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Net 911 Implemented

Interconnected VoIPers gain 911/E911 access

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On the final day of a statutory deadline to implement the New and Emerging Technologies (NET) 911 Act (Net 911 Act) enacted by Congress in July, Chairman Martin's attempts to include a dual-mode phone requirement that was vehemently opposed by T-Mobile and other wireless carriers were thwarted.

Commissioners Adelstein, Copps, McDowell and Tate uniformly opposed a draft order circulated by Martin which included a provision requiring carriers to provide roaming partners with each caller's "last-known cell site." Such a requirement would force T-Mobile and other carriers with dual-mode phones to enter agreements with all roaming partners, ensuring that they have information concerning the cell site most recently "registered" by each user's phone while entering the partner's territories.

Martin insisted that the absence of such a requirement could leave mobile voice-over-Internet-protocol (VoIP) customers without adequate 911 service while roaming outside of their service providers' footprints. T-Mobile asserted that such a requirement would endanger its "Unlimited Hotspot Calling" service which uses Wi-Fi/GSM handsets.

The other four Commissioners insisted on the implementation of the Net 911 Act without the additional requirement, stating that the last-known cell site requirement is just one approach to mobile VoIP autolocation. Whether this requirement is the best approach will likely be determined in a separate proceeding. The Commission majority felt that it was premature to impose the requirement without examining other options. In the meantime, the Commission was required to implement the Net 911 Act, which it did on the deadline mandated by Congress.

"I certainly look forward to addressing [the last-known cell site requirement proposal] as soon as possible," Copps wrote in a separate statement, "but there is a right way and a wrong way to proceed. The truth remains that today we do not know if 'last known cell' or some other technology (or perhaps some combination of approaches) will best protect American consumers. We should not be locking carriers (and their consumers) in to a particular technology over the long run until we know that it is the correct technology."

What the FCC's adopted rules *do* include is the right for interconnected VoIP providers to access all "capabilities" necessary to provide 911 and E911 service, such as selective routers and the automatic location identification (ALI) database. The NET 911 Act requires that "the rates, terms and conditions under which access to 911 and E911 capabilities is provided" must be the same as those made available to CMRS providers. Access to the capabilities is limited solely for the purpose of providing E911 service, regardless of whether a capability is being used by a CMRS provider. The Commission hesitated to issue a list of specific capabilities subject to the rules or of entities with ownership or control of the capabilities, stating that "the nation's 911 system varies from locality to locality, and overly specific rules would fail to reflect these local variations."

While the Commission met Congress' deadline to implement the NET 911 Act, it is likely that the "last-known cell site" and other proposals to strengthen VoIP 911 service will be revisited in the near future. "Given the tight Congressional deadline for implementing the Act, and wide concern about limiting the development of more robust E911 solutions, it is appropriate for the Commission to resolve those issues in a separate proceeding," wrote Commissioner Adelstein in a separate statement.