

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems)	CC Docket No. 94-102
)	
Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling)	
)	
911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196

COMMENTS OF THE VOICE ON THE NET (VON) COALITION

Introduction

The Voice on the Net Coalition ("VON Coalition"), hereby submits these comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding. The VON Coalition knows that dialing 911 may be the most important call a person ever makes. For this reason, the VON Coalition has been at the forefront of efforts to accelerate the deployment of emergency services and fulfill the vision of a fully IP-compatible 911 network. Indeed, interconnected VoIP providers have deployed E911 solutions on an aggressive timetable and have achieved extraordinary results -- making E911 implementation progress faster than any other type of voice communication service in history. Today, there are fewer VoIP subscribers without access to E911 than any

other technology – both in raw numbers and as a percentage of subscribers.¹ The Commission proudly can hold out the VoIP industry as a measure of tremendous success in the delivery of emergency services.

Background

On October 6, 2004, the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) filed a request for declaratory ruling seeking clarification of FCC Rule 20.18(h) regarding the appropriate geographic area over which a “wireless carrier” must provide 911 location accuracy data.² Specifically, APCO argued that the relevant area for testing and reporting should be a Public Safety Answering Point (“PSAP”) service area. On February 4, 2005, APCO supplemented its request to indicate that metropolitan statistical areas (“MSAs”) and rural statistical areas (“RSAs”) may also serve as appropriate boundaries within which to measure and test location accuracy.³

Following APCO’s filing of this Petition, Focus Group 1A of the Network Reliability and Interoperability Council VII (“NRIC”), the federal advisory committee organized by the Commission and tasked with the goal of providing advice and recommendations on critical technical issues affecting the communications industry, recommended that, given the location technology available at the time, compliance with

¹ See VON Coalition survey of VoIP E911 progress, *available at* http://www.von.org/usr_files/911%20--%20Survey%202005%20Release%2011-7-05.pdf. Moreover, in a recent Consumer Reports survey, VoIP subscribers expressed a higher degree of success in reaching emergency service operators than wireless subscribers. *Source: Consumer Reports National Research Center, September 2006.*

² Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling, CC Docket No. 94-102 (filed Oct. 6, 2004) (“APCO Petition”).

³ Association of Public-Safety Communications Officials-International, Inc. Supplement to Request for Declaratory Ruling, CC Docket No. 94-102, at 1 (filed Feb. 4, 2005) (“APCO Supplemental Petition”).

Commission accuracy rules should be measured at the State level.⁴ With these conflicting recommendations, the Commission now seeks comment on the APCO Petition and the appropriate geographic region for measuring location accuracy.⁵ Although the APCO Petition and the NRIC recommendations focused solely on Commercial Mobile Radio Service (“CMRS”) providers and technology, the Commission extended the APCO Petition and its inquiry to interconnected VoIP providers, seeking comment on the relevant issues “as though the accuracy requirements for those CMRS services would apply to all interconnected VoIP services that can be used in more than one location.”⁶

Discussion

The VON Coalition shares the Commission’s goal of providing accurate and robust location data to public safety. To facilitate this goal, the VON Coalition previously joined with the National Emergency Number Association (“NENA”) in filing a joint petition for clarification of the Commission’s E911 rules in a number of areas to accelerate and improve upon the ability of Interconnected VoIP to provide automatic and more accurate location information.⁷

⁴ NRIC VII, FOCUS GROUP 1A, Near Term Issues for Emergency/E9-1-1 Services Final Report, December 2005 at 21 (*available at* http://www.nric.org/meetings/docs/meeting_20051216/FG%201A_Dec%2005_Final%20Report.pdf)

⁵ *Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling, CC Docket No. 94-102, 911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196, Notice of Proposed Rulemaking, 22 FCC Rcd 10609 (2007) (“Location Accuracy NPRM”).*

⁶ Location Accuracy NPRM at ¶18.

⁷ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers, Joint Petition for Clarification of NENA and VON Coalition, WC Docket Nos. 04-36; 05-196 (filed July 29, 2005).* The VON NENA petition sought clarification about ways to improve address validation, a PSAP’s ability to

Accurate location information is critical to the ability of first responders to locate victims. Currently, interconnected VoIP providers provide E911 services by interconnecting through the selective router where available, and they provide customer registered address location information to the responding PSAP. Pursuant to the Commission's requirements, all interconnected VoIP 911 calls delivered through the existing E911 network to the appropriate jurisdiction are delivered with a call back number and the registered location is displayed to the dispatcher if the dispatcher has the capability to receive this information.

By seeking comment on the applicability of a PSAP level testing standard to interconnected VoIP providers, the Commission is putting the cart before the horse. Despite the success of the interconnected VoIP industry in providing E911 services, VoIP providers do not have the same several year-experience with location accuracy testing and reporting as the CMRS industry. In fact, the Commission even recognizes in the current NPRM that interconnected VoIP providers are not subject to Section 20.18 of the Commission's rules.⁸ Instead, the interconnected VoIP industry has been laser-focused on the fundamentals of providing E911 services: deploying the technology required by the Commission's 9-1-1 rules – for selective router interconnection and customer registered location information. Nevertheless, the Commission seeks comment in this proceeding on whether accuracy can be improved over a testing and reporting regime that has not been extended to interconnected VoIP and for which data is not available.

receive automatic location information data, broadening selective router access and the ability to deliver automatic location to a greater number of PSAPs, requesting the ability to provide automatically obtained location information as a "Registered Location," and requesting the ability to test new services and capabilities. The Coalition uses this opportunity to once again urge the Commission to act on the VON-NENA petition for clarification as a means of further accelerating E9-1-1 solutions for interconnected VoIP consumers and further advancing automatic location data capabilities.

⁸ Location Accuracy NRPM at n.22

Without first considering more holistically the steps necessary to further improve the ability for interconnected VoIP providers to deliver accurate location data (as the VON-NENA Petition for Clarification requests), or considering the broader questions contained in the second section of this NPRM, it is premature to adopt a conclusion that PSAP-level accuracy testing for any carrier, let alone interconnected VoIP providers, is a reasonable approach to improving location accuracy.

Moreover, there is no evidence of location accuracy problems for interconnected VoIP providers exists such that a solution requiring PSAP-level accuracy testing is required. The Commission's current rules require interconnected VoIP providers to provide a user's registered location or residential address. The accuracy of a residential address cannot be improved by PSAP-level testing. And any extension of PSAP-level testing to interconnected VoIP providers likely would impose costly administrative burdens; run counter to previous Commission findings; and create immaterial data without providing any corresponding benefit to public safety, consumers, or the Commission.

PSAP-level testing would likely have harmful consequences if applied to interconnected VoIP services without any commensurate improvement in the accuracy of a residential address or an ability to save lives. As the Small Business Administration ("SBA") has pointed out, the vast number of interconnected VoIP providers are small businesses – on average serving a little more than 1,000 customers each.⁹ While this

⁹ Of 200 Interconnected VoIP providers, the SBA Office of Advocacy estimates that 193 companies are likely to be small businesses that collectively serve less than 200,000 customers – or a little over 1,000 customer a piece. *See* Universal Service Contribution Methodology, SBA comments, WC Docket No. 06-122, at 4-5 (filed Aug. 8, 2006).

docket may explore whether large carriers have the means to test with 6,000 PSAPs, or even a MSA or RSA, every two weeks, the vast majority of interconnected VoIP providers (each with their roughly 1,000 customers) would likely have to go to extraordinary lengths to comply – potentially hiring as many workers as they have customers to do the testing.¹⁰ In fact, in a letter to President Bush regarding 911 and VoIP, APCO recognized that “the ever-growing base of voice service providers would go broke if they had to interact with each and every PSAP in some unique way that may not be the same 100 miles down the road.”¹¹

Thus, the VON Coalition respectfully urges the Commission to ensure that it has a sufficient and comprehensive record of evidence, especially from industry bodies such as NRIC and the Emergency Services Interconnection Forum (“ESIF”),¹² before examining further the technical, operational, and economic impact of imposing testing and reporting obligations on interconnected VoIP providers.

While the NPRM raises a host of important issues, the VON Coalition urges the Commission to focus on two important goals: (i) accelerating the transition to an IP-enabled emergency network that can handle VoIP calls natively and is capable of delivering breakthrough emergency response capabilities (including dynamic location capabilities not possible in today’s network); and (ii) ensuring that Americans can enjoy

¹⁰ Assuming a single worker could cover six PSAPs biweekly, such a requirement could take hiring 1,000 workers to cover the nation’s 6,000 PSAPs, requiring a company to hire as many new workers (1,000) as most interconnected VoIP providers have customers.

¹¹ February 15, 2005 Letter to President Bush, from Gregory S. Ballentine, President, APCO International.

¹² To address accuracy testing, the ESIF began considering address accuracy testing for wireless providers in 2003.

the full promise and potential of VoIP competition (and the additional ways to communicate with the outside world during states of emergency it provides), without rules that could stifle life-saving innovation, stall important consumer benefits, slow demand for broadband, or stop efforts already underway to advance the safety of the nation.

Conclusion

For these reasons, the VON Coalition believes it is premature to adopt the tentative conclusions contained in the NPRM that interconnected VoIP services should have to meet CMRS E9-1-1 standards and that location accuracy testing should be required on a PSAP-level basis. Instead, the VON Coalition respectfully urges the Commission grant the VON-NENA Petition for Clarification to further improve and accelerate automatic location delivery and accuracy for interconnected VoIP and take a more holistic approach to VoIP E911 that does not merely apply rules designed for CMRS services to interconnected VoIP services without first exploring new and better approaches.

The VON Coalition looks forward to continuing to work with the Commission on this very important matter.

Respectfully submitted,
THE VON COALITION

By: /s/ Staci L. Pies
Staci L. Pies
President