

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Public Safety and Homeland Security Bureau)	PS Docket No. 19-254
Seeks Comment on Petitions Filed by the Boulder)	
Regional Emergency Telephone Service Authority)	

REPLY COMMENTS OF AT&T

AT&T Services, Inc., on behalf of the subsidiaries and affiliates of AT&T Inc. (collectively, “AT&T”), hereby submits the following reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Public Notice*.¹ As AT&T and the First Responder Network Authority explained, the relief sought by the Boulder Regional Emergency Telephone Service Authority (“BRETSA”) is unnecessary, unworkable, and unwise.² Additionally, neither the Spectrum Act nor the Communications Act authorizes the relief BRETSA seeks.³ BRETSA and its handful of supporters fail utterly to rebut these arguments.

AT&T and the First Responder Network Authority have been working tirelessly to execute the vital mission mandated by Congress in the Spectrum Act: deploying a nationwide, interoperable public safety broadband network dedicated to first responders. Public safety agencies across the country are already experiencing the benefits, subscribing to the Nationwide

¹ See *Public Safety and Homeland Security Bureau Seeks Comment on Petitions Filed by the Boulder Regional Emergency Telephone Service Authority*, Public Notice, PS Docket No. 19-254, DA 19-902 (rel. Sept. 11, 2019).

² Comments of AT&T, PS Docket No. 19-254 (Sept. 26, 2019) (“AT&T Comments”); Comments of the First Responder Network Authority, PS Docket No. 19-254 (Sept. 26, 2019) (“First Responder Network Authority Comments”).

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 §§ 6001-6303, 6413 (codified at 47 U.S.C. §§ 1401 et seq.) (“Spectrum Act” or “Act”).

Public Safety Broadband Network (“NPSBN”) in strong numbers.⁴ Together, AT&T and the First Responder Network Authority are delivering the modern capabilities, broad coverage, strict security, peak reliability, exceptional speed, fundamental priority and preemption, and robust capacity first responders need to perform their vital jobs as effectively as possible, just as Congress envisioned.

Nevertheless, BRETSA asks the Commission to impose new requirements that would substantially impede the First Responder Network Authority’s ability to accomplish its Congressionally-mandated mission. As AT&T explains below, the relief BRETSA seeks is unnecessary because the NPSBN is already “interoperable” as required by the Spectrum Act and widely accepted under international wireless broadband network standards. In addition, AT&T responds to two erroneous claims made by Verizon, namely, that: (1) the First Responder Network Authority’s powers are limited to “administrative and business-related” tasks; and (2) the NPSBN should be “interoperable” based upon the U.S. Department of Homeland Security (“DHS”) SAFECOM definition of “interoperability.” Neither claim comports with the plain language of the Spectrum Act.

First, the relief BRETSA seeks is unnecessary. The NPSBN is presently “interoperable” as Congress used that term in the Spectrum Act: it has been designed and deployed based upon open, commercial 3GPP standards from the ground-up to ensure that our nation’s first responders have access to the best possible public safety broadband communications platform.⁵ NPSBN subscribers are thus able to call, text, and share data with users on commercial wireless

⁴ See FirstNet Performs Faster Than Any Commercial Network (Aug. 2019), *available at* <https://www.firstnet.gov/newsroom/press-releases/firstnet-momentum-platform-passes-750000-connections-performs-faster-any> (“FirstNet August 2019 Statistics”).

⁵ See First Responder Network Authority Comments at 5-6; AT&T Comments at 5-6.

broadband networks and vice-versa, even though they are not purpose-built public safety broadband networks like the NPSBN. Moreover, the NPSBN’s “single, national network architecture” eliminates the siloed communications networks that have long plagued public safety and that Congress designed the Spectrum Act precisely to address.⁶

First responders are already heralding the NPSBN as a “gamechanger,” touting the network’s success in keeping the public safety community connected every day and in every emergency.⁷ In advance of Hurricane Dorian and in its aftermath, for example, FirstNet coordinated with federal, state, tribal, and local public safety agencies to prepare for and stage dedicated deployable network assets across the Southeast coast to ensure NPSBN subscribers retained “the unthrottled connectivity” needed to coordinate storm response and recovery efforts.⁸ Likewise, FirstNet dedicated deployable network assets in California, Oregon, and Washington helped firefighters communicate as they fought some of the most devastating wildfires our country has ever seen.⁹ Indeed, the First Responder Network Authority’s service is transforming public safety communications. NPSBN users from “all disciplines and levels of public safety, working across jurisdictions in mutual-aid efforts have immediate access to the NPSBN without having to change phones, settings, or devices—boosting the effectiveness of

⁶ 47 U.S.C. § 1422.

⁷ FirstNet August 2019 Statistics.

⁸ AT&T, FirstNet Helps Coordinate Hurricane Response (Sept. 2019), *available at* https://about.att.com/newsroom/2019/fn_and_hurricane_dorian_response.html; *see also* FirstNet, FY 2018 Annual Report to Congress: Transforming Public Safety Broadband, at 3 (April 2019), *available at* https://www.firstnet.gov/system/tdf/FirstNet_Annual_Report_To_Congress_FY2018.pdf?file=1&type=node&id=936&force=0 (“FirstNet Congressional Report”) (highlighting AT&T’s deployment of FirstNet Satellite Cells on Light Trucks during hurricane season to ensure first responders had seamless connectivity).

⁹ FirstNet Congressional Report at 8.

operations” when responding to an emergency incident, just as Congress envisioned.¹⁰ The Commission thus should not allow the BRETSA Petitions to stand in the way of the remarkable and continuing deployment of a first-rate and one-of-a-kind dedicated NPSBN.

Second, Verizon’s constrained view of the First Responder Network Authority’s powers misreads the Spectrum Act. Although Verizon asserts that “the Spectrum Act limits FirstNet’s authority to the *administrative and business-related activities* ‘expressly required to be carried out by’ FirstNet as enumerated in the statute,”¹¹ Verizon cites nothing to support its novel and unreasonably narrow view.¹² This is hardly surprising given that Congress clearly did not intend to limit the First Responder Network Authority’s powers in any manner even close to that claimed by Verizon.

Contrary to Verizon’s extremely narrow reading, the Spectrum Act exclusively assigns a sweeping array of responsibilities regarding virtually every aspect of the NPSBN to a single federal government entity, the First Responder Network Authority. Indeed, the Spectrum Act empowers the First Responder Network Authority to “take *all actions* necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network.”¹³

¹⁰ *Id.* at 9.

¹¹ Comments of Verizon, PS Docket No. 19-254, at 8-9 (Sept. 26, 2019) (citing 47 U.S.C. § 1403(b)) (“Verizon Comments”) (emphasis added).

¹² *Id.* at 8. Verizon’s reliance upon Section 1403(b) is misplaced. That provision provides that the Commission’s implementation and enforcement authority over the Spectrum Act “does not apply” to provisions of the Act “expressly required to be carried out by an agency ... other than the Commission,” *i.e.*, the First Responder Network Authority. 47 U.S.C. § 1403(b). As explained in the text, *infra*, Verizon ignores that the Spectrum Act expressly requires the First Responder Network Authority – and the First Responder Network Authority alone – to carry out a whole host of duties and responsibilities vital to the successful deployment, operation, and evolution of the NPSBN, including but far from limited to deciding what is required to ensure “interoperability” of the NPSBN. *See, e.g.*, 47 U.S.C. § 1422(a).

¹³ 47 U.S.C. § 1426(b)(1) (emphasis added).

Congress expressly authorized the First Responder Network Authority to exercise “all powers specifically granted” by the Spectrum Act as well as “such incidental powers” as are necessary to achieve its mission to deploy a nationwide, interoperable public safety broadband network.¹⁴ And Congress specifically authorized the First Responder Network Authority to “take such other actions” that it “determine[s] necessary, appropriate, or advisable to accomplish” its mission.¹⁵

At bottom, the plain language of the Spectrum Act confirms that the First Responder Network Authority’s powers in deploying, operating, and evolving the NPSBN are exceptionally broad and obviously include ensuring interoperability on the NPSBN. Put differently, the First Responder Network Authority’s responsibility to deploy, operate, and evolve the nationwide, interoperable public safety broadband network expressly and implicitly includes the power to determine and establish interoperability consistent with the statutory standards expressed by Congress.¹⁶

Verizon badly misconstrues a 2013 Commission order concerning technical rules for the NPSBN as somehow supporting its crabbed view of the First Responder Network Authority’s powers vis-à-vis the NPSBN.¹⁷ Although Verizon claims that the *Service Rules Order* “affirms”

¹⁴ *Id.* § 1426(a)(1). *See* 47 U.S.C. § 1422(a) (mandating that the First Responder Network Authority establish a nationwide, interoperable broadband network).

¹⁵ 47 U.S.C. § 1426(a)(6). *See, e.g.*, 47 U.S.C. §§ 1426(b)(1)(A) (assigning to the First Responder Network Authority the responsibility to ensure “nationwide standards for use and access of the network”); (b)(2)(A) (assigning to the First Responder Network Authority the responsibility to “ensure the safety, security, and resiliency of the network”); (c)(1)(A)(iv) (assigning to the First Responder Network Authority the responsibility to develop network performance criteria); (c)(1)(B) (assigning to the First Responder Network Authority the responsibility to develop “the technical and operational requirements of the network”); (c)(1)(C) (assigning to the First Responder Network Authority the responsibility to develop “practices, procedures, and standards for the management and operation” of the NPSBN).

¹⁶ *See, e.g.*, 47 U.S.C. § 1422(a).

¹⁷ *See* Verizon Comments at 8-9 (purporting to interpret *Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012*

the Commission’s “expansive view of its Title III authority” over the First Responder Network Authority,¹⁸ the *Service Rules Order* does no such thing. In fact, contrary to Verizon’s unfounded assertion, the Commission acknowledged in the *Service Rules Order* that Congress tasked the First Responder Network Authority with ensuring interoperability on the NPSBN.¹⁹ Consistent with its traditional “spectrum management ... responsibilities,” the *Service Rules Order* merely “ensure[d] that properly authorized radio communications are protected from harmful interference.”²⁰ That the Commission has the statutory responsibility under Title III to prevent harmful interference falls far short of even suggesting that Title III empowers the Commission, rather than the First Responder Network Authority, to define and adopt interoperability standards for the NPSBN in accordance with the processes and standards in the Spectrum Act, an issue entirely absent from the *Service Rules Order*.²¹

Third, Verizon’s attempt to apply the DHS SAFECOM definition of “interoperability” to the NPSBN is misguided.²² Nothing in the Spectrum Act or its legislative history suggests

Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, Second Report and Order, 28 FCC Rcd 15174 (2013) (“*Service Rules Order*”).

¹⁸ Verizon Comments at 8.

¹⁹ *Service Rules Order* ¶ 3 (explaining that the “Act charges FirstNet with the responsibility for establishing and overseeing ‘a nationwide **interoperable** public safety broadband network’”) (emphasis added).

²⁰ *Id.* at ¶ 34; *see id.* ¶ 40 (explaining that the FCC has authority to “adopt regulations aimed at preventing public safety broadband network operations from creating interference for users in adjacent bands”).

²¹ Verizon also fails to acknowledge, let alone distinguish, the Commission’s more recent pronouncements that (i) it lacks the statutory authority to decide whether an opt-out State could use a separate core network and (ii) the First Responder Network Authority has “particular insight” into interoperability issues regarding the NPSBN. *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, Report & Order, 32 FCC Rcd 5311, ¶¶ 62-66 (2017).

²² Verizon Comments at 2.

that the DHS SAFECOM definition applies to the Spectrum Act’s mandate that the nationwide public safety broadband network be interoperable. First, the Spectrum Act charges the Technical Advisory Board for First Responder Interoperability (“Interoperability Board”)—not DHS—with recommending minimum technical requirements for ensuring interoperability on the NPSBN.²³ Second, the Interoperability Board expressly considered, and rejected, the DHS SAFECOM definition.²⁴ Citing its focus on “commercial standards for Long Term Evolution (LTE) technology,” the Interoperability Board “felt it prudent to adopt a definition of interoperability that more appropriately reflected this limited scope.”²⁵ Verizon does not—and could not—explain why the Commission could or should contravene these conclusions of the Interoperability Board.

Furthermore, nothing in the Interoperability Board’s Report requires the “full interoperability” between the NPSBN and separate commercial or other third-party networks, including Land Mobile Radio (“LMR”) systems, that BRETSA and Verizon seek.²⁶ As AT&T

²³ 47 U.S.C. § 1423(c) (charging the Interoperability Board with “develop[ing] recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network.”).

²⁴ See Technical Advisory Board for First Responder Interoperability, Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network, § 3.2 (2012), *available at* <https://www.fcc.gov/document/recommendations-interoperability-board> (“FirstNet Interoperability Report”). The FirstNet Interoperability Report’s reference to the exchange of data between “service providers” lends no support to Verizon’s position. See Verizon Comments at 2, n.4. The reference to multiple service providers simply acknowledges the possibility that the First Responder Network Authority could have parceled the NPSBN’s deployment to multiple regional bidders and that states could have chosen to deploy their own Radio Access Networks. Neither of those events subsequently occurred.

²⁵ *Id.*

²⁶ Requiring the level of interoperability that BRETSA appears to seek would undermine the NPSBN and create the very patchwork of networks that the NPSBN was designed to eliminate. See AT&T Comments at 7-8.

and the First Responder Network Authority have explained, the Spectrum Act requires only that the NPSBN be interoperable across and within itself such that any user on the NPSBN has full interoperability with every other such user.²⁷ The NPSBN already fully satisfies this statutory requirement (and no party contends otherwise).²⁸

In sum, the Commission should decline BRETSA's invitation to second-guess the First Responder Network Authority's expert judgments about the NPSBN's interoperability.

Proceeding in any other manner would contradict the Spectrum Act and undermine the deployment of the NPSBN and the work of first responders using the NPSBN's vast and ever-evolving array of vital services, and would thus be unnecessary, unworkable, and unwise.

Respectfully Submitted,

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²⁷ See, e.g., AT&T Comments 5-6; First Responder Network Authority Comments at 4-5.

²⁸ See First Responder Network Authority Comments at 5-6 (explaining that the First Responder Network Authority “has established a single, interoperable nationwide network as required under the 2012 Act”); AT&T Comments at 4-6.