

C E L L U L A R E M E R G E N C Y A L E R T S E R V I C E S
A S S O C I A T I O N

An Open Letter Comment in Support of Retaining Current Military Spectrum Allocations

to:

FCC Docket 00-28

filed April 23, 2001

Gentlemen:

I wish to address you as a private citizen and the founder of a volunteer organization, the Cellular Emergency Alert Services association, with regard to its issue of reallocation of radio spectrum currently held by the Department of Defense, for private industry use.

Our organization was formed to promote the inclusion of the cellular networks into the nation's Emergency Alert Service, to help resolve the critical inability of our present warning program to alert the public of imminent disaster events. It is evident that allowing local emergency officials access to the one hundred million wireless receivers now owned and carried by the American public, would substantially enhance our nation's safety and security by providing a rapid means of delivering an alert message to the handsets in a designated warning site.

Although this technology known as "Cell-Broadcast/Short Messaging Service" is an inherent feature of digital cellular, and has been used overseas for emergency notification, we have been unable to convince the American Cellular Industry to allow its use in the US.

Sighting the fact that unlike the commercial broadcast licensee's, the wireless industry has paid substantial fees for their spectrum, the cellular industry continues to refuse to dialog or discuss this application of their technology unless its deployment represented a "market-driven" venture.

It is our contention that this is counter to both the intent and purpose of the Telecommunication's Act(s) that were established to guarantee radio spectrum management reflected the "common good", and granted preemption of local authority over broadcast towers based on the presumption that these incursions on public and private lands would serve public needs.

A pilot program known as First-Alert has recently tested the industry's position. As proposed to the cellular industry, the project would offer a 90 day study of the effectiveness of Cellular Emergency Alert Service during the tornado season, without cost or operational obligation to the carriers.

Although the test was, supported by the Governor of Iowa, the wireless carriers have refused all attempts to meet or discuss the program with any representative of the state, local, or national emergency agency, sighting they felt there were "better ways to achieve this (public safety)", than the use of their "private" property.

Our concerns are clear. If the cellular industry feels no obligation to respect the public's interests in the management of the spectrum already provided to them, should they be granted additional privileged use?

Unquestionably, cellular participation in the E.A.S. program would substantially reduce deaths and injuries from natural disasters and manmade accidents. But our primary concern was to establish an efficient communications media for managing and mitigating a terrorist incident. The ability to "surgically" reach and advise the public in a specific location could mean the difference between a national disaster of unprecedented magnitude, and a successful counter operation. Civil preparedness must be maintained as a primary focus of national security and defense. It is unquestionably not the focus of the wireless industry.

We, therefore, submit that further use of our airwaves by private industry at the expense of our national defense is not in the public interest. Ironically, had the cellular industry embraced their obligation to their present spectrum allocations, and respected the safety of their own customers, this could have been a powerful argument for further spectrum allocations.

Respectfully submitted,

D. D. Weiser
CEASassociation