

**Remarks of
Michael K. Powell
Chairman, Federal Communications Commission
At the
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Thank you Vinnie for that kind introduction and APCO's generous invitation to join you here today.

Before I dive into the various communications issues APCO faces – I want to spend just a moment to acknowledge the extraordinary sacrifice and devotion of APCO's members. Public service is both a heavy responsibility and a sacred trust. Every day -- you put your lives on the line to make our homes more secure, our streets safer and our communities more sound. Our first responders are not only once-in-a-lifetime heroes; they are -- instead – the every-hour, every-minute heroes of our daily lives. As a member of a family that has long viewed public service as a privilege and honor, I am honored to stand before you today. All Americans owe you a tremendous debt of gratitude – thank you.

At the FCC, we strive to fulfill the unique communications policy needs of first responders. Before and since September 11th, the Commission has developed policies to secure our nation's telecommunications infrastructure and network reliability. Spectrum policy and homeland security are at the forefront of my strategic plan for the Commission. Central to that plan is the implementation of Enhanced 911 for wireless communications devices.

Wireless Enhanced 911

Last April, at the FCC's Coordination Initiative, I called for a new "Era of Cooperation" on E911 – that cooperation has worked, but today I issue a call to action for all the E911 stakeholders to build this era of cooperation into a "New Era of Accomplishment".

My fellow commissioners and I remain vigilant and committed to ensuring that our progress continues. Government cannot be a passive observer on E911 – instead we must be an active participant. It is equally clear, however, that the FCC cannot *MAKE* E911 happen – we need carriers, public safety, ILECs, equipment vendors, and state and local governments to be full partners if the "Era of Cooperation" is to yield a lasting "Era of Accomplishment."

I am energized by our progress and I have a number of key announcements to make today about our future plans. However, before we discuss next steps, I would like to briefly review our activities to date.

So much has changed since the initial E911 obligations were created in 1996 and they have changed largely for the better.

We now know that E911 technology works – and can save lives. I was privileged to see this technology first hand in the FCC’s “backyard” at an E911 call center in Alexandria, Virginia. Deputy Chief of Police David Baker, Lt. Louis Pellegrino, and the center supervisor, Marietta Robinson, did a tremendous job of showing me how the PSAP’s E911 capabilities functioned. So the bottom line is, we now know E911 works.

We have also learned that our progress requires the use of an occasional stick. The Commission has not hesitated to use its enforcement power when wireless carriers are not justified in delayed deployment. Within the past fifteen months, we have taken a number of actions where carriers have failed to comply, including entering into consent decrees with multiple national carriers who did not adhere to their deployment schedules. In addition to substantial fines, each carrier is now subject to binding deployment schedules with automatic penalties if they fail to comply again.

We have also learned over the years that E911 deployment depends on far more than the size of the stick we use to beat up the carriers. As many of you know, the FCC was fortunate to retain the services of Dale Hatfield – a former Chief of our Office of Engineering and Technology – to take a step back and identify -- in a comprehensive way -- the issues and challenges associated with E911. In many ways, the “Hatfield Report” has become our guidebook in working through many of these issues.

In reviewing the Hatfield Report, we identified some regulatory ambiguities and barriers on the FCC’s side of the ledger. In tackling these issues, the Commission recently:

- set a deployment schedule for small and mid-sized carriers,
- clarified PSAP readiness issues and established a certification process,
- provided guidance on cost recovery issues,
- and began a rulemaking on how the 911 rules should apply to technologies such as Mobile Satellite Service, telematics services, and emerging voice services and devices.

Additionally, the Commission received a Staff Report on unintentional or harassing wireless 911 calls.

The Hatfield Report also identified the lack of coordination and information flow between and among relevant stakeholders as a key issue. In response to this gap, in April, I convened the FCC’s E911 Coordination Initiative. The first meeting of the Initiative brought together representatives from the federal government, the public safety community, wireless carriers, Local Exchange Carriers (LECs) and other interested stakeholders to address ongoing implementation issues such as Public Safety Answering Point (PSAP) funding, wireless carrier implementation and prioritization, issues relating to LECs, and the challenges faced by rural carriers.

We think our efforts are starting to pay off. In partnership with all the stakeholders – including APCO, we have seen substantial progress for the American people.

- according to the August 1, 2003 Reports, Phase II information is now being provided by at least one wireless carrier in approximately 480 markets to more than 1200 PSAPs, an increase of 50% over the prior quarter.
- For the six nationwide carriers, over 65% of their markets deployed have come on line in the past six months.
- Every nationwide carrier using a handset-based approach is offering at least one compliant handset. Both Sprint and Verizon offer their customers at least 10. Sprint alone has sold over 11.6 million such phones.
- And here in Indiana, AT&T Wireless, Nextel, Sprint, and Verizon Wireless have deployed Phase II in a number of areas including Indianapolis, Lake County, Bloomington, and Terre Haute.

These are tremendous successes – and our E911 deployment is broad-based and picking up rapidly.

This collective progress has been driven by the leadership of many individuals and organizations doing their part to advance E911. First the Congressional E911 Caucus under the leadership of Senators Conrad Burns and Hillary Rodham Clinton and Representatives Anna Eshoo and John Shimkus has done an extraordinary job leading this effort on Capitol Hill. Members of APCO's Project Locate have worked tirelessly to offer PSAPs assistance with filing requests for Phase II service and to open the lines of communication between PSAPs and wireless carriers. Project Locate's model communities have served as valuable case studies for E911 deployment. The Commission values Project Locate's continued commitment and leadership in speeding full implementation of E911 service. In addition NENA's SWAT effort, ESIF's E911 work, and the Department of Transportation's Wireless E911 Steering Council have also brought national leadership and attention to help accelerate deployment.

Although our progress has been impressive and sustained, we cannot rest. There is still much to be done. And here is what we are going to do:

E911 Coordination Initiative

I am pleased to announce that the next session of the FCC's E911 Coordination Initiative will take place on October 29 and 30, 2003. At that session, we will sound the call to action to our colleagues at the state level. There -- for the first time -- we will convene the E911 designees of each of the State governors and U.S. territories. These leaders will provide a key interface for E911 deployment issues in the states and important points of contact for the vital public education efforts that are essential to successful E911 deployment. We also plan to provide resources to governors' state 911 designees to help them provide leadership and coordinate E911 deployment efforts in their states. I want to express particular appreciation to our partners at the National Governors Association who have been so integral to this unprecedented effort.

Central to this task will be building support for the idea that state funds set aside for E911 deployment should be used for E911 deployment. Consumers have an expectation that fees

appearing on their bills for E911 will be used to further the deployment of these life-saving technologies, and we must ensure that those expectations are honored.

The Second Coordination Initiative will also tackle current deployment issues, accuracy requirements and additional public education efforts. I look forward to working with APCO in shaping the Initiative and your active participation in the two-day event.

E911 Subcommittee to the NRIC

In addition to the Coordination Initiative, I am pleased to announce that, as Dale Hatfield recommended in his report, the Commission is going to establish a technical group to focus on 911 network architecture and technical standards issues. Measuring and improving the accuracy of E911 location information will be a key priority. This group will be a subcommittee of the NRIC, which will continue to focus on homeland security issues under a new charter. We will begin laying the foundation for these inquiries at the Second E911 Coordination Initiative in October. In January, we will devote the FCC's Technical Advisory Committee meeting to 911 technical issues. I am also pleased to announce that Dale Hatfield has agreed to assist us in all of these efforts.

Accuracy Issues

As I discussed earlier, one of the key roles for Government on E911 is to identify issues early on so that they can be resolved before they frustrate or undermine deployment. One area of investigation is the method by which the Commission will measure carrier compliance with our accuracy rules. The Emergency Services Interconnection Forum (ESIF) has established a Working Group to examine methods for testing location accuracy. The working group's goal is to develop a set of minimum, practical requirements that will ensure that individual test methodologies provide consistent, valid, and reproducible results in a variety of environments. The Working Group plans to send its recommendations to the ESIF for review by the full body by the end of November. The Commission intends to monitor ESIF's progress as this effort goes forward and to assess how best to build on their efforts in our future compliance work. This issue will also be a focus of discussion at the upcoming Coordination Initiative.

Consumer Outreach

Finally the public has a central role to play in making sure that E911 is rolled out in their communities. It's my job - - and yours as well - - to make sure that when consumers are at the kiosk at the mall, they don't just ask about price, and how to download the latest tune from Fifty Cent as a ring tone. They also need to ask carriers:

“Do you provide E911 Phase II capability?” “How accurate is the E911 capability in this handset?” “What is your deployment schedule in my area?”

Wireless is a highly competitive market, and that enables every consumer including you and me to vote with our respective checkbooks. Moreover carriers that have invested substantial resources in deployment schedules that are faster than their rivals should receive the benefits of that investment. Not all carriers are created E911 equal – and consumers have a right to know.

But getting this technology deployed cannot be done by the carriers alone. Consumers also need to ask whether their state and local government public safety answering points are Phase II capable. Again, if the answer is “no” we all need to ask “why not?” I urge the public safety community to enlist consumers as allies in ensuring that E911 deployment is properly funded and tended to in the political process at all levels. Once again, if this is a national priority – and I believe it is – then we should have a national dialogue about the responsibilities of each stakeholder in making this work.

Today we also renew the Commission’s commitment to nationwide Wireless E911 outreach and education. The FCC will work closely with the Governors’ 911 designees, our Intergovernmental Advisory Committee, and public safety organizations to enhance our role as an information clearinghouse. My fellow Commissioners and I will be leading this effort to ensure that consumers have reasonable expectations about E911 and can make informed choices about their cell phone service.

Public Safety and First Responders Spectrum Issues

I have spent a substantial amount of time this afternoon on E911 efforts at the Commission but I would be remiss if I did not also discuss the important spectrum issues faced by APCO’s members. It is one of my top priorities as Chairman to ensure that public safety has the reliable spectrum resources it needs to do its life saving work.

First and foremost, public safety needs reliable access to its existing spectrum resources, particularly at 800 MHz. The interference issues at 800 MHz are very serious and complex. In fact, this may be one of the most challenging spectrum policy proceedings that will come before this Commission. Obviously you all are well aware of the difficulties in reaching closure on how best to solve the 800 MHz puzzle – we received your latest submission modifying the consensus plan just last week.

I would like to thank APCO, ITA, Nextel and other interested parties for their hard work in educating us about the interference problem and helping us build towards a workable solution for the operators in this band. I think the collaborative efforts to find a solution to this problem have been quite productive. I cannot tell you that we have yet resolved these issues; but I can assure you that this proceeding is an absolute priority.

The Commission is also committed to speeding public safety deployment in the 700 MHz band. I want to take this opportunity to applaud the work of Kathy Wallman and the National Coordination Committee. The NCC has recently concluded its work and done an excellent job in creating standards to facilitate successful system deployment.

However, as you know, the band is currently encumbered by broadcasters. The delay in the initial auction of the 700 MHz commercial bands has required modification of the FCC’s original voluntary band clearing plan. Congress is exploring new options for moving this process forward. In addition, we are tackling the challenge of the DTV transition to hasten the clearing of the band. Whatever the ultimate mechanism, rest assured that we understand the need to make these frequencies available as soon as possible.

But increasing spectrum efficiency isn't just about technology, it's about people as well. We encourage the public safety community to develop creative solutions promoting interoperability including strategic partnerships between governmental and non-governmental users.

As you know, the Commission recently made an additional 50 MHz of spectrum available at 4.9 GHz. In our decision, we encourage public safety to develop partnerships with the critical infrastructure community to provide secure communications.

Just last week, in cooperation with NTIA, we granted the approvals necessary for the State of Alaska and the Department of Defense to begin operating a joint, statewide wireless system using both government and non-government frequencies.

These types of innovative arrangements allow us to optimize the spectrum resources and to assist public safety providers in performing their critical operations.

In closing, the Commission looks forward to working with you on the multitude of difficult challenges before us – from 700 MHz to interoperability – from E911 to consumer education. These challenges are made easier, however, because we share an absolute commitment to public service and advancing the public interest. We share a commitment to homeland security and sound spectrum management. We share a commitment to protecting our citizens when they need it most. With these common values, we will also share in the success of solving these challenges for the American people.

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