

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Review of the Emergency Alert System;	)	EB Docket No. 04-296
	)	
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	)	

**COMMENTS OF THE NATIONAL ASSOCIATION  
OF TELECOMMUNICATIONS OFFICERS AND ADVISORS  
IN OPPOSITION TO AT&T’S REQUEST FOR LIMITED WAIVER**

**I. INTRODUCTION**

The National Association of Telecommunications Officers and Advisors (“NATOA”) submits these comments in opposition to AT&T’s Request for Limited Waiver (“Request”) of the effective date of the Commission’s rules set forth in the *Second Report and Order* (“*Second Order*”), released July 12, 2007, in the above-captioned proceeding.<sup>1</sup>

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<sup>1</sup> *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 (rel. July 12, 2007) (“*Second Report and Order*”) at ¶ 74.

NATOA's membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of services for the nation's local governments.

## II. ARGUMENT

On November 14, 2007, AT&T filed its Request, stating that it "will be unable until July 31, 2008 to implement EAS in full compliance with the requirements prescribed by the Commission."<sup>2</sup> While it has been well-known that the company has been having technology difficulties with its system, the company led many to believe, including the Commission, that its difficulties with EAS compliance would be resolved by the end of 2007.

Subsequent to filing its Request, AT&T submitted additional comments in this proceeding that, while again asserting its ability to meet its new projected deadline, raise concerns.<sup>3</sup> Although the Commission's *Second Order* extends the authority to activate EAS alerts to state governors, AT&T's comments mention only its potential ability to provide "Presidential" alerts. While this may be merely an oversight on AT&T's behalf, AT&T must clarify this issue before the Commission takes any action on the company's Request.

Furthermore, because of AT&T's changing full compliance date – from December 31, 2007 to June 30, 2008 to July 31, 2008 – the Commission, in the event it grants the Request, should require the company to submit periodic progress reports to the Commission regarding the company's efforts to become fully compliant with EAS

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<sup>2</sup> AT&T Petition for Limited Waiver, *Review of the Emergency Alert System*, EB Docket No. 04-296, filed November 14, 2007, at 1. Curiously, in earlier filings in this proceeding, AT&T sought other compliance dates of no earlier than December 31, 2007 and June 30, 2008.

<sup>3</sup> Comments of AT&T, EB Docket No. 04-296 (filed December 3, 2007).

requirements. AT&T should also be required to provide compliance updates to its subscribers and appropriate state and local public safety officials.

Finally, if the Commission grants AT&T's Request, it should do so on the condition that the company notify its current and future U-Verse subscribers of the system's inability to fully comply with EAS mandates. The current inability of AT&T's video service to provide EAS communications is a public safety issue and subscribers should be fully aware of the service's EAS limitations. In that AT&T now claims it provides video service to approximately 126,000 customers, the company's inability to transmit critical information during times of emergencies must not be treated lightly by the Commission. Such notice should inform consumers, prominently and in plain language, of the service's EAS limitations. Requiring such notification is in line with the Commission's earlier consumer notification requirements regarding interconnected VOIP 911 location information limitations.<sup>4</sup>

### **III. CONCLUSION**

EAS is part and parcel of an effective public safety communications network. As such, it is important that AT&T's video service – U-Verse – be fully capable of transmitting EAS communications. However, the current inability of the service to provide emergency alert information to its subscribers is very troubling. Also worrisome is the company's ever-changing full compliance deadline and whether that stated compliance deadline pertains to both Presidential and state governor activated messages.

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<sup>4</sup> *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket No. 04-36; WC Docket No. 05-196 (rel. June 3, 2005), ¶¶ 48-49. AT&T is well aware of the Commission's interconnected VOIP 911 notification requirements, having been subject to same as a result of its CallVantage service.

To ensure and protect the health and safety of all Americans, and to further the continued vitality and usefulness of EAS, the Commission should, if it first finds that it is in the public interest to grant AT&T's Request, require AT&T to: (1) provide periodic progress reports to the Commission, its subscribers, and appropriate state and local public safety officials; (2) clarify that its service will be fully capable of being in full compliance with FCC requirements, including providing both Presidential and state governor activated EAS messages; and (3) notify its subscribers of the service's EAS limitations. The Commission, through its IP-Enabled service proceeding, has established precedent for the imposition of such requirements. Indeed, it would not be objectionable if the Commission imposes additional requirements, including barring AT&T from accepting new subscribers until its video service is 100% EAS compliant. In that AT&T has asserted that the Commission has almost limitless authority over the provision of video services – indeed, AT&T concludes the Commission may even act as a franchising authority<sup>5</sup> – it surely cannot object to the granting of its Request subject to these reasonable conditions. To use AT&T's own words, the Commission must act to protect the “sanctity of emergency communications;”<sup>6</sup> the public deserves nothing less.

Respectfully submitted,

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<sup>5</sup> Proof Brief for Intervenors USTelecom, Verizon, AT&T Inc., and Qwest Communications International Inc. in Support of Respondents, filed Sept. 17, 2007 in *Alliance for Community Media, et al., v. FCC*, No. 07-3391 (6th Cir.)

<sup>6</sup> Comments of AT&T Comments, WC Docket No. 05-196 at 7 (filed Sept. 18, 2007).