

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

RE: *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, Notice of Proposed Rulemaking, PS Docket Nos. 11-153, 10-255, FCC 11-134

Helping to ensure the safety of the American people is a core priority for government and this agency in particular. As our robust communications market continues to create innovations that are literally improving the human condition across the globe, the opportunity for new technology to help save lives has never been greater. Today, we continue our noble endeavor of exploring paths to deploy next generation technologies for emergency communications (what we are calling “next generation” 911, although I suspect that term will become quaint before too long). As we go forward, with our gaze fixed on the goal of modernizing this framework, we should take extra care to avoid tripping over pragmatic realities on the ground, such as limited legal authority, technical limitations and unfunded mandates.

Especially given today’s economy, the Commission must be careful not to impose costly requirements on industry that would, in turn, require large taxpayer financed investments by public safety or overhauls of existing emergency communications systems. As part of this proceeding, we should examine all potential costs. As we all recognize, today money is either unavailable or tightly managed. Therefore, I thank the staff for preparing the white paper on 911 costs. The document is detailed and thorough. I have no doubt that it will serve as a useful tool – both internally and externally – as we work together to grapple with these complex legal, economic and technical issues.

Furthermore, I am pleased that today’s notice contains questions about the Commission’s legal authority. Ensuring clear and effective communications in times of emergency is a key aspect of the Commission’s mission. At the same time, however, some providers of current and future application-based communications services are not FCC licensees and thus fall outside of the Commission’s jurisdiction. Given the importance of the topic, however, I am eager to hear all good faith legal arguments.

In addition, we could all learn more about consumer expectations. The lessons learned from deployment of wireless Enhanced 911 will help guide us in our pursuit of a workable framework for next generation 911 deployment. For instance, should the Commission require public safety entities to demonstrate a specified level of technical capability at the statewide or local level as a precondition to carriers delivering text or other media to them? What steps should be taken, and when and by whom, to educate consumers on the status of this work-in-progress?

I also appreciate the white paper on Deployable Aerial Communications Architecture in emergency situations. The recent trifecta of an earthquake, hurricane and

tropical storm hitting the East Coast, has heightened the need for in-depth analysis of potential communications solutions. Thank you for this excellent primer.

Finally, in this instance, I support our decision to refrain from including draft rules at this point in the process. Usually, I am a proponent of including draft rules with notices of proposed rulemaking. As we remain at a preliminary stage, however, final proposals have yet to be developed. As I have noted, we must develop a strong record illustrating the costs and technical feasibility of implementing this technology. Accordingly, I approve of this prudent approach to develop the record further before drafting proposed rules.

Thanks again to all who have contributed today. I am pleased we are taking a comprehensive approach and I applaud your work.