

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *BellSouth's Petition for Declaratory Ruling Regarding the Commission's Definition of Interconnected VoIP in 47 C.F.R. § 9.3 and the Prohibition on State Imposition of 911 Charges on VoIP Customers in 47 U.S.C. § 615a-1(f)(1); Petition for Declaratory Ruling in Response to Primary Jurisdiction Referral, Autauga County Emergency Management Communication District et al. v. BellSouth Telecommunications, LLC, No. 2:15-cx-00765-SGC (N.D. Ala.), WC Docket No. 19-44.*

The ability to call 911 is a vital service that both VoIP and traditional telecommunications services must provide to their customers. As policymakers, we understand that there is a lot of complexity underlying the 911 system so that it works for everyone, everywhere, every time. But when a customer calls 911, she doesn't care how much that call will cost her, or whether her call will be transmitted over the Internet or a traditional phone line. She shouldn't have to care. She just needs help.

I support today's ruling because Congress, when it passed the NET 911 Act in 2008, wanted to prevent the cost of calling 911 from discouraging customers from switching to new VoIP technology. Under that statute, 911 fees or charges to a VoIP subscriber cannot exceed those for a traditional telecommunications service subscriber. There is nothing inherent in VoIP technology that would justify a disparity in the 911 fees charged to VoIP subscribers. Features of VoIP service may impact a customer's capacity to make simultaneous outbound calls to 911—but two customers with the same 911 calling capacity should pay the same in total fees.

In Alabama before 2012, different 911 fees for VoIP and TDM could have impacted business decisions about whether to invest in new technology or to stay with old technology with capped fees. That's exactly what Congress wanted to avoid. The ability to call 911 is not a bargaining chip. It is a public service that saves lives, and one call should not cost more than another.

Today we protect consumers' choice to adopt new technology in times of transitioning infrastructure. We do not want to disincentivize customers from upgrading to new technology by disproportionately charging for access to public services. Nobody wants to have to call 911, but consumers must be able to reach it no matter what technology they use.

I would like to thank the staff of the Wireline Competition Bureau for their work on this item.