

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

Re: Wireless E911 Location Accuracy Requirements; Report and Order (FCC 07-166)

Here we are again—September 11th. The sixth anniversary of that terrible and murderous day when America began to understand just how vulnerable we are in this 21st century. Six years later, not enough has changed. We are still vulnerable. Our communications infrastructure is still not capable of connecting us in the ways we need to be connected in the maelstrom of catastrophe. In some few ways and places, we may be better off, but in far more other ways and places, we are not. We're working, but there remains so much to do. Two months ago, the Commission embarked on a huge effort to encourage construction of an interoperable, nationwide broadband public safety network, to be turned into reality by the combined efforts of the public safety community, a commercial licensee, and the FCC. Today we visit—actually *revisit*—the challenging world of wireless E911, in hopes of providing our citizens with effective and reliable connections to emergency operators in times of crisis.

Our reliance on wireless phones grows deeper every day. The number of handsets deployed in the United States grows almost exponentially—an increase of 50 percent over the last three years.¹ The amount of time we spend on our phones continues to soar—an average consumer uses his or hers for around 13 hours each month, an increase of two hours from just the year before.² That's just part of the picture when it comes to E911. More tellingly, for 14 percent of American adults, their wireless phone is now their *only* phone.³ When these 30 million wireless-only consumers—and any child in their care—face a medical crisis or physical threat, they will seek help through the wireless E911 system. If that system fails them, it can be the difference between life and death.

Many Americans probably believe that their wireless handsets provide the same level of protection as the wireline phones they have replaced. The terrifying reality is that, in many cases, this is not so. Wireless phones do not transmit a particular street address to an emergency operator, as the wireline E911 system does. In fact, even under the best of conditions, carriers are required only to transmit a set of geographic coordinates that is accurate within 50 or 100 meters. In other situations, the accuracy may be far worse. Indeed, one recent study looked at call performance within a small sample of individual PSAPs and concluded that the overall level of accuracy was below what the experts expected and, in many cases, below what the FCC's rules require.

¹ *Eleventh Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, FCC 06-142, at ¶ 158.

² *Id.* at ¶ 168.

³ Alex Mindlin, "Cellphone-only Homes Hit a Milestone," *New York Times* (August 27, 2007).

Available evidence also indicates that location accuracy is especially unreliable for calls placed from inside a building or in a rural area—two places where mobile handsets are increasingly common. Nor is it possible using current technology to estimate the elevation from which a call is placed—a critical piece of information for first responders if the caller-in-need is located in a sky-scraper or other multi-story building.

So it should be abundantly clear that the FCC faces a profound set of challenges to develop a wireless E911 system that will give American consumers the level of protection they need and deserve. This is starkly urgent business, but in the best of cases, it will still take time; it will take more money; and it will take supreme efforts on the part of industry, public safety and the FCC. On this sixth anniversary of the searing tragedy of 9/11, we should require no reminder that the status quo is not acceptable and that the burdens of protecting the people's safety must be an ongoing national priority.

Is today's item aggressive and demanding? Yes it is. But let me say right now that we would be in even worse shape public safety-wise without having already taken some aggressive steps. Making sure that Voice over Internet Protocol was part of the E911 system was aggressive and controversial. But it was the right thing to do and I continue to commend Chairman Martin for his leadership in that. If our public safety alternatives are to do either too much or too little, you will find this Commissioner is always going to err on the side of doing more rather than less.

As I suggested when we initiated this docket earlier this summer, I think the right path forward involves a sequence of two steps. First, the FCC—in full partnership with public safety and industry—needs to test and really understand the capabilities and the limitations of our existing E911 system, and we need to assess developing and future technologies that can improve these capabilities. Second, after we understand the technical realities of where we are today and the limits on what is possible in the future, we need to set aggressive accuracy standards—the most aggressive that law and technology allow—and require carriers to meet them.

In the discussions surrounding the release of our NPRM earlier this summer, I was pleased that my colleagues accepted my suggestion that we commission two reports from our Office of Engineering and Technology that could put this process on a sound technical footing. These reports were to address the question of how well in-building coverage fares under current technology, as well as the extent to which so-called hybrid technology—the most promising technique out there right now—could help remedy some of the limitations of the existing wireless E911 infrastructure. I had hoped that these studies would be available before I was called upon to vote on a framework for adjusting the FCC's accuracy standards.

Unfortunately, those studies are not before us today, even as we have an item that adopts the specific compliance benchmarks suggested to us in recent days by the two leading public safety organizations. In a more perfect world, we would have the additional time necessary to develop a fuller factual record before reaching a decision. But I also recognize that any technical issue can always benefit from additional study and that any important decision contains a degree of legal risk. The simple truth is that public safety officials and the wireless industry are rarely going to agree about the appropriate timeframe for developing and implementing new and expensive technologies. Faced with a choice between the concerns of industry and the suggestions of the public safety community, I think the right answer is to forge ahead with a set of aggressive—but I believe achievable—benchmarks. The rules we announce today will give industry a strong incentive to develop technical solutions that will make the American public safer. I appreciate the Chairman’s leadership in bringing us to this point.

Now that we are resolving the PSAP-level accuracy issue, I hope we can focus our energies on moving forward swiftly to address the many additional issues raised by the second phase of the NPRM in this docket, Section III.B. Our resolution of this portion of the proceeding—even more than the decision we reach today—will determine whether American wireless consumers will benefit from a technologically advanced E911 system capable of keeping them as safe as they possibly can be. Indeed, our approach to that next phase is perhaps the best test of whether this Commission is really on-target to improve the state of public safety readiness in the years ahead. The specific questions we must address include (1) whether to mandate a “hybrid” technical solution and a single wireless accuracy standard, (2) whether to require carriers to report the height as well as the latitude and longitude of E911 calls, (3) how to require carriers to measure and report compliance with our standards, and (4) how to deal with the remaining issues of wireless VoIP provision. I certainly look forward to receiving OET’s studies and to addressing these questions in the weeks and months immediately ahead. We can settle for no less.

I also think it is important to mention that the OET studies and our consideration of the further issues raised in Section III.B will give us a second opportunity to assess whether the compliance deadlines we set today are appropriate. I am not now, nor ever will be, interested in compromising public safety just because the right technical standards will require substantial investment by industry in infrastructure. But I also recognize that it is possible to set standards so high that they become counter-productive. While I believe that the benchmarks we set today are achievable, if the record that develops between now and one year from now suggests otherwise, I am willing to revisit the timeframes we establish today. The important point is today’s action provides what seem to be realistic parameters and timeframes for getting the job done. E911 has taken a long time—too long—and we just do not have the luxury of frittering away more of that precious commodity.

Many thanks to the Bureau for its hard work on this item—and also to my colleagues who worked so hard on this item and the other public safety proceedings the Chairman has teed up. I am pleased to see the Commission back in the forefront of public safety communications. It is where we should have been all along.