than 60 days following an announcement by the Commission that the Alert Aggregator/Gateway system is operational and capable of delivering emergency alerts to participating CMS providers."⁵ On February 22, 2012, the Federal Emergency Management Agency (FEMA), which is responsible for

¹ CMAS is also known as the Personal Localized Alerting Network (PLAN) or Wireless Emergency Alerts (WEA). For purposes of this Public Notice, we will refer to the system as the "Commercial Mobile Alert System" or "CMAS."

² See Warning, Alert, and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006, Pub. L. No. 109-347, 120 Stat. 1884 (2006) (WARN Act), §602 (b)(1)(B)(C).

³ See WARN Act, §602(a).

⁴ 47 C.F.R. § 10.240; 47 C.F.R. § 10.250.

⁵ 47 C.F.R. § 10.260.

administering the Alert Aggregator/Gateway in support of CMAS,⁶ informed PSHSB that the system was operational and capable of delivering CMAS alerts to participating CMS providers.⁷

Section 10.240 of the FCC's rules⁸ requires that all CMS providers electing not to participate, in part or in whole, in the CMAS throughout their service areas must provide clear and conspicuous notice to new subscribers of their non-election or partial election at the point of sale. The point of sale includes stores, kiosks, third party reseller locations, web sites, and any other venue through which the CMS provider markets and sells its devices and services. The specific language of the notice is provided at 47 C.F.R. §10.240(c) and (d). Such notice must take into account the needs of persons with disabilities.

Section 10.250 of the FCC's rules⁹ requires that CMS providers electing not to transmit CMAS alerts, in part or in whole throughout their service areas, must provide clear and conspicuous notice to existing subscribers of their non-election or partial election by means of an announcement amending the existing subscriber's service agreement. In the case of prepaid customers, if a mailing address is available, the CMS provider must provide the required notification via U.S. mail. If no mailing address is available, the CMS provider must use any reasonable method at its disposal to alert the customer to a change in the terms and conditions of service and directing the subscriber to a voice-based notification or to a Web site providing the required notification. All CMS providers not serving all geographical areas within their service areas must provide notice of partial election to their subscribers. Notices must take into account the needs of people with disabilities.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

For further information, please contact Gregory Cooke, Associate Chief, Policy Division, Public Safety and Homeland Security Bureau, at gregory.cooke@fcc.gov or at (202) 418-2351.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. § 3507), the FCC is notifying the public that it received OMB approval on January 26, 2009, for the collection of information described in this Public Notice. Public reporting burden for this collection of information is estimated to be ten to fifty hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This collection of information is for the purpose of assisting the Commission in carrying out provisions of the NET 911 Act. This collection is mandatory under the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008). Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing

⁶ See Press Release, Federal Emergency Management Agency, "FEMA to Assume Aggregator/Gateway Role for Nationwide Cell Phone Alert System" (May 30, 2008), available at <http://www.fema.gov/news/newsrelease.fema?id=43619>.

⁷ Letter dated February 22, 2012, from Damon Penn, Assistant Administrator, Department of Homeland Security, Federal Emergency Management Agency, to James Arden Barnett, Chief, FCC Public Safety and Homeland Security Bureau.

⁸ 47 C.F.R. § 10.240.

⁹ 47 C.F.R. § 10.250.

the burden to Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-1122), or via the Internet to PRA@fcc.gov.

Under 5 CFR § 1320, an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB Control Number. **This collection has been assigned OMB Control Number 3060-1113 and its expiration date is July 31, 2014.**

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

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