



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 12-908**  
**Released: June 8, 2012**  
**OMB Control Number 3060-1122**

## COMMISSION ISSUES REVISED INFORMATION COLLECTION MANDATED BY THE NEW AND EMERGING TECHNOLOGIES IMPROVEMENT ACT OF 2008.

**Responses Due No Later Than July 31, 2012.**

### PS DOCKET NO. 09-14

The New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act)<sup>1</sup> requires the Federal Communications Commission (Commission) to collect information regarding any fees collected by the states or other jurisdictions in connection with 911/E911 services, specifically, information “detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.”<sup>2</sup> On January 26, 2009, the Commission received authorization from the Office of Management and Budget (OMB) to implement a data collection program.<sup>3</sup>

For this fourth data collection pursuant to the NET 911 Act, the Commission has revised its data request to include an expanded set of questions. The Commission sought public comment regarding these changes to its data collection on November 8, 2011.<sup>4</sup> Thereafter, the Commission sought and

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<sup>1</sup> New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008) (NET 911 Act).

<sup>2</sup> *Id.* at §6(f)(2). Section 6(f)(1) of the NET 911 Act affirms the ability of “[a] State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended ...” to collect fees or charges “[applicable] to commercial mobile services or IP-enabled voice services ... for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.” NET 911 Act at §6(f)(1).

<sup>3</sup> Letter from Kevin F. Neyland, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, OMB Control Number 200812-3060-008 (Jan 26, 2009). The Commission released reports in 2009, 2010 and 2011. These reports can be found on the Commission’s website at <http://www.fcc.gov/encyclopedia/9-1-1-and-e9-1-1-services>.

<sup>4</sup> See Public Safety and Homeland Security Seeks Comment on Information Collection and Recommendations to Congress Regarding State 911/E911 Fees and Expenditures, Public Notice, PS Docket No. 09-14 (rel. Nov. 8,

received authorization from the Office of Management and Budget for an amended information collection designed to elicit more granular information about state and local use of collected 911 fees.<sup>5</sup>

Pursuant to that OMB authorization, the Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.

3. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

5. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

6. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

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2011). Commenters supported the expanded data collection. *See, e.g.*, NENA Comments at 1; CTIA Comments at 1.

<sup>5</sup> Letter from Kevin F. Neyland, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, OMB Control Number 3060-1122 (May 17, 2012).

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

9. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Letters seeking the information described here will be mailed to the Office of the Governor of each state and territory, and Tribal Government of each Native American Reservation. Copies also will be sent to the Secretary of State, Public Utility Commission Chairman, and 911 Director of each state and equivalent offices in the territories and reservations.

Consistent with Section 6(f) of the NET 911 Act, the Commission requests that state officials report the information identified in this Public Notice with respect to fees and charges collected in connection with the implementation and support of 911 or E911 services within their state, including any political subdivision thereof, Indian tribe and/or village and regional corporation serving any region established pursuant to the Alaska Native Claims Settlement Act that otherwise lie within their state boundaries.<sup>6</sup> In addition, consistent with the definition of “State” set out in 47 U.S.C. 153(40), the Commission will collect this information from states as well as the District of Columbia, and the inhabited U.S. Territories and Possessions.

The information hereby collected will be reviewed by the Commission’s Public Safety and Homeland Security Bureau. Pursuant to Section 6(f)(2) of the NET 911 Act, the Commission is required to file “within 1 year after the date of enactment of the [NET 911 Act], and annually thereafter” a report with the Congress “detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.”<sup>7</sup>

Information submitted pursuant to this information collection should be submitted in a NET 911 electronic drop box located at <https://esupport.fcc.gov/actonline>, and should be submitted no later than **July 31, 2012**. Filed information must include verification and signature by an official identified in the filing. The information filing should be submitted on an official (letterhead) document of the signatory’s agency which is then uploaded to the electronic drop box by attaching an electronic copy of the document and hitting “send.”

Filers may also fax or mail a copy of the signed document to the Commission’s Secretary, and should reference PS Docket No. 09-14.

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<sup>6</sup> See NET 911 Act, Section 6(f)(1).

<sup>7</sup> *Id.* Section 6(f)(2) specifically directs the Commission to file its reports with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- Fax Filers: Filings may be faxed to (202) 418-2824.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

#### **FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

As required by the Paperwork Reduction act of 1995 (44 U.S.C. § 3507), the FCC is notifying the public that it received OMB approval on January 26, 2009, with an updated approval on May 17, 2012, for the collection of information described in this Public Notice. Public reporting burden for this collection of information is estimated to be ten to fifty hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This collection of information is for the purpose of assisting the Commission in carrying out provisions of the NET 911 Act. This collection is mandatory under the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (2008). Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to Federal Communications Commission, AMD-PERF, Washington, DC 20554, Paperwork Reduction Project (3060-1122), or via the Internet to [PRA@fcc.gov](mailto:PRA@fcc.gov). DO NOT SEND 911 FEE COLLECTION LETTERS TO THIS ADDRESS.

Under 5 CFR § 1320, an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB Control Number. **This collection has been assigned OMB Control Number 3060-1122 and its expiration date is May 31, 2015.**

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

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