

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Wireline Competition Bureau Seeks to Refresh )  
Record in Restoring Internet Freedom and ) WC Docket Nos. 17-108, 17-287, 11-42  
Lifeline Proceedings in Light of the D.C. )  
Circuit’s Mozilla Decision )

**COMMENTS OF APCO INTERNATIONAL**

The Association of Public-Safety Communications Officials-International, Inc. (APCO)<sup>1</sup> submits these comments in response to the above-captioned proceeding.<sup>2</sup>

In *Mozilla Corp. v. FCC*,<sup>3</sup> the U.S. Court of Appeals for the District of Columbia Circuit remanded three discrete issues for further consideration by the Commission, following the Commission’s Restoring Internet Freedom Order.<sup>4</sup> APCO limits its comments to the Bureau’s request to refresh the record on how the changes adopted in the Restoring Internet Freedom Order might affect public safety.

The Court of Appeals ruled that “The Commission’s disregard of its duty to analyze the impact of the 2018 Order on public safety renders its decision arbitrary and capricious in that part and warrants a remand with direction to address the issues raised.”<sup>5</sup> Public safety is a valid

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<sup>1</sup> Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 35,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 Emergency Communications Centers (ECCs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

<sup>2</sup> *Wireline Competition Bureau Seeks to Refresh Record in Restoring Internet Freedom and Lifeline Proceedings In Light of the D.C. Circuit’s Mozilla Decision*, DA 20-168 (Rel. Feb. 19, 2020) (Notice).

<sup>3</sup> *Mozilla Corp. v. FCC*, 940 F.3d 1 (D.C. Cir. 2019).

<sup>4</sup> *Restoring Internet Freedom*, WC Docket No. 17-108, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311 (2017).

<sup>5</sup> *Mozilla* at 100.

and necessary consideration, and the Commission should thoroughly consider any potential impacts to public safety communications. The Commission should consider the public's need to make voice calls, send texts, or convey multimedia or other broadband-enabled data to 9-1-1. Similarly, the Commission should protect the ability of public safety entities to communicate with each other and the general public, whether through official alerting platforms (e.g. IPAWS, EAS, WEA) or other commercial platforms of their choice.

The Commission seeks comment on the extent to which public safety officials rely on mass-market retail broadband services, rather than dedicated networks with quality-of-service guarantees for public safety applications.<sup>6</sup> Public safety agencies commonly rely on retail broadband services for a variety of public safety applications. For example, public safety entities may use these services for accessing various databases, sharing data between ECCs and emergency responders, translating communications with 9-1-1 callers and patients in the field, streaming video into 9-1-1 and emergency operations centers, and accessing critical information about a 9-1-1 caller (such as improved location information) that is not delivered through the traditional 9-1-1 network.

These considerations take on increased importance during times of emergency when network congestion can peak and reliable communications are needed most. As *Mozilla* made clear, “whenever public safety is involved, lives are at stake,” and the potential harms “during a public safety emergency are irreparable.”<sup>7</sup>

Respectfully submitted,  
APCO INTERNATIONAL

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<sup>6</sup> Notice at 2.

<sup>7</sup> *Mozilla* p. 98.

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