



PUBLIC NOTICE

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DA 14-82
Released: January 24, 2014

FCC SEEKS PUBLIC COMMENT ON FIFTH 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 24, 2014
REPLY COMMENTS DUE: March 25, 2014

The Federal Communications Commission (Commission) today releases to the public its fifth annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (Fifth 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 The NET 911 Act requires, among other things, 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 With this Public Notice, the Commission formally solicits public comment on the Fifth Report, the information provided to the Commission by states and other reporting entities, and the reported expenditure of funds for Next Generation 911 (NG911) services.

The Fifth Report covers the collection and distribution of 911 and Enhanced 911 fees and charges for the calendar year ending December 31, 2012, and was submitted to Congress on December 31, 2013. 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 Report.³

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

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 did not receive responses from American Samoa, Arkansas, Guam, Northern Mariana Islands, and Virgin Islands.

⁴ *NET 911 Act*, Sec. 6(f)(1).

appropriately, 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 Fifth Report identifies four states that reported at least some use of a portion of 911 fees and charges for non-911 related purposes in 2012. Specifically, New York and Rhode Island reported that they assigned collected 911 fees and charges to their state’s General Fund. Illinois reported that funds were legislatively transferred from the state’s Wireless Services Emergency Fund in fiscal year 2013, but did not specify how the transferred money was used. Kansas reported enforcement actions undertaken in response to the possible use of funds for purposes other than those designated in the state statute, with several expenditures awaiting final resolution.

A thorough understanding of how 911 fees and charges are used is particularly important in light of the challenges and opportunities presented by the transition to NG911. Innovation in the private space is changing the way that Americans communicate. Given the enduring public safety value of ensuring that consumers have access to emergency services through the devices, platforms, and applications they rely on for their everyday communications needs, we seek comment on respondents’ expenditure of funds on NG911 systems and capabilities. Specifically:

- What conclusions, however preliminary, can be drawn from the information submitted by respondents regarding the sufficiency of funding resources directed to the development and deployment of NG911 services?
- Based on respondents’ filings, are 911 and E911 funds being used to deploy NG911 systems and capabilities in a logical and sustainable fashion to ensure NG911 can meet the public’s expectations for enhanced emergency response?
- Are NG911 systems being deployed consistently across the nation?
- With respect to future data 911/E911 data collections pursuant to the NET 911 Act, how might the Commission improve its data collection to better capture the state of expenditures on NG911 systems by state and other jurisdictions?
- Lastly, we seek comment on the collection and distribution of 911/E911 fees and charges in the non-responding jurisdictions. The Commission intends to submit information about received comment to 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.

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 Fifth Report is available through ECFS at ecfs@fcc.gov. Fifth 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 Timothy May, Policy & Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1463 or timothy.may@fcc.gov.

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