

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

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.*

Since at least the 1980s, our country's National Security and Emergency Preparedness (NSEP) personnel have had access to priority services programs to ensure that their critical communications needs will be met during a national emergency. These programs cover everything from prioritized connections during high-call volume moments to the quick restoration of damaged or degraded communications lines. Today, we launch a rulemaking that looks at whether we should update any of those rules in light of changes in technology.

As we start this proceeding, I want to thank my colleagues for agreeing to a number of changes to the Notice. As originally drafted, the Notice suggested that NSEP personnel would be prevented from obtaining priority services for modern, Internet-based services unless we adopted rules expressly authorizing those services. But that does not square with the reason why the FCC adopted this regulatory framework in the first place.

The FCC did not adopt the priority services rules, which up to now apply mainly to legacy or Title II telecom services, based on a determination that telecommunications carriers would refuse to provide priority treatment to NSEP users in the absence of those rules. Rather, the FCC adopted these regulations based on a concern that without them section 202's non-discrimination requirement would operate to prevent carriers from voluntarily offering priority treatment. In this way, our existing rules are basically a safe harbor that offer carriers a defense to a claim that they are offering priority services in violation of Title II's non-discrimination requirements.

Since those Title II obligations do not apply to the IP or Internet-based offerings we examine here, I wanted to make sure that our Notice reflected the idea that providers and NSEP personnel face no apparent regulatory barrier to contracting for priority treatment. In fact, I am inclined to view a contractual—or what the item calls a GETS-based—approach more favorably than extending some of our reticulated TSP or WPS rules to modern, next-generation IP-based offerings. So I look forward to reviewing the record as it develops on those issues, and am happy to cast my vote for the revised item.

Thank you to the Public Safety and Homeland Security Bureau for its work on the item. It has my support.