



G A O

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

B-316041

February 28, 2008

The Honorable Daniel K. Inouye
Chairman
The Honorable Ted Stevens
Ranking Minority Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable John D. Dingell
Chairman
The Honorable Joe Barton
Ranking Minority Member
Committee on Energy and Commerce
House of Representatives

Subject: *Federal Communications Commission: Wireless E911 Location Accuracy Requirements*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Communications Commission (Commission), entitled “Wireless E911 Location Accuracy Requirements” (FCC 07-166). We received the rule on February 4, 2008. It was published in the *Federal Register* as a final rule on February 14, 2008. 73 Fed. Reg. 8617.

The final rule requires wireless Enhanced 911 Phase II location accuracy and reliability standards at a geographical level defined by the coverage area of a Public Safety Answering Point (PSAP). The Commission found that the public interest demands that carriers and technology providers strive to ensure that when wireless callers dial 911 emergency responders are provided location information that enables them to reach the site of the emergency as quickly as possible. The Commission established a deadline of September 11, 2012, for achieving full compliance with this regulation.

Enclosed is our assessment of the Commission’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the Commission complied with the applicable requirements.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Michael R. Volpe, Assistant General Counsel, at (202) 512-8236.

signed

Robert J. Cramer
Associate General Counsel

Enclosure

cc: Judith B. Herman
Office of Managing Director, AMD-PERM
Federal Communications Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
"WIRELESS E911 LOCATION ACCURACY REQUIREMENTS"
(FCC 07-166)

(i) Cost-benefit analysis

The Federal Communications Commission (Commission) is not required to prepare and did not prepare a cost-benefit analysis for the final rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Commission prepared both an Initial Regulatory Flexibility analysis and a Final Regulatory Flexibility Analysis in connection with the proposed and final rules, respectively. Both analyses comply with the requirements of the Act. The Commission concluded that the benefits of requiring all carriers to comply with the rule outweigh any burdens associated with implementing these requirements. The Commission noted that E911 represents a significant and valuable investment that enables emergency responders to reach the site of an emergency as quickly as possible. Moreover, the rule gives carriers a full 5 years to comply with the rule, in large part because of the economic and technological concerns that small entities face.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent regulatory agency, the Commission is not subject to the Unfunded Mandates Reform Act of 1995.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

On June 20, 2007, the Commission published a Notice of Proposed Rulemaking for this final rule in the *Federal Register*. 72 Fed. Reg. 33,948. In the final rule, the Commission responded to the comments received in response to the proposed rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains new or modified information collection requirements subject to the Paperwork Reduction Act. The Commission plans to submit these information collection requirements to the Office of Management and Budget for review, as required by 44 U.S.C. § 3507(d).

Statutory authorization for the rule

The final rule was promulgated under the authority in 47 U.S.C. §§ 154, 160, 201, 251-254, 303, and 332.

Executive Order No. 12866

As an independent regulatory agency, the Commission is not subject to the review requirements of the order.