

**STATEMENT OF
CHAIRMAN JULIUS GENACHOWSKI**

Re: *Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*, Notice of Proposed Rulemaking, GN Docket No. 11-117; *Wireless E911 Location Accuracy Requirements*, Third Report and Order, PS Docket No. 07-114; *E911 Requirements for IP-Enabled Service Providers*, Second Further Notice of Proposed Rulemaking, WC Docket No. 05-196

The Communications Act assigns this Commission important responsibilities with respect to public safety communications, none more significant than ensuring that our first responders are able to find and provide assistance to Americans in harm's way.

We are at a time of great opportunity and serious challenge when it comes to harnessing communications technologies to help first responders and save lives.

A nationwide, interoperable mobile broadband network would put the communications tools consumers take for granted in the hands of police, firefighters, and other first responders. It would implement an important recommendation of the 9/11 Commission. I applaud the Senate Commerce Committee for recently passing legislation to build a broadband public safety network; the House Energy and Commerce Committee is working on similar legislation. And we will continue to work with Congress to make that vision a reality.

On emergency alerts, modern communications give us the opportunity to alert people to disasters anytime, anywhere. But until recently, this was just a theory.

I was pleased to announce at Ground Zero the accelerated deployment of a new national mobile alerting system – PLAN – which will allow people to receive emergency alerts directly on their mobile phones. This is complementary to the broadcast emergency alert system. A similar system saved lives during the recent earthquake and tsunami in Japan, and it will make a real difference here in the U.S. during, for example, disasters like the recent tornadoes in the Southeast, where every second of warning counts.

With respect to 9-1-1, there are also big opportunities and challenges – opportunities to connect people and 9-1-1 responders through all forms of communications. But today's 9-1-1 system does not empower the means of communication consumers take for granted. It does not provide for sending texts to 9-1-1, or photos or video.

Today, the average American sends about 20 texts a day, and the average teenager sends over 100. Yet we know of instances like the tragedy at Virginia Tech where texts to 9-1-1 went unanswered. Who knows how many other times this has happened, but even once is too many.

Today only about one-quarter of Public Safety Answering Points use broadband to process 9-1-1 calls. And that's only the first step to achieving next generation 9-1-1. We are hard at work developing a game plan to accelerate next-generation 9-1-1, and I will continue to make this an agency priority.

Today's action addresses another major opportunity and challenge – that of ensuring that *mobile* 9-1-1 works as it should. For both the current 9-1-1 system and next generation 9-1-1 to work, we have to be sure that callers can be located, wherever they are, whatever technology they're using to communicate.

Mobile phones allow people to call 9-1-1 from anywhere, including places where traditional phones aren't available. And the percentage of 9-1-1 calls from mobile has increased dramatically – from about 25% in 2001 to over 65% today.

When Americans call 9-1-1 from their landlines, first responders receive accurate location information more than 98 percent of the time. But one quarter of all households have now “cut the cord” and given up their landlines for wireless phones. Others are turning to alternative voice services that may not enable a PSAP to locate a caller or may not support 9-1-1 at all. When Americans call 9-1-1 from their mobile phones, first responders are about 50 percent less likely to receive precise information about the caller's location. One half as likely. And this affects both rural and urban areas. The inaccuracy can be up to one or two miles, or fail to pinpoint the caller's location inside a building, particularly a tall building, or the PSAP may get no location information at all. We must do better.

A consumer who has come to expect an alert on her cell phone that a nearby restaurant is offering a discounted meal should also be able to expect that when she contacts 9-1-1, first responders will know where she is.

Today's Order sets us on the path to improving the delivery of accurate location information when the public calls for help. The *Third Report and Order* continues the process we began last September of strengthening our existing Enhanced 9-1-1 (or E9-1-1) location accuracy rules, by requiring all wireless carriers to meet the more stringent metrics of the handset-based location accuracy standard. The item has a necessary transition plan to come into compliance. I encourage commercial mobile carriers to beat the deadlines, as many mobile carriers have committed to accelerate implementation of the new PLAN emergency mobile alerts.

We also are initiating periodic testing of the ability of wireless networks to provide accurate location information to ensure that first responders can rely on the location information they receive. And we extend that challenge to finding and developing cost effective solutions to the problem of indoor location accuracy, which poses difficulties when callers are deep inside buildings without a strong signal.

In that same vein, I encourage VoIP providers to work with us to ensure that VoIP consumers can call 9-1-1 in an emergency with first responders getting the location information that can save lives.

Today's *Second Further Notice* also explores ways to ensure that newer communications technologies like VoIP service leverage existing technology to provide 9-1-1 centers with critical and potentially life-saving automatic location information.

I thank the staff of our Public Safety and Homeland Security Bureau, and my Special Counsel and Legal Advisor, Amy Levine, for their considerable and ongoing work in this area. I look forward to working closely with the CSRIC, the public safety community, communications providers, and other stakeholders to continue to harness technology to improve our nation's 9-1-1 service.

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*, Notice of Proposed Rulemaking, GN Docket No. 11-117; *Wireless E911 Location Accuracy Requirements*, Third Report and Order, PS Docket No. 07-114; *E911 Requirements for IP-Enabled Service Providers*, Second Further Notice of Proposed Rulemaking, WC Docket No. 05-196

I was pleased to receive this item. E911 is a matter of ongoing and high priority attention for the Commission and today's proceeding is another step in the right direction. I don't need to dwell on the importance of E911 saving lives, protecting property, and preventing and discouraging crime. Location accuracy has gotten measurably better and certainly we have seen welcome increases in GPS-capable handsets and in network upgrades. That's good news for citizens. But even as we applaud that, we know our job is far from being done and we are still pushed by our public interest duty to move things along with all deliberate speed. This is another step in the right direction.

In light of the dynamic changes in technology, I support maintaining separate standards for both network and handset based location systems. I am particularly pleased that we are now requiring carriers to test and report to us, as well as to state 911 centers and PSAPs, whether or not carriers are hitting the mark for outdoor calls. This kind of real-world data can only make our diagnosis and our decisions better. And it will provide our Communications Security, Reliability, and Interoperability Council (CSRIC) important information that it needs as it considers its next steps and recommendations. I am hopeful CSRIC will provide the guidance we need toward the development of effective standards as a top priority matter. As I have stated many times before, vitally-necessary E911 infrastructure will best be built by the private and public sectors discussing together, planning together, working together and coming up with solutions together. It's not something either sector can accomplish alone.

I also want to reemphasize the priority of keeping clear focus on the matter of indoor testing. As more consumers cut the cord, their cell phones become the one and often only 911-capable device in their homes. Today we ask the right questions about indoor testing. I welcome that because it is just absolutely critical that we do not let this issue stall. The record clearly shows that my requests for reports and studies on in-building coverage go back many years in the E911 Location Accuracy docket.

I am also encouraged that we propose to expand E911 requirements to a greater set of VoIP users. It makes complete sense to me that VoIP users who can make calls to anyone would expect to be able to reach 911 in an emergency. I look forward to what I hope is a thorough record that tells us what consumers of this and other one-way services expect. So I appreciate the Notice's questions about our authority to extend E911 requirements to VoIP services for which callers can only call out.

But it should not stop there. To me public safety communication means *two-way* communications. Two-way communications become really important if an emergency call gets disconnected, goes dead for any reason, or if other emergency responders need to contact the caller. So I am pleased that we will also inform ourselves about what consumers need in the way of receiving calls *back* from emergency call centers. I understand that the Net 911 Improvement Act bolsters our legal authority in this area. Nevertheless, as I have said before, I believe the Commission should look comprehensively at the proper classification of VoIP. At the risk of

sounding like a broken record, our charge to protect the safety of the American people is clear and should never have to hinge on semantics or distinctions without a real difference.

The item also moves the ball forward for VoIP users by asking how we can ensure that location information is automatically updated. Today, that updating is a manual process. The issues are technically challenging, I understand that. But we live in a digital world and we here at the FCC must demand digital solutions to these critical problems. So here, too, I look forward to reviewing the record and to taking appropriate steps to move this critical issue expeditiously forward.

I want to thank the Public Safety bureau for bringing us this important item and helping us work through its many technical aspects. I commend the Chairman for his leadership in making these issues a priority and I thank him and my colleagues for working together to enhance the item as it made its way around the Eighth Floor.

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: *Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*, Notice of Proposed Rulemaking, GN Docket No. 11-117; *Wireless E911 Location Accuracy Requirements*, Third Report and Order, PS Docket No. 07-114; *E911 Requirements for IP-Enabled Service Providers*, Second Further Notice of Proposed Rulemaking, WC Docket No. 05-196

I am voting to approve today's actions on improving consumers' ability to make emergency calls using mobile and Internet Protocol (IP) technologies. Given the extraordinary growth of mobile and IP services, not to mention that some consumers may not care to understand the complexities of the technologies, how the systems operate or their regulatory treatment, I am pleased that the Commission is continuing its efforts in this important area. For example, in cases of heart attack or stroke, time is of the essence. A mobile device may be the only means to get help. It is crucial that we do all we can to improve emergency responders' ability to locate victims quickly.

I thank all of the interested parties for sharing their insights and marketplace experiences on this topic in response to the notice of inquiry initiated last September. And, I am grateful to the Chairman for his willingness to accept edits that allow for additional comment on indoor location accuracy testing. It is sensible for the Commission to undertake further study in this area given that the number of indoor wireless calls has increased dramatically in recent years.

Many thanks are also due to the Chairman for his support of improvements to our questions regarding the Commission's authority with regard to non-interconnected VoIP services. Given the unique context present here, I support the narrowly-tailored questions set forth in the notices of proposed rulemaking. Just last year, Congress passed legislation indicating that the Commission's definition of "interconnected VoIP" may include "non-interconnected VoIP" service,¹ thereby contemplating a greater level of authority for the Commission over these voice services. Moreover, as set forth in Section 151 of the Act, Congress long ago charged the Commission with promoting safety of life and property through the use of wire and radio communications. There is a longstanding recognition that ensuring clear and effective communications in times of emergency is a key aspect of the Commission's mission. Under these circumstances, I support our inquiry regarding the Commission's level of jurisdiction over the use of non-interconnected VoIP services for making emergency voice calls, but only in this narrow context.

Finally, in this instance, I support our decision to refrain from including draft rules at this time. Normally, I am a proponent of including draft rules. As we remain at a preliminary stage, however, final proposals have yet to be developed. For example, many of our questions are open-ended and seek input from the Communications Security, Reliability and Interoperability Council, a team of experts that provides recommendations to ensure, among other things, optimal reliability and functionality of our nation's communications systems. We also need a strong record

¹ See Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (amending sections 3, 255, 303, 330, 710, and 713 of the Communications Act, and adding sections 615c and 715-19, codified at 47 U.S.C. §§ 153, 225, 303, 330, 610, 613, 615c, 616-20); Truth in Caller ID Act of 2009, Pub. L. No. 111-331, 124 Stat. 3572 (2010).

illustrating the costs and technical feasibility of implementing these ideas. Thus, I approve of this prudent approach to develop the record further before drafting proposed rules.

Assisting consumers in times of emergency is one of the Commission's core responsibilities and is among the highest of callings of public servants. I look forward to learning more as a result of today's proceedings. As always, I thank our talented staff for their hard work and diligence.

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*, Notice of Proposed Rulemaking, GN Docket No. 11-117; *Wireless E911 Location Accuracy Requirements*, Third Report and Order, PS Docket No. 07-114; *E911 Requirements for IP-Enabled Service Providers*, Second Further Notice of Proposed Rulemaking, WC Docket No. 05-196

As our Fifteenth Mobile Services Report points out, the number of Americans who subscribe to wireless phone services has been increasing each year for the past nine years and, as of 2009, that figure exceeds 274 million. Therefore, it is important that the Commission's public safety policies keep pace with the Nation's growing dependence on these technologies. With regard to mobile wireless E-9-1-1 services, we must adopt rules that continue to improve the ability of public safety personnel to obtain accurate information, when a person uses a mobile phone to make an emergency call. Our regulatory approach should be comprehensive and adapt to the technological advances in the mobile wireless industry. But, our approach should also be reasonable and flexible enough to permit carriers to find the path to more accurate wireless E-9-1-1 services that is most cost effective for them.

This item, I believe, strikes the right balance. The Report and Order recognizes that the industry should be working towards the more stringent standard we set for handset based location technologies. It requires all new wireless providers, which meet the definition of covered CMRS providers in our Rules, to satisfy that standard. It also explains that the Commission intends to sunset the less stringent network based location standard. But it appropriately declines to impose a unitary standard for all providers. The record makes clear that providers who are currently using network-based E-9-1-1 solutions, are migrating to handset based solutions. Accordingly, the more accurate handset based standard should, as a practical matter and without a regulatory mandate, become the industry standard.

The two Notices we also adopt today, properly seek comment about expanding 9-1-1 location service requirements to cover more VoIP services. The item explains that, as the use of location based services on smart phones becomes more prevalent, Americans are beginning to expect that their service providers know their current location whenever they are using that device. It is therefore reasonable for them to also expect that, when they make a 9-1-1 call, their current location information should be provided to public safety agencies, whether they make the call using a traditional commercial wireless services or whether they are using VoIP services. Technical experts at the Internet Engineering Task Force have proposed standards that should allow that type of location communication to occur whenever a person chooses to make the 9-1-1 call using VoIP services. I hope that all relevant parties will contribute additional technical expertise that will move us closer to that goal.

I commend Admiral Jamie Barnett and his team at the Public Safety Homeland Security Bureau for presenting us with an excellent item.