



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 Twelfth Street, S.W.

WASHINGTON, D.C. 20554

DA 01-2883

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

**Released: December 11, 2001**

## **WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON A PETITION FOR WAIVER OF THE COMMISSION'S PART 64 PRIORITY ACCESS SERVICE RULES**

**WT DOCKET NUMBER 01-333**

**Comment Date: December 18, 2001**

On November 28, 2001, VoiceStream Wireless Corporation (VoiceStream) filed a petition for waiver (Petition) in connection with its proposal to provide a type of "priority access service" to the National Communications System (NCS).<sup>1</sup> The NCS administers and manages the telecommunications assets of twenty-three Federal organizations in serving the national security and emergency preparedness (NSEP) needs of Federal, State and local governments. Specifically, VoiceStream seeks a waiver of Section 64.402 of the Commission's Rules, which provides the requirements for Commercial Mobile Radio Services (CMRS) operators who wish to offer priority access service (PAS). The NCS has filed a statement in support of the VoiceStream waiver request.

By way of background, on October 9, 2000, the Commission's PAS Rules for CMRS providers became effective. As a result, CMRS providers may voluntarily begin offering PAS to NSEP personnel at Federal, State and local levels to help meet the NSEP needs of the nation. CMRS providers that choose to offer PAS, in accordance with the Commission's Rules, adhere to uniform operating protocols concerning the number of priority levels and the priority level for particular NSEP users. Under Section 64.402, PAS allows authorized NSEP users in emergencies to gain access to the next available wireless channel without preempting calls already in progress.

Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, provides that a waiver of the Commission's Rules may be granted if it is shown that the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or in view of the unique or unusual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest or in the applicant has no reasonable alternative.

Comment is sought on the VoiceStream Petition for Waiver. Interested parties may file comments on the Waiver Request on or before December 18, 2001. VoiceStream may submit a reply comment on or before December 26, 2001. All comments must be filed through the Electronic Comment Filing System (ECFS).

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<sup>1</sup> We note that petitioner, VoiceStream, and NCS, issuing a supporting statement, filed their pleadings as a part of WT Docket 96-86. However, the appropriate docket number is WT Docket No. 01-333, and the pleadings have been moved from WT Docket 96-86 to WT Docket No. 01-333 in the Commission's Electronic Comment Filing System.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. The docket number for this proceeding is WT Docket Number 01-333. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

All comments should reference the subject waiver request including the WT Docket number of this *Public Notice*, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20054. A copy of each filing should be **hand-delivered or e-mailed** to 1) Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, D.C. 20554; 2) Karen Franklin, Esq., Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, SW, Room 4-C405, Washington, D.C. 20554; [kfrankli@fcc.gov](mailto:kfrankli@fcc.gov), and 3) Maria Ringold, Federal Communications Commission, Consumer Information Branch, Reference Information Center, 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554.

The full text of the Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC), Portals II, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 Twelfth Street, SW, Room CY-B402, Washington, D.C. 20554. For further information regarding the public reference file for this Waiver Request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355. Please note that the VoiceStream waiver request and NCS statement can be found on the internet at the following URL addresses:

Waiver request:

[http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6512974955](http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6512974955)

NCS Statement:

[http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6512974956](http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6512974956)

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, *ex parte* presentations to or from Commission decision-making personnel are prohibited until this proceeding is no longer subject to administrative reconsideration or review or judicial review.

For further information, contact Karen Franklin, Esq. of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0680, TTY (202) 418-7233, or via email to [kfrankli@fcc.gov](mailto:kfrankli@fcc.gov).

By the Deputy Bureau Chief, Wireless Telecommunications Bureau.

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