

**STATEMENT OF  
CHAIRMAN KEVIN J. MARTIN**

***Re: Implementation of the NET 911 Improvement Act of 2008, WC Docket No. 08-171***

Today, we implement the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act). I am pleased that we further refine our rules to support the safety of the public and the needs of our first responders. I am concerned, however, that today's Order does not go far enough to ensure that mobile VoIP providers comply with our rules.

As I have said before, everyone who dials 911 expects that he or she will be connected to the local emergency operator. This reasonable expectation exists whether that person is dialing 911 from a traditional wireline phone, a wireless phone, or a VoIP phone. Moreover, we need to ensure that our enhanced 911 (E911) rules provide meaningful automatic location information that permits first responders to reliably find callers, even when they are using mobile wireless or VoIP phones.

I am troubled that today's decision could leave mobile VoIP customers without adequate 911 service when they roam outside their service providers' footprint. In these instances, the service providers do not have access to "last known cell" information that they may need to deliver the call to the appropriate local emergency operator and to provide accurate location information to the appropriate public safety officials. Consistent with the rest of the Order, I would have gone further, giving mobile VoIP providers access to "last known cell" information so that they could comply with our rules without exception. I am concerned that failing to require that this information be provided to mobile VoIP providers will lead to some 911 calls not being delivered to the appropriate local emergency operator and/or the use of call centers that require VoIP customers to provide their exact location and then forward the call to the local emergency operator losing precious response time. Such a result is inconsistent with public safety's encouragement that the Commission "grant VoIP providers reasonable and non-discriminatory access to all capabilities that are necessary for the deployment of E9-1-1 services." See attached letter from NENA and APCO. For example, NENA stated that it "believes that having the ability to route calls based on the last known location of a caller roaming on another provider's network would provide public safety benefits. NENA would support the Commission taking steps to address this issue." Letter from NENA to FCC, WC Docket Nos. 04-36 and 05-196 (filed Aug. 21, 2008).

Finally, I am confused by some of my colleagues who claim that they both wish we had addressed this issue already and that it is too early to address it now. They claim that there is a right way and a wrong way to address these issues and that we should have both addressed the issue already and that we should not be locking ourselves into a particular solution.

Specifically, they claim not to "know if 'last known cell' or some other technology (or perhaps some combination of approaches) will best protect American consumers." They go on to conclude that "we should not be locking carriers (and their customers) in to a particular technology over the long run until we know it is the correct technology."

At the same time they claim to advocate that we should have already addressed this issue before the mobile VoIP products were even developed. Specifically, they argue that the Commission should "have addressed this question long ago, before mobile VoIP became a marketplace reality."

I am not sure how we were to have achieved these two inconsistent goals: both (1) addressing the issue fully "before mobile VoIP became a reality," and (2) encouraging the development of future technology that may best protect consumers. That is not advocating a right way or a wrong way -- but trying to have it both ways.



October 2, 2008

Honorable Kevin J. Martin Chairman  
Federal Communications Commission  
445 12th Street, S.W. Washington, D.C.  
20554

RE: WC Docket No. 08-171, ex parte communication Pursuant to Section 1.1206 of the Rules

Dear Chairman Martin,

On September 9, 2008 NENA and APCO jointly filed comments in response to a Notice of Proposed Rulemaking (NPRM) which sought comments concerning regulations implementing the requirements of the *New and Emerging Technologies 911 Improvement Act of 2008* (“*NET 911 Act*”). As we stated in our comments, NENA and APCO believe that VoIP providers should be granted reasonable and non-discriminatory access to all capabilities that are necessary for the deployment of E9-1-1 services and such access should be provided at rates that are just, reasonable and non-discriminatory. We also stated that in return for such access, VoIP providers should commit to deploying fixed and nomadic VoIP service in accordance with national VoIP E9-1-1 standards, such as the NENA Interim VoIP Architecture for Enhanced 9-1-1 Services standard (known in short as “i2”).

NENA, APCO and the VoIP industry advocated for the passage of the *NET 911 Improvement Act* because it provides needed tools to ensure E9-1-1 service for VoIP will be effectively deployed in all areas of the country. The regulations the Commission has been directed to implement by Congress are intended to ensure that VoIP providers have access to elements of the E9-1-1 system that they need to deploy E9-1-1 in all areas. Therefore, as stated in our September 9<sup>th</sup> filing, NENA and APCO encourage the commission to grant VoIP providers reasonable and non-discriminatory access to all capabilities that are necessary for the deployment of E9-1-1 services. Importantly, by granting access to such capabilities, we also encourage the Commission to make clear that VoIP providers are expected to comply with VoIP E9-1-1 rules in all circumstances where such capabilities have been made available.

Sincerely,

/s/  
Patrick Halley  
Government Affairs Director  
NENA

/s/  
Robert Gurs  
Director, Legal and Government Affairs  
APCO

cc: Commissioner Michael Copps  
Commissioner Jonathan Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert McDowell