

a capability available to a CMRS provider if the owner or controller offers that capability to any CMRS provider.

(2) If the owner or controller does not make the requested capability available to a CMRS provider within the meaning of paragraph (a)(1) of this section, the owner or controller must make that capability available to a requesting interconnected VoIP provider only if that capability is necessary to enable the interconnected VoIP provider to provide 911 or E911 service in compliance with the Commission's rules.

(b) *Rates, terms, and conditions.* The rates, terms, and conditions on which a capability is provided to an interconnected VoIP provider under paragraph (a) of this section shall be reasonable. For purposes of this paragraph, it is evidence that rates, terms, and conditions are reasonable if they are:

(1) The same as the rates, terms, and conditions that are made available to CMRS providers, or

(2) In the event such capability is not made available to CMRS providers, the same rates, terms, and conditions that are made available to any telecommunications carrier or other entity for the provision of 911 or E911 service.

(c) *Permissible use.* An interconnected VoIP provider that obtains access to a capability pursuant to this section may use that capability only for the purpose of providing 911 or E911 service in accordance with the Commission's rules.

[74 FR 31874, July 6, 2009]

EFFECTIVE DATE NOTE: At 74 FR 31874, July 6, 2009, §9.7(a) was added. This paragraph contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

PART 10—COMMERCIAL MOBILE ALERT SYSTEM

Subpart A—General Information

Sec.

10.1 Basis.

10.2 Purpose.

10.10 Definitions.

10.11 CMAS implementation timeline.

Subpart B—Election to Participate in Com-

mercial Mobile Alert System [Reserved]

Subpart B—Election to Participate in Commercial Mobile Alert System

10.210 CMAS participation election procedures.

10.220 Withdrawal of election to participate in CMAS.

10.230 New CMS providers participation in CMAS.

10.240 Notification to new subscribers of non-participation in CMAS.

10.250 Notification to existing subscribers of non-participation in CMAS.

10.260 Timing of subscriber notification.

10.270 Subscribers' right to terminate subscription.

10.280 Subscribers' right to opt out of CMAS notifications.

Subpart C—System architecture

10.300 Alert aggregator. [Reserved]

10.310 Federal alert gateway.[Reserved]

10.320 Provider gateway requirements.

10.330 Provider infrastructure requirements.

10.340 Digital television transmission towers retransmission capability.

10.350 CMAS testing requirements.

Subpart D—Alert message requirements

10.400 Classification.

10.410 Prioritization.

10.420 Message elements.

10.430 Character limit.

10.440 Embedded reference prohibition.

10.450 Geographic targeting.

10.460 Retransmission frequency. [Reserved]

10.470 Roaming.

Subpart E—Equipment requirements

10.500 General requirements.

10.510 Call preemption prohibition.

10.520 Common audio attention signal.

10.530 Common vibration cadence.

10.540 Attestation requirement. [Reserved]

AUTHORITY: 47 U.S.C. 151, 154(i) and (o), 201, 303(r), 403, and 606; sections 602(a), (b), (c), (f), 603, 604 and 606 of Pub. L. 109-347, 120 Stat. 1884.

SOURCE: 73 FR 43117, July 24, 2008, unless otherwise noted.

Subpart A—General Information

§ 10.1 Basis.

The rules in this part are issued pursuant to the authority contained in the Warning, Alert, and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006,

Federal Communications Commission

§ 10.10

Public Law 109-347, Titles I through III of the Communications Act of 1934, as amended, and Executive Order 13407 of June 26, 2006, Public Alert and Warning System, 71 FR 36975, June 26, 2006.

§ 10.2 Purpose.

The rules in this part establish the requirements for participation in the voluntary Commercial Mobile Alert System.

§ 10.10 Definitions.

(a) *Alert Message.* An Alert Message is a message that is intended to provide the recipient information regarding an emergency, and that meets the requirements for transmission by a Participating Commercial Mobile Service Provider under this part.

(b) *Common Alerting Protocol.* The Common Alerting Protocol (CAP) refers to Organization for the Advancement of Structured Information Standards (OASIS) Standard CAP-V1.1, October 2005 (available at <http://www.oasis-open.org/specs/index.php#capv1.1>), or any subsequent version of CAP adopted by OASIS and implemented by the CMAS.

(c) *Commercial Mobile Alert System.* The Commercial Mobile Alert System (CMAS) refers to the voluntary emergency alerting system established by this part, whereby Commercial Mobile Service Providers may elect to transmit Alert Messages to the public.

(d) *Commercial Mobile Service Provider.* A Commercial Mobile Service Provider (or CMS Provider) is an FCC licensee providing commercial mobile service as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)). Section 332(d)(1) defines the term commercial mobile service as any mobile service (as defined in 47 U.S.C. 153) that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

(e) *County and County Equivalent.* The terms County and County Equivalent as used in this part are defined by Federal Information Processing Standards (FIPS) 6-4, which provides the names and codes that represent the counties and other entities treated as equivalent

legal and/or statistical subdivisions of the 50 States, the District of Columbia, and the possessions and freely associated areas of the United States. Counties are considered to be the “first-order subdivisions” of each State and statistically equivalent entity, regardless of their local designations (county, parish, borough, *etc.*). Thus, the following entities are considered to be equivalent to counties for legal and/or statistical purposes: The parishes of Louisiana; the boroughs and census areas of Alaska; the District of Columbia; the independent cities of Maryland, Missouri, Nevada, and Virginia; that part of Yellowstone National Park in Montana; and various entities in the possessions and associated areas. The FIPS codes and FIPS code documentation are available online at <http://www.itl.nist.gov/fipspubs/index.htm>.

(f) *Participating Commercial Mobile Service Provider.* A Participating Commercial Mobile Service Provider (or a Participating CMS Provider) is a Commercial Mobile Service Provider that has voluntarily elected to transmit Alert Messages under subpart B of this part.

(g) *“C” Interface.* The interface between the Alert Gateway and CMS provider Gateway.

(h) *CMS provider Gateway.* The mechanism(s) that supports the “C” interface and associated protocols between the Alert Gateway and the CMS provider Gateway, and which performs the various functions associated with the authentication, management and dissemination of CMAS Alert Messages received from the Alert Gateway.

(i) *CMS provider infrastructure.* The mechanism(s) that distribute received CMAS Alert Messages throughout the CMS provider’s network, including cell site/paging transceivers and perform functions associated with authentication of interactions with the Mobile Device.

(j) *Mobile Devices.* The subscriber equipment generally offered by CMS providers that supports the distribution of CMAS Alert Messages.

[73 FR 43117, July 24, 2008, as amended at 73 FR 54525, Sept. 22, 2008]