



PUBLIC NOTICE

**Federal Communications Commission
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FCC SEEKS PUBLIC COMMENT ON FOURTH ANNUAL REPORT TO CONGRESS ON STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND CHARGES

PS Docket No. 09-14

COMMENTS DUE: February 13, 2013

REPLY COMMENTS DUE: March 15, 2013

The Federal Communications Commission (Commission) today releases to the public its fourth annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (911 Fee Report). The Commission submits this report to Congress annually pursuant to requirements imposed by the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act)¹, including the requirement that the Commission report whether 911 fees and charges collected by the states, the District of Columbia, U.S. territories, and Indian territories (states and other reporting entities) are being used for any purpose other than to support 911 and Enhanced 911 (E911) services.² For the first time this year, the Commission formally solicits public comment about the 911 Fee Report, and the information provided to the Commission by states and other reporting entities.

This fourth annual 911 Fee Report covers the collection and distribution of 911 and Enhanced 911 fees and charges for the calendar year ending December 31, 2011, and was submitted to Congress on December 28, 2012. The Report includes information regarding states and other reporting entities that have used any portion of collected 911 fees other than for the support of 911/E911 service, and can be found on the Commission's website at <https://www.fcc.gov/encyclopedia/9-1-1-and-e9-1-1-services>. Information submitted by the states and other reporting entities is included in the Appendix attached to the 911 Fee Report.³

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

² *Id.*, at Sec. 6(f)(1).

³ The Commission had not received responses from the District of Columbia, Louisiana or New Hampshire at the time of the Report's submission to Congress. New Hampshire submitted a response on December 31, 2012, indicating that it used the funds exclusively for 911/E911 purposes as designated in its funding mechanism. Rhode Island submitted a response which the Commission received on December 27, 2012. In its response, Rhode Island indicates that it sent \$13,250,000 of 911/E911 funds to the State's General Fund. These responses can be found through the Commission's Electronic Comment Filing System (ECFS) in PS Docket No. 09-14. See instructions below for information on accessing ECFS.

Although Congress has mandated that collected 911 and Enhanced 911 fees and charges must only be used to support 911 and Enhanced 911 services, Section 6(f)(1) of the NET 911 Act provides that the states and other reporting entities, or political subdivisions thereof, can define what programs can be supported with collected 911 and Enhanced 911 fees and charges.⁴ Given continuing concerns expressed by members of Congress that collected 911 and Enhanced 911 fees and charges should be used appropriately, for this year's report, the Commission requested that states and other reporting entities identify "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." The purpose of this request was to generate a more accurate and specific picture of what programs states and other reporting entities define as being in support of 911/E911.

This year's 911 Fee Report identifies seven states and territories that reported at least some use of a portion of 911 fees and charges for non-911 related purposes in 2011. Specifically, five states, Arizona, Illinois, Maine, Rhode Island and New York, reported that they assigned collected 911 fees and charges to their state's General Fund. Guam stated that it used collected fees for other public safety-related purposes. Georgia indicated that it did not use funds collected from pre-paid phones for 911 use, but did not specify how it used the collected money. Two states, New Jersey and West Virginia, indicated that they used 911 fees for other public safety related purposes consistent with state funding statutes.

By this Public Notice, we solicit comment on the fourth annual 911 Fee Report and on the specific responses submitted by states and other reporting entities. Additionally, the Commission did not receive responses from the District of Columbia or Louisiana. We seek comment on the collection and distribution of 911 and Enhanced 911 fees and charges in the non-responding jurisdictions. The Commission intends to submit information about received comment to the Congress, no later than concurrently with next year's 911 Fee Report.

Interested parties may file comments and reply comments on or before the dates listed on the first page of this Public Notice. All comments and reply comments should reference PS Docket No. 09-14. Parties may file comments using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- If multiple docket or rulemaking numbers appear in the caption of this proceeding, ECFS filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." We will send a sample form and directions in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁴ *Id.*

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.
- 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 or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

Address all filings to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties shall 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, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

The Report is available through ECFS at ecfs@fcc.gov. Report documents in PS Docket No. 09-14 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email fcc@bcpiweb.com.

For further information regarding this matter, contact Aaron Garza, Attorney, Policy Division, Public Safety and Homeland Security Bureau at (202) 418-1175 or aaron.garza@fcc.gov.

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