

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Revision of the Commission's Rules to ) IB Docket No. 99-67  
Ensure Compatibility with Enhanced )  
911 Emergency Calling Systems )

**Supplemental Reply Comments of  
The Boeing Company**

The Boeing Company (“Boeing”), by its attorneys, hereby provides supplemental reply comments in response to the International Bureau’s public notice regarding E911 requirements for satellite systems.<sup>1</sup> In particular, Boeing replies to the assertion made by the National Emergency Number Association (“NENA”) that the Wireless Communications and Public Safety Act of 1999 (“1999 Act”)<sup>2</sup> has removed the Commission’s discretion to exempt mobile-satellite services (“MSS”) and aeronautical mobile-satellite services (“AMSS”) from the use of 9-1-1 to originate emergency calls in the United States.<sup>3</sup> Contrary to the assertion of NENA, nothing in the legislative history of the 1999 Act supports the assertion that Congress intended to apply the 1999 Act to MSS and AMSS services, or that Congress intended to overrule the Commission’s already existing exemptions for aeronautical and MSS services.

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<sup>1</sup> See Public Notice, International Bureau Invites Further Comment Regarding Adoption of 911 Requirements for Satellite Services, DA 00-2826, IB Docket No. 99-67 (Dec. 15, 2000).

<sup>2</sup> Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1236, *amending* 47 U.S.C. §§ 222 and 251(e) (“1999 Act”).

<sup>3</sup> See Comments of the National Emergency Numbering Association, IB Docket No. 99-67 (filed Feb. 20, 2001) (“NENA Comments”).

In its comments in this proceeding, NENA asserts that the 1999 Act “may have removed the Commission’s discretion to exempt maritime and aeronautical services, and that analogizing GMPCS to them (for purposes of exemption) is no longer permissible.”<sup>4</sup> This assertion, however, is not supported by either the text or the legislative history of the 1999 Act. The statute itself simply creates a 9-1-1 numbering requirement for “wireline and wireless telephone service.”<sup>5</sup> That term is nowhere defined in the 1999 Act or elsewhere in the Communications Act, nor is there any indication in these statutes that such terminology would include aeronautical radiocommunication services, either satellite- or terrestrial-based. At a minimum, the use of the word “telephone” would appear to indicate that only voice services (not data or internet services) would be subject to the requirement.

Furthermore, nothing in the House or Senate Reports that resulted in the passage of the 1999 Act indicates that Congress had MSS or aeronautical services in mind when it considered the legislation, or that Congress had any intent to remove the Commission’s discretion to exempt such services. Nowhere in the legislative history of the 1999 Act does Congress mention MSS or aeronautical services. For example, in discussing the need for legislation the Senate Report only cites the uncertainty that may be inflicted on highway motorists by the use of different emergency numbers by individual states and local governments.<sup>6</sup> Similarly, the House Report on the companion bill in the House of Representatives, H.R. 438, focuses solely on motor vehicle and highway safety as prompting the need for legislation.<sup>7</sup> Although certainly aware that

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<sup>4</sup> *Id.* at 3.

<sup>5</sup> *See* 47 U.S.C. § 251(e)(3).

<sup>6</sup> *See* S. Rep. No. 106-138, at 1-2 (1999).

<sup>7</sup> *See* H.R. Rep. No. 106-25, at 5 (1999).

satellite-based and aeronautical services were already in existence, Congress did not indicate that such services prompted any need for legislation, nor that it sought to extend 9-1-1 regulations to MSS or aeronautical services such as AMSS.

The absence of any mention of aeronautical or MSS services in the text or legislative history of the 1999 Act undermines NENA's assertion that the 1999 Act removed the Commission's discretion to exempt such services. On the contrary, it is axiomatic that if Congress wishes to make a sweeping change in the law, it will do so explicitly. Congress undoubtedly knew of the Commission's exemption of aeronautical and MSS services when it passed the 1999 Act, yet nowhere in the 1999 Act or its legislative history does Congress provide any indication of its intent to overturn this exemption. The language cited by NENA in support of its assertion that the 1999 Act removes the Commission's discretion to exempt aeronautical and MSS services is vague at best. Without a doubt Congress intended the provisions of the 1999 Act to apply to terrestrial cellular-based wireless telephone services. There is no explicit indication, however, that Congress intended the provisions of the 1999 Act to apply to aeronautical or satellite-based MSS services without any regard to the Commission's discretion to provide an exemptions when justified by technical or policy considerations. If Congress truly intended to remove all such Commission discretion, it would have explicitly said so.

On the contrary, the only clear statement by Congress in this regard supports the proposition that Congress did not intend to change the exemptions already established by the Commission for MSS and aeronautical services. In the regulatory impact statement contained in the Senate Report it states that "[t]he Committee believes that [the 1999 Act] will not subject any

