

Section by Section - IP-Enabled Voice Communications and Public Safety Act of 2005  
May 10, 2005

**PURPOSE:** To promote and enhance public safety and to encourage the deployment of IP-enabled voice services.

**Section 2 (a) - Emergency Services**

Authorizes the FCC to prescribe regulations to obligate IP-enabled voice services to provide 911 and enhanced 911 services to their customers, with an appropriate transition period, taking in consideration industry standards, including network security.

**Section 2(b) Non-Discriminatory Access to Capabilities.**

Each entity with ownership or control of the necessary 911 infrastructure shall provide requesting IP-enabled voice service providers access to those equipment, databases, network and related capabilities necessary to deliver and complete 911 and E911 calls, including related data, at just and reasonable, nondiscriminatory rates, terms and conditions and on an unbundled basis. Such access shall be consistent with industry standards.

**Section 2(c) State Authority**

Clarifies that nothing in the bill, the Communications Act of 1934 as amended or Commission rules or orders, prevents states, localities or Indian tribes from imposing or collecting 911 fees and levies from voice service providers, including IP-enabled voice services, on an equitable and non-discriminatory basis, if no portion of the revenue is diverted for non-911 purposes.

**Section 2(d) Standard**

Limits FCC's authority to do a 911 rulemaking to regulations that are technologically and operationally feasible.

**Section 2(e) Customer Notice**

Prior to compliance with the rules, IP-enabled voice service providers must provide a clear and conspicuous notice to each customer if 911 services are not available at time of contracting of the service.

**Section 2(f) Voice Service Provider Responsibility.**

IP-enabled voice services providers have the sole responsibility for the proper design, operation and function of the 911 services provided their customers.

**Section 2(g) Parity of Protection for Provision or Use of IP-enabled Voice Service**

Provides immunity from liability, to the same extent as provided to local telephone exchange companies, for providers of **IP-enabled 911** service. Provides immunity for users of **IP-enabled 911** service to the same extent as provided to users of **911** service that is not **IP-enabled**. Provides immunity for PSAPs to the same extent as provided PSAPs in regards to 911 communications that are not IP-enabled.

**Section 2(h) Delegation Permitted**

Authorizes the Commission to delegate to the State commissions implementation and enforcement of the national 911 rules.

**Sec. 3 Migration to IP-Enabled Emergency Network**

Requires the National 911 Implementation and Coordination Office to develop and report back to Congress on a national plan for migrating to a national IP-enabled emergency network, including potential benefits, barriers, proposed timetable, costs and potential savings, specific legislative language, and recommendations for legislative changes needed to facilitate deployment of such a network. The Office shall consult with the public safety community, technology and telecommunications providers and others

**Sec. 4 Definitions**

Section defines the terms used in the bill. IP-enabled voice services are defined as real-time 2 way or multidirectional voice communications offered to a customer that uses a North American Numbering Plan telephone number and has a 2 way interconnection or otherwise exchange traffic with the public switched telephone network.