

**REMARKS OF
FCC COMMISSIONER MICHAEL J. COPPS
9-1-1 GOES TO WASHINGTON CRITICAL ISSUES FORUM
FEBRUARY 28, 2005**

Thank you, Greg, for that very nice introduction and for all you do to advance a reasoned and visionary telecom policy for all our citizens. Greg and I worked together as Assistant Secretaries of Commerce in the Clinton Administration, so I know first-hand the intelligence and good judgment he brings to whatever he does. Let me also thank Steve Seitz and our friends at NENA for putting this event together and for inviting me over. We're proud of the work NENA does. You provide a powerful and important voice in Washington. We find ourselves in my office calling on Steve and NENA more than ever these days. NENA gives your issues high profile across town; it always gives us high-quality input; and we sit up and take notice when NENA takes a position. So today I want to commend you and thank you for the hard work each of you does every day to make the country safer. You have accomplished a lot.

At the same time, I want to recognize and talk about just how much work still awaits us. I am thinking especially of 9-1-1 and I am thinking of it today in the context of homeland security. 9-1-1 needs to be seen as a critical component of the overarching responsibility we have to improve homeland security. We have made progress on 9-1-1 specifically and on homeland security more generally, that is true. But we still have so far to go.

So first, let me talk about the larger universe of homeland security issues, and then I'll address some 9-1-1 issues more specifically. We're coming up one week from next Friday on the three and a half years mark since our country was attacked by terrorists on that murderous 9/11. It's a time for us to pause and take stock, as we should frequently do. It's a time to ask ourselves where we stand in making our country less vulnerable—and to decide where we go from here.

The 9/11 Commission Report that came out last year helps us with both these challenges. That Report lays out, in chilling detail, a state of communications unreadiness that seriously inhibited the country's ability to respond on that terrible day. But, three and a half years later, it also lays out a chilling picture of the state of our communications unreadiness today. We're not ready for next time yet. There is much work to do to make sure that our citizens—particularly first responders like you—are able to communicate better when we are attacked again. And most serious observers think it is a question of “when” rather than a question of “if.”

The 9/11 Commission Report discussion of communications issues breaks down into three general areas. First, the Report discusses how New York's Fire Department experienced massive communications problems on 9/11. Its radios performed poorly because they were unable to penetrate the steel and concrete floors separating fire companies trying to talk to one another, and so many companies were trying to get in touch on the same point-to-point channel that communications became, in the word of the

Report, “unintelligible.” Second, the report explains how interoperability problems plagued rescue operations in both New York and at the Pentagon and stresses how important it is to find ways for different emergency responders, at the municipal, state and federal levels, to talk to each other no matter what the situation. These are not problems for only New York City, of course. And New York City has made great strides in the past few years. No, these are national problems. We need to create more reliable and redundant public safety communications systems throughout the country.

Discussing critical infrastructure generally, the *Report* concludes that, despite the lessons of 9/11, America’s critical infrastructure remains all too vulnerable. Industry, the *Report* says, “remains largely unprepared for a terrorist attack.” It goes on: “We were also advised that the lack of a widely embraced private-sector preparedness standard was a principal contributing factor to this lack of preparedness.” The *Report* refers to an ANSI standard for general private sector preparedness, but we in the communications sector need to look more closely and specifically at our own particular preparedness needs.

It has been three and a half years since 9/11. What have we done to shore up the problems that have been identified? Well, in that time, the FCC has allocated spectrum to public safety; begun the process of bringing tools like RFIDs and ITS to the country; struggled with issues like CALEA and 800 MHz; and, of course, begun to implement E911. We have convened councils with industry. Advisory committees have had meetings and our government partners have begun to reorganize themselves. But none of this is a work accomplished. It is all very much a work in progress. It has already been a long process, but let’s always remember that time is no friend when it comes to terrorism. Reorganization tomorrow is not enough. Voluntary best practices, if implemented quickly, are fine, but untimely implementation may be no protection at all. So when voluntary efforts fail, mandatory implementation may best serve the public interest. We learned that with the rules that implemented E911. *The 9/11 Commission Report* minces no words about the lack today of public and private sector readiness for another attack. Homeland security is not business-as-usual or government-as-usual. Meetings, NOIs and draft best practices can only take us so far. We must be focused on implementing integrated solutions. And our actions need to be part of an overall strategic plan. The safety of the people is always the first obligation of the public servant.

Don’t misunderstand me. The FCC is working hard. We have the best people and expertise in the government on communications issues. But the government is still working on developing a well-understood, aggressive, nationwide plan to ensure that *every* public safety organization has access to a reliable system that they can use *anywhere*, to talk to *any* other first responder, in *any* emergency. That just doesn’t exist today. But it can and it should exist and, really, it must. Such a plan would have specific deliverables and timetables. And it would provide absolute clarity on where the FCC fits in. I think we fit in at the forefront in developing communications solutions. The country has waited, and we have waited, too long for others to get moving. The GAO states that “a fundamental barrier to successfully addressing interoperable communications problems for public safety has been the lack of effective collaborative,

interdisciplinary, and intergovernmental planning.” House Government Reform Subcommittee Chairman Christopher Shays has called on the FCC to take a more active role and says it’s going to be costly if we don’t. There is a void out there to fill, and I believe this agency needs to fill it. We have seen some good progress lately, with the report issued by DHS and the planned inter-agency organization on public safety communications. But these efforts must have the funding they need to do a complete job and they must make more aggressive use of the government’s best experts. These are front-burner challenges, but I’m afraid they are not viewed that way by everyone.

No one entity can resolve the public safety and interoperability problems alone—not the private sector, not the federal government, not local public safety organizations which are so often starved for funding. What is needed is a collaborative approach. But as part of such an approach, I think we have to consider having the FCC play a far more active role. I believe that the FCC should create an office that focuses exclusively on helping local public safety organizations to share ideas, vet proposals, prepare plans and coordinate them with both government and industry. Why should every jurisdiction have to start at square one when others have already done a lot of work? If we lack the resources for the Commission to do this, maybe Congress would help us. We won’t know unless we ask.

I also think we need to affirm in a more tangible way that the FCC is committed to doing its part. Toward this end, I believe that the incoming Chairman of the Commission should appoint one of his fellow Commissioners to lead the Commission’s efforts. You know, the FCC is not mentioned in *The Report of the 911 Commission*. While some may think that’s because we’re doing what we are supposed to be doing, I would feel better if our efforts had achieved sufficient visibility to at least garner a mention or two in that comprehensive *Report*. We need a higher profile because the Commission has more to contribute than it has been asked or prodded to do so far. There is precedent for what I propose because this is the structure that Chairman Kennard created when he appointed then-Commissioner Powell to lead our preparation for the Year 2000 Problem. That appointment gave visibility, leadership and priority to the Commission’s important role in meeting the Y2K challenge. I think it is a good and admirable model for us to follow now.

The *Report* also recommends legislation to increase the assignment of spectrum for public safety. Freeing up new public safety spectrum gets us real quickly to the digital TV transition, of course, and we all know that the implications of this transition will be complicated. The Commission needs to be working with Congress on this. The FCC can help make sure the spectrum transfer is done right by providing Congress with the best possible understanding of what spectrum deficiencies public safety confronts, exactly how much spectrum public safety requires, and what frequencies will serve it best. It may surprise you, but I have never seen a survey of exactly what spectrum public safety is using today, which frequencies are working and which are limited by their physical characteristics or interference, and, critically, where the interoperability channels are. Nor do we have a real feel for how much spectrum public safety needs, what frequencies they need, which areas of the country are most overcrowded, and how to

make interoperability work better with the resources we have today. These are important things to know—each of them—and it is important to know them now. We can continue to move forward without this, I suppose, but why hasn't either the FCC or the Department of Homeland Security long since given such a survey to Congress so it has the tools to do its job as well as possible?

There is one other homeland security concern we are not adequately addressing, and that is how to integrate our hospitals, health centers, and doctors much more closely into the emergency response communications system. If this isn't part of what interoperability should be all about, then I don't know what is. I have visited hospitals and emergency responders in big cities and small towns, and I have also visited the CDC in Atlanta. All these facilities recognize the importance of fast and reliable communications, especially in the event of a biological attack. But I don't see that many hospitals, especially in rural America, have a reliable two-way communications system that allows them to communicate with local and federal law enforcement and emergency personnel in a crisis. Even when they do have dedicated systems, they are seldom redundant, and most are based on the public network, which is unreliable in emergencies, as 9/11 and the more recent East Coast black-out proved. Can you imagine what would happen in a biological attack if our hospitals were unable to communicate with first responders, 911 call-takers, federal authorities and each other? The FCC should address this problem and help find a solution, and while have done good work in updating the rural healthcare funding mechanism, it's going to take more than that to get this larger problem solved. We can also play a helpful role here by acting as a facilitator, a convener, or a clearinghouse for ideas—being a place where health care providers can share and vet ideas and talk with one another. As I mentioned with regard to other public safety responders earlier, why should every such facility have to start at square one when they could be building on the lessons learned by others? Wouldn't bringing people and ideas together and sharing experiences save the country both time and money—not to mention the possibility of saving many lives?

Now let me spend a few minutes on 9-1-1 issues more specifically. We have a big year ahead of us. First, we have the December 31, 2005 deadline for handset-based E911 roll-out. Ninety-five per cent of the embedded base of the nationwide carriers' phones must be E911-compliant by then. FCC Wireless Bureau Chief John Muletta recently said at the January Open Meeting, in response to a question from me, that the reports we have received show that the carriers will meet this deadline. I'll be watching that closely because this is critical.

Second, we have to make sure that PSAPs have the resources they need to be ready to accept Phase 2 E911. Too often states have taken money that should go toward this preparation and used it for other purposes. We need a more consistent 9-1-1 system throughout the country, especially for wireless because traveling callers may be surprised to find the level of service they receive on the road is different from what they have at home. We worked hard to get the companies to spend a lot of money to get their systems ready, and many, many PSAPs have worked incredibly hard under tight budget conditions to do the same. When 9-1-1 funds are raided for other purposes, the whole

system suffers. So the FCC should be using its bully pulpit more effectively to educate everyone as to why taking this money away from PSAPs creates perils for public safety. The message should be clear--raiding public safety funds endangers the public interest.

Third, we have work to do on the rural front. Some small carriers have unique problems that make meeting our requirements particularly difficult. We need to recognize these situations and face up to the challenges. On the other hand, we are talking about public safety, and that must be our top priority. So I believe that a case-by-case approach to this problem, with guidelines so people know what we will be looking at, may serve us best here. There will be some circumstances where we will have to be flexible. There will be others where the rules must stand. In either case, the FCC has instituted a system wherein rural carriers and PSAPs can share best practices with carriers and PSAPs that have successfully upgraded their systems. That's a process I hope to see used even more because it makes available to everyone examples of plans that can be accomplished effectively.

Fourth, we have a real challenge with VOIP. A recent tragedy in Texas reminds us all that the stakes are very high. Press reports indicate that a family in Houston was attacked by a burglar last month. The father and mother were shot. While the attacker was still in the house, their daughter tried to dial 9-1-1 on their VOIP line and a recording informed her that 9-1-1 was not available. We are still gathering information on exactly what happened and on the circumstances of 9-1-1's unavailability. Let me be the first to say that I do not have a ready answer for the VOIP 911 question. Certainly we need to understand that VOIP doesn't use the same technology as the circuit-switched network and this should be reflected in our rules. And we need to figure out when one player offers an application and another is a service provider. But let me also say this. This problem has to be fixed. And it has to be fixed soon. It is simply unacceptable that a child can pick up a phone and dial 9-1-1 to get the police in an emergency and instead she gets a recording saying that 9-1-1 is not available. A 9-1-1 call can be the single most important call that child, or any of us, ever makes. So it is our solemn and pressing obligation to make sure that it is available and that it works. I know you are working on this, and I want to commend NENA and the VON Coalition for the serious effort they are making to get us what the country needs. It is a partnership that can make a real difference. Keep up the good work; keep us posted; and let me know, please, how you think I can help the effort.

Finally, and this is important as we proceed on all this, let's keep the needs of America's disabilities communities very much in mind. Millions of Americans in these communities stand to benefit greatly from advances in technology generally and from E911 in particular, but as you proceed, make sure they're included in your planning from the get-go and make sure your systems work for them.

Let me conclude by saying that I am eager to assist, in any way I can, making the FCC a more central part of the solution to each of these problems. The extent of its involvement will vary from instance to instance, but ensuring the public's safety is all our jobs. And, when terror strikes its ugly hand again, we should have compiled the record to

make clear that neither the private nor the public sector was asleep at the switch. We have a lot of work to do. We have interoperability, critical infrastructure protection, the integration of our healthcare system into our emergency communications system, the 2005 E911 deadline, E911 for rural carriers, and emergency calls on VOIP. We need your help on each and all of these challenges. We need it now. I hope you all know that my door is always open to you. Together, we can get this job done.

Thank you.