

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Improving 911 Reliability*, PS Docket No. 13-75; *Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60.

When Americans dial 911, they understand that they won't reach Halle Berry,¹ but they do expect to reach one of the real-life heroes who staff our nation's public safety answering points (PSAPs). It doesn't matter if the call is placed because of a personal emergency or a widespread natural disaster. Whether on a landline or cellphone, using voice over Internet Protocol service or a circuit-switched loop, our citizens expect to reach an emergency operator each and every time. And that's precisely what today's Notice of Proposed Rulemaking is about: keeping the promise to consumers that when they call 911, emergency personnel will answer.

That promise has long been a core mission of the FCC. Indeed, in the very first sentence of my very first statement at an FCC meeting, I pointed out that the very first section of the Communications Act of 1934 established the Commission in part "for the purpose of promoting safety of life and property through the use of wire and radio communications."² Staying true to that statutory purpose in a time of technological change is a challenge we have to meet.

Fortunately, everyone agrees that improving the resilience of communications networks—and especially those networks that serve PSAPs—should be one of our major goals moving forward. That's one thing we've learned at the two field hearings we have held so far on the subject.

Even more fortunately, we're not writing on a blank slate. The Public Safety and Homeland Security Bureau compiled an extensive report on what went wrong after the derecho that swept across several states last June. The FCC's Communications Security, Reliability, and Interoperability Council has developed best practices. The Network Reliability Steering Committee of the Alliance for Telecommunications Industry Solutions has provided technical and operational expert guidance when needed. And the National Emergency Number Association, the National Association of State 9-1-1 Administrators, and the Association of Public-Safety Communications Officials have developed and disseminated information about best practices to first responders across the country.

That's why I am so glad that my colleagues accepted my suggestion to seek input from another group of stakeholders that's been working on matters of reliability and resiliency for years: the states, state commissions, and PSAPs. These entities handle many of the regulatory nuts and bolts of our emergency communications system. They establish 911 service tariffs, collect and distribute 911 funds, and negotiate 911 service contracts. Day in and day out, our state and local counterparts have been doing their part to keep their emergency calling centers operational to serve the American public, and I hope they will share their expertise.

Common sense isn't the only thing driving the need for consultation—so is the law. The New and Emerging Technologies 911 Improvement Act of 2008 is a good example.³ This Act requires us to "work cooperatively with public safety organizations," among others, "to develop best practices that promote consistency, where appropriate," for 911 service. Among these best practices are "network diversity requirements," "call-handling in the event of call overflow or network outages," and

¹ Cf. *The Call* (Troika Pictures *et al.* 2013).

² *Utilizing Rapidly Deployable Aerial Communications Architecture in Response to an Emergency*, PS Docket No. 11-15, Notice of Inquiry, 27 FCC Rcd 6402, 6421 (2012) (Statement of Commissioner Ajit Pai), *available at* <http://go.usa.gov/2Ut9>.

³ Pub. L. No. 110-283.

“certification and testing requirements” for service to PSAPs.⁴ I look forward to hearing from stakeholders how statutory responsibilities like these should shape our work going forward.

In that same vein, I hope we will keep in mind an even more recent statute, the Next Generation 9-1-1 Advancement Act of 2012.⁵ Many of the best practices discussed in the Notice—such as call overflow rerouting, link-failure rerouting, physical and logical network diversity, and continuous monitoring—are built into NG911 networks. Indeed, the Bureau’s derecho report noted that had NG911 “architectures and capabilities been in place . . . they likely could have significantly lessened the derecho’s impact on emergency communications.”⁶ Facilitating that deployment should be a national priority. The Notice rightly acknowledges as much, in part by seeking comment on whether any rules we adopt in this proceeding should contain a sunset provision. Such a provision would reflect the fact that rules adopted today may not be appropriate tomorrow—especially not after the widespread deployment and adoption of NG911.

I am also glad that today’s Notice proposes to evaluate our options through the lens of cost-benefit analysis. Cost-benefit analysis does not mean automatic support for or opposition to any proposed regulation. When properly applied, however, it does lead to smart regulation. Of course, the value of cost-benefit analysis is entirely dependent on the data we use. So I hope stakeholders will help us understand more thoroughly the actual costs of some of our proposals, especially where we do not have concrete evidence for the estimates used in the Notice to calculate costs.

In sum, I am pleased to support today’s Notice. It is imperative that we take the necessary action, in conjunction with the states, in order to make sure that every American can reach an emergency operator when she or he dials 911. That promise has become part of our social contract, and it is a promise we must keep.

⁴ 47 U.S.C. § 615a-1(h)(2)–(4).

⁵ Pub. L. No. 112-96, Title VI, Subtitle E.

⁶ FCC PUB. SAFETY & HOMELAND SEC. BUREAU, IMPACT OF THE JUNE 2012 DERECHO ON COMMUNICATIONS NETWORKS AND SERVICES: REPORT AND RECOMMENDATIONS at 44 (PSHSB rel. Jan. 10, 2013), *available at* <http://go.usa.gov/2UMP>.