CONCURRING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN

Re: *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114.

"Police dispatchers could do little but listen to Reinaldo Zayas scream, as he was tortured to death by a gang of kidnappers… The 25-year-old somehow managed to dial 9-1-1 twice from his cell phone after his abduction. One chilling call lasted 18 minutes, during which dispatchers heard Zayas beg for his life…Unable to speak, and no way to trace the calls, investigators sat helpless as he was repeatedly stabbed. Not all cell phones and systems are equipped for wireless tracking, but the federal government has ordered all carriers to include the technology by 2005."[1]

By now, you probably surmised that the sentences I just read were lifted from a news article about a young man who made not one, but two 9-1-1 calls. However, because no information about his location was forwarded, those who were in the best position to help could not and he died. But what you might be even more surprised to learn is since that article was written in June 2003, little has actually changed. Almost 12 years have passed, yet as I sit before you today, it pains me to say we are far from meeting reasonable expectations when consumers dial 9-1-1 from their cellphone that law enforcement or emergency responders will automatically receive the information they need to find you.

Given the current rate at which Americans are adopting mobile services, improving response times for 9-1-1 calls from cellphones should be an even higher national priority than it was in 2003. The number of wireless only American households has grown from roughly 16 percent, in 2007, to 44 percent today. And, for those living below the poverty line, that number has risen to 59.1 percent. An increase in the number of people, who rely solely on cellphones, means an increase in wireless calls to 911 from indoors. Indoor 911 calls are more difficult to locate especially in dense urban environments with multiple, adjacent high-rise buildings. In these indoor environments, it is critical that public safety entities have horizontal and vertical data about where the 9-1-1 call was made.

In order to improve the accuracy of wireless 9-1-1 location information, all relevant stakeholders must do their part. I commend Chairman Wheeler for circulating, last February, a Further Notice that put us on a path toward an efficient development of rules. That item was the first time the Commission had proposed accuracy standards for wireless 9-1-1 calls from indoor locations. It had stronger 9-1-1 location accuracy requirements at the two and three-year benchmarks, than what we are adopting today and yes, I would have preferred the rules that we originally proposed. So today I am concurring.

In my separate statement in support of the 2014 Further Notice, I called on the wireless industry to show leadership, and move ahead of schedule, to implement the proposed location accuracy rules that our nation needs. I must commend CTIA, the four nationwide carriers, and APCO and NENA, for stepping up and answering my call. Last November, they presented us with a roadmap with commitments to provide more accurate 9-1-1 location information, earlier than the two-year benchmark originally proposed. For example, within one year of signing the roadmap agreement, the four nationwide wireless carriers will establish a test bed for 9-1-1 location technologies. Within 18 months, these carriers also agreed to promote standards that would enable the delivery of barometric pressure data to PSAPs with 9-1-1 calls and send us reports with their plans for meeting the benchmarks we adopt today. I want to thank those entities, and my colleagues, for supporting the decision to turn some of those voluntary commitments, into rules.

[1] http://tucsoncitizen.com/morgue2/2003/06/16/188977-legislators-raid-funds-from-911-cell-upgrade/

Second, this Order has rules that will require industry to demonstrate progress towards providing vertical location information, which is critical for finding those in high rise buildings. It gives the industry a reasonable opportunity to pursue a dispatchable location solution, that would send the street address and if relevant, suite or apartment number, of the calling party.

As APCO and a number of public entities have mentioned, dispatchable location technology, could put wireless 9-1-1 calls on an equal footing with wireline calls. But as the International Association of Firefighters told me recently, we should still encourage the development of other vertical location technology.

I am glad to say today, that within three years of the effective date of this order, we will require nationwide wireless providers to develop a vertical, or z-axis, location information proposal and submit it to the Commission for approval. It is my hope that the industry will provide both solutions to firefighters.

To Admiral Simpson, and the dedicated staff of the Public Safety Homeland Security Bureau, thank you for working so hard on an Order that seeks to close long-standing public safety gaps.