

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *In the Matter of the Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers, PS Docket No. 11-82*

With today's Order, the Commission takes an important step to improve the reliability of an advanced communications network that has, over the past few years, become increasingly popular. In 2008, Congress believed that Voice over Internet Protocol service was becoming such an integral part of the nation's communications infrastructure that it passed the NET-9-1-1 Act. This federal law states that "it shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers." The NET-9-1-1 Act also required VoIP service providers to comply with any rule changes the FCC might adopt for this 9-1-1 service.

Developments, since the enactment of this statute, underscore how important it is that Americans have the ability to make 9-1-1 calls through interconnected VoIP networks. As of December 2010, almost 32 million American households and businesses have interconnected VoIP subscriptions. That number represents an increase of 46 percent between December 2008 and December 2010. However, over the past two years, there have been a number of news reports of lengthy VoIP outages. In one case, a carrier experienced an outage where more than one million customers lost interconnected VoIP service for over four hours.

The President has assigned the FCC the mission essential function of ensuring continuous operation of critical communications services. So when the FCC hears news reports about VoIP service outages, it is incumbent upon the Commission to do everything in its power, to prevent such outages in the future.

As the item explains, the Commission has been able to improve the emergency readiness of traditional services such as: voice and paging services over wire line, wireless, cable, and satellite networks. And, it has been able to make these improvements through a light regulatory touch. By that, I mean, the Commission uses outage reporting requirements to facilitate the development and use of voluntary best practices, instead of relying on measures such as mandating specific levels of performance. What we are doing, today, is applying the same regulatory light touch to improving the reliability of interconnected VoIP services.

I also agree with the item's decision not to impose reporting requirements for outages of broadband Internet service. Although the NPRM proposed such requirements, the record in response revealed technical issues that the staff must study before imposing reporting requirements on this service. I am encouraged, however, that the record also reveals a willingness of the industry to participate in a voluntary process to help the Commission study these technical issues.

As I have said, before, collaboration by all stake holders is the best approach to address difficult issues. We have seen this approach work well in other public safety contexts such as E-9-1-1 location accuracy requirements for wireless service providers. Today is another example of this successful approach. I thank the various stakeholders who have worked with the staff of the Public Safety and Homeland Security Bureau to arrive at the rules we adopt today. The collaboration and input from VoIP service providers, state and local governments, and others,

such as my former colleagues at NARUC, enabled the Commission to arrive at important reporting requirements that are not burdensome.

I commend Chairman Genachowski and Admiral Jamie Barnett for their leadership in this important proceeding.