



# United States Senate

WASHINGTON, DC 20510-0905

June 15, 2005

## VIA FACSIMILE

Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

### **Re: E911 Requirements for IP-Enabled Service Providers**

Dear Chairman Martin:

We write to commend the Federal Communications Commission for its quick action in adopting E911 requirements for Voice-Over-Internet-Protocol (“VOIP”) service providers (WC Docket Nos. 04-36, 05-196). The Commission’s Report & Order makes it clear that VOIP service providers must supply their customers with an immediate solution for E911 services. Your leadership on this issue since becoming Chairman has been outstanding. Few issues are more critical than ensuring that all Americans have full access to 911 emergency services.

Not only are we pleased that the Commission imposed a clear requirement on VOIP providers to provide E911 capability, but the Commission acted appropriately in requiring VOIP providers to notify customers of any limitations with respect to 911 access. The recent tragedies around the nation, which involved VOIP customers who were unaware that their service was not 911 capable, must not be repeated.

As you are aware, we recently introduced companion legislation in the Senate and the House that would build upon the actions your agency has taken to enhance public safety and improve E911 services with respect to VOIP services. In its Report & Order, the Commission decided not to classify VOIP service as a “telecommunications service” and thereby bestow the consequent rights that all other telecommunications service providers enjoy. Thus, the Commission did not ensure that VOIP service providers would have access to the trunks and selective routers of incumbent local exchange carriers. Although we appreciate the Commission’s reliance on third-party access to wireline E911, we believe that a further step in mandating access is necessary. Our legislation addresses this point.

We also note that the Commission expressly declined to resolve issues related to liability. The Commission appropriately stated that liability issues must be addressed by

Congress. Our legislation indeed deals with this issue; it contains a provision that – among other things – would provide VOIP services with the same liability treatment enjoyed by wireline and wireless services in this area.

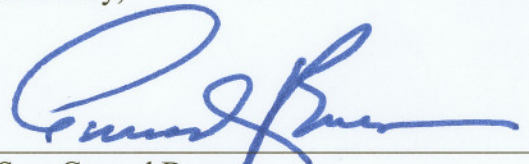
Moreover, we urge the Commission to continue working with VOIP providers, the public safety community, and industry as these requirements are implemented and to seek to find solutions that address challenges that will likely arise. We anticipate that many VOIP providers will not be able to meet the 120-day deadline for fixed services for operational reasons. It will likely take longer than 120 days for the necessary routers and databases to be provisioned. We also anticipate that providers with nomadic services will not be able to meet the E911 deadline because the technology to provide location information for VOIP phones is not yet in place. It is going to take much hard work on the part of all stakeholders to ensure success. But the Commission clearly has taken the right first step with a very clear and thoughtful order.

As always, we look forward to continuing to work with the Commission on these and other critical public safety communications issues.

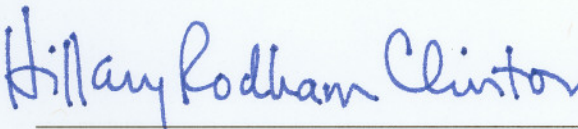
Sincerely,



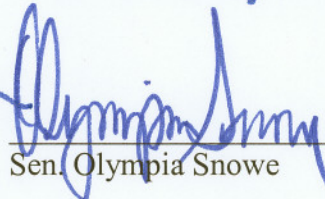
Sen. Bill Nelson



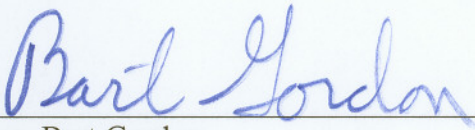
Sen. Conrad Burns



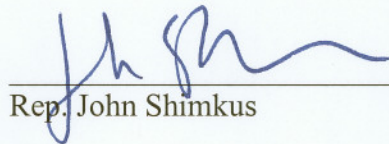
Sen. Hillary Rodham Clinton



Sen. Olympia Snowe



Rep. Bart Gordon



Rep. John Shimkus



Rep. Anna Eshoo

cc: Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein