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United States House of Representatives

Issues in Emergency Communications: A Legislative Hearing on H.R. 3403, the 911  
Modernization and Public Safety Act of 2007

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Good morning - and thank you Chairman Markey. I'm Craig Donaldson, Senior Vice President of Regulatory and Government Affairs at Intrado Incorporated. Intrado commends Representative Gordon and his staff, along with you, your staff and others, for their tireless efforts in pressing this important legislation; and we appreciate the invitation to testify.

Intrado provides the core of North America's 9-1-1 data management and call routing infrastructure and is a central figure in the integration of multiple technologies that interoperate with that infrastructure. We are unique in that we employ many former first responders, public safety communications professionals, law enforcement and EMT professionals, and leading-edge engineering and operations experts. We have a unique vantage point for evaluating the issues facing 9-1-1 today and for envisioning how and why the system must evolve. Americans have come to expect a highly reliable 9-1-1 system and, perhaps more notably in recent years, one that is fortified against man-made and natural disasters. Intrado's very existence centers on meeting these expectations.

Intrado supports the vast majority of House Bill 3403. Among the many federal policy objectives to be achieved in this critical legislation, we believe Congress, along with the FCC, must give utmost consideration to preserving the efficacy of the 9-1-1 infrastructure. We believe this would be best accomplished by continuing to maintain a cooperative federal and state construct which, as it has for decades, heavily relies on state regulators and public safety agencies.

Our country's 9-1-1 system is migrating to an IP-based platform that will permit the delivery of critical life-saving data such as medical information, building blueprints, photos and videos. With this functionality comes broader use of – and access to – the system. This will result in exponential, technical complexity; but more importantly for our discussion today, operational risks are likely to increase dramatically. This is not a theoretical concern. With these technological changes, the 9-1-1 network will become increasingly more vulnerable to attack by poorly managed or illegitimate enterprises which could include hostile foreign governments. America's 9-1-1 infrastructure could inadvertently or intentionally be flooded with phantom calls that prevent the handling of actual emergencies, or the entire 9-1-1 system could be made inoperable. Such risks can be greatly mitigated by ensuring that states continue to have oversight of 9-1-1 components in this new IP-based environment.

For nearly four decades, state and local governments have been the guardians of America's emergency communications and data infrastructure. They've done this by having authority to ensure that service providers are at least minimally qualified to interconnect with public networks, including 9-1-1 networks and their related databases, in order to maintain the high standards for 9-1-1 service our citizens have come to expect. Virtually all of the operational and administrative oversight of America's 9-1-1 infrastructure is overseen by state and local governments. Comparatively, the FCC plays virtually no role in 9-1-1 operations although it has done its part by shaping policy implementing high-level performance mandates. State and local governments give our

country its only meaningful opportunity to mitigate risks of attack on the 9-1-1 system. So, to coin a phrase: “If it ain’t broke, don’t fix it.”

What’s not broken but needs some adjustment is the manner in which VoIP 9-1-1 is regulated. Particularly, states should not apply typical CLEC regulations to new technologies. On the other hand, states will need to try to avoid perpetuating disparate regulatory regimes based on the kind of technology being deployed and should move toward a model that is technology neutral. This will take time, so what is needed from the federal government is a road map that strikes a balance between three principle interests: First: ensuring that states continue to be permitted to institute appropriate safeguards relative to new technologies; second: ensuring that states avoid so-called “legacy regulation and legislation” which has limited applicability in an IP-based environment; and third: do not unnecessarily tip market conditions in favor of one kind of provider over another.

Somewhat complicating these issues are pending FCC proceedings relative to preemption of VoIP services which involve determinations that bear directly on this bill. These unresolved matters, coupled with the bill’s current language, leave states somewhat in limbo relative to their jurisdiction over the administration and deployment of VoIP 9-1-1, and we will continue to work through these issues with Congress, the FCC and stakeholders.

One final point: fundamental to keeping the 9-1-1 infrastructure secure are the safeguards currently in place that prevent disclosure of 9-1-1 data elements to entities that are

unqualified or not legitimately involved in delivering 9-1-1 service. This data includes: information from which the locations of switches and related transport elements can be extrapolated; call routing codes and other information used to determine call routing; testing procedures; specific capabilities of individual PSAPs; and so on. The bill would give the FCC discretion to release this information to the general public if the Commission determines that doing so would “improve public safety.” Intrado strongly believes that releasing such data to the general public would be reckless, as it could fall into the hands of enemies of the United States and used to sabotage the 9-1-1 system.

Thank you again for the opportunity to testify here today. I’d be happy to answer any questions.