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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

February 27, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Powell

I write to express my ongoing concern regarding the Commission's efforts to ensure swift, nationwide deployment of wireless E911 technology. Under section 1 of the 1934 Telecommunications Act, a principal justification for the creation of the Federal Communications Commission was "for the purpose of promoting safety of life and property through the use of wire and radio communication." Unfortunately, as recent tragic events in New York have reminded us, we are concerned that the Commission is falling short of its obligation to meet this charge.

Since the adoption of a Consensus Agreement in 1996 between the cellular industry and national public safety organizations to deploy wireless location technology, the Commission has been responsible for ensuring that this location technology is integrated into our communications network. However, over the past six years, the FCC has changed its rules, extended its deadlines, and granted waivers to almost every carrier in the nation. Because continued delay will only put more lives at risk, the Commission must redouble its efforts to enforce its E911 rules aggressively and to see that wireless carriers act expeditiously to implement this life-saving technology.

The FCC must also recognize that effective implementation of a nationwide E911 network not only requires action on behalf of wireless carriers, but also the active engagement of state and local governments, public safety answering points (PSAPs), and wireline carriers. In particular, we are concerned by reports that state-imposed "E911 fees" paid by consumers are not being spent to make necessary PSAP upgrades, but are instead being diverted to cover other state budget shortfalls; by the complete failure of some states to adopt any cost recovery mechanism to facilitate E911 deployment or to engage in adequate planning for statewide E911 implementation; by the high charges proposed by some wireline carriers for PSAP access to E911 location information; and by new reports highlighting the growing limitations of our existing *wireline* E911 infrastructure.

When Congress passed the Wireless Communications and Public Safety Act of 1999, it expected the Commission to use all means at its disposal to ensure the deployment of a robust, effective, and nationwide wireless E911 infrastructure and to provide effective support and encouragement to states and localities in coordinating and implementing of E911 technology. While I recognize the difficulty of the task at hand, I believe that the FCC, as the guardian of our nationwide communications network, must take a more proactive role to ensure that pace of progress quickens, rather than grinds to a halt.

Time is of the essence. At present, over a third of all 911 calls are made on wireless phones. But in the future, as the number of wireless minutes increases and as more Americans begin to rely on a mobile phone as their only phone, the need to locate individuals who may be unaware of their surroundings or unable to communicate them to emergency personnel will only grow more acute.

Accordingly, I would ask that you provide me with: (1) current, market-specific information regarding the status of nationwide Phase I and Phase II E911 deployment; (2) a summary of Commission efforts to date in assisting carriers, public safety entities, and states and localities with coordination and implementation of Phase I and Phase II E911 location technology, and (3) any proposals for additional authority or resources that would further assist the Commission in facilitating and expediting nationwide deployment of wireless E911 technology.

Sincerely,

Ernest F. Hollings

cc: The Honorable Kathleen Q. Abernathy
The Honorable Jonathan S. Adelstein
The Honorable Michael J. Copps
The Honorable Kevin J. Martin