

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *BellSouth's Petition for Declaratory Ruling Regarding the Commission's Definition of Interconnected VoIP in 47 C.F.R. § 9.3 and the Prohibition on State Imposition of 911 Charges on VoIP Customers in 47 U.S.C. § 615a-1(f)(1); Petition for Declaratory Ruling in Response to Primary Jurisdiction Referral, Autauga County Emergency Management Communication District et al. v. BellSouth Telecommunications, LLC, No. 2:15-cx-00765-SGC (N.D. Ala.), WC Docket No. 19-44.*

In this decision we address a primary jurisdiction referral from a federal court in Alabama seeking guidance on the meaning of the New and Emerging Technologies 911 Improvement Act of 2008.

It's a law with which I have more than a passing familiarity. You can head upstairs and you'll find a signed copy on my wall. That's because when I had the privilege of serving as counsel on Capitol Hill, this was one of the pieces of legislation I was charged with shepherding through the United States Senate.

Today the Federal Communications Commission has been asked to provide direction on the meaning of this law's so-called fee parity provision. This provision was designed to create an upper bound, so that 911 fees applicable to IP-enabled voice services would be comparable to fees for traditional telephony. In response, we determine that outbound 911 calling capability, or capacity, is the key criterion for purposes of this comparison. I approve, because this is a fair interpretation of what the law requires. It is also, however, a close call. That's because our interpretation today supersedes some language from a 2005 FCC decision that invited 911 authorities "to explore other means of collecting" 911 fee assessments when it comes to IP-enabled voice services, just as state authorities in Alabama had done.

But let's get real. While this decision tinkers around the edges, we have a real challenge before us to make sure that 911 is fully funded and functional nationwide.

We can start by working to end 911 fee diversion. This is an abusive practice and I appreciate that Commissioner O'Rielly has joined me in efforts to help bring it to an end.

As we look ahead, we know we will not realize the potential of next generation 911 without getting creative. Last year, the National Highway Traffic Safety Administration and the National Telecommunications and Information Administration estimated the cost of next generation 911 deployment to be between \$9.5 and \$12.7 billion. The way I see it, this is worth every penny because there is no more essential infrastructure for our day-to-day safety. To this end, I am glad that the LIFT America Act recognizes this fact and believe that funding for next generation 911 must be a core feature of any infrastructure package Washington takes up in the future.