

National Emergency Number Association
The Voice of 9-1-1



August 23, 2005

The Honorable Ted Stevens
Chairman, Commerce Committee
United States Senate
522 Hart Senate Office Building
Washington D.C. 20510

The Honorable Daniel Inouye
Ranking Minority Member, Commerce Committee
United States Senate
722 Hart Senate Office Building
Washington D.C. 20510

Dear Senator Stevens and Senator Inouye,

The National Emergency Number Association (NENA) is the only international association solely focused on the delivery and advancement of 9-1-1. With more than 7,000 members in 46 chapters across the U.S. and Canada, NENA serves as “The Voice of 9-1-1” through policy advocacy, the establishment of national standards, certification and testing programs, and a wide variety of educational offerings.

NENA commends your leadership in considering important legislation to update our nation’s telecommunications laws. We appreciate the need to enact legislation that encourages innovation and the widespread deployment of broadband service which we believe will not only provide benefits to the general public, but will also have an enormous positive impact on public safety communications. As telecom reform legislation is drafted, NENA encourages Congress to include provisions that address critical 9-1-1 and public safety concerns focusing on today’s needs and taking into consideration the progression towards the next generation 9-1-1 and emergency services system.

The advancement of communications and network technology is quickly blurring the lines of familiarity in the world of emergency communications and 9-1-1. No longer can we discuss 9-1-1 solely in the context of the public switch telephone network (PSTN). No longer can we discuss the routing of 9-1-1 calls as being dependent on the use of the existing analog, circuit switched telephone network. In fact, just last week NENA introduced for public comment its first ever VoIP 9-1-1 standard. As 9-1-1 and emergency communications continue to advance, it is critical that communications regulation evolve in a parallel fashion and is flexible enough to accommodate future advancements that have yet to be considered.

Too often in the past we have tried to draft new laws and regulations for E9-1-1 requirements for innovative technologies as they are introduced, including wireless and VoIP services. Recognizing this issue, earlier this month NENA joined the Association of Public Safety Communications Officials International (APCO) and several other groups in asking Congress to include a clear statement in any telecom reform language on the jurisdiction of the

Federal Communications Commission (FCC) to establish rules requiring providers of interconnected voice telecommunications services to provide their customers with E9-1-1 capability. We certainly agree that this is an important topic to consider given today's 9-1-1 system, but NENA asks Congress to go a step further. NENA believes that regardless of the service classification - telecommunications, information or otherwise - if a service provides a communications capability in which a customer can reasonably expect to be able to reach a public safety answering point (PSAP) when dialing 9-1-1, whether over the PSTN, an IP network or some other yet to be identified path, the FCC should have the clear regulatory authority to address the 9-1-1 aspects of those services. This is not to suggest that the FCC should enact regulations to cover all potential service types, but the FCC should have sufficient authority so that if regulation is deemed necessary, Congress does not have to continually go back and update laws based on every new communications technology or service needing 9-1-1 access.

In addition to establishing clear FCC regulatory authority, it is essential that Congress do nothing to compromise state and local authority to impose and collect 9-1-1 fees on all services where a customer has a reasonable expectation of being connected to 9-1-1, again regardless of the type of technology. In addition to funding, there will be other state and local issues as well that are best addressed at that level, but it is clear that as technology evolves the classification of service or technology type should not have an effect on the ability of state and local government to address those issues.

Many of the items discussed in this letter are already being addressed in the "IP-Enabled Voice Communications and Public Safety Act of 2005," a bill that NENA fully supports. NENA believes this legislation is important because it extends beyond the FCC's current VoIP E9-1-1 Order to provide important provisions for 9-1-1. Specifically, the bill authorizes the FCC to regulate in the area of IP-enabled voice communications; requires E9-1-1 system service providers to provide VoIP providers access to their equipment and databases on a non-discriminatory basis; clarifies that states have the authority to impose and collect fees from VoIP providers, provided that they are used for their intended purpose; provides liability protection for PSAPs, VoIP providers and users of VoIP services; and requires the national 9-1-1 program office authorized by the ENHANCE 911 Act of 2004 to provide a plan for the migration towards an IP-enabled emergency network. NENA fully supports each of those provisions but asks Congress to consider broadening the scope of the bill to include services beyond VoIP as well.

We hope that telecom reform will be done this year and will include the important 9-1-1 provisions identified here. However, past experience has shown that this type of reform can become bogged down in negotiations and take longer than expected to complete. Should this happen, NENA believes it is very important that the 9-1-1 provisions be included in a stand alone bill and considered by Congress before the session ends this year.

Thank you for your consideration on this important matter. Please feel free to contact me or my staff with any questions you may have.

Sincerely,



David Jones, ENP
President

cc: E9-1-1 Caucus Co-Chairs, Senator Bill Nelson, Congressman Bart Gordon