

AS PREPARED FOR DELIVERY

James Arden Barnett, Jr., Rear Admiral (Ret.)
Chief, Public Safety & Homeland Security Bureau
Federal Communications Commission

NENA's Annual
911 Goes to Washington

March 16, 2010
2:00 pm-2:15 pm
(Roundtable runs 2:00 pm-3:15 pm)

NENA Contact:
Patrick Halley
Mobile-202.422.2353
phalley@nena.org

Good afternoon. Thank you, Brian, for your kind introduction. Let me first take a minute to acknowledge the great work NENA does and also the outstanding leadership you have in your CEO, Brian Fontes, and your president, Craig Whittington. Both of them are highly respected in the world of public safety communications, and I consider it a privilege to work with them as we strive to improve public safety communications across the nation.

I was so pleased to be invited here today to participate in the 8th annual “911 Goes to Washington” event. This is an important event for NENA and your partners as you bring the 9-1-1 story to your legislators. Nothing has quite the same impact as first hand accounts of the difference 9-1-1 services and telecommunicators make in people’s lives and the struggles you face in keeping your communities and first responders safe. Thank you for taking the time and making the effort to be here.

I bring greetings from Chairman Genachowski, the other Commissioners and the staff of the Public Safety and Homeland Security Bureau. We value our relationship with NENA and appreciate your efforts in advancing public safety

communications. I appreciate the valuable relationships that you foster with the Commission and other public safety associations.

As you are well aware, this has been an extremely busy year for the Commission and the Public Safety and Homeland Security Bureau. Over the past 13 months we have been “all broadband, all the time” and our hard work has come to fruition because today the National Broadband Plan will be delivered to Congress.

It has been quite a process to gather the proper data to create the public safety portion of the plan. We could not have created a realistic, implementable plan without significant input from public safety. True to form, public safety answered our call for help. You wholeheartedly participated in our workshops and forums and added comments to the record. Because of your contributions, the Plan will have a significant impact on public safety communications. So let me thank you for being visionary, for being innovative, and especially for being cooperative and collaborative.

Everyone in this room can appreciate the fact that safety and security are vital to America's prosperity. With that said, broadband technologies and innovations can help public safety personnel prevent emergencies and respond swiftly, efficiently and effectively when they occur. Broadband can also provide the public with new ways of calling for help and receiving emergency information. These are key components of the public safety portion of the National Broadband Plan.

A cutting edge public safety communications system utilizing broadband technologies will bring many benefits:

- It will allow first responders anywhere in the nation to send and receive critical voice, video and data which will aid them in saving lives, reducing injuries and preventing acts of crime and terror.
- It will ensure that all Americans can access emergency services quickly and send and receive vital information, regardless of how it is transmitted.

- It will revolutionize the way Americans are notified about emergencies and disasters so they receive information vital to their safety.
- It will reduce threats to e-commerce and other Internet-based applications by helping ensure the security of the nation's broadband networks.

As you are well aware, today first responders from different jurisdictions and agencies often cannot communicate during emergencies; 911 systems still operate on circuit-switched networks; and federal, Tribal, state and local governments use outdated alerting systems to inform the public during emergencies. We cannot maintain the status quo on these issues “because that’s the way they’ve always been done.” The way things have always been done is not acceptable in a nation in which technological advances are happening daily and in which the public is relying more and more on those technological advances. The public safety community has to move forward in meeting these new needs and expectations. The public expects, and frankly deserves, a public safety communications system that allows them to reach public safety in an emergency regardless of

the type of device they are using or the type of data they are transmitting. They also expect and deserve a system within which first responders of differing disciplines and jurisdictions can talk with each other in the event of a man-made or natural disaster. Lives depend on these abilities.

Broadband technologies and innovations can help us in that regard, especially when it comes to creating a network by which first responders can effectively and efficiently communicate. For that reason, we believe the time is right for the creation of a nationwide interoperable public safety wireless broadband communications network, and we have recommended such in the National Broadband Plan.

In the Plan, we have suggested an approach that promotes the creation of a nationwide, interoperable, public safety wireless broadband communications network. The hallmarks of this recommendation include ensuring access to sufficient capacity on a day-to-day and emergency basis, leveraging commercial technologies to capture economies of scale and scope, and creating incentives for partnerships with commercial operators, system integrators, and others. To ensure this network affords public safety with the

resiliency, capacity and redundancy they need, our recommendations would enable public safety users to roam and obtain priority access on other commercial broadband networks, based upon reasonable rates.

As you are aware, past efforts to create a public safety broadband network did not succeed. We studied that experience, explored many options, and in the end determined that the best chance for success would be for the Commission to create multiple opportunities and incentives for partnerships with the private sector. We want to encourage network solutions that reduce costs and provide options for the public safety community in leveraging commercial networks, private networks or both. New approaches should also provide the public safety community with competitive choices among commercial partners. Ultimately, a more flexible set of rules should allow a better balance between the needs of the public safety community and the companies that will partner with them to build this network. This approach offers public safety a fresh opportunity to achieve advanced interoperability now without having to wait years for the creation of a stand-alone public safety network.

To get the proposed nationwide interoperable public safety wireless broadband communications network off on the right foot, the National Broadband Plan will call for the creation of an Emergency Response Interoperability Center (ERIC) to ensure applications, devices and networks all work together. ERIC will be housed at the FCC, and both the Department of Homeland Security and the National Institute of Standards and Technology will contribute to ERIC's functions in their areas of expertise. The goal of ERIC is to create an environment in which first responders can communicate seamlessly. ERIC will set the course for interoperability immediately and will ensure that we get this network right from the start. Focusing on interoperability from the beginning will help the public safety broadband network overcome difficulties faced by earlier interoperability efforts. This time we want to "begin with the end in mind" and avoid creating disparate public safety communications systems or networks that will not interoperate or that are not as technologically advanced as they should be. It's time to move forward, and ERIC will help us map the way.

On another note, we are aware that creating these incentives will not be enough for public safety to achieve the network they need, meaning with the required coverage and resiliency typical of today's public safety communications networks. This is why, in the Plan, we have stressed the creation of a grant program which will provide federal support to fund capital expenses and operating expenses of the broadband network over a period of years. In our view, the grant program is necessary to fund network construction, rural coverage, site hardening, and deployable assets such as cells on wheels or light trucks.

You heard me say earlier that we have been extremely focused on the National Broadband Plan, and that also includes recommendations specific to Next Generation 911. We haven't lost focus on other 911 issues, and I will get to those in a moment. Improving 9-1-1 and E9-1-1 services continues to be a very important issue for the Commission, and we are more recently also concentrating on NG911. For over four decades, 9-1-1 has been the public's primary interface with first responders. Thanks to the work of many of you in this room, the nation's 9-1-1 system performs admirably on a daily basis, and we have vastly extended the

reach of the system so that the majority of Americans have the ability to use 9-1-1 to call for help. The public has come to depend on access to 9-1-1 services as a basic public safety service and expects that they will have access to 911 via wireline and wireless technology. But as you know, consumers are increasingly expecting to have access using new methods of communication such as texting, and using new technologies and devices that we are not yet ready for.

One of the FCC's goals is to ensure that all Americans have the ability to use 9-1-1 to call for help, regardless of the technology they use to place the call. To further this goal, the Commission has extended the availability of 9-1-1 services to new communications technologies, such as interconnected VoIP. Additionally, the Commission implemented the NET 9-1-1 Act by issuing rules that gave interconnected VoIP providers rights of access to any and all capabilities that are necessary to provide E9-1-1 service.

Now with the National Broadband Plan, we are including a number of recommendations specific to fostering the transition from today's legacy, voice-centric 911 system to a broadband-enabled, IP-based NG911 network. Our approach begins with a recommendation for the National

Highway Traffic Safety Administration to prepare a report to identify the costs of NG911 implementation, including analysis of the needs of persons with disabilities. We envision that Congress could then use this report to develop a coordinated, long-term grant program.

We also recommend that Congress consider establishing a federal legal and regulatory framework for the deployment and transition to NG911. Our vision is that such a framework would remove jurisdictional barriers, regulatory roadblocks, and inconsistent legacy regulations, while recognizing existing state authorities over 911 services. We also suggest that Congress should consider steps to curtail diversion of 911-related fees for purposes other than 911 services. Along these lines, we recommend that Congress consider amending and reauthorizing the ENHANCE 911 Act with funding for NG911, and to restore and leverage the prior accomplishments of the E911 Implementation Office to help ensure NG911 is deployed in an interoperable and reliable fashion.

In the coming year, the Plan calls for us to commence a couple of NG911-related proceedings. First would be to expand a current proceeding on location accuracy to incorporate issues introduced by NG911 deployments.

Second, we will initiate a Notice of Inquiry that would address the future roles of 9-1-1 and Next Generation 9-1-1 as communications technologies, networks, and architectures expand beyond traditional voice-centric devices. This proceeding will be mindful of meeting evolving consumer expectations when it comes to using non-voice communications, such as texting and multimedia messages, to reach PSAPs, and using new broadband-based devices and applications that are no longer like traditional voice-based phones.

On a related note, the Plan also calls for an FCC proceeding to commence quickly to explore development of a next generation, broadband-based alert system that would enable alternative methods for distributing emergency alerts to the public.

Turning back now to non-Broadband Plan-related 911 issues of equal importance, let me first address the pending location accuracy proceeding, which concerns the geographic area over which wireless carriers should be reporting location information. This proceeding gains increasing importance as more and more Americans are

depending on their cell phones as their central and often sole means of communication. And as more of us move away from traditional landline phones, it's more important than ever that first responders can find us when we call 9-1-1 in an emergency. Compounding this trend is an expectation among the public that a 9-1-1 telecommunicator will know the location of a 9-1-1 caller. This is a problem even when the caller has the time and presence of mind to describe his or her location, because with wireless phones one can be anywhere without any good landmarks. With that in mind, the Commission has a pending rulemaking proceeding to develop more refined location accuracy requirements for wireless service providers.

The 9-1-1 location accuracy proceeding is a priority, and we appreciate the leadership NENA has provided on this issue. For example, NENA and APCO worked together to develop a joint location accuracy proposal with some of the major wireless carriers. Although our broader rulemaking remains pending at this point, the Commission has implemented most elements of this joint proposal in the merger conditions that were adopted for the Verizon-Alltel and Sprint-Clearwire mergers.

We also recently issued a Public Notice to refresh the record in the location accuracy proceeding. In this Notice, the Bureau asked specific questions about recent developments in the industry and in technology. We are pleased that we received a large number of comments in response to the Public Notice, including detailed comments jointly filed by NENA and APCO.

We will have continued dialogue with NENA and others in the public safety community to complete this rulemaking as quickly as possible. And as I mentioned, we will be expanding the broader rulemaking on location accuracy involving potential changes to the accuracy requirements for both wireless and Interconnected VoIP services by exploring how the implementation of NG9-1-1 may impact location accuracy requirements.

In keeping with our focus on new technology, we also recently convened a Working Group as part of the Communications Security, Reliability, and Interoperability Council (CSRIC) to develop technical options to examine current and emerging E9-1-1 location technologies. NENA will be participating in this Working Group and we look

forward to receiving your input. You will hear more about CSRIC and other PSHSB efforts from the panel in just a few minutes.

Another 9-1-1-related proceeding at the Commission concerns the issue of deterring fraudulent and harassing 9-1-1 calls made from non-service initialized phones. Again, NENA played a crucial role by co-authoring the petition that brought this very important issue to the Commission's attention.

As you know, the Commission currently requires wireless providers subject to the 9-1-1 rules to transmit all wireless 9-1-1 calls to PSAPs, including calls from non-service initialized phones which are phones for which there is no valid service contract with a wireless provider. These handsets include prepaid phones with expired minutes, phones under a previous contract that are replaced, phones donated by carriers that are not currently service initialized, and handsets manufactured and sold as "9-1-1-only" phones. Harassing and fraudulent 9-1-1 calls from these non-service initialized phones continue to be a serious problem for PSAPs. These calls disrupt 9-1-1 service and

waste precious public safety resources, which should be devoted to true emergencies.

Although the Commission has previously clarified that our rules do not preclude carriers from blocking fraudulent 9-1-1 calls from non-service initialized phones, carriers have declined to block these calls due to technical and legal concerns. In the meantime, there has been little progress in developing and deploying technical innovations or other procedures to address the problem.

In 2008, the Commission initiated a Notice of Inquiry to enhance our understanding of the extent of the problem. Our next step is to release a Notice of Proposed Rulemaking in the near future seeking further clarification on the best solution, or solutions, to the problem.

In a recent meeting, we were pleased to hear that NENA and APCO have been engaged in discussions with wireless carriers in an effort to explore solutions to block harassing 9-1-1 calls from non-service initialized phones. I would like to commend both associations for taking the initiative to work with the carriers on this issue.

I'd like to now turn to briefly addressing a few other public safety elements of the National Broadband Plan that will further advance the safety and security of our Nation. We have included recommendations to ensure cyber security and the protection of critical broadband infrastructure. This will include expanding outage reporting requirements to broadband service providers, creating a voluntary cyber security certification regime, and implementing with DHS a cyber security information reporting system to foster situational awareness following a cyber attack. We also will launch an inquiry to assess the resiliency of broadband networks to physical failures, and the ability to withstand overloads or severe changes in usage patterns that may occur during extraordinary events such as bioterrorism attacks or pandemics. Finally, as communications migrate from today's existing and highly reliable and resilient infrastructure to new broadband technologies, we will begin an inquiry to understand the standards of reliability and resiliency being applied to broadband networks.

You are witnessing a very exciting year for public safety. The public safety elements of the National Broadband Plan, and the proceedings and FCC actions to follow, will lead to great strides in improving your ability to save lives and property. We appreciate all that you do and look forward to working with NENA and other public safety partners in the years to come. Again, thank you for having me here today. I look forward to answering any questions you have for me or my staff.