

SEPARATE STATEMENT OF COMMISSIONER KEVIN J. MARTIN
Approving in Part, Dissenting in Part

Re: Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Order, CC Docket No. 94-102, WT Docket No. 99-328

The central questions in this item – what is meant by “call completion,” what is meant by “delivery of the call to the landline carrier,” and what action must be performed by the handset in 17 seconds – were extremely difficult for me, particularly in light of the ambiguous language in the Second Report and Order, *see Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Second Report and Order, 14 FCC Rcd 10954 (1999). Nevertheless, I agree with the Commission's resolution of these questions in this item. I dissent, however, from the Commission's failure to initiate a further proceeding on 911 call completion.

During the course of this proceeding, representatives of several equipment manufacturers suggested that a further proceeding would be beneficial – to provide clarity on what exactly is required for 911 call completion going forward. In particular, they pointed out that the present item addresses only analog handsets, which represent an increasingly smaller fraction of handsets in use. Having clear standards for digital handsets would be useful going forward and might help the industry avoid the kind of lawsuits that gave rise to the present item.

In my view, the Commission should have taken the manufacturers up on their offer. Initiating a further proceeding would not only provide the desired regulatory clarity, but it would ensure the effectiveness of 911 call completion in the digital world. 911 calls are simply too important to risk allowing unacceptable call completion delays. An investigation of call completion in digital handsets seems a small step toward ensuring public safety. Accordingly, I dissent in part.