

**Statement of  
Robert Mayer  
Vice President, Industry & State Affairs  
U.S. Telecom Association  
to the  
House Committee on Energy and Commerce  
Subcommittee on Telecommunications and the Internet**

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Chairman Markey, Ranking Member Upton, members of the subcommittee: Thank you for this opportunity to appear before you today to discuss emergency communications and specifically our views on H.R. 3403, the 911 Modernization and Public Safety Act of 2007. It is a timely moment for the subcommittee to hold this hearing.

USTelecom represents innovative companies ranging from the smallest rural telecoms in the nation to some of the largest corporations in the U.S. economy. Our member companies offer a wide range of services across the communications landscape, including voice, video, data and broadband services over local exchange, long distance, Internet and cable networks. USTelecom is the nation's most established – and largest – association representing rural telecom providers.

USTelecom and its member companies have been instrumental in providing emergency communications services to American consumers. For years, wireline customers have benefited from the fact that their telephones work even when they have no electricity during an emergency, and that local dispatchers know the address of wireline customers who have dialed 911 and can provide that address to emergency personnel.

I am pleased to report there has been substantial progress made in linking the public safety features of the wireline network to Voice over Internet Protocol (VoIP) technology. According to industry sources, 97% of VoIP customers are now supported with full E911 capabilities. This is a remarkable accomplishment given the relatively short period of time, the untested nature of the technology, and the numerous interfaces, standards and entities that were required to coordinate technical, operational, and administrative activities. As the former state chair of the FCC's Joint Federal/State VOIP Enhanced 911 Enforcement Task Force, I can attest to the magnitude of this accomplishment and I can assure you that it could not have been accomplished without unprecedented levels of cooperation and coordination among all the industry and government stakeholder organizations.

Mr. Chairman, we appreciate the opportunity to comment on HR 3403, the "911 Modernization and Public Safety Act of 2007." Our members support the goal of this proposed legislation—namely the full and complete access of every American to emergency communications. Furthermore, there are a variety of provisions that our

members can support without any reservation. For example, the legislation recognizes the need for a national IP enabled emergency network that can accommodate emerging network architectures, platforms, and devices and coordinate the sharing of information among a variety of response entities. Our members continue to play an important role in the planning, design, and construction of the emerging next-generation E911 platforms.

We also find the parity provisions that extend liability protections to IP-enabled voice service providers and other emergency communications providers to be helpful and appropriate.

As the Committee continues to hone this bill, let me offer two areas where we would like to continue to work with the Committee toward a bill that will truly move towards the Committee's objectives. The first area deals with access to 911 components, and the second area deals with the current bill's proposal to limit the use of customer information.

With respect to access to 911 components, let me state emphatically that we support the notion that VoIP providers should be able to get the connectivity necessary to transmit 911 calls to PSAPs. USTelecom members currently utilize a variety of mechanisms to ensure that VoIP calls are delivered to PSAPs: negotiating directly with VoIP providers, negotiating with CLECs that partner with VoIP providers, and making tariffs available to VoIP providers. The legislation proposes to treat, for 911 purposes, VoIP providers in the same way as wireless carriers. However, the bill as currently drafted appears to grant additional access rights beyond those currently afforded to wireless carriers. We note that wireless carriers generally negotiate commercial agreements or use tariffed services to obtain 911 connectivity and VoIP providers should be afforded no less and no more than the wireless carriers.

While we recognize and value the role of states to engage in vital E911 matters, we believe that in light of the FCC determination that VoIP is an interstate service, the FCC is the logical entity to enforce E911 obligations. We think that Congress articulated the proper federalism model in the Enhance 911 Act of 2004 when it noted that "enhanced 911 is a high national priority and it required Federal leadership, working in cooperation with state and local governments and with the numerous organizations dedicated to delivering emergency communications services." Accordingly, if authority is delegated to the States to review and resolve disputes, we believe that states should exercise such authority in accordance with FCC established standards and procedures.

On the second item, involving the limited use of E911 customer data, we do not think there is any need for legislation, as the FCC's existing CPNI rules already protect the privacy of subscribers. These rules have been extended to VoIP Interconnected Service Providers and their customers now have all of the legal protections associated with those CPNI rules. Our primary concern with this provision involves the potential prohibition on the use of aggregate E911 data by various regulatory authorities to inform their public policy considerations. It is a well-established practice of the FCC and various state commissions to rely on E911 data in analyzing the extent of competition.

The use of E911 data dates back to the very first long distance entry application, and the Commission continued to rely on such data throughout the review process. More recently, the Commission relied on E911 data for a number of important rulemaking and enforcement actions. The Department of Justice and numerous state commissions are also on record as having utilized E911 data for similar purposes. We do not believe that Congress would want to prohibit government agencies from using this information at a time when precise measures of competition continue to be relevant in a variety of national and state proceedings.

Mr. Chairman, thank you for the opportunity to appear today. I can assure you and the committee that USTelecom members are dedicated to serving the entire 911 community with the highest levels of efficiency, functionality, and innovation. I would like to commend Representatives Gordon and Shimkus for their leadership on this issue. We look forward to working with the Committee and I am available to answer any questions from you or members of the Committee.