



May 25, 2004

The Honorable Michael Powell  
The Honorable Kathleen Abernathy  
The Honorable Jonathan Adelstein  
The Honorable Michael Copps  
The Honorable Kevin Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Commissioners:

Last September, the United States District Court for the Northern District of Illinois ("the Court") issued an order asking the Federal Communications Commission (FCC) to clarify FCC rules<sup>1</sup> adopted in 1999 to increase the likelihood that emergency 911 calls are efficiently and successfully transmitted to a 911 operator. More specifically, the Court asked the FCC to define "call completion," that is, what a cell phone operating in analog mode must accomplish to properly deliver emergency calls to 911.

Today, we are writing to strongly urge the Commission to reaffirm its ruling from 1999 and advise the Court that call completion means that an emergency 911 call from a cell phone operating in analog mode is actually delivered to the facilities of the local landline telephone company. In essence, as the Commission stated in the press release in which it announced this ruling, call completion ensures that an emergency cell phone call will ring at the 911 location.

One of the most compelling reasons why people have a cell phone is safety. Older cell phone users in particular value the security that a cell phone provides them. In fact, according to an AARP Public Policy Institute report<sup>2</sup>, cell phone users age 65 and older are most likely to say that security in case of an emergency is the reason they have a cell phone. In comparison, the reason most often cited by younger users is that cell phones offer the convenience of being able to make calls from anywhere.

Unfortunately, making a 911 call on a cell phone is not as reliable as it should be. In this regard, a 2003 survey by Consumer Reports found that 15 percent of the cell phone users who responded to the survey and who attempted to call 911 from their wireless phones had some sort of problem, including 2 percent who only reached 911 after using another handset and 4 percent who never reached 911 at all.<sup>3</sup> AARP is concerned that the failure

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<sup>1</sup> *Second Report and Order in Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, 14 FCC Rcd 10954 (June 9, 1999).

<sup>2</sup> *Understanding Consumer Concerns about the Quality of Wireless Telephone Service*. Washington, DC: AARP Public Policy Institute, 2003.

<sup>3</sup> "Will Your Cell Phone Reach 911?" *Consumer Reports*, 68 (February 2003).

to successfully deliver emergency 911 calls may be a factor in many injuries and fatalities in the United States.

In 1999, the FCC sought to promote public safety with the adoption of the *Second Report and Order* in the *Enhanced 911 Emergency Calling Systems Docket*. In that Order, the FCC declared that 911 call completion difficulties are a "significant public safety problem" and that the capability of a cell phone to complete 911 calls over more than one cellular system is important for the security and safety of cell phone users. Moreover, the FCC decided that if a cell phone does not successfully deliver a 911 call to the local landline telephone company within 17 seconds after the call is placed, it must switch to a competitor's cellular system and attempt to complete the call.

Some cell phone manufacturing and service companies acknowledge that many cell phones do not meet this standard, but they contend that compliance with FCC rules requires something less than the successful transmission of a 911 call to a landline carrier. They argue that a 911 call is "complete" if a voice or traffic channel is assigned to the cell phone within 17 seconds, even though the call has not necessarily been delivered to the landline carrier. This view is both inconsistent with FCC rules and dangerous for cell phone users.

In fact, the Order specifically states that merely assigning a voice channel to a cell phone is only part of the process. If the caller and the 911 operator are to communicate with each other, the cell phone's voice channel transmission must also be received by the landline carrier. This is why the Order is unambiguous<sup>4</sup> in its requirement that both of these two basic call processing tasks be performed and completed within 17 seconds after the call is placed or the cell phone must seek to complete the call over a competitor's cellular network.

We appreciate your timely consideration of this important issue and urge you to continue to promote the public safety by advising the Court that call completion means that an emergency 911 cell phone call is actually delivered to the facilities of the local landline telephone company. If you have any questions, please feel free to call me or contact Jo Reed in Federal Affairs at (202) 434-3800.

Sincerely,



David Certner  
Director  
Federal Affairs

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<sup>4</sup> *Second Report and Order*, at footnote 52.