

Remarks by Commissioner Kevin J. Martin
Federal Communications Commission
To NENA's 911 Critical Issues Forum
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As Prepared for Delivery

Thank you very much for inviting me to speak with you today. It's nice to come here and focus on public safety in general – and 9-1-1 in particular – since they are fundamental priorities for me. I am honored to be speaking to you this morning.

The role of public safety is more critical now than ever. From September 11, we have all become painfully aware of the need to be prepared for threats of terrorism, and we still have the kinds of emergencies that have always made public safety critical to our country.

Every level of government must ensure that the public safety community has the resources it needs to meet these challenges.

At the FCC, this is part of our statutory mandate. The Commission was created in 1934. In so doing, Congress made it clear that one of the Commission's primary purposes is to make communications services available to all in order to "promote safety of life and property."

Under Chairman Powell's leadership, the FCC has taken several steps to strengthen our communications infrastructure to promote public safety. We have also taken steps to ensure that public safety, public health, and other first responder emergency personnel have effective communications services available for emergencies.

I am going to speak briefly on a number of these steps and then focus on one of the most important issues for all of us – 9-1-1.

A. Public Safety Radio Communications

First, the Commission is working hard to improve the ability of public safety officials to communicate effectively, particularly during an emergency.

This is a pressing problem. Indeed, some fear that communications failures between firefighters and police helicopters may have contributed to the tragic deaths of some firefighters at the World Trade Center on September 11. This type of failure is unacceptable and cannot happen again. Emergency personnel deserve reliable communications to carry out their missions.

The FCC is currently addressing the problems faced by public safety radio communications on several levels.

B. Interoperability

For example, we are trying to improve “interoperability.”

Interoperability is the coordination of communications between public safety personnel from different departments and jurisdictions. Today, interoperability is a real challenge because the public safety networks used by many different organizations are not integrated.

In other words, the police department in D.C. may use a different kind of network than the police department in a particular suburb. Add in the different networks used by fire departments and other emergency personnel in different jurisdictions and the problem is multiplied.

The ability to communicate effectively is key to managing any future large-scale emergency where multiple response teams must be deployed. If a city’s police department cannot talk to its fire department, we lose the benefit of bringing these different groups together. And such inability to communicate could even cause additional unnecessary danger.

We must solve this problem.

The Commission is moving forward to make sure that there is adequate spectrum available for interoperability purposes. We have begun to adopt rules to make this spectrum usable and to permit shared use of public safety systems by different jurisdictions.

C. Interference

Another communications problem that public safety personnel face is interference.

Public safety systems in the 800 MHz band, one of the most important bands available for use by public safety, have been subjected to increasing instances of harmful interference from certain types of cellular phones. This happens because the FCC made public safety channels and cellular communications channels very close spectrum neighbors when they assigned this spectrum many years ago.

Such interference makes public safety communications difficult, and in some cases, impossible. There are several comprehensive proposals currently on the table, and we hope to resolve this issue soon.

D. Reliability and Security

In times of crises and in the interest of homeland security, we also need to protect against the possibility of network failures. Incumbent and competitive carriers must work together to ensure that critical communications are maintained.

We made steps towards harnessing that spirit by rechartering the NRIC –Network Reliability and Interoperability Council. This industry group develops recommendations to assure optimal reliability and security of our public communications systems.

The NRIC developed a set of network security best practices last year which will be improved and refined by March. Soon after, it will embark on a nationwide outreach program to share these best practices with stakeholders.

In the same vein, the Commission established a new group – the Media Security and Reliability Council – to advise the Commission on homeland security issues for broadcast and multichannel video programming media.

E. E-9-1-1

But one of our most important missions is to ensure that public safety can respond quickly to citizens in every-day, as well as national, emergencies. The universal emergency telephone number – 9-1-1 – is a crucial part of that mission.

Our enhanced 9-1-1 – or “E-9-1-1” – rules require wireless carriers to provide public safety officials not only the phone number of a 9-1-1 caller, but also information on a caller’s precise physical location. Carriers must have E-9-1-1 systems fully in place nationwide by 2005.

The importance of E-9-1-1 becomes more clear every day.

I’m sure all of you have heard of the recent tragedy in New York. Four teenagers disappeared after their boat sank in the waters off the Bronx. One of the boys had placed a 9-1-1 call from his cell phone. Had there been an enhanced 9-1-1 system in place, emergency units may have been able to locate the boat.

As this and numerous other tragedies illustrate, the ability to track the location of a 9-1-1 caller is vitally important.

While we still have a long way to go to make nationwide E-9-1-1 a reality, I’d like to take a moment to recognize how far we’ve come.

Two years ago, it was not clear when – if ever – wireless carriers were going to develop the technology necessary to provide accurate location information. The Commission had allowed deployment deadlines to slip. The entire E-9-1-1 plan was in doubt.

Today, there is no question that technology can provide accurate location information. Real deployment of E-9-1-1 is underway. Phase 2 enhanced 9-1-1 information is currently being provided by at least 1 wireless carrier in approximately 125 different markets across the country to 300 different Public Safety Answering Points or “PSAPs.”

Several carriers – Sprint and Verizon – now offer their customers at least 10 different GPS-enabled handsets to work with E-9-1-1. Sprint has sold over 5.8 million GPS-enabled handsets.

This turnaround is due to the work of a lot of different people.

First, some carriers have made great efforts to make nationwide E-9-1-1 a reality. I applaud their efforts.

Second, organizations like NENA have worked tirelessly to educate PSAPs and carriers on how to deploy E-9-1-1 and to draw attention to the problems hindering deployment. Without you, we would not be where we are today.

And third, the Commission has made clear that E-9-1-1 deployment is a serious matter. Under Chairman Powell's leadership, we have subjected carriers missing deadlines to aggressive enforcement. We have made it crystal clear that carriers must deploy 9-1-1 location capability in a timely manner and have completed deployment nationwide by 2005.

On a quarterly basis, we continue to thoroughly scrutinize any additional requests for extensions to ensure that the carriers are doing all they can to provide E-9-1-1 capability as soon as possible. If delays are truly beyond the carriers' control, the wireless carriers should not be penalized. Otherwise, carriers know to expect an enforcement action.

However, I recognize that aggressive enforcement is not enough. We still have a long way to go to get to nationwide deployment, and, as recent tragedies illustrate, every day we delay has life-and-death consequences.

On behalf of the Commission, Dale Hatfield completed a comprehensive report on E-9-1-1 deployment at the end of last year. Dale's Report contains a number of important insights and proposals. Among other things, Dale found that "an unusually high degree of coordination and cooperation" among all stakeholders – both public and private – will be required.

I agree strongly with this point. Because of the complexity of deployment and the number of stakeholders involved, deploying E-9-1-1 nationwide by 2005 will take concerted efforts by all of the stakeholders.

Let me talk briefly about some other steps we're taking at the Commission and then discuss the important roles that other stakeholders must play if we're going to deploy E-9-1-1 nationwide by 2005.

F. City of Richardson Orders

One thing the Commission must do is provide greater clarity to our E-9-1-1 rules.

We have taken some steps in that direction in our “City of Richardson” orders. In these orders, we have laid out procedures to address carriers’ concerns that PSAPs will not be ready to receive and utilize location information.

I worked hard to ensure that PSAPs retained important rights in these orders. In particular, it was very important to me that wireless carriers not be able to unilaterally claim that a PSAP is not ready, without input from the PSAP. We thus made clear that the PSAP must agree with the carrier’s claim that it is not ready. Carriers cannot delay their obligations to provide location information if the PSAP objects.

While we still need to do more to make our rules clear – and to help address coordination between carriers and PSAPS – these orders are a good start.

G. Unintentional E-9-1-1 Calls

Another important issue we addressed recently is the problem of unintentional wireless 9-1-1 calls.

These calls, which usually occur by accidentally hitting a pre-programmed auto-dial key, pose a significant problem for PSAPs. They divert scarce public safety resources away from real emergencies – something we can ill afford.

The Commission’s Wireless Bureau recently issued a report on the problem in response to letters from NENA and other public safety organizations. The Bureau found that – thanks in large part to NENA’s efforts – carriers and handset manufacturers were taking steps to address the problem. The Bureau made clear that it would continue to monitor the situation as well as work on educating consumers about the problem.

I am optimistic that increased consumer education and voluntary efforts will be effective here. However, if not, I am more than willing to pursue further Commission action.

H. Non-Initialized Phones

The Commission has also taken steps to address another problem – non-initialized phones. These are phones that have never subscribed to wireless service or that are no longer subscribed. They do not have conventional phone numbers and cannot be called back.

At the same time, however, they may be the only option for dialing 9-1-1 in an emergency. Our rules thus require that such phones be able to dial 9-1-1. But consumers need to know that these phones cannot be called back by the PSAP. And PSAPs need to know when they are dealing with a non-initialized phone.

In April, the Commission issued an order addressing these issues. Among other things, we required that public education programs be instituted by carriers and manufacturers to inform users of the limitations of non-initialized phones.

We also required warning labels on these phones.

We are still hoping for a technical solution that will enable PSAPs to call back non-initialized phones. But, in the mean time, we required non-initialized phones to reveal themselves as non-initialized phones to PSAPs. Specifically, we ordered that non-initialized phones be programmed to deliver a number that will alert PSAPs that the phone cannot be called back.

We are currently considering a reconsideration petition by ESIF – the Emergency Services Interconnection Forum. ESIF proposes that non-initialized phones deliver a different number – “9-1-1” + the handset’s unique electronic serial number.

ESIF’s proposed solution would enable PSAPs to identify different non-initialized phones. It would thus help prevent the misuse of the 9-1-1 system by identifying the source of harassing calls and make clear when a legitimate emergency caller is making multiple calls. I think ESIF’s proposal makes a lot of sense. We should act on it expeditiously.

The Commission has also recently taken some steps to address harassing 9-1-1 calls from non-initialized phones, again in response to letters from NENA and others.

In October, we issued a public notice on harassing calls. In the notice, we made clear that the Commission’s rules in no way preclude PSAPs and carriers from blocking harassing wireless 9-1-1 calls from non-initialized phones.

I know that such calls are a real problem for PSAPs. For example, in my home state of North Carolina, a non-initialized wireless phone made over 3,600 harassing 9-1-1 calls from December of 2001 to January of 2002.

I hope that through the Commission’s notice and by acting on ESIF’s proposal, we can make it easier to find and deter harassing calls.

I. E-9-1-1 Scope Inquiry

One of the most important commission proceedings for the long-term is the E-9-1-1 scope inquiry.

A few months ago, we issued a notice considering whether to extend our E-9-1-1 rules to a host of services that currently are not covered. For example, we are considering extending the rules to mobile satellite phones and telematics services.

Perhaps most importantly, we discuss how PBXs should be treated. I have heard from many people that PBXs can be a significant problem. A phone in a large company’s PBX

system might be anywhere in the country, and the PSAP will have no way of knowing where the phone is. I have heard multiple stories of emergency personnel showing up in the wrong place as the result of insufficient information from PBXs.

This is a serious problem, and we all ought to work together to solve it as soon as possible.

J. LEC Issues

As Dale Hatfield pointed out in his report, some of the biggest operational problems for wireless E-9-1-1 deployment concern Local Exchange Carriers or “LECs.”

LECs generally serve as 9-1-1 system operators, providing trunks, facilities, and services necessary to connect wireless carriers and PSAPs. They also provide the Automatic Location Identification (ALI) databases that are used for wireline 9-1-1 and must be upgraded to accommodate wireless data.

Despite the important roles the LECs play, they are currently not addressed by our wireless E-9-1-1 rules. We have had numerous reports of delays and financial difficulties caused by LECs.

In response, the Commission has made clear to the LECs that they have an obligation to facilitate wireless E-9-1-1 deployment and that we will carefully monitor the situation. If the LECs do not live up to their obligations, the Commission will pursue more formal action.

K. Other Stakeholders

As I stated earlier, however, Commission action alone is not going to get the job done.

All of the stakeholders are going to have to work together to make nationwide E-9-1-1 a reality. PSAPs, equipment manufacturers, wireless carriers, LECs, and State Public Utility Commissions must coordinate their efforts. Full-scale functionality is a collaborative effort.

If, for example, a PSAP is unable to process location data sent by a carrier, the carrier’s tracking capabilities become moot. The same is true if the LEC charges too much for the necessary upgrades. If the PSAP cannot afford to pay for the LEC’s services, the whole system fails.

Thus, we must encourage and assist in cooperation among the various entities involved.

I recognize and am grateful for the tremendous efforts of the public safety community in this area. NENA recently established its Strategic Wireless Action Team (SWAT), which brings together leaders and experts from public safety, finance, policy, technology, and government to establish priorities and benchmarks for 9-1-1 systems, as well as conduct essential outreach and educational activities.

Other commendable efforts are APCO's Project Locate and ESIF, which is sponsored by the Alliance for Telecommunications Industry Solutions (ATIS). ESIF provides a venue for the telecommunications industry, public safety, and other stakeholders to develop and refine technical and operational issues associated with E-9-1-1.

Moreover, Forums such as this one improve the dialogue and information flow between all involved parties.

L. States and Localities

Finally, let me just say a few words about the importance of the states and localities. As some of you may know, I recently advocated preserving the states' role in local telecommunications regulation. The states have done a great job in these matters, in partnership with the FCC.

But with a significant role comes a significant responsibility. And the states have important responsibilities for facilitating E-9-1-1.

First, the states must work cooperatively. Some problems with E-9-1-1 deployment are not limited to state boundaries. States must work together to address these problems, as emergencies often don't respect state lines.

Second, the states must ensure that PSAPs have the financial resources they need to deploy E-9-1-1. These are tough economic times for all of us. And the budgets of many states and localities are in serious jeopardy.

I know that in some places, funds explicitly collected to pay for E-9-1-1 deployment have been used for other purposes.

We must do better. Public safety is critical and one of our most important priorities. We must ensure that public safety officials have the resources they need to do their jobs and protect the public.

At the very least, we must maintain the public's trust and use money collected for E-9-1-1 deployment for those purposes.

And third, the states have an important responsibility with respect to the LECs. The amounts LECs charge PSAPs for the inputs essential to E-9-1-1 generally come in the form of state tariffs. The states need to police these tariffs carefully. They must ensure these charges are fair and not prohibitively expensive.

M. Conclusion

In conclusion, I believe that we will make nationwide E-9-1-1 deployment a reality. But that requires all of us to work together, creatively and cooperatively.

Thank you again for inviting me to speak with you this morning. Good luck with the rest of your conference.