

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Implementation of the NET 911 Improvement Act of 2008, WC Docket No. 08-171*

I am glad we establish rules today that implement the Net 911 Act. Today's decision continues the process we began several years ago with our first order on VoIP and E911. It improves the safety of VoIP customers by granting their providers adequate access to E911 resources. I especially appreciate the willingness of my colleagues to ensure that we do not impose burdensome requirements such as certification that would have the perverse effect of *reducing* VoIP providers' access to E911 resources.

I also think it is important we do not codify a "last known cell" approach before the public safety community and the FCC have looked at the full range of options for automatically identifying the location of mobile VoIP calls. Make no mistake, I am no friend of unnecessary delay. As I have stated before, I wish we had addressed this question long ago, before mobile VoIP became a marketplace reality. And I certainly look forward to addressing it as soon as possible. But there is a right way and a wrong way to proceed. The truth remains that today we do not know if "last known cell" or some other technology (or perhaps some combination of approaches) will best protect American consumers. We should not be locking carriers (and their customers) in to a particular technology over the long run until we know it is the correct technology.

Finally, I must respectfully disagree with the view that there is some inconsistency between my decision on the "last known cell" issue (discussed above) and my desire to address mobile/nomadic VoIP as soon as possible. The facts are these:

Back in 2005, when mobile VoIP was just on the horizon, the FCC teed up questions about how to automatically transmit caller location to 911 operators. I believed that the public safety community and the FCC were ready to move forward at that time—even before such products were in the marketplace—because of our long, shared experience with E911 for traditional mobile telephones (which are also small handheld, battery-powered devices that consumers use to call for help). And I agree 100% with all my colleagues that every caller should have an expectation of reaching help when they dial 911. That is why, when in 2006 I listed the top priorities for the FCC's new Public Safety and Homeland Security Bureau, I stated that "[o]n the VoIP front, we need to move forward with our ongoing rulemaking regarding automatic location sensing technologies."

Unfortunately, as today's item reflects, the FCC has not developed a body of learning on the pros and cons of different approaches to mobile VoIP autolocation. And for the reasons I've given above, until we meet this critical prerequisite, I don't think it serves the cause of public safety to lock in a particular technology or approach. The public safety community does not disagree with this view—while the leading organizations support (as do I) addressing these issues in an appropriate proceeding, they have not suggested it must be done in the context of the NET 911 Act.

The NET 911 Act reflects this approach and, in particular, the conclusion that we haven't yet gathered the appropriate information. Specifically, the Act requires other branches of the federal government to study "location technology for nomadic devices" and issue a report on the subject within a fixed period of time. While I certainly believe that the FCC is capable of investigating this issue itself (and has been capable of doing so for some time), Congress's decision strongly implies that *right now* we don't have all the information we need. I hope we remedy this

expeditiously. In any event, while I certainly recognize that reasonable minds may disagree on the difficult issue of how to move forward here, I must join the majority in concluding that adding “last known cell” to the list of items covered by the NET 911 Act was not Congress’s intent and would not serve the interests of American consumers.