STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL,
APPROVING IN PART, DISSENTING IN PART

Re: *Wireless E911 Location Accuracy*, PS Docket No. 07-114, Sixth Report and Order and Order on Reconsideration (July 16, 2020)

The first telephone number I taught my children was 911. It is a number that every one of us knows by heart but every one of us hopes that we will never use. As the old saying goes, you may only call 911 once in your life, but it will be the most important call you ever make.

And when you do make that call, on the other end of the line is a 911 operator. They are the starting point for all emergency response. Because when the unthinkable occurs, it is a 911 professional taking down the details and organizing how first responders will come to your aid. The most important detail, of course, is knowing exactly where you are.

There was a time, not that long ago, when location information was easy to know. When 911 calls were just on wired networks, a street address accompanied every call. But today four out of five 911 calls come from wireless phones. So for years this agency has been trying to come up with a way to ensure that every wireless call features precise location information so that in crisis first responders can find you, no matter who you are, or where you live.

Here's what I believe. Our 911 system should be simple to use. It should provide 911 operators with actionable information. And that information should be useful for public safety officials who help keep us safe.

These are not abstract principles. They are the ideas that have come up over and over again in discussions at the more than two dozen 911 call centers I have visited from California, to Colorado, Alaska to Alabama, Vermont to Virginia and many more places in between. I believe they should inform everything we do with 911.

That brings me to today's effort. In this decision, the Federal Communications Commission makes its sixth attempt to refine what information will be transmitted about the location of a wireless caller dialing 911. In particular, the agency adjusts rules it fashioned nine months ago regarding the vertical location information that accompanies a wireless 911 call from a multi-story building.

So let me begin by recognizing the good in this order. Nine months ago, the FCC adopted policies to improve wireless location information for 911 calls that would only apply in the 50 largest metropolitan areas. I called for us to go further and make these rules apply nationwide. As I said at the time, there are office parks, townhomes, and other multi-story structures in rural areas, too. Moreover, there is nothing simple or just about limiting actionable information to our biggest cities. So I am pleased today that we recognize that a uniform, national policy is the way to go. I thank my colleagues for seeing the light and changing course.

While we get this right, in other ways I fear today's decision misses the mark. It makes complex what should be simple when we call 911. It makes location information available but not in any format that is actionable for 911 operators. And it makes it too hard for public safety officials to use the information that is provided. Let me explain.

First, we need a 911 system that works simply for all, all of the time. Today, no matter who you are or where you live, you can call 911. The location information that accompanies your call doesn't distinguish between device or service plan. This is the way it should be. 911 is uniformly available for

everyone. But with today's decision we choose another course. That's because we adopt an approach that requires 911 opt-in. Every wireless consumer will only get full location information sent with their emergency calls if they perform a specific software update on their device or respond to a notice from their carrier regarding an application that may be available. Let's be honest, in the best case a whole lot of people are going to miss this one, never download it or respond to the fine print in a service notice. Plus, there are low-cost phones on the market that lack the sensor technology necessary to make this even work. As a result, the record suggests we might only get vertical location information with as few as two percent of calls to 911. That should set off alarm bells. Moreover, this is fundamentally at odds with how 911 has previously been provisioned in this country. Our tradition is to make it simple and democratic; possible for everyone to reach 911 everywhere. But now full location information only accompanies your call if you opt-in to this new system or have the right phone. That's not an outcome I can accept.

Second, we need to provide 911 operators actionable location information. Nine months ago, the FCC adopted a standard for wireless carriers providing vertical location information using a z-axis solution. Specifically, the agency required that wireless carriers offer public safety an indoor caller's vertical location measured plus or minus three meters height above ellipsoid. At the time, I observed that this measurement system does not produce actionable data that a 911 operator can easily use. That's because when calls come tumbling in to 911 in a crisis, this system produces a string of numbers representing raw data measuring vertical location from the center of the earth's mass. There's no floor number in a building. There's no measurement from street level. There is just a series of numbers that offer remarkably little to a 911 operator who has just seconds to organize public safety response. To make this data truly actionable, it needs to be calibrated, translated, and reworked into something meaningful.

As a result, stakeholders asked the FCC for clarification about how this measurement will even work. Last week, Richard Napolitano, the commanding officer in charge of public safety communications in New York weighed in. He warned that '[w]hen a call is placed to 911 and the location is not attainable, for example when the caller is a child or having severe difficulty breathing, 911 operators cannot rely on a HAE-based location provided by the carrier for the needed urgent response. In cases such as these, the HAE technology may lead to loss of life."

Let's be honest. If we can't get this right for New York—one of the cities where the case for vertical location is the clearest—it calls into question what we are doing in the first place.

Then remember that there are over 6000 public safety answering points nationwide. There are more than 100,000 911 professionals who work in them, day-in, and day-out taking every call with steely calm. They've been told they need to upgrade their systems to next generation 911. This is going to cost over $12 billion. No one knows where this funding is going to come from and yet we have tacked on a brand-new obligation for 911 centers to take raw height above ellipsoid data and hope and pray they will be able to translate it into something actionable.

Third, we need to listen to public safety officials calling for useful information. Nine months ago, we acknowledged a hard truth. We recognized that a vertical location measurement of plus or minus three meters may not be good enough for police, firefighters, and emergency medical personnel trying to locate a 911 caller in crisis. As I said when it was first introduced: "We should choose standards that without fail provide floor level accuracy. When police or firefighters show up in an emergency, the last thing they should have to do is take out a measuring tape. They need a standard that tells them precisely where you are." So nine months ago we sought comment on how to improve the plus or minus three meter margin of error. But instead of acting on this today, we kick the can down the road and put off

review of this standard until 2022. Why not do it right here, right now? After all, the International Association of Fire Chiefs, International Association of Firefighters, International Association of Chiefs of Police, National Sheriffs' Association, and National Association of State EMS Officials have all asked the agency to narrow this standard or at a minimum reassess it twice a year. I think we should have taken on this task today.

In the end, I appreciate that the FCC is making an effort to tackle what is ultimately a challenging technical problem. I thank the Chairman for that. But I think we need to work harder to reduce the risk and uncertainty we're adding to this process. In a world with pandemics, natural disasters, and so many other threats, we need to make it simple to use 911 for everyone. There are no easy answers here but sticking to the principles I outlined would help get us where we need to go.

For this reason, I support our decision to extend 911 wireless location accuracy rules nationwide. But I think the opt-in approach to 911 we adopt is neither simple nor fair. It will leave behind too many people who call 911 in crisis. Moreover, our continuing reliance on raw height above ellipsoid data fails to offer 911 operators the real world, actionable information they need to keep us safe. Finally, I think we should do more to provide useful information for public safety officials than the plus or minus three-meter standard we stick to here. For these reasons I approve in part, and dissent in part.