

**STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

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

As our Fifteenth Mobile Services Report points out, the number of Americans who subscribe to wireless phone services has been increasing each year for the past nine years and, as of 2009, that figure exceeds 274 million. Therefore, it is important that the Commission's public safety policies keep pace with the Nation's growing dependence on these technologies. With regard to mobile wireless E-9-1-1 services, we must adopt rules that continue to improve the ability of public safety personnel to obtain accurate information, when a person uses a mobile phone to make an emergency call. Our regulatory approach should be comprehensive and adapt to the technological advances in the mobile wireless industry. But, our approach should also be reasonable and flexible enough to permit carriers to find the path to more accurate wireless E-9-1-1 services that is most cost effective for them.

This item, I believe, strikes the right balance. The Report and Order recognizes that the industry should be working towards the more stringent standard we set for handset based location technologies. It requires all new wireless providers, which meet the definition of covered CMRS providers in our Rules, to satisfy that standard. It also explains that the Commission intends to sunset the less stringent network based location standard. But it appropriately declines to impose a unitary standard for all providers. The record makes clear that providers who are currently using network-based E-9-1-1 solutions, are migrating to handset based solutions. Accordingly, the more accurate handset based standard should, as a practical matter and without a regulatory mandate, become the industry standard.

The two Notices we also adopt today, properly seek comment about expanding 9-1-1 location service requirements to cover more VoIP services. The item explains that, as the use of location based services on smart phones becomes more prevalent, Americans are beginning to expect that their service providers know their current location whenever they are using that device. It is therefore reasonable for them to also expect that, when they make a 9-1-1 call, their current location information should be provided to public safety agencies, whether they make the call using a traditional commercial wireless services or whether they are using VoIP services. Technical experts at the Internet Engineering Task Force have proposed standards that should allow that type of location communication to occur whenever a person chooses to make the 9-1-1 call using VoIP services. I hope that all relevant parties will contribute additional technical expertise that will move us closer to that goal.

I commend Admiral Jamie Barnett and his team at the Public Safety Homeland Security Bureau for presenting us with an excellent item.