

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Review of Rules and Requirements for Priority Services, National Security Emergency Preparedness Telecommunications Service Priority System, NTIA Petition for Rulemaking to Revise the Rules for Wireless Priority Service, NTIA Petition for Rulemaking to Revise the Rules for the Telecommunications Service Priority System, PS Docket No. 20-187.*

It is common sense – not to mention a good government practice – to regularly review the Commission’s priority service regulations, which ensure that critical calls related to our national security go through during emergencies when our networks are likely to be the most congested. Despite the potential importance of these systems, the Commission’s rules have not been updated since 1988 and 2000 for the Telecommunications Priority Service (TPS) System and Wireless Priority Service (WPS), respectively. In the time since then, much has changed in how people communicate, especially with the introduction of IP-based technologies that permit data, video, and IP voice services, so reevaluating and updating our rules to reflect existing practices and the modern telecommunications landscape is warranted.

While I look forward to reviewing the comments generated in response to this proceeding and speaking with interested parties, from the outset I see much benefit to and am supportive of the “alternative approach” suggested in this Notice, which would convert our regulatory framework for these programs to a market-based, light-touch approach. Currently, TPS and WPS are both subject to FCC requirements and rules. The Government Emergency Telecommunications Service (GETS), however, is a voluntary service and operates solely through contractual arrangements between the Department of Homeland Security (DHS) and telecommunications providers. The GETS approach has been successful, and permitting DHS and providers to negotiate and enter into contracts without our involvement is preferable. This approach for TPS and WPS would ensure that the priority services classification pertains to the appropriate services in a national emergency, and would remove them from the morass of slow government decision making.

However, if it is collectively decided that our rules should remain – in whole or in part – at the end of this proceeding, there must be oversight of the DHS-selected entity or entities that manage these programs. While some priority service programs are mandatory and some voluntary, I hear from providers that, even when voluntary, they feel obligated to participate for public and government relations reasons — without the ability to provide much input. That is not an acceptable way to run such programs. We must ensure that they have a means to raise concerns and grievances, if they arise.

Additionally, I note that TPS for common carriers is currently involuntary, but the item proposes to acknowledge that service providers can, and already are, providing TPS-type services for data, video, and IP-based voice services on a voluntary basis through contractual agreements. If rules are eventually adopted here, I will ensure that nothing jeopardizes or infringes upon the Title I status of these information services. Regardless, avoiding this jurisdictional mess is yet another reason to move to an entirely contract-based approach that does not involve the Commission in any way.

I thank the Chairman for bringing this telecommunications modernization item to a vote. I approve.