



TELECOMMUNICATIONS

SNAP UPSMdate

July 26, 2010

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VOIP & SOCIAL POLICY OBJECTIVES

Washington, DC: The FCC celebrated the 20th anniversary of the Americans with Disabilities Act (“ADA”) this month. The FCC held a Technology Showcase featuring exhibitors with telecommunications technology aimed at helping those with disabilities. The Telecommunications Act of 1996 required all telecommunications companies to make telecommunications service and equipment accessible to people with disabilities, if readily achievable. The FCC has repeatedly asked if these obligations should extend to VoIP services.

In 2007 the FCC decided that Telecommunications Relay Service (“TRS”) obligations would extend to “interconnected VoIP” service. The FCC also found that “interconnected VoIP service” was subject to other social policy objectives including 911 emergency calling, CALEA, and

Universal Service Fund (“USF”) obligations.

The IP-Enabled Voice Communications and Public Safety Act of 2007 (the “Act”) amended the Public Safety Act of 1999 making it, “the duty of every [VoIP] provider engaged in interstate or foreign communication to provide 911 service, including enhanced 911 service, to its subscribers.” Additionally, The “New and Emerging Technologies 911 Improvement Act of 2008” sought “to enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation’s transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.”

Enhanced 911 (“E-911”) is a version of the 911 emergency services provided by

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traditional phone companies. This service is supposed to automatically transmit the name and address of a caller to a local dispatch center. However, VoIP calls do not always get the same access when hooking into 911 services that a commercial mobile service does. Although these laws were meant to ensure better access to E911 services for VoIP customers, it also ensured that states could collect fees for 911 or E911 services from VoIP providers as long as the fees did not exceed those imposed on subscribers of other services.

However, despite these legal requirements, last year the FCC concluded that TRS providers would be in compliance with the Commission's emergency call handling requirements if they conveyed emergency information orally. Thus, they had no requirement to have equipment capable of

approximating or tracking an emergency caller's location. This decision came despite technology available that would enable 911 operators and emergency service personal to be able to track a VoIP caller's location. However, this technology is very expensive and difficult to implement across agencies.

This month's celebration of the 20th anniversary of the ADA should act as a reminder to the FCC that there is still a long way to go in order to ensure that telecommunications and VoIP providers are providing all consumers with equipment that will be reliable and useful in case of an emergency.

If you have questions about this issue, or if we may be of assistance to you, please feel free to contact us.

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