

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

In the Matter of	)	
	)	
Petition to Establish Rules Governing Network	)	WC Docket 07-52
Management Practices by Broadband Network	)	DA 08-92
Operators	)	

**COMMENTS OF THE NATIONAL PUBLIC SAFETY  
TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments addressing the Petition for Rulemaking filed by Vuze, Incorporated (Vuze) regarding certain network management practices by broadband network operators.<sup>1</sup> In its petition, Vuze asks the Commission to promulgate enforceable rules to address the parameters of acceptable network management.

NPSTC urges the Commission, in considering permissible network practices by broadband network providers, to comprehend the evolving requirements of local, county, tribal and state public safety broadband communications needs. In its historic and far-reaching *Second Report and Order*,<sup>2</sup> the Commission created a national public-private broadband wireless network for public safety. While the technologies and practices of this network have not been formulated, there are certain aspects of the Vuze petition that

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<sup>1</sup> Vuze, Inc, *Petition for Rulemaking, Public Notice*, DA 08-92, WC Docket No. 07-52 (January 14, 2008)

<sup>2</sup> In the Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands et al., *Second Report and Order*, FCC 07-132, 22 FCC Rcd 15289 (August 10, 2007).

may have direct application to public safety Internet communications which may be carried over commercial wireline and wireless networks.

Public safety communications is undergoing radical changes to keep up with the evolving technologies that are being adopted by the general public. The United States Department of Transportation is beginning proof of concept installations of the next generation of public safety answering points (PSAP) in the NG9-1-1 project under provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).<sup>3</sup> This important initiative has core concepts of communicating directly with citizens, other call centers, and emergency responders through peer-to-peer (P2P) and other Internet protocols sharing voice, video and data.<sup>4</sup> As public safety increasingly turns to using broadband services, the core requirements of open and responsive communications over multiple media types and protocols must be maintained.

NPSTC believes efforts of broadband network providers to manage or regulate the transmission of data over their networks could have unforeseen impact on public safety's primary mission of protecting and serving our nation's citizens. Delaying or denying the transmission of mission critical information that may be carried over commercial broadband networks will hinder emergency response. NPSTC urges the Commission to include the character and requirements of public safety communications as it examines the issues presented by Vuze.

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<sup>3</sup> Public Law 109-59

<sup>4</sup> U.S. Department of Transportation Announces Partnerships to Advance America's Next Emergency 9-1-1 System (<http://www.dot.gov/affairs/dot0808.htm>)

## **The National Public Safety Telecommunications Council**

The National Public Safety Telecommunications Council is a federation of public safety organizations dedicated to improving emergency service communications. It has participated throughout the Commission's examination of the 700 MHz band and in other proceedings addressing public safety. Its member organizations and those who participate in its deliberations have plenary responsibility for the range of emergency communications networks dedicated to Public Protection and Disaster Relief (PPDR).

NPSTC pursues a role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementing the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety agencies, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety communications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

American Association of State Highway and Transportation Officials  
American Radio Relay League  
Association of Fish and Wildlife Agencies  
Association of Public-Safety Communications Officials-International  
Forestry Conservation Communications Association

International Association of Chiefs of Police

International Association of Emergency Managers

International Association of Fire Chiefs

International Municipal Signal Association

National Association of State Chief Information Officers

National Association of State Emergency Medical Services Officials

National Association of State Foresters

National Association of State Telecommunications Directors

National Emergency Number Association

National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility and the SAFECOM Program), Department of Commerce (National Telecommunications and Information Administration), Department of the Interior, and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC also has a liaison relationship with the Telecommunications Industry Association.

### **The Issues Presented by the Vuze Petition Affect Public Safety Communications**

NPSTC does not wish to comment on nor oppose, endorse, support, or promote the Vuze network or the software platform used by Vuze. NPSTC is concerned with the issue of “reasonable network management”<sup>5</sup> and the practices of some network operators to “block, degrade, or unreasonably discriminate against lawful Internet applications,

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<sup>5</sup> Vuze Petition at 1

content or technology”<sup>6</sup> and its possible effect on current and future Internet based communications used to support public safety.

On August 10, 2007 the Commission released its precedent setting *Second Report and Order* addressing the service rules for the 698-746, 747-762 and 777-792 MHz Bands FCC 07-132 (*Second Report and Order*)<sup>7</sup>. In the *Second Report & Order*, the Commission created a single, nationwide licensee for public safety broadband communications in order to foster interoperable communications between emergency responders charged with public protection and disaster relief.<sup>8</sup> Recognizing the inability of public safety to design, deploy, and operate a nationwide network, the Commission created the provision of a shared Public-Private Partnership<sup>9</sup> which will provide this capability to America’s public protection entities under the Commission’s oversight and direction. To ensure the needs of public safety are met, the Commission required the Public Safety Broadband Licensee, the Public Safety Spectrum Trust Corporation, to negotiate a Network Sharing Agreement with specific mandatory provisions.<sup>10</sup>

As this shared network will use both Public Safety and commercial spectrum, the management practices of the two providers must be harmonized. This agreement will not, however, be enforceable for public protection and disaster relief organizations sending and receiving voice, data or video communications over other networks without

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<sup>6</sup> *id*

<sup>7</sup> *Second Report and Order*.

<sup>8</sup> *Id* at 365

<sup>9</sup> *Id* at 386

<sup>10</sup> *Id* at 444

Commission promulgation of specific rules. NPSTC believes that such rules are important to protect public safety communications.

With regard to the 700 MHz Public Private Partnership, if the Commission moves to allow carriers to exercise control over data throughput on fully commercial networks, it must specifically carve out the 700 MHz Public/Private Partnership spectrum and commit the matter to the agreement between the Public Safety Broadband Licensee and the D Block auction winner. In the context of commercial networks, the Commission must recognize that the needs of the public safety community differ significantly from those of traditional commercial users and promote public safety's effective use of these networks.

NPSTC recognizes the primary use of P2P and torrent protocols is the discretionary sharing of content. In the context of public safety operational demands, the need for agencies to have the ability to share situational data between peers without the use of large-scale servers and data centers is essential. The management practices or ability of some broadband network operators and providers to limit, degrade, or block such file and data sharing protocols presents significant challenge and can place people and property at greater risk.

NPSTC urges the Commission to examine thoroughly how the practices of network operators can affect public safety broadband communications. As agencies

move to rely more on advanced services, the fundamental that such services are critical to effective emergency response must be comprehended by the Commission, providers and user agencies.

Respectfully submitted,

A handwritten signature in cursive script that reads "Vincent R. Stile".

Vincent R. Stile, Chair  
NATIONAL PUBLIC SAFETY  
TELECOMMUNICATIONS COUNCIL  
8191 Southpark Lane, Number 205  
Littleton, Colorado 80120-4641  
866-807-4755

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On February 13, 2008, a copy of the foregoing Comment of the National Public Safety Telecommunications Council was provided via the US Mail to the following individuals;

Jay Monahan, Esquire  
General Counsel, Vuze, Inc.  
471 Emerson Street  
Palo Alto, California 94301

Henry Goldberg, Esquire  
Devendra T. Kumar, Esquire  
Goldberg, Godles, Wiener & Wright  
1229 19<sup>th</sup> Street, NW  
Washington, D.C. 20036  
Attorneys for Vuze, Inc.

/s/ John E. Logan