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TESTIMONY OF MONTANA PSC CHAIRMAN GREG JERGESON GREAT FALLS FIELD HEARING ON S. 1063 – VOIP/E911 BILL SEPTEMBER 1, 2005

Montana citizens who dial 911 expect to be connected to emergency services personnel. This expectation exists no matter what kind of telephone service they are using – wireline, wireless or the newest telecom technology, broadband/VOIP. This bill goes hand in hand with, and strengthens, the recent FCC action to require VOIP companies to provide their customers with the same E911 calling capability that other telephone companies provide.

It is essential to public safety that VOIP providers be required to make this vital emergency service available to all of their customers without delay. This bill does that, and more. It also recognizes that traditional phone companies own the existing E911 infrastructure and mandates that those companies give VOIP providers access to their 911 networks on a nondiscriminatory basis and at reasonable rates. And, just in case there is any ambiguity in current law about the FCC's authority to act on VOIP E911, this bill explicitly provides the FCC with that authority.

From my perspective as chairman of a state public service commission, it is important to retain the provisions in the bill that recognize the role of states in the provision of E911 emergency services. In particular, Section 2(h) of the bill, which permits the FCC to delegate implementation and enforcement of the national 911 rules to state commissions, should be retained. State commissions are the agencies best situated to implement and enforce national 911 standards concerning the telecommunications providers operating in their states.

In addition, Section 2(c) clarifies that nothing in the bill or in federal law or rules prevents states from collecting 911 fees from VOIP phone companies, in the same way fees are collected from other phone companies, if none of the collected revenue is diverted for non-911 purposes. This, too, is an important feature of this bill. Certainly the state of Montana should be able to require VOIP companies to share the same responsibility for supporting Montana's 911 program as other types of phone companies currently do.

I note for the record that the National Association of Regulatory Utility Commissioners, which includes the Montana PSC, adopted a resolution at its summer meeting that commended you for introducing this legislation and stated the organization's commitment to working with Congress, the FCC and the industry on this issue. I've attached a copy of the NARUC resolution to my testimony. NARUC is particularly interested in preserving the productive state commission role in arbitrating and enforcing interconnection to 911 and E911 trunk lines and hopes to clarify that role as this bill moves forward.

As final observation, I would note that this bill and its requirements that all service providers share in the delivery of this essential universal service demonstrates that the distinction some would make between information services and telecommunications services is, in fact, a distinction without a difference.

I support this bill and can think of no reason why it shouldn't be enacted without delay by Congress. I commend Senator Burns for sponsoring it as well as for his continuing support of Montana's E911 program. Thank you for the opportunity to testify.