

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

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

I am voting to approve today's *NPRM* pursuant to the recently-passed New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act). I am pleased to join my colleagues in furthering the abilities of our nation's emergency response providers for the benefit of all Americans.

At the same time, I question the direction that our inquiry appears to be taking. By virtue of an extemporaneous discussion regarding mobile VoIP, we veer well off the course set by Congress. Through this discussion, the Commission is seeking comment on possible new regulatory duties neither intended nor mandated by Congress. In so doing, the Commission could jeopardize the tight deadlines established by the NET 911 Act.

I strongly agree with the public safety community that the question of whether or how, as a matter of policy, wireless carriers offering open WiFi or other off-network services share location information is worthy of additional study. This is especially true given that wireless providers have been and are continuing to roll out multi-mode open platform devices at a steady pace. This question, however, is in no way compelled by the plain language or intent of the NET 911 Act. Moreover, a petition for clarification raising this specific question and related issues, and which presents an ideal forum for handling this inquiry, has been pending at the Commission for over three years.