

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Preserving the Open Internet)	GN Docket No. 09-191
)	
Broadband Industry Practices)	WC Docket No. 07-52

COMMENTS OF INTRADO INC. AND INTRADO COMMUNICATIONS INC.

Intrado Inc. and Intrado Communications Inc. (Intrado) are pleased to submit these comments in response to the Federal Communications Commission’s (FCC or Commission) Notice of Proposed Rulemaking in the above captioned proceedings (Notice).¹

Intrado supports the Commission’s proposed policy framework because it seeks to balance potentially competing interests while helping to ensure an open, safe, and secure Internet. Specifically, the Commission has proposed, and Intrado agrees, that all six of the net neutrality rules should be subject to (a) reasonable network management, (b) the needs of law enforcement, and (c) the needs of public safety and homeland and national security. To that end, Intrado’s comments pertain to the proposed rules found at paragraph 135 (definition for reasonable network management), paragraphs 145-147 (public safety), and Section G (managed or specialized services). Intrado urges the Commission to modify its proposed rules in Sections 8.3 and 8.21 to make clear that providers are permitted to prioritize the delivery of emergency services and communications as a part of “reasonable network management” and to ensure that the needs of public safety are met. Further, Intrado responds to the Commission’s discussion of “managed” or “specialized” services by reiterating that the evolution of an all IP-based Next

¹ *Preserving the Open Internet, Broadband Industry Practices*, 74 Fed. Reg. 62638 (November 30, 2009).

Generation 911 (NG-911) managed system requires the Commission to immediately identify a uniform location accuracy standard applicable to all technologies.

I. GUARDING THE PUBLIC’S SAFETY REQUIRES A PRIORITY-OF-SERVICE CONSTRUCT BE MADE EXPLICIT IN THESE RULES

Congress instituted the FCC for, among other things, “the purpose of promoting safety of life and property through the use of wire and radio communications.”² Logically, guarding the public’s safety calls for a permissible form of discrimination, viz. the prioritization of emergency services traffic in an all-IP world that is similar to the PSTN today.³ And, although the discussion surrounding the Commission’s proposed rules contained in Section F of the Notice recognizes that such need will likely occur, the proposed rules do not *explicitly* address this need.⁴

Moreover, the ability to mitigate network congestion is explicit in the “network management” definition in Section 8.3 and the attendant discussion in paragraph 135, but both are devoid of any mention related to the concerns of public safety. Conversely, in the public safety rule, Section 8.21, mitigation of congestion is not explicitly stated, but rather is offered as justification in the attendant discussion in paragraphs 145 and 146.⁵ Among other things, if either of these rules does not survive this process, Intrado is concerned that the same protections

² 47 U.S.C. § 151.

³ Prioritization programs inherent in the PSTN include: Government Emergency Telecommunications Service (GETS), Telecommunications Service Priority (TSP), and Wireless Priority Service (WPS). *See* FCC webpage, *Priority Communications Services*, www.fcc.gov/pshs/emergency/priorityservices.html.

⁴ Notice at ¶ 133 (“[P]ublic safety may require that Internet access service providers discriminate with regard to particular traffic...*a failure to prioritize* certain types of traffic in the case of an emergency could impair the efforts of first responders.”) (emphasis added).

⁵ Notice at ¶ 145 (“[D]uring a public health emergency ... [t]he performance of essential functions could be impeded by *unmanaged network congestion* resulting from this change in usage patterns.”) (emphasis added).

that exist for consumers today either will not carry over into the all-IP world or may become needless points of contention.

Accordingly, Intrado proposes the following revisions to the proposed rules in Sections 8.3 and 8.21 to include—explicitly—the prioritization of emergency services traffic.

§ 8.3 Definitions.

- Reasonable network management.** Reasonable network management consists of:
- (a) reasonable practices employed by a provider of broadband Internet access service to:
 - (i) reduce or mitigate the effects of congestion on its network or to address quality-of-service concerns, *including the prioritization of emergency services*;
 - (ii) address traffic that is unwanted by users or harmful;
 - (iii) prevent the transfer of unlawful content; or
 - (iv) prevent the unlawful transfer of content; and
 - (b) other reasonable network management practices.

§ 8.21 Public Safety and Homeland and National Security.

Nothing in this part supersedes any obligation a provider of broadband Internet access service may have—or limits its ability—to *prioritize and* deliver emergency communications or to address the needs of public safety or national or homeland security authorities, consistent with applicable law.

II. NG-911 IS A MANAGED SERVICE THAT IS DISTINCT FROM BROADBAND INTERNET ACCESS

NG-911 is an IP-based network architecture for emergency communications that enables the transmission of voice, data, and video from different types of communication devices to Public Safety Answering Points (PSAPs) or Public Safety Agencies (PSAs) and onto Emergency Services IP networks (ESInets). And, the distinction between NG-911 and the best-efforts public Internet is critical.

Thus, to ensure that the NG-911 network is secure and reliable and exhibits the same level of quality as that which has been the hallmark of the legacy wireline voice environment, NG-911 must be provisioned over a specialized and dedicated network; this network must be

completely independent from the public Internet, where packets move on a best-efforts basis with deficiencies in quality and security.

Significantly, in an end-to-end IP communications environment, which requires the decoupling of originating service providers from broadband networks—and further, *where managed NG-911 service networks are decoupled from both of these*—the need for a uniform location accuracy standard is greatly amplified. Intrado has previously provided the Commission with extensive comments regarding the appropriate technological basis and requisite standards, as well as the state of Intrado’s deployment of NG-911 technology and services.⁶ In response to the Commission’s NPRM, the National Emergency Number Association (NENA) has also identified the important considerations of an all IP-based emergency services system, and Intrado concurs with those comments.

CONCLUSION

As stated at the outset, and assuming all of the proposed rules addressed in the Notice at Sections IV C, D, E *and* F survive, Intrado supports the Commission’s policy framework that at once preserves an open Internet and protects the public’s safety.

⁶ See Comments—NBP Public Notice #8 of Intrado Inc. and Intrado Communications Inc. filed in GN Docket Nos. 09-51, 09-47.

Respectfully submitted,

**INTRADO INC.
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