

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: *Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*, Notice of Proposed Rulemaking, GN Docket No. 11-117; *Wireless E911 Location Accuracy Requirements*, Third Report and Order, PS Docket No. 07-114; *E911 Requirements for IP-Enabled Service Providers*, Second Further Notice of Proposed Rulemaking, WC Docket No. 05-196

I am voting to approve today's actions on improving consumers' ability to make emergency calls using mobile and Internet Protocol (IP) technologies. Given the extraordinary growth of mobile and IP services, not to mention that some consumers may not care to understand the complexities of the technologies, how the systems operate or their regulatory treatment, I am pleased that the Commission is continuing its efforts in this important area. For example, in cases of heart attack or stroke, time is of the essence. A mobile device may be the only means to get help. It is crucial that we do all we can to improve emergency responders' ability to locate victims quickly.

I thank all of the interested parties for sharing their insights and marketplace experiences on this topic in response to the notice of inquiry initiated last September. And, I am grateful to the Chairman for his willingness to accept edits that allow for additional comment on indoor location accuracy testing. It is sensible for the Commission to undertake further study in this area given that the number of indoor wireless calls has increased dramatically in recent years.

Many thanks are also due to the Chairman for his support of improvements to our questions regarding the Commission's authority with regard to non-interconnected VoIP services. Given the unique context present here, I support the narrowly-tailored questions set forth in the notices of proposed rulemaking. Just last year, Congress passed legislation indicating that the Commission's definition of "interconnected VoIP" may include "non-interconnected VoIP" service,¹ thereby contemplating a greater level of authority for the Commission over these voice services. Moreover, as set forth in Section 151 of the Act, Congress long ago charged the Commission with promoting safety of life and property through the use of wire and radio communications. There is a longstanding recognition that ensuring clear and effective communications in times of emergency is a key aspect of the Commission's mission. Under these circumstances, I support our inquiry regarding the Commission's level of jurisdiction over the use of non-interconnected VoIP services for making emergency voice calls, but only in this narrow context.

Finally, in this instance, I support our decision to refrain from including draft rules at this time. Normally, I am a proponent of including draft rules. As we remain at a preliminary stage, however, final proposals have yet to be developed. For example, many of our questions are open-ended and seek input from the Communications Security, Reliability and Interoperability Council, a team of experts that provides recommendations to ensure, among other things, optimal reliability and functionality of our nation's communications systems. We also need a strong record

¹ See Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (amending sections 3, 255, 303, 330, 710, and 713 of the Communications Act, and adding sections 615c and 715-19, codified at 47 U.S.C. §§ 153, 225, 303, 330, 610, 613, 615c, 616-20); Truth in Caller ID Act of 2009, Pub. L. No. 111-331, 124 Stat. 3572 (2010).

illustrating the costs and technical feasibility of implementing these ideas. Thus, I approve of this prudent approach to develop the record further before drafting proposed rules.

Assisting consumers in times of emergency is one of the Commission's core responsibilities and is among the highest of callings of public servants. I look forward to learning more as a result of today's proceedings. As always, I thank our talented staff for their hard work and diligence.