



PUBLIC NOTICE

**Federal Communications Commission
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FCC SEEKS PUBLIC COMMENT ON SIXTH 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 23, 2015

Reply Comments Due: March 24, 2015

The Federal Communications Commission (Commission) today releases to the public its Sixth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (Report). The Commission submits the Report to Congress annually pursuant to the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), which requires 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. By this public notice, the Commission formally solicits public comment on the 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 Report covers the collection and distribution of 911 and Enhanced 911 fees and charges for the calendar year ending December 31, 2013, and was submitted to Congress on December 31, 2014. A copy of the Report 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 Appendix D attached to the Report.

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. The Report finds that six states and Puerto Rico reported diverting or transferring a portion of collected 911 fees and charges for non-911 related purposes in 2013. As in past years, New York and Rhode Island report that they assigned collected 911 fees and charges to their state's General Fund. Illinois reports that funds were diverted to its state public utility fund. Puerto Rico diverted funds to retire government debt. California and Washington report transferring money to non-911-related public safety or emergency response-related programs.

With respect to information concerning 911 service to Tribal Nations, the Report notes that only three of twelve Bureau of Indian Affairs (BIA) regional offices responded to the Bureau's data request, and none indicated that they had collected information on 911 fees in Tribal lands.¹ The Report also

¹ Report at 22.

discusses a letter filed by the Navajo Nation Division of Public Safety that outlines the difficulties that it and other Tribal Nations face in recovering 911 fees in order to fund the provision of emergency services on Tribal lands and makes a number of recommendations to improve access to funding to support E911 service in Indian Country.²

By this Public Notice, we solicit comment on the Report and on the responses submitted by states and other reporting entities, including the sufficiency and accuracy of the reported information. In particular, we seek comment on the diversion of fees identified in the Report, including additional information concerning the specific impact, if any, that such diversion has had on the provision of 911 service in those states. Relatedly, have there been any instances of fee diversion by states or local jurisdictions not identified in the Report, including counties or other jurisdictions in states that have local or hybrid fee collection programs? With respect to the use of 911 fees to support the development and deployment of NG 911 services, we seek comment on whether the fees devoted to NG911 are effectively contributing to implementation of NG911 services and infrastructure. Similarly, in states or counties that have deployed text-to-911 service, to what extent have collected 911 fees been used to support the deployment of that service?

We also seek specific Tribal government comment on the issues raised by the Navajo Nation. We solicit the comment and broad input of federally recognized American Indian Tribes and Alaska Native Villages, as well as governmental entities responsible for administering Native Hawaiian Home Lands. What are the relationships between state and Tribal government authorities with respect to access to 911 funds collected? What mechanisms, if any, are in place to ensure that a portion of 911 fees collected by states or 911 authorities are available to support E911 service in Tribal lands? Other than 911 fees, are other funding mechanisms available to support the deployment of E911 service on Tribal lands? Lastly, given the lack of reporting on Tribal 911 service by BIA regional offices, is there a more appropriate mechanism to obtain data on Tribal 911 resource matters in order to promote effective oversight and deployment of services?

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS"). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-

² Report at 22-23, *citing* Letter from John H. Billison, Director, Division of Public Safety, Navajo Nation to David Simpson, Federal Communications Commission (delivered Dec. 12, 2014) (NDPS Letter). *See* Appendix D of the Report for a copy of the letter.

A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, S.W., CY-A257, Washington, D.C., 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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 FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For additional information on this proceeding, 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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