



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 19-902

Released: September 11, 2019

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON PETITIONS FILED BY THE BOULDER REGIONAL EMERGENCY TELEPHONE SERVICE AUTHORITY

PS Docket No. 19-254

Comment Date: September 26, 2019

Reply Comment Date: October 11, 2019

By this Public Notice, the Public Safety and Homeland Security Bureau (PSHSB) seeks comment on petitions for declaratory ruling and rulemaking filed by the Boulder Regional Emergency Telephone Service Authority (BRETSA).¹

BRETSA requests that the Commission issue a declaratory ruling and a notice of proposed rulemaking (or notice of inquiry) on the same grounds presented in a Request for Clarification previously filed by the Colorado Public Safety Broadband Governing Body (CPSBGB).² In particular, BRETSA, pursuant to section 1.2 of the Commission's rules, requests that the Commission issue a declaratory ruling to ensure that "interoperability is a fundamental responsibility of FirstNet and that FirstNet is supported at all levels including network, services, applications, and devices."³

BRETSA, pursuant to section 1.401 of the Commission's rules,⁴ requests that the Commission issue a notice of proposed rulemaking or notice of inquiry to address "roaming and prioritization as it applies to applications such as [push-to-talk] and [mission-critical push-to-talk], as well as other applications that will face the same issues." BRETSA also requests that the Commission address:

- (a) The responsibility of providers other than FirstNet (i.e., providers of public safety land mobile radio (LMR) systems or services and public safety priority services offered over Commercial Mobile Radio Service (CMRS) networks) to cooperate with FirstNet in the development of interoperability solutions, and to provide full interoperability with FirstNet,

¹ Boulder Regional Emergency Telephone Service Authority Petition for Reconsideration, or in the Alternative, Petition for Declaratory Ruling and Petition for Rulemaking, PS Docket No. 16-269, PS Docket No. 12-94, PS Docket 06-229, WT Docket No. 06-150 (filed Nov. 21, 2018) (BRETSA Petitions).

² See *id.* at 1-2; see also Colorado Public Safety Broadband Governing Body Request for Commission Clarification on Guidelines for Commercial Network Interoperability for the National Public Safety Broadband Network (NPSBN), PS Docket No. 16-269, PS Docket No. 12-94, PS Docket 06-229, WT Docket No. 06-150 (filed Jul. 6, 2018). The PSHSB dismissed, without prejudice, CPSBGB's Request for Clarification as premature. *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network, et al.*, Order, 33 FCC Rcd 10148, 10148, 10150, 10151, paras. 1, 6, 9 (PSHSB 2018).

³ See 47 C.F.R. § 1.2; see also BRETSA Petitions at 8.

⁴ See 47 C.F.R. § 1.401.

LMR and other CMRS priority public safety services (subject only to technological limitations of a specific service);

- (b) The issue of roaming and prioritization as applicable to LMR and other CMRS public safety priority services, and;
- (c) The availability of Commission processes for dispute resolution as well as standards for dispute resolution concerning matters of interoperability, roaming and prioritization.⁵

We seek comment on these issues and any other issues raised by the BRETSA Petitions.

Procedural Matters:

Filing Requirements: Pursuant to sections 1.2 and 1.405 of the Commission's rules, 47 CFR §§ 1.2, 1.405, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings must reference PS Docket 19-254. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Rules: In order to assure the staff's ability to discuss and obtain information needed to resolve the issues presented by this Public Notice,⁶ we establish a common docket for these proceedings and announce that the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of both of the proceedings initiated by this Notice.⁷

Section 1.1206(a)(3) of the Commission's rules provide that declaratory ruling proceedings shall be generally treated as "permit-but-disclose" proceeding in accordance with the Commission's *ex parte*

⁵ BRETSA Petitions at 9.

⁶ 47 CFR § 1.1200(a).

⁷ See § 1.1200 *et seq.*

rules.⁸ In addition, in light of the common questions posed and in order to promote full consideration by staff, we find good cause to modify our rules such that the Petition for Rulemaking be treated similarly for *ex parte* purposes.⁹

Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.29(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentation, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules. All *ex parte* filings must be clearly labeled as such and must reference PS Docket No. 19-254.

- FCC -

⁸ 47 CFR § 1.1206(a)(3).

⁹ 47 CFR § 1.1206(b)(2).