



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 14, 1996

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Office of the Secretary  
Federal Communications Commission  
1919 M Street, Room 222  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: *In the Matter of the Commission Seeks Comment on Petition for Rulemaking Filed by National Communications System; CC Docket No. 96-86*

Dear Commission Secretary:

Enclosed are an original and fifteen (15) copies of Comments filed by this office on behalf of the Texas Advisory Commission on State Emergency Communications ("TX-ACSEC"). Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention in this matter.

Sincerely,

Richard A. Muscat  
Assistant Attorney General  
State Bar No. 14741550  
Counsel for TX-ACSEC

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LISA COE CA16

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

**In the Matter of** §  
§  
**The Commission Seeks Comment on** §  
**Petition for Rulemaking Filed by** §  
**National Communications System** §

WT Docket No. 96-86

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**To: The Commission**

**COMMENTS OF THE TEXAS ADVISORY COMMISSION ON STATE  
EMERGENCY COMMUNICATIONS**

**NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE  
EMERGENCY COMMUNICATIONS (TX-ACSEC)**, by and through the Office of the Attorney General of Texas, and submits these COMMENTS in response to the Federal Communications Commission's (Commission) Notice in WT Docket No. 96-86, released April 18, 1996.

In the Notice, the Commission sought comments on the Petition for Rulemaking filed by the National Communications System ("NCS"), which specifically requests the Commission to adopt rules to establish Cellular Priority Access Service (CPAS) by amending Part 64 of the Commission's rules. TX-ACSEC supports CPAS as proposed by the NCS with one refinement regarding 9-1-1 emergency service.

CPAS as proposed by the NCS will authorize carriers to provide for priority access for cellular telephone services used for National Security/Emergency Preparedness (NS/EP) purposes. The term "priority access" means that in emergencies, when the cellular spectrum is congested, the authorized priority user would gain access to the cellular radio spectrum ahead of cellular telephone users not engaged in NS/EP functions. CPAS authorizes five

levels of NS/EP priorities. The highest level, priority one, is reserved for high-level executive policy personnel, Federal, State, and local. Priority levels two and three are assigned to the “first responders.” Priority level four covers stabilization functions, and priority level five provides for recovery functions. See, NCS Petition for Rulemaking at pp. 2, 13-14, and Appendix B at pp. 10-13. None of the priority access levels include cellular customers calling 9-1-1 seeking emergency assistance. TX-ACSEC submits cellular customers calling 9-1-1 seeking emergency assistance can be provided priority access at ***level five or higher*** without impairing or compromising the appropriate objectives that NCS seeks to accomplish through the proposed rules. A representative of the Greater Harris County 9-1-1 Emergency Network has been meeting and analyzing the issue in cooperation with NCS representatives, and the analysis up to this point shows that 9-1-1 and NS/EP users can co-exist without negatively affecting one another within the Priority Access Channel Assignment (PACA) architecture.

TX-ACSEC urges NCS to continue to work with 9-1-1 representatives in working out the effective and appropriate co-existence of 9-1-1 and NS/EP.<sup>1</sup> TX-ACSEC further urges the Commission to encourage the continued cooperation of the parties and to review carefully the appropriate co-existence of 9-1-1 with NS/EP. Given the public health and safety aspects of 9-1-1 emergency service, cellular customers calling 9-1-1 should not be given any lower priority access or any lesser service than is absolutely necessary.

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<sup>1</sup> Some key issues to consider are: (1) If a wireless carrier elects to provide NS/EP, then 9-1-1 must be included; (2) PACA feature activation must be via dialed digits for 9-1-1 users vs. function or feature code for NS/EP users; (3) Commensurate features for 9-1-1 users such as roaming into another MSC of the same system and retaining priority; (4) The CPAS scenario is based on commercial architecture (2% blocking, not P.01); and (5) Cost associated with the MSC system to make 9-1-1 a PACA feature must be recovered in some manner, just as for NS/EP users.

Respectfully submitted,

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A handwritten signature in black ink, reading "Richard A. Muscat". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

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