Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Implementation of the New and Emerging Technologies 911 Improvement Act of 2008	WC Docket No. 08-171

INITIAL COMMENTS OF THE VOICE ON THE NET COALITION

I. INTRODUCTION

The Voice on the Net (VON) Coalition[1] hereby submits these initial comments in the above-captioned proceeding.[2] The New and Emerging Technologies (NET) 911 Improvement Act of 2008 (Act), signed into law on July 23, 2008, is designed to "promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and enhanced 911 (E911) access to those with disabilities." The

[1] *The Voice on the Net or VON Coalition consists of leading VoIP companies, on the cutting edge of developing and delivering voice innovations over Internet. The coalition, which includes BT Americas, CallSmart, Cisco, CommPartners, Covad, EarthLink, Google, iBasis, i3 Voice and Data, Intel, Microsoft, New Global Telecom, PointOne, Pulver.com, Skype, T-Mobile USA, USA Datanet, and Yahoo! works to advance regulatory policies that enable Americans to take advantage of the full promise and potential of VoIP. The Coalition believes that with the right public policies, Internet based voice advances can make talking more affordable, businesses more productive, jobs more plentiful, the Internet more valuable, and Americans more safe and secure.*

[2] *See Notice of Proposed Rulemaking, Implementation of the New and Emerging Technologies 911 Improvement Act of 2008, WC Docket No. 08-171 (rel. August 25, 2008) ("Notice").*

Commission must, no later than October 21, 2008,[3] issue regulations implementing certain key provisions that, among other things, ensure that providers of IP-enabled voice services have access to the capabilities they need to provide 911 and E911 service.

Because of the abbreviated timetable and in order to accelerate life saving solutions in a technologically complex area, the Commission must focus specifically on the areas in which Congress has purposely given the commission new authority to assist Interconnected VoIP providers in their ability to comply with its obligations. The Commission's NPRM, however, looks to address issues in this rulemaking neither intended nor mandated by Congress, while at the same time ignoring potentially critical new authority provided to the Commission in order to advance public safety goals and assist Interconnected VoIP providers in meeting their obligations under the Act. There are indeed many laudable and critical 911 goals that the Commission has yet to address including issues relating to the three year old NENA/VON petition for clarification upon which the Commission has yet to act. However, getting distracted from the core issues which Congress specifically directed the Commission act will only undermine the important goals that Congress sought to foster in enacting this legislation.

II. BACKGROUND

Dialing 9-1-1 can be the most important call a person ever makes. That is why Interconnected VoIP providers have made providing 9-1-1 emergency service in an Internet world a paramount priority. They have gone to extraordinary lengths to make astonishing progress under a very ambitious timetable. The VON Coalition is proud to report that Interconnected VoIP services now provide basic or enhanced 911 to more than 97 percent

[3] *The NET 911 Act was signed into law on July 23, 2008. The Commission therefore must issue regulations no later than October 21, 2008.* See *NET 911 Act § 101(2); Wireless 911 Act § 6(c)(1).*

of their subscribers[4] -- the fastest and broadest onetime implementation of E-911 in the history of public safety. And America is safer for it. As a result of this unprecedented effort, Americans who dial 911 using interconnected VoIP services can now rest assured they can reach help in an emergency. It is a particularly remarkable achievement considering that no underlying network connectivity provider can yet offer Interconnected VoIP providers the ability to connect to all selective routers nationwide. This lack of nationwide E911 access has created a digital voice divide between those who can take advantage of the transformative improvements that VoIP can offer, and the roughly 90 million Americans who live in areas where E911 access is not yet available to Interconnected VoIP providers.[5] Despite the incredible efforts of Interconnected VoIP providers and their 911 partners, there are still roughly 1900 of 7200 PSAPs that are not yet able to answer the calls from Interconnected VoIP consumers.[6]

Thus, to ensure that all consumers have the ability make 9-1-1 calls, Congress directed the Commission to ensure that VoIP providers have necessary access to 9-1-1 network elements to enable interconnection to the current 9-1-1 infrastructure. Full and timely implementation of the NET 911 Act by the Commission can help further accelerate VoIP 911 solutions by providing direct access to the 9-1-1 network[7], ensuring availability of

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[4] As of the beginning of 2007. Some providers have been able to reach even 99% -- See Vonage ex-parte, July 23rd, 2008 indicating that it can provide either basic or enhanced 911 to nearly 99% of its subscriber lines (of which 98.45% is full E911). http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520035173

[5] Based on estimates of one of the two primary E911 providers that serve Interconnected VoIP providers.

[6] In some cases, VoIP providers have reported to the Commission that have been unable to provide 911 service because the relevant PSAP has refused to accept any VoIP 911 calls. (see for example See Vonage ex-parte, July 23rd, 2008 reporting that for a percentage of its customers, "Vonage has been unable to provide 911 service because the relevant PSAP has refused to accept any VoIP 911 calls.)

[7] As outlined in sections (b) and (c) of the Act.

critical information about PSAPs and other capabilities[8], and through the development of best practices and standards to promote consistency.[9]

III. Commission Must Remove Barriers That Have Thwarted the Availability of Interconnected VoIP Services.

Passage of the Net 911 Act represents an important recognition that fostering complete and comprehensive solutions for the delivery of 9-1-1 calls by VoIP providers is a shared responsibility that is important for consumers, public safety, and industry alike. Interconnected VoIP providers need access to parts of the 9-1-1 telephone network to complete a 9-1-1 call. Unfortunately, there are areas in the country where VoIP providers do not have access to these vital network elements. By implementing the access and information collection provisions in the legislation, the 9-1-1 system can remains a public trust, not a tool to block competition.

Make no mistake about it – effective implementation of the Act is critical to advancing public safety solutions, but it is also critical for allowing consumers to take advantage of innovative new technology that puts the consumer in control of their communication. While we are exceptionally proud of the progress that has been made in advancing E911 solutions, as Chairman Markey said in advancing the legislation[10], *"the bill establishes the right of VoIP providers to access the parts of the 911 infrastructure they need in order to complete 911 calls for consumers. This is an important provision because while the FCC has acted to require VoIP providers to meet Enhanced 911 service*

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[8] *As outlined in section (g) of the Act.*

[9] *As outlined in section (h) of the Act.*

[10] *Markey statement, October 10, 2007,* http://markey.house.gov/index.php?option=com_content&task=view&id=3141&Itemid=141

obligations, the Commission did not order that such VoIP providers had a legal right to the components of the 911 infrastructure they would need to fulfill their E911 obligations under the Commission's own rules."

Unfortunately, despite the promise that nomadic Interconnected VoIP once held as the competitive voice alternative for consumers and a critical new public safety tool for enabling communication redundancy, diversity, and remote access in an emergency, there are today fewer nomadic competitive alternatives than ever before. While those Interconnected VoIP services that are fixed, and thus only require connectivity to one PSAP have thrived, nomadic Interconnected VoIP services that require access to more than one PSAP have not. Three years ago when the Commission first adopted its VoIP 911 order, nomadic Interconnected VoIP was the biggest and fastest growing segment of the Interconnected VoIP market. Unfortunately, lack of access to the 911 network and other events conspired to take choices away from consumers. While there were projections in 2004 that VoIP would account for 40% of all voice traffic by 2007, today, nomadic VoIP accounts for only about .6% of all voice subscribers – and growth is quickly approaching zero. In fact, Telegeography describes nomadic VoIP growth as "anemic" and "disheartening", but says it is too early "to write an obituary" for network independent VoIP.[11] In every other country in the world, these services are growing rapidly and unabated – giving consumers and emergency personnel new choices never before possible. After seeing what has happened to the nomadic VoIP market in the United States, OECD now recommends that when regulators consider emergency requirements for VoIP, they *"should always consider current technical constraints, and while measures should aim to guarantee the safety of users, they should not constitute an unfair burden for providers,*

[11] *See Telegeography U.S. VoIP research Executive Summary, at* http://www.telegeography.com/products/voip/pdf/USVoIP_Exec_Summ.pdf

and stifle the evolution and development of VoIP." [12] Congress likewise recognized the critical importance of technical feasibility: "*The Commission should take into account technical feasibility as it implements the provisions of [the NET 911 Act]*."[13] By removing a key barrier and accelerating access to the 911 network, the Commission can not only advance public safety, but can advance vast consumer benefits as well.

IV. Removing Barriers to Nomadic VoIP Availability Serves Public Safety, Consumers, and the Economy Alike.

Indeed, nomadic interconnected VoIP services have come to play a crucial role in emergencies. For example in Hurricane Katrina's immediate aftermath, the unique mobility and decentralized aspects of nomadic VoIP were utilized by FEMA, the Red Cross, the army, hospitals, emergency responders, and reconnecting storm victims. Even in the eye of the storm, after the category 5 hurricane disabled completely the New Orleans city government's telephone network and all other communications systems, the New Orleans Mayor was able to utilize a nomadic interconnected VoIP phone to call to President Bush and to coordinate the efforts of state and local authorities. The Mayor's staff was able to deploy interconnected VoIP "virtually" by downloading software to several laptops and establishing several VoIP accounts. For five critical days following the storm, this interconnected VoIP connection provided the Mayor's only reliable outside contact.[14]

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[12] *OECD Convergence and Next Generation Networks Ministerial Background report (DSTI/ICCP/CISP(2007)2/FINAL, June 2008, page 40. At http://www.oecd.org/dataoecd/25/11/40761101.pdf*

[13] *H. Rept. 110-442 at 14.*

[14] See *Christopher Rhoads, Cut Off: At Center of Crisis, City Officials Faced Struggle to Keep in Touch, WALL STREET JOURNAL (Sept. 9, 2005) (*available at http://www.von.org/usr_files/Katrina%20-%20WSJ%20--%20Cut%20off%20Mayors%20office%20uses%20VoIP%209-9-05.pdf*).*

The FCC's Joint Advisory Committee on Communications Capabilities of Emergency Medical and Public Health Care Facilities explained nomadic VoIP's critic role in an emergency to Congress this way:

> *"In the event of a major 9/11 type attack, anthrax attack or flu-pandemic, offices could be inaccessible but employees will still need to communicate. Workers with access to broadband could still work using IP VPNs and broadband-enabled nomadic VoIP phones, and could immediately work from home or other broadband-enabled locations. By disconnecting voice from the underlying infrastructure, nomadic interconnected VoIP allows displaced workers to utilize their existing work phone number from any broadband-enabled location."*

The success and promise of interconnected VoIP in the face of actual emergencies demonstrates the public safety advantages of both fixed and nomadic Interconnected VoIP. But the fact that 911 and E911 is not yet available to VoIP providers from their third party 911 providers has served to limit its public safety advantages to only certain regions of the country. To further advance these public safety solutions and enable Interconnected VoIP benefits to extend throughout the country, the commission must remove the barriers that have prevented VoIP providers and third party solution providers from being able to offer ubiquitous 911 access throughout the country.

V. 9-1-1 system capabilities required by the Act and necessary for Interconnected VoIP Providers and their third party providers

The Commission seeks comment on "the definition of "capabilities." What would such a definition include and exclude?" The Commission should define "capabilities" broadly to include interconnection, elements, services, testing, agreements, and any features necessary to an Interconnected VoIP provider's provision of E911 service. The Commission should adopt a non-exhaustive list of capabilities.

Unfortunately today's 9-1-1 system operates in a closed environment, was built in a monopoly environment to serve fixed and local communications, and utilizes a variety of legacy technologies. Equipment, network elements, databases, selective routers, interfaces and facilities are unique in each region. New service offerings, like VoIP, have been forced to retrofit their technologies to be backward compatible with this legacy technology that often varies PSAP to PSAP. While the first 9-1-1 call was made in 1968, unfortunately in some regions of the country, not much has changed since then. Without a uniform set of national standards, the nation's 9-1-1 system was built locally, community by community, often in very different ways. Network elements and database access necessary in one region may not be in another. Given the existence of over 6000 independently operated public safety answering points (PSAPs) and over 1000 independent incumbent local exchange carriers (ILECs), it is impossible to create and exhaustive list of necessary 9-1-1 components. Thus, the Commission should create a non-exhaustive list of capabilities.

VI. Interconnection elements needed to complete an interconnected VoIP 911 call:

The Commission asks, "Are pseudo Automatic Number Identification (p-ANI), real-time Automatic Location Identification (ALI) database access, Emergency Service Numbers (ESN), Master Street Address Guides (MSAG), shell records, callback number, selective router interconnection for both voice and data transport, or other "elements" appropriately considered "capabilities" under the NET 911 Act?" **In short, Yes.**

Although by no means inclusive, the following are some of the most common essential elements that are necessary to support and maintain a 9-1-1 system that routes VoIP calls to the native 9-1-1 network.

A. pseudo Automatic Number Identification (p-ANI)

p-ANI availability is an essential element for nomadic VoIP E911 deployment. As the Commission recognized in its *Order*, nomadic VoIP services face unique implementation challenges.[15] Among these challenges is the ability route a non-regional telephone number to the appropriate public safety answering point (PSAP). Through the use of pANI, nomadic VoIP providers can accomplish this objective and route E-911 calls in accordance with the Commission's *Order*. However, for a number of reasons beyond their control, pANI is not currently available to Interconnected VoIP providers in many areas of the country.

Some ILECs were quick to provide pseudo ANIs (pANIs) to interconnected VoIP providers, others didn't have pANIs or would not provision pANIs for VoIP providers. The FCC has further made it more difficult for VoIP providers to get access to pANI resources – specifically by not allowing VoIP providers that are not carriers to have access to pANIs. This has had the effect of preventing a VoIP provider from providing E911, and as a result, competitive alternatives to millions of consumers.

In this regard we note that the North American Numbering Council ("NANC"), the National Emergency Number Association ("NENA"), as well as the Alliance for Telecommunications Solutions' (ATIS) [and the] Emergency Service Interconnection Forum (ESIF) have all asked the Commission to provide pANIs to Interconnected VoIP providers.[16] These parties all agree that absent access to pANI resources,

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[15] Order *at ¶ 25.*

[16] See Ex Parte *Letter from David F. Jones, President National Emergency Number Association to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36 & 05-196 (filed Nov. 4, 2005);* Ex parte *Letter from Robert C. Atkinson, NANC Chair to Thomas Navin, Chief Wireline Competition Bureau, FCC (filed Sept. 8, 2005);* Ex parte *Letter from Tom Goode, Associate General Counsel, Alliance for Telecommunications Industry Solutions, to Marlene H. Dortch, Secretary, FCC, WC*

Interconnected VoIP providers are unable to effectively provide nomadic E911 on their own. ATIS and NANC adopted p-ANI guidelines for the administration and assignment of non dialable p-ANI numbers, but the guidelines and availability of p-ANIs await final commission action.[17]

For the above reasons, Congress has directed the Commission to make pANIs directly available to Interconnected VoIP providers. As the House Committee report explains, *"[t]he Commission should also reexamine its existing regulations and make any necessary changes to comply with H.R. 3403, which include, but are not limited to, ensuring that VoIP providers that have a duty to provide 911 and E–911 services but are not competitive LECs have direct access to p-ANIs."* As directed by Congress, the Commission must now ensure that the Commission's rules give VoIP providers direct access to p-ANI resources. The Commission should require a standardized system to obtain p-ANI resources from ILECs or directly from a numbering administrator. The quantity of p-ANI numbers required would be determined by projected Interconnected VoIP call volume for each PSAP.

B. Real time Automatic Location Information (ALI) database access

Interconnected VoIP providers need real-time access to Automatic Location Information (ALI) databases in order to populate address information for an out of region 911 call, and the interfaces that supports it. The ALI database is used to

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Docket Nos. 04-36 & o5-196, at 2 (filed Nov. 2, 2005) ("ATIS/ESIF Recommendation").

[17] *Interim guidelines (and an interim administrator--Neustar) were adopted and instituted in 2006. The ATIS and NANC permanent guidelines were provided to the FCC in April 2007 for final consideration (the adopted guidelines are available at: http://www.fcc.gov/wcb/cpd/Nanc/nanccorr.html). They will not go into effect until the FCC provides direction on the technical requirements document, selects a permanent numbering administrator, and issues any applicable order implementing them.*

translate or look up a specific telephone number in order to link it with a corresponding address. ALI databases are typically owned by ILECs or PSAPs. Because IVPs must be able to process both “native” and “non-native” telephone numbers in any given geographic area, they require real-time access to the ALI database system to provide time-of-call updates. Depending on the PSAP and region, the ALI format and screen can vary. In some states, the ALI format allows unlimited number of characters of text in others there are specific ALI screen requirements and fields to be populated. VoIP providers need to have access to these interface elements, regardless of the structure of the elements which may vary from PSAP to PSAP and ILEC to ILEC, to provide the correct ALI format and screen to the individual disposition of the PSAP or emergency responder. Database owners will need to provide requirements for the ALI update interface or ALI steering protocols in use by the ALI system.

C. Emergency Service Numbers (ESN)

In areas where they are used, Interconnected VoIP providers require Emergency Service Numbers (ESN) in order to properly route E911 calls. Interconnected VoIP providers need this E911 element to be created in ILEC systems on a PSAP-by-PSAP basis. A number of PSAPs utilize special three to five digit number (ESNs) allocated by ILECs in order to further define emergency routing regions and to facilitate selective routing to the appropriate trunk group for a specific PSAP. Each ESN represents a unique combination of emergency service agencies (Law Enforcement, Fire, and Emergency Medical Service) designated to serve a specific range of addresses within a particular geographical area, or Emergency Service Zone (ESZ). In order for a selective router based selective transfer function to work properly, the ESN used by the selective router must be "specific to the ESZ" of the caller. PSAPs that use ESNs can deploy hundreds or thousands of ESNs behind a single selective

router. In order to properly route calls based on ESNs, Interconnected VoIP providers need continuously updated information about the number of ESNs per PSAP, information on any changes to ESN assignments and any changes, and continuously updated information about the geographic representation or boundary of an ESN.

Access to ESNs has been a stumbling block for Interconnected VoIP providers. In one case the ILEC would not provide the number of ESNs per PSAP during the implementation of VoIP 9-1-1, yet the ILEC conversely required that VoIP providers route to each ESN once PSAP approval was granted. This dramatically slowed VoIP implementation. ESN requirements made it virtually impossible to implement 9-1-1 without LEC approval. Access to ESNs and the geographic service area represented by the ESN would help eliminate confusion as well accelerate deployment in regions that are heavily dependent on ESN information.

D. Master Street Address Guides (MSAG)

Ensuring that the PSAP is provided an accurate and unambiguous location of an emergency is critical to the functioning of the E9-1-1 system. Public safety utilizes an addressing validation method called the Master Street Address Guide ("MSAG"). For the E9-1-1 system to work properly from end to end, the subscribers registered address should be validated against the MSAG, an Emergency Services Number (ESN) must be identified for routing and the MSAG valid address must be transmitted to the PSAP. As the National Emergency Number Association (NENA), and the VON Coalition explained in their joint petition for clarification:[18]

[18] *Joint Petition for Clarification of the National Emergency Number Association and the Voice on the Net (VON) Coalition, filed July 29, 2005, WC Docket No. 05-196.*

> *"in order for VoIP Service Providers to meet the requirements of the Order, they, or their third party providers, must have access to the MSAG data. NENA and the VON Coalition believe that it is thus critical that VoIP providers have access to MSAG data, and the Commission should err on the side of public safety by clarifying that such access is required."*

Yet today, in more than 100 cases across the country, Interconnected VoIP providers or their third party providers lack access to the MSAG databases necessary to support E911. It is now not only time for the Commission to act, but the Commission is now required to act. Specifically, the FCC should make clear that Interconnected VoIP providers need direct access to MSAG databases.

E. Shell records

While p-ANIs enable the use of a pseudo local phone number for purposes of looking up an address, shell records allow PSAPs to receive ANI and the Registered Location of a VoIP E911 caller. They are used to associate the p-ANI with the Interconnected VoIP providers and the proper ESN, if used, for each E911 call. This E911 element must be created in the ILEC systems on a PSAP-by-PSAP basis.

F. Selective router interconnection for both voice and data transport

To complete a 9-1-1 call, VoIP providers need direct interconnection access to basic 911 facilities like trunks and selective routers. In some regions, the 911 network consists of a closed facility with a limited number of ports for "new" connections to the native 9-1-1 network. Instead of updating the facility and adding new ports, in some cases this lack of ports has allowed a LEC to become a gatekeeper for PSAP traffic, and limiting the number of competitors who can connect. The Commission should clarify that the owners/operators of selective routers may not limit the number of ports or otherwise limit access to the native 911 network for either Interconnected VoIP providers or their third party providers.

Interconnected VoIP providers also need access to both voice and data trunks. When not utilizing a third party provider, VoIP providers should have flexibility to decide the type of trunk arrangements they order, whether to order extra connectivity for redundancy and diversity, and have the option to obtain Internet access and a SIP gateway co-located with the selective router or 911 tandem.

G. Other "elements"

The Commission should define "capabilities" broadly to include interconnection, elements, services, testing, agreements, and any features necessary to an Interconnected VoIP provider's provision of E911 service. The Commission should adopt a non-exhaustive list of capabilities.

Not all PSAPs are the same. Depending on the region and the ILEC the equipment deployed, the 9-1-1 network elements can vary greatly. This is particularly true when it comes to Computer Aided Dispatch (CAD), mapping systems and dispatcher consoles. For example, a number of the larger cities and metropolitan authorities have individually designed CAD systems and dispatcher consoles. Having access to the "shape files" of a PSAP jurisdiction or map allows a VoIP provider the ability to dynamically match a customer's address with a local PSAP jurisdiction or network element such as an Emergency Service Numbers ("ESN")

VII. Availability of PSAP and Other Information.

The FCC should utilize the authority newly provided by Congress in the Act to: a) require PSAPs to regularly provide the Commission with contact information, and require PSAPs to update that information as it may change from time-to-time; and b) require LECs,

PSAPs, and other owners of selective routers to provide contact information for those providers of selective routers including testing procedures, classes and types of services supported by the PSAPs, and other information concerning 911 and E911 elements. The Net 911 act spells out this new Commission authority explicitly:

> *"(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 911 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety."*

Consistent with the Act, the Commission should seize upon this important opportunity to obtain PSAP and other information in order to not only help interconnected VoIP providers and their third party providers accelerate the availability of E911 capabilities for VoIP, but to also help other new services down the road (whether disability services or advanced automated crash notification systems) that could also benefit from the additional information. Unfortunately today, there is no clear number of selective routers in the country. As ownership of selective routers has diversified, data about them has lagged. The Commission should fully exercise its authority given by the Net 911 Act to collect information about PSAPs, providers of selective routers, PSAP capabilities, and 911 element information "*for the purpose of assisting IP-enabled voice service providers in complying with this section."*

VIII. The Commission should not jeopardize the tight timelines established by Congress by dealing with important but extraneous issues in this rulemaking, and instead should deal with converged CMRS/VoIP services in the context of a separate proceeding.

The Commission also seeks comment on mobile VoIP service used by CMRS carriers in conjunction with their CMRS service. However, these questions are in no way compelled

by the plain language or intent of the NET 911 Act. The Commission seeks comments on possible new regulatory duties neither intended nor mandated by Congress. In doing so, the Commission could jeopardize the tight deadlines established by the NET 911 Act. And while we agree with public safety groups that these question of whether or how, as a matter of policy, wireless carriers offering open WiFi or other off-network services share location information is worthy of additional study, this should be undertaken in a separate proceeding.

Within the first 90 days, the Commission should focus on providing interconnected VoIP providers with the capabilities to meet existing 911 and E911 obligations, not in promulgating new ones. With VoIP autolocation technologies still in very early development, the Commission has not moved forward to mandate use of autolocation for any interconnected VoIP services. The capabilities about which the Commission seeks comment with respect to these converged services are not capabilities to meet current duties.

It was not Congress' intent for the NET 911 Improvement Act to stifle the development of new and innovative services, particularly wireless services. Thus, Congress expressly cautioned the Commission to be sure to take into account technical feasibility as it implemented the Act, particularly for nascent technologies such as mobile VoIP services:

> "The Commission should take into account technical feasibility as it implements the provisions of H.R. 3403, particularly for nascent technologies such as mobile VoIP services. Mobile VoIP service is a version of nomadic VoIP service that permits a consumer using a wireless phone to bypass the traditional cellular network and send or receive data using Internet protocol services. *As mobile VoIP develops into a full-fledged, widely-used service, providers should strive to use E-911 technologies that comply with the same accuracy standards as wireless services".*[19]

While the Commission has teed up these important issues over the long term in other dockets, the Commission must take care to let these services develop, and to allow them to implement solutions that make sense.

[19] *House Report at 14 (emphasis added).*

Moreover, ensuring this proceeding closely tracks the limited scope of issues defined by Congress will allow the Commission to avoid difficult technical and definitional issues that are not necessary to ensuring that Congress' goal of ensuring "interconnected VoIP" services can access to E911 elements is accomplished. For example, some "mobile VoIP" services may allow users to bypass mobile CMRS networks; but others may be entirely software-defined. Consumers using software-defined mobile VoIP clients rely upon exiting access networks and therefore do require separate access to E911 elements because consumers of the mobile service are fully protected through their mobile access subscriptions. Interested parties might present other corner-cases; but those should not distract from Congress stated and limited goal in this proceeding, particularly when other procedural opportunities are available to the Commission.

The Commission already has several open proceedings that address various aspects of 911 and E911 for converged services. For example, NENA and the VON Coalition filed a joint petition for clarification more than 3 years ago raising some issues related to converged services upon which the commission has never acted, as did T-Mobile. The Commission has also asked questions about mobile VoIP autolocation in both its VoIP 911 FNPRM and its Part B autolocation NPRM – each of which had a more thorough and robust comment cycle than the 9 days provided here. To the extent the Commission intends to consider these issues and potentially establish additional 911 and E911 duties, these separate proceedings are better, more appropriate vehicles for addressing the questions about converged services, and for developing a robust record that enables the Commission to evaluate the technical feasibility of any potential new mandates.

Congress itself has signaled that it did not intend or expect the Commission to address new autolocation mandates within its initial 90 day rulemaking. The NET 911 Improvement Act specifically directed the E911 Implementation Office to report on

automatic location technologies for VoIP within 270 days.[20] Rushing to judgment within the 90 days required by Congress for implementing other Congressional priorities would short-circuit the evaluation ordered by Congress by developing new automatic location requirements for nascent services without the benefit for the E911 Implementation Office report and the time to evaluate technical feasibility. Moreover, it could prematurely freeze the development of VoIP autolocation solutions without full consideration of the alternatives. If the Commission Acts prior to the E911 Implementation Office recommendations, the Commission would clearly be thwarting Congresses stated request that the Commission "take into account technical feasibility as it implements the provisions of H.R. 3403, particularly for nascent technologies such as mobile VoIP services."

By evaluating this important issue when the Commission is not rushed into action, the Commission will better be able to evaluate more completely the important public safety issue. The VON Coalition believes that new and emerging services should not have to meet multiple and perhaps conflicting sets of 911 requirements. To that end, if a provider has a comprehensive solution to meet one set of E911 requirements for one technology, it should not also have additional and perhaps inconsistent or incompatible E911 requirements for a new/additional technology for the same converged service/product when the converged service may be extending the reach of its pre-existing 911 capabilities.

IV. CONCLUSION

The VoIP communications industry is justifiably proud of the technology's achievements in the public safety arena, and it continues to make emergency services a key priority. Yet in light of interconnected VoIP's impressive track record and largely untapped

[20] *Section (J) of the required national plan requires the E911 program office, not the Commission, to "analyze efforts to provide automatic location for enhanced 9–1–1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9–1–1 services."*

public safety potential, VoIP providers need this Commission's help in fully implementing the NET 911 Act in order to remove the barriers that can make these vital public safety technologies available in more regions and in more ways.

For the foregoing reasons, the Commission should expeditiously focus on full and timely implementation of the Act by providing direct access to the 9-1-1 network , ensure availability of critical information about PSAPs and other capabilities, exercise its authority to develop best practices and standards to promote consistency as outlined in the Act, while not getting distracted by or undermine the goals of the Act by addressing issues not intended or required to be addressed by the Act.

Respectfully submitted,

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