

Testimony of

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on

“Oversight of FirstNet and Emergency Communications”

before the

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Subcommittee on Communications & Technology

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Chairman Walden, Ranking Member Eshoo, and members of the Subcommittee, on behalf of CTIA – The Wireless Association® (“CTIA”), thank you for the opportunity to speak with you today on the subject of emergency communications. The wireless industry serves as an increasingly important link between citizens and public safety officials and we all have an interest in ensuring that this link is as vibrant and reliable as possible.

Today, my testimony will focus on two areas. First, I want to provide the Subcommittee with an update on the Wireless Emergency Alert program, a real public-private success story. Second, I want to urge you to work with us and other interested parties to create a uniform national baseline for liability protection for NG911 services.

The Wireless Emergency Alert program is an outgrowth of this Committee’s efforts to enact the Warning, Alert and Response Network (or WARN) Act, which became law as Title VI of the SAFE Ports Act in October 2006. CTIA supported enactment of the legislation, which we believe struck a reasonable balance by attempting to augment the existing emergency alerting system without imposing new cost or technology mandates on the wireless industry. This approach was consistent with, and built upon, previous public-private partnerships that led to the successful creation of Wireless Priority Service (a collaborative effort between the National Communications System and the wireless industry) and the AMBER Alert program (a joint effort involving the Department of Justice, the National Center for Missing and Exploited Children, and the wireless industry).

In the period since the WARN Act’s enactment, we have worked through an advisory committee process, a rulemaking process at the FCC, standards-development, coordination with FEMA, and now deployment. The result of these efforts is a nationwide alerting system that enables participating providers to transmit three classes of alerts – Presidential, Imminent Threat, and AMBER alerts – to consumers with WEA-capable handsets.

While the process of bringing WEA to life was a lengthy and complicated process, I am pleased to say that the results of the WEA program justify the effort. Just last month alone (February 2013), the National Weather Service sent 100 tornado alerts, 80 blizzard alerts, 40 flash flood

warning alerts, and five ice storm alerts. In addition to these weather-related alerts, last month also saw the first successful recovery of an abducted eight-month old child as a result of an AMBER Alert sent over the WEA system. As Minnesota's Public Safety Commissioner observed after that young child was recovered, "Wireless Emergency Alerts are another important way to ensure the public receives vital information right away, wherever they are."

WEA is working as this Committee envisioned that it would, with participation by carriers serving more than 97 percent of wireless subscribers. The program's utility will only grow as additional WEA-capable handsets are deployed and the carriers and FEMA work toward the deployment of even more granular geo-targeting capabilities. With this in mind, CTIA urges Congress to support the WEA program and resist calls to allow FEMA or the FCC to impose new technology or participation mandates that could threaten the public-private collaboration that has produced a 21st century complement to the television and radio alerts we all grew up with. Those alerting mechanisms remain valuable, but are inadequate to serving today's highly mobile citizenry. WEA fills the gaps by reaching those not within reach of broadcast signals and for this reason we hope this Committee will continue to support it.

The second issue we commend to the attention of the Committee is the need for clear, comprehensive, standardized, nationwide limitation of liability protection for all entities participating in any aspect of emergency services, including Text-to-911 and Next Generation 911 ("NG911") services. The record in the recent proceeding that led to the FCC's *Report to Congress on the Legal and Regulatory Framework for Next Generation 911 Services* demonstrates widespread support for updating the liability protections that backstop the 911 system and suggests that a failure to do so could hamper the transition to NG911.

The reason for these concerns is that the existing protections flow from the state-based protections originally granted to wireline providers in the 1970s, 1980s, and 1990s. The protections were extended to wireless providers and VOIP providers under federal law, but they vary by jurisdiction. In addition, merely extending the "patchwork" of state legislation to 9-1-1 service providers is insufficient because states vary significantly in terms of the duties of care and potential liabilities imposed on 9-1-1 activities. CTIA, and others, believe that as the

NG911 system continues to evolve, it is time for a comprehensive effort to establish a nationwide, overarching, platform-agnostic federal liability standard. There is a general expectation that robust, reliable E911 and ultimately NG911 services should be available to every consumer, irrespective of what jurisdiction he or she may be in at the time a call for help is necessary. A corollary to the expectation that NG911 should be available ubiquitously should be the idea that providers are covered by a similarly ubiquitous, reliable, consistent standard for liability protection.

The need for federal engagement on this issue is highlighted by the recent commitment by the four national wireless carriers - AT&T, Sprint, T-Mobile, and Verizon – to the FCC that they will develop and deploy text-to-911 capabilities. If successful, this voluntary framework will provide near-term opportunities to meet the emergency communications needs of wireless subscribers who currently rely on Short Message Service (“SMS”) for everyday communications and individuals who are deaf, hard of hearing, or speech impaired. In its recent *Report to Congress*, the FCC specifically called for extending “liability protection ... to any entity that is providing NG911 services on a voluntary basis,” as is the case with the national carriers’ commitment. The industry is working hard to bring this capability to consumers; Congress can support this effort by ensuring that carriers and others involved in the provision of these services are covered by appropriate liability protections.

CTIA and its members look forward to working with the Committee on these issues and other matters intended to promote secure, reliable emergency communications services. Thank you for the opportunity to be a part of today’s hearing.