

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

In the Matter of)	
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Public Safety and Homeland Security Bureau)	WT Docket No. 96-86
Seeks Comment on Petition for Rulemaking)	
Filed by the National Telecommunications)	
and Information Administration to Revise the)	
Rules for Wireless Priority Service)	
)	

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. submits these reply comments in response to the Federal Communications Commission’s Public Notice¹ seeking comment on the National Telecommunications and Information Administration’s (“NTIA”) Petition for Rulemaking requesting that the Commission initiate a rulemaking to revise its Wireless Priority Service (“WPS”) rules.²

WPS is a critical public safety service that provides qualified National Security and Emergency Preparedness (“NS/EP”) users with priority access to voice communications when necessary during times of network congestion. T-Mobile has been offering WPS service since 2002; indeed, it is currently working on WPS implementation in its next-generation LTE network.

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Petition for Rulemaking Filed by the National Telecommunications and Information Administration to Revise the Rules for Wireless Priority Service*, Public Notice, DA No. 18-845, WT Docket No. 96-86 (rel. Aug. 13, 2018) (“Public Notice”).

² WPS was formerly called “Priority Access Service” or PAS, and the FCC’s implementing order and regulations all refer to PAS, rather than WPS, but today the terms are used interchangeably. *See, e.g.*, Comments of AT&T at 1 n.1, WT Docket No. 96-86 (filed Aug. 28, 2018) (“AT&T Comments”).

NTIA’s petition³ seeks a number of changes and updates to the Commission’s WPS rules. Many of these proposals are ministerial in nature—updating language to, among other things, standardize use of the term WPS rather than PAS,⁴ more accurately describe the affected technologies,⁵ and reflect shifts in the identities and responsibilities of the various federal agencies that oversee national security and emergency preparedness communications.⁶ T-Mobile supports updating the language in Appendix B of Part 64 as necessary to mitigate any potential confusion and enhance clarity.

NTIA also requests that the Commission propose new substantive rules regarding implementation and oversight of WPS, including proposals related to preemption of communications,⁷ allowing priority access to non-voice services,⁸ and allowing WPS users to invoke priority access in multiple ways.⁹ As the Commission considers these and other substantive proposals in NTIA’s petition, T-Mobile encourages it to remain mindful that one of the strengths of the Commission’s long-standing approach to WPS is that it provides for flexibility—giving WPS providers and the Department of Homeland Security the ability to “customize the capabilities offered and terms of service pursuant to contract.”¹⁰ Many of NTIA’s proposals are designed precisely to support flexibility—including its proposal that the

³ Petition for Rulemaking of the National Telecommunications and Information Administration, WT Docket No. 96-86 (filed July 9, 2018) (“NTIA Petition”).

⁴ *Id.* at 15.

⁵ *Id.* at 16.

⁶ *Id.* at 16–19.

⁷ *Id.* at 5.

⁸ *Id.* at 7–8.

⁹ *Id.* at 11.

¹⁰ *See* AT&T Comments at 2.

Commission expressly permit WPS users to invoke WPS in multiple ways, as well as that the Commission authorize WPS providers to offer NS/EP priority access for non-voice services. T-Mobile believes these proposals would make WPS a better service for NS/EP users while allowing providers to decide how to offer these features in the way that best suits their subscribers and networks.

At the same time, T-Mobile cautions the Commission against adopting overly burdensome and prescriptive rules that would constrain the ability of WPS providers to innovate in the deployment of their networks. In particular, NTIA's suggestion that the Commission might require WPS providers to ensure, for instance, separate power grids or additional geographic redundancy¹¹ could mean providers would be obligated to implement further, costly resiliency measures for a small number of users. Not only are such requirements generally unnecessary because WPS providers already have sufficient reliability measures built into their networks, but such rules invariably may stifle innovation.

T-Mobile also has concerns about NTIA's proposal that WPS providers be required to give DHS detailed information on implementation and performance¹²—data which can be highly commercially sensitive. WPS providers should be encouraged to work with DHS and other NS/EP federal agencies regarding appropriate information disclosure rather than the Commission codifying what data should be shared. If the Commission does decide to propose rules requiring such data sharing, however, it must also recommend adequate protections, including a mandate that any data shared for WPS purposes must be used solely for WPS and not for any other

¹¹ NTIA Petition at 12–13.

¹² *Id.* at 13–14.

purpose, as well as ensuring that WPS users are fully aware that certain information pertaining to their WPS use may be shared.

T-Mobile is committed to providing the best possible experience for its WPS users.

NTIA has made several worthwhile proposals that would codify flexibility and make it easier for WPS providers to improve their service offerings; T-Mobile supports those proposals. But it encourages the Commission to refrain from considering burdensome or prescriptive new rules that may prevent WPS providers from adapting their WPS offerings as technologies evolve, to the detriment of the public interest.

Respectfully submitted,

/s/

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