

**STATEMENT OF  
COMMISSIONER KATHLEEN Q. ABERNATHY**

*Re: IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers, First Report and Order and Notice of Proposed Rulemaking (WC Docket Nos. 04-36, 05-196)*

This Order promotes a critical public policy objective by ensuring that voice-over-IP (VOIP) services provide customers with E911 service. While I have long championed a light regulatory touch for IP-enabled services, I have also recognized that governmental mandates may be necessary to ensure fulfillment of core social goals such as public safety. Indeed, in the very first sentence of the Communications Act, Congress made it one of our paramount obligations to “promot[e] safety of life and property through the use of wire and radio communication.” 47 U.S.C. § 151. This responsibility is particularly compelling in the context of E911, which consumers have reasonably come to expect as a core component of any telephone service.

Some VOIP providers contend that the industry is working toward solutions and mandates are not necessary to ensure the timely rollout of E911 service. Ordinarily I would be sympathetic to this view, but recent tragic failures of the current approach — which left families unable to connect to emergency services in time to save lives — underscore the need for immediate intervention. Not only must we ensure prompt deployment of E911 capabilities, but I strongly support the decision to require clear and conspicuous disclosures to consumers regarding any limitations on emergency calling capabilities. Such regulations, paired with continued forbearance from economic regulations (such as mandates concerning price and service quality), are fully compatible with the pro-investment, pro-innovation environment the Commission has worked hard to foster.

As the Order recognizes, VOIP providers cannot unilaterally provide customers with fully functioning 911 service. Incumbent LECs and public safety answering points are key parts of the equation. Thus, I am pleased that the Commission will monitor and facilitate ILECs’ provision of access to selective routers and other key inputs. I applaud the efforts of those carriers that have voluntarily arranged to provide such access, and I expect others to work with VOIP providers to provide expeditious solutions in the wake of this Order. VOIP providers may choose to access 911 answering systems indirectly through CLECs or other third parties, but direct connection should also be available in light of the mandate we are imposing. Because of the incipient nature of arrangements between VOIP providers and ILECs, implementation will not be problem-free. Nevertheless, a tight compliance deadline is appropriate in light of the critical nature of the public safety interests at stake. To the extent that VOIP providers are unable to comply based on ILEC provisioning delays or other factors beyond their control, the Commission should be prepared to grant limited waivers or take other appropriate action.

While this Order represents an important step in ensuring that consumers can connect to E911 services regardless of the telephone service they choose, we all recognize that the solutions we impose are interim in nature. Relying on manually entered customer location registrations will not provide long-term reliability, particularly as mobile VOIP services become more prevalent. I appreciate the leadership of the National Emergency Numbering Association in the development of next-generation E911 solutions. NENA has worked closely with VOIP providers and other industry participants, and its continued involvement will be invaluable. I am optimistic that, while new IP networks and services pose near-term challenges for emergency calling, the new technology will enable long-term public safety enhancements by creating more efficient and feature-filled emergency response systems.