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FCC ACTS TO REMOVE BARRIERS IMPEDING ENHANCED WIRELESS 911 SERVICE

Washington, DC -- The Federal Communications Commission (FCC) today acted to remove impediments to the deployment of enhanced 911 (E911) services for wireless users. Enhanced wireless 911 services help ensure that in emergencies wireless phones provide vital information to assist 911 call centers, or Public Safety Answering Points (PSAPs), in locating the caller.

The FCC took a number of steps. First, the FCC amended its cost recovery rule to modify the requirement that a mechanism for cost recovery be in place before a carrier is obligated to provide E911 services. The FCC affirmed the requirement that a formal mechanism be in place for PSAP cost recovery, but eliminated as a barrier to E911 implementation any prerequisite that carrier E911 costs be covered by a mechanism. Of course, a cost recovery mechanism is not necessary to permit carriers to recover their costs. The Commission emphasized, however, that the revised rules do not disturb current state and local cost recovery schemes that are already working, nor was it discouraging state and local governments from deciding that cost recovery or sharing mechanisms that cover carrier costs are an effective way of expediting wireless E911 for their citizens, especially in rural areas.

The FCC also emphasized, however, that adequate funding for PSAPs remains critical to successful E911 implementation. To help ensure that carriers are not required to make unnecessary expenditures before a PSAP is ready to use E911 information, and to encourage and support local and state authorities in the funding of wireless E911, the FCC decided to retain in its revised rule a requirement for a PSAP cost recovery mechanism.

Second, the FCC concluded that negotiations between Commercial Mobile Radio Services (CMRS) carriers and PSAPs should remain the primary means of ensuring an expeditious selection of transmission method that meets the individual requirements of the PSAP and carrier in each situation. In the event that an impasse arises, FCC staff will be available to help resolve these disagreements, based on consideration of a number of specific factors.

Third, the FCC noted the critical role played by incumbent local exchange carriers (LECs) in the implementation of wireless E911 service, by, for example, transmitting calls from the wireless carrier to the PSAP. While declining to adopt any new obligations, the FCC made clear that parties could bring complaints before the state public service commissions or the FCC if an incumbent LEC failed in the performance of any of its obligations. It also stated that parties could request consideration of such complaints under the Commission's "rocket docket" procedures.

Background on Wireless 911 Rules:

The FCC's wireless E911 rules require certain CMRS carriers to begin transmission of enhanced location information in two phases. Phase I requires carriers to transmit a caller's phone number and general location to a Public Safety Answering Point (PSAP). Phase II requires more precise location information be provided to the PSAP. Under the current rules, two prerequisites must be met before the wireless carrier is obligated to implement E911. The carrier must receive a request from a PSAP that it has the capabilities to receive and use the location information, and there must be in place a mechanism for recovering the costs of implementation. Carriers are to provide the requested E911 service by the later of six months after the prerequisites are met, or April 1, 1998 (for Phase I) or October 1, 2001 (for Phase II).

Today's action is in response to filings concerning delays in E911 implementation as well as petitions for reconsideration and clarification of the FCC's E911 rules. Resolution of these issues should address delays in implementation of Phase I service and ensure implementation of Phase II service.

Detailed Summary of Specific Actions Taken by the FCC:

First, the FCC decided that the E911 rules will continue to require that a mechanism for PSAP cost recovery be in place before a carrier's obligation to provide E911 services is triggered. However, the FCC eliminated the prerequisite for carrier cost recovery. Specifically, the FCC explained that before a carrier is required to provide E911 services pursuant to a PSAP request, the PSAP must have a means of receiving and utilizing the data elements associated with those costs. The FCC stated that adequate funding of PSAPs is a critical element in ensuring timely E911 implementation and retaining the provision for PSAP cost recovery may assist PSAPs in obtaining necessary funding. The FCC noted that by retaining the PSAP cost recovery requirement, it was not mandating action by state or local governments or defining the nature or extent of any funding mechanism. The Order is not intended to interfere with their authority over 911 systems and how those systems are managed and maintained. However, the FCC noted that state and local public safety officials need to be provided with a means to use wireless E911 location information. Otherwise, PSAPs will be unable to dispatch emergency services to wireless 911 callers in life-threatening situations as quickly as possible.

Second, the FCC agreed that disputes between CMRS carriers and PSAPs on the choice of E911 transmission means also have contributed to delays in Phase I implementation. However, based on the current record and in light of the modification of the cost recovery prerequisite for E911 implementation, the FCC concluded that negotiations between the parties remain the primary means of ensuring an expeditious selection of transmission method that meets the individual requirements of the PSAP and carrier in each situation. In the event that an impasse arises, FCC staff will be available to help resolve these disagreements, based on consideration of a number of specific factors. These factors would include: the additional costs of the methodologies to the PSAP and the wireless carrier, whether the carrier is paying for its own E911 implementation costs or receiving funding from another cost recovery mechanism; the technical configuration of the PSAP's existing E911 system; the impact of technology choice on the implementation of seamless, ubiquitous and reliable E911 systems in a given area; and the ability of the transmission technology to accommodate Phase II of wireless E911 and other planned changes in the E911 system.

Third, the FCC found that this Commission and the relevant State public service commissions can address the issues concerning local exchange carriers (LECs) that are identified as potential reasons for delay in the implementation of E911. LECs are important factors in achieving E911 implementation when State 911 systems are LEC-based. Although the FCC did not, at this point, impose special obligations on incumbent LECs to implement wireless E911, it noted that incumbent LECs are already subject to obligations under the Telecommunications Act of 1996, as well as various Federal and State regulations, to ensure that interconnection agreements with CMRS carriers are fulfilled promptly and fairly. The FCC intends to further monitor the role of LECs to determine whether there is a need to impose additional obligations to ensure implementation of the wireless E911 rules. The FCC also noted that parties may request consideration under its rocket docket procedures of complaints filed under Section 208 of the Communications Act against LECs for violation of LECs' existing obligations.

Finally, the FCC noted that requests in the record for protection from liability for providing E911 service and to mandate nationwide usage of 911 as the number for emergency assistance have been resolved by the Wireless Communications and Public Safety Act of 1999 (E911 Act). That Act requires that States provide CMRS carriers, users, and PSAPs involved in the transmission of wireless 911 and E911 calls with liability protection to the same extent the State provides protection with respect to wireline 911 services. The E911 Act also provides that the FCC designate 911 as the universal emergency telephone number for both wireline and wireless telephone service and includes provisions for transition periods and FCC action to encourage the development of State E911 systems.

Action by the Commission on November 18, 1999 by Second Memorandum Opinion and Order (FCC 99- xx). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani, with Commissioner Furchtgott-Roth issuing a separate statement.

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