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November 14, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington D.C. 20554

Re: Notice of Ex Parte Presentation
FCC Docket Nos. 13-75, and
14-193, 9-1-1 Governance and
Accountability

Dear Ms. Dortch:

On November 14, 2014, I spoke by telephone with Brendan Carr, Legal Advisor, Wireless, Public Safety, and International, Office of Commissioner Pai, on behalf of the Boulder Regional Emergency Telephone Service Authority with respect to the item on 9-1-1 Governance and Accountability which the Commission has placed on the agenda for its November 21, 2014 public meeting.

I advised Mr. Carr that primary responsibility for regulatory oversight of 9-1-1 should reside with the States. Because 9-1-1 calls originate and terminate in the same state, they are jurisdictionally intrastate.

I also advised Mr. Carr that, from a practical perspective, states should primarily regulate 9-1-1 because 9-1-1 services must support effective and efficient overall emergency response. While relatively few public safety agencies participate in Commission proceedings regarding 9-1-1 due to their limited resources and the demands of their public safety responsibilities; BRETSA's experience is that public safety agencies are much more actively involved in state oversight of 9-1-1. State utility commissions, or other state authorities responsible for oversight of 9-1-1 services, are thus better informed of 9-1-1 and regulatory impacts upon emergency response. In addition, public safety agencies and operations are heterogeneous, and vary by region, population, and geographic, industry and other characteristics of public safety jurisdictions. The 50 states can adopt regulations which are much more responsive to local conditions and public safety conditions than one-size-fits-all national regulations.

The Commission should grant BRETSA's October 23, 2012 Petition for Declaratory Ruling, and confirm that the states have authority over 9-1-1 service, including 9-1-1 service provided by CMRS and VoIP providers, rather than divesting the states of authority over 9-1-1. Any gaps in 9-1-1 oversight are the result of the Commission's omission to clearly confirm the states' authority over 9-1-1.

Imposing federal mandates does not guaranty the most effective or efficient 9-1-1 service or emergency response. Public safety is, in any event, a state and local concern best left to state and local governments. It is a truism that all emergencies are local. Even in the case of disasters affecting multiple states, it is the local and state public safety infrastructure which provides the on-the-ground response.

Just because the Commission or parties before the Commission believe they have a good idea, does not mean that they should impose those ideas, one-size-fits-all, on state and local authorities. Local and state public safety professionals operate in the context of their overall mission, not just 9-1-1 service, must meet the unique needs and concerns of their communities or constituents, and are subject to budgetary constraints to which the federal government is immune. Local and state authorities rather than the Commission, should take the lead in 9-1-1 governance and oversight, and drive 9-1-1 policy and regulation including the deployment of Next Generation 9-1-1.

Very truly yours,

Joseph P. Benkert

Attorney for the Boulder Regional
Emergency Telephone Service Authority