

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

Re: *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking (WC Docket Nos. 04-36, 05-196)

Last November the Commission asserted that certain VoIP services were interstate in nature and therefore subject to exclusive FCC jurisdiction. Seen by some as a grand and glorious pronouncement, others of us warned that a simple assertion of Washington control over these services without any indication of what this meant in such critical areas as public safety, homeland security and consumer protection was hardly the stuff of bold leadership. Preemption without policy is power without responsibility.

Today the Commission attempts to put a policy into place regarding the responsibilities of VoIP providers to deliver effective E911 emergency calling services to their customers. For far too many years now, the Commission has engaged in all sorts of term-parsing and linguistic exegesis as if just finding the right descriptor for new technologies would magically create a policy framework for them. Yet here we are today still trying to determine if those who provide new calling technologies need also to provide up-to-date emergency calling and location capabilities to those who use their services. The sad fact is that we have spent so much time splitting hairs about what is a telecommunications service and what is an information service that we have endangered public safety. At some point the semantic debates must end and reality must assert itself—when customers sign up for a telephone they expect it to deliver like a telephone. When an intruder is in the house and the homeowner goes to the phone to call the police, that’s a call that just has to go through.

Today we face up to this challenge. I want to commend Chairman Martin for putting this item before us today. In the discussions he and I have had about this subject, I have seen in him a genuine commitment to the idea that the safety of the people is always the first obligation of the public servant. The item we vote on today is ambitious. But being less than ambitious on public safety is simply not an acceptable option. I also want to thank each of my colleagues for their work to make this a better item.

Our work today flows directly from the first sentence of the Communications Act, which commands us to “make available . . . to all the people of the United States . . . a rapid, efficient, Nation-wide . . . communication service . . . for the purpose of promoting safety of life and property.” Sixty-five years after these words were signed into law, Congress updated them in the Wireless Communications and Public Safety Act, which designates 911 as the universal emergency telephone number in the United States.

Our decision builds on these mandates. We are putting in place rules that require interconnected VoIP providers to transmit 911 calls to a PSAP over the existing E911 network. We require interconnected VoIP providers to obtain location information from each customer about where the service will be used. We require VoIP providers to offer

customers the ability to update this location information. Our goal here must be that this registration process be effectuated as quickly as possible.

Critically, we limit our requirements here to services that are capable of origination and termination on the public-switched network. This means they are directed squarely at substitutes for basic telephony. Our rules govern the kind of services that a parent or child or babysitter or co-worker will justifiably expect to work in a 911 emergency situation. By moving swiftly, we will save lives. The recent incidents in Texas and Connecticut and Florida that we have just heard about make this point with chilling and regrettable clarity.

So I am pleased to support today's decision. We must recognize, of course, that much work needs to be done to shore up the reliability of VoIP 911 services. As the decision notes, interconnected VoIP providers can obtain access to selective routers and other functionalities necessary to provide 911 capabilities through competitive carriers, third-parties, incumbent carrier tariffs, contracts with incumbent carriers, or a combination thereof. All of the Bell companies have now announced service offerings for VoIP providers. This is a positive and truly encouraging development. But access to selective routers has to be achieved and achieved soon, so if the options that we could agree on today prove insufficient, the Commission will need to step in to prevent the public safety of VoIP customers from falling through the cracks. By the same token, port blocking or discrimination could impede even the best VoIP E911 arrangements. I believe the Commission will need to be vigilant about this threat, too. Our goal must be to resolve these issues so we can avoid more horrible outcomes like those we have heard about so painfully today.

We must also do more to coordinate with state and local authorities and PSAP officials. They are the unsung heroes of 911. They have played a vital and historic role in public safety matters involving both wireline and wireless technologies. We will need to do everything within our powers to ensure they have the resources necessary to respond to emergency calls. There's no solution without them.

A 911 call is the single most important call any of us may ever make. Today we take significant steps to provide consumers with the confidence they expect when they dial for public safety. This is our obligation under the law. It is the right thing to do. I fully support it. Now let's all of us, as parties to its implementation, roll up our sleeves and get the job done.