

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Implementation of the NET 911 Act, WC Docket No. 08-171*

Three years ago, the FCC established E911 rules for VoIP services. At that time, I warned that if VoIP providers could not obtain access to selective routers, the Commission would need to step in to safeguard VoIP customers. Unfortunately, that did not happen and VoIP providers have faced obstacles in obtaining access. So just one month ago, Congress enacted the NET 911 Act, establishing a 90-day deadline for the Commission to issue rules to ensure the appropriate degree of access. Today's item initiates a fast-track proceeding to do just that. I look forward to working with my colleagues, public safety and consumer representatives, wireless carriers, VoIP providers, and other interested parties to resolve these critical issues quickly.

Today's item also seeks comment on an issue that is not typically thought of as related to VoIP E911, namely the terms of roaming agreements between wireless carriers. The issue is being raised here because it appears that, in certain situations, wireless providers offering dual-mode VoIP/CMRS handsets use the "last known cell" (*i.e.*, the last CMRS cell tower contacted) as part of their routing protocol for mobile VoIP calls. It is not entirely clear at this point whether CMRS providers can obtain this information when their customers are roaming on another CMRS network. Accordingly, we ask whether the Commission should require host roaming networks to provide this information to their roaming partners. I am pleased that my colleagues have agreed to also seek comment on how this will affect incentives to form roaming agreements and, in particular, on how the Commission can ensure that it does not prevent companies from forming roaming agreements they might otherwise reach.

Leading public safety organizations believe that the Commission should address this question about roaming practices, and I agree 100 percent. Indeed, I wish the Commission had addressed this public safety question—as well as related questions—long ago. The fact is that, over three years ago, industry asked our agency for guidance about how to handle E911 for dual-mode, mobile CMRS/VoIP handsets. This was well before such handsets were available to consumers—and I certainly wish the Commission had acted on this reasonable request for clarification and/or rulemaking at that time. Instead, we are now faced with the less optimal task of playing catch-up by addressing technologies that are already in the marketplace.

So, given where we stand today, my first preference would be to deal with the full set of issues raised by dual-mode, mobile CMRS/VoIP handsets in a single, comprehensive proceeding. But with that option unavailable at this time, I think the next best approach is to ask the roaming question in the proceeding that we have before us today. Even if this issue may not be exactly what Congress had in mind when it drafted the NET E911 Act (and that is certainly my reading of the statute and associated legislative history), it is nevertheless an important issue and I look forward to building a record on it starting now.

Thanks to the Bureau and my colleagues for their work on this item.