



MAINE

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March 20, 2009

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12 Street, SW  
Washington, DC 20554

Ref: PS Docket No. 09-14

Dear Ms. Dortch,

Please find below the responses for the State of Maine in compliance with the NET 9-1-1 Act of requested in your February 12, 2009 letter to Governor John Baldacci.

*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).*

The State of Maine imposes a surcharge at the state level for E9-1-1 Support and implementation.

The law governing the collection of E9-1-1 Surcharge is MRSA Title 25 Chapter 352 Section 2927. E-9-1-1 funding

*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, 2008. 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.*

A special E911 surcharge of .30/per line/per month is levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service customers (including prepaid wireless telephone service customers), interconnected voice over Internet protocol service customers and semipublic coin and public access lines. The surcharge may not be imposed on more than 25 lines or numbers per customer billing account, except that this limitation does not apply to prepaid wireless telephone services. Prior to the passage of legislation in late June 2008, the surcharge amount was .50/line/month.

For the annual period ending December 31, 2008, \$6,664,061.89 of surcharge was collected. MRSA Title 25 Chapter 352 outlines approved uses of the fund.

The Emergency Services Communication Bureau, an agency within the Public Utilities Commission, is charged with implementing and managing the statewide E9-1-1 system. E9-1-1 surcharge funds the implementation and maintenance of all system elements including network, database, PSAP equipment, as well as call taker training and other activities outline in MRSA Title 25 Chapter 352. The 26 PSAPs are either municipal, county or state operated. Personnel and related costs of these 26 centers, as well as the dispatch centers, are not funded by the E-9-1-1-surcharge. The system serves all political subdivisions within Maine including Indian Reservations.

*3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and 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 or E911.*

The Emergency Services Communication Bureau has the authority to approve the expenditures of funds collected for E9-1-1 purposes (MRSA Title 25 Chapter 352 Section 2926. The Bureau reports to the Joint Committee on Utilities and Energy annually on planned expenditures for the coming year and expenditures for the previous year (MRSA Title 25 Chapter 352 Section 2927).

*4. 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.*

Other than the used noted in Question 5, all other funds were used to support E9-1-1.

*5. 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.*

During calendar year 2008, the Maine State Legislature passed Public Law Chapter 539 Part EEEE, which transferred \$2,623,253 from the E9-1-1 Fund to the General Fund.

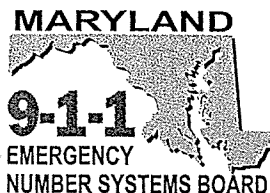
It is not known what the exact use of the funds once transferred to the General Fund was.

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

Nothing specific at this time.

Sincerely,

Karen Geraghty  
Administrative Director



## Department of Public Safety and Correctional Services

### Emergency Number Systems Board

115 Sudbrook Lane – Suite 201, Pikesville, Maryland 21208-4199  
(410) 585-3015 • FAX (410) 764-4136 • www.dpscs.state.md.us/ensb/

STATE OF MARYLAND

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March 20, 2009

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

### FILED ELECTRONICALLY

**Re: Letter from David Furth, Acting Chief - Public Safety and Homeland Security Bureau: Initial Information Collection by The New and Emerging Technologies Improvement Act Of 2009 (PS Docket #09-14)**

Dear Ms. Dortch:

Maryland is pleased to provide the following information in response to the Federal Communication Commission's letter (dated February 12, 2009) to Governor Martin O'Malley regarding the New and Emerging Technologies Improvement Act Of 2008. For ease of review, the responses track the order and numbering established in the original correspondence.

- 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).

**Response:** The Public Safety Article, Annotated Code of Maryland (Public Safety Article), Title 1 - Section 3 is the enabling legislation that established a 911 Trust Fund and the Emergency Number Systems Board (Board) with the Department of Public Safety and Correctional Services as the oversight agency. The referred statute creates a funding mechanism and oversight Board to provide for the orderly installation, maintenance, and operation of 911 systems in Maryland. The legislation also permits Maryland counties and Baltimore City to offset local 911 operational costs. The Code of Maryland Regulations (COMAR) Title 12, Subtitle 11, Chapter 03 further codifies the activities of the Board and describes in detail its essential functions, responsibilities, and training standards.

- 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, 2008. 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.

**Response:** The Maryland Public Safety Article (§1-310 & §1-311) establishes two funding streams to support 911. The first is the State "911 Fee", which is \$0.25 per subscriber per month. The second is the County "Additional Fee" in an amount determined by each county, through local ordinance, up to maximum of \$0.75 per bill per month. All Maryland counties and Baltimore City currently have passed local ordinances establishing the "Additional Fee" at \$0.75. Telephone companies, wireless carriers, and other 911 accessible service providers, collect and remit both portions of the 911 Surcharge to the State Comptroller, monthly, for deposit into the 911 Trust Fund. The total amount of 911 fees remitted to Maryland in calendar year 2008 is \$57,176,923.16.

Quarterly, the County "Additional Fee" portion is distributed to each county prorated in accordance with the level of fees collected in each jurisdiction (*Public Safety Article §1-309*). Annually, the Secretary of the Department of Public Safety and Correctional Services requests a budget appropriation from the 911 Trust Fund in an amount sufficient to carry out the purposes of the enabling legislation, pay administrative costs, and reimburse counties for the cost of enhancing their 911 system (*Public Safety Article §1-309*). Through this budget appropriation process, the State "911 Fee" is distributed from the 911 Trust Fund to the Maryland counties at the discretion of the Emergency Number Systems Board in response to county 911 enhancement requests.

Maryland has established written criteria identifying the allowable uses of funds collected. Money collected from the State "911 Fee" may be used to reimburse counties for the cost of enhancing Maryland's 911 system through payment to a third party contractor (*Public Safety Article §1-308*). COMAR (12.11.03.12) further defines equipment qualifying for funding or reimbursement. Money distributed quarterly to the counties from the collection of the County "Additional Fee" may be spent on the installation, enhancement, maintenance, and operation of a county or multi-county 911 system. Maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years (*Public Safety Article §1-312*).

- 3) A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and 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 or E911.

**Response:** Maryland established the 17 member Emergency Number Systems Board (*Public Safety Article §1-305 & §1-306*) to work cooperatively with the counties to provide an effective and efficient Maryland 911 system through the administration of the 911 Trust Fund revenues. The Emergency Number Systems Board is the entity that has the authority to approve expenditures from the 911 Trust Fund.

The Emergency Number Systems Board provides for an audit of each county's expenditures for the maintenance and operation of the county's 911 system (*Public Safety Article §1-312*). The amount of the county "additional charges" may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county (*Public Safety Article §1-311*). The 2008 audits have demonstrated that all counties are in compliance with this requirement.

The Maryland Legislative Auditor conducts fiscal/compliance audits of the 911 Trust Fund and of the appropriations and disbursements made for purposes of complying with Maryland statutes (*Public Safety Article §1-309*). All such audits have found the expenditures from the 911 Trust Fund to be compliant with established statutes.

- 4) 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.

**Response:** Maryland has expended or directed all funds collected in 2008 from both portions of the Maryland 911 Surcharge to be available for the purposes designated by the Public Safety Article to support or enhance Maryland's 911 system.

- 5) 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.

**Response:** No funds collected in 2008 for 911 or E911 purposes have been made available or used for any other purpose other than the one designated by the Public Safety Article or used for purposes unrelated to 911 or E911 implementation or support.

Should you have any questions, please do not hesitate to contact me at 410-585-3019.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Deans". The signature is fluid and cursive, with the first name "Gordon" and last name "Deans" clearly distinguishable.

Gordon Deans, Executive Director  
Emergency Number Systems Board

cc: The Honorable Martin O'Malley – Governor of the State of Maryland  
John P. McDonough – Maryland Secretary of State  
Gary Maynard – Secretary, Maryland Department of Public Safety and Correctional Services  
Douglas R. M. Nazarian – Chairman, Maryland Public Service Commission  
Anthony Myers – Chairman, Maryland Emergency Number Systems Board



The Commonwealth of Massachusetts  
 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY  
**STATE 911 DEPARTMENT**  
 1380 Bay Street, Building C ~ Taunton, MA 02780-1088  
 Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585  
[www.mass.gov/e911](http://www.mass.gov/e911)



**DEVAL L. PATRICK**  
 Governor

**TIMOTHY P. MURRAY**  
 Lieutenant Governor

**KEVIN M. BURKE**  
 Secretary of Public Safety  
 and Security

**FRANK POZNIAK**  
 Executive Director

March 23, 2009

Marlene H. Dortch  
 Office of the Secretary  
 Federal Communications Commission  
 445 12<sup>th</sup> Street SW  
 Washington, D.C. 20554

Re: PS Docket No. 09-14 Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Ms. Dortch,;

I am the General Counsel of the Massachusetts State 911 Department (Department), and on behalf of the Department I am submitting this information as requested in PS Docket No. 09-14.

- **The Commonwealth of Massachusetts has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation.** Massachusetts General Laws (M.G.L.) Chapter 6A Section 18H(a), as amended by Section 8 of Chapter 223 of the Acts of 2008, imposes a surcharge on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system. M.G.L. Chapter 6A Section 18H(d), as amended by Section 8 of Chapter 223 of the Acts of 2008, states that "The surcharge revenues shall be expended for the administration and programs of the department including, but not limited to, salaries, enhanced 911 training programs, enhanced 911 public education programs, the creation of PSAP customer premises equipment for, and maintenance of, primary and regional PSAPs, the programs mandated by section 18B and sections 14A and 15E of chapter 166, and for the implementation and administration of enhanced 911 service in the commonwealth."
- **The current amount of the surcharge imposed is 75 cent per month per line on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system.** This 75 cent surcharge has been imposed on users of wireline, wireless, VoIP and IP-enabled services since September, 2008. For the earlier

part of this reporting period from January 2008 to September 2008, the 75 cent surcharge was imposed on wireline users, a 30 cent surcharge was imposed on wireless users, and no surcharge was imposed on VOIP users. **The total amount remitted to the Department pursuant to the assessed surcharges, for the annual period ending December 31, 2008 was \$53,879,232.60.** The communication service providers report that an additional \$530,073.39 was withheld as allowable administrative fees and an additional \$124,000.51 remained uncollectable for various reasons. The Department currently is in a rulemaking process to establish the amount and method for the remittance and collection of a surcharge on the users of prepaid wireless services.

- **Funds collected are made available to communities in Massachusetts by the Department directly purchasing, installing and maintaining enhanced 911 customer premise equipment used by communities at local and regional PSAPs and through the Department developing and administering grant programs to assist PSAPs and regional emergency communications centers in providing enhanced 911 service and fostering the development of regional PSAPs, regional secondary PSAPs and regional emergency communications centers.** M.G.L. Chapter 6A Section 18B (f), as amended by Section 8 of Chapter 223 of the Acts of 2008, states that "The department shall disburse funds from the Enhanced 911 Fund for prudently-incurred expenses associated with: the lease, purchase, upgrade or modification of primary and regional PSAP customer premises equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (i) and any other grant approved by the department associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth." The Department has established written guidelines for all grants administered under the authority of M.G.L. Chapter 6A Section 18B (i), as amended by Section 8 of Chapter 223 of the Acts of 2008, which allow communities to apply directly to the Department to receive grant funding for 911 related activities specified in that section. These guidelines may be found on the Department's website at [www.mass.gov/e911](http://www.mass.gov/e911).
- **The Massachusetts State 911 Department and the Massachusetts State 911 Commission (Commission) and the Department of Telecommunications and Cable are the entities that have the authority to approve the expenditure of funds collected for 911 or E911 purposes within Massachusetts.** As referenced above, M.G.L. Chapter 6A Section 18B (f), as amended by Section 8 of Chapter 223 of the Acts of 2008, explicitly authorizes the Department to disburse funds from the Enhanced 911 Fund for specific E911 purposes (described above). M.G.L. chapter 6A Section 18B (b) as



amended by Section 8 of Chapter 223 reserves specific approval authority of grant distribution formulas and major contracts for the Commission which is made up of eight state public safety and disability agency heads and 11 members appointed by the Governor representing various 911 related constituencies. Section 18B(b) states in relevant part: "The commission shall review and approve by a majority vote of those members present all formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B, and all major contracts that the department proposes to enter into for enhanced 911 services." Additionally, Section 18 B grants the Department of Telecommunications and Cable certain approval authority over expenditures of 911 related funds by the Department.

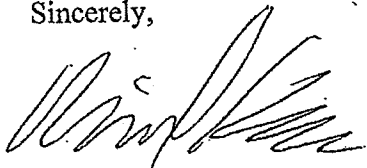
- **All funds collected for E911 purposes have been made available or used for the implementation or support of 911 or E911.** The enabling language for the Enhanced 911 Fund explicitly requires E911 surcharge funds and any additional E911 related funds collected in Massachusetts to be used only for E911 support and implementation purposes. M.G.L. Chapter 10 Section 35 JJ(a), as added by Section 13 of Chapter 223 of the Acts of 2008, states: "There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Enhanced 911 Fund. There shall be credited to such fund all revenues received by the commonwealth from: surcharges imposed under section 18H of chapter 6A; appropriations; gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; revenue derived from the investment of amounts credited to the fund; and any federal funds made available for emergency telecommunication services. The fund shall be used solely for the purposes described in sections 18A to 18J, inclusive, of said chapter 6A."
- **No funds collected for 911 or E911 purposes have been made available or used for any purposes other than ones designated by the statutory funding mechanism or used for any purposes otherwise unrelated to 911 or E911 implementation or support in the Commonwealth of Massachusetts.**
- **Other Comments:** The Department appreciates this opportunity to comment and wishes to inform the Public Safety and Homeland Security Bureau that we most strongly support the NET 911 Act's requirements that fees or charges collected for support or implementation of 911 or enhanced 911 services be obligated or expended only in support of 911 and enhanced 911 services or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. The Department strongly urges the Federal Communications Commission and Congress to continue to maintain such requirement. Guaranteeing that 911 related funds collected by states or other applicable political subdivisions be solely and exclusively dedicated to 911 support and enhancement is crucial to ensure adequate 911 services are available to all citizens and such a requirement is becoming even more critical with today's climate of a declining economy that is impacting the ability of state and local governments to provide services along with the simultaneous rapid changes and evolution of technology used by

wireless telecommunications and IP based devices that consumers are more frequently using to attempt to contact 911 in their time of need.

If you have any questions regarding this filing, please contact me at 508-828-2911 or [Michaelkass@state.ma.us](mailto:Michaelkass@state.ma.us).

Thank you very much.

Sincerely,



Michael Kass  
General Counsel

cc: John Grossman, Undersecretary for Forensic Sciences and Technology,  
Massachusetts Executive Office of Public Safety and Security  
Frank Pozniak, Executive Director, Massachusetts State 911 Department  
Michael Isenberg, Director, Competition Division, Massachusetts Department of  
Telecommunications and Cable



Jennifer M. Granholm  
GOVERNOR

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DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
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DIRECTOR

March 20, 2009

David Furth, Acting Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

RE: Initial Information Collection Mandated By the New and Emerging Technologies  
Improvement Act of 2008 (NET911 Act); PS Docket No. 09-14

Dear Mr. Furth:

Please accept the joint filing of the Michigan Public Service Commission (MPSC) and the Michigan State Police (MSP) as response to the Federal Communications Commission's request, dated February 12, 2009, in regard to the NET 911 Act.

The Michigan Emergency 9-1-1 Services Enabling Act provides for funding of 9-1-1 services in Michigan. Two funding mechanisms, a State of Michigan 9-1-1 charge and individual county 9-1-1 surcharges, are currently being collected by all communications providers serving Michigan customers on all devices. In addition, carriers collect technical surcharges to cover their costs for providing access to 9-1-1 dispatch centers.

If you need further information regarding the State of Michigan's 9-1-1 funding system, please do not hesitate to contact either of us at (517) 241-6200 for the Michigan Public Service Commission Telecommunications Division, or (517) 336-6414 for the Michigan State Police State 9-1-1 Office.

Sincerely yours,

Robin P. Ancona, Director  
Telecommunications Division  
Michigan Public Service Commission

Harriet Miller-Brown  
State 9-1-1 Administrator  
Michigan State Police

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**JOINT RESPONSE OF THE  
MICHIGAN PUBLIC SERVICE COMMISSION AND MICHIGAN STATE POLICE  
PS Docket No. 09-14  
March 20, 2009**

**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)(2) 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).**

**ANSWER:** The Michigan Emergency 9-1-1 Services Enabling Act (Act 32 of 1986, as amended) provides funding in the following ways:

- Michigan's state 9-1-1 charge is currently \$0.19 per communications device per month. The level of funding is determined by the Michigan Public Service Commission, in consultation with the Michigan State 9-1-1 Committee. Sec. 401(a)
- Each of the 83 Michigan counties has the opportunity to assess a county-wide surcharge on all communications devices billed to an address in their county. Sixty-eight (68) counties requested surcharge approval by the Michigan Public Service Commission in January 2008. With passage of PA 379 in December 2008, counties also have the opportunity to request additional funds from their citizens to support county 9-1-1 services. Sec. 401(b)
- Prepaid wireless communications devices are mandated to remit a combination of the state 9-1-1 surcharge and a weighted average of the cumulative county surcharges, collected from their customers, to the Michigan Department of Treasury. Two remittance equations are defined in the statute. Sec. 401(c)
- Communications providers are able to recover their costs through a 9-1-1 technical charge on customer bills. Sec. 401(d)

**2. The amount of 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, 2008.**

- The total amount collected through a county-based 9-1-1 surcharge by sixty-eight (68) Michigan counties is \$46,276,851.00.
- The total amount collected by the Michigan Department of Treasury, for 9-1-1 purposes during 2008, is \$23,558,820.59.

**A statement describing how 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.**

**ANSWER:**

- Each Michigan county receives an 82.5% share of the total Michigan state 9-1-1 charge and the prepaid device 9-1-1 charge, remitted based on Section 401(a) and 401(b). Sec. 408(4)(a).
- Communications providers remit county 9-1-1 surcharge monies directly to Michigan counties. (Link: <http://www.dleg.state.mi.us/mpsc/comm/911index/911charges.pdf>) Sec. 401(b)(6)
- The Michigan 9-1-1 Committee developed a list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures. In accordance with PA 379 of 2008, any changes made to the document language must be transmitted to the Michigan Legislature. Sec. 401(b)(14) (link: [http://www.michigan.gov/documents/ListingofAllowable\\_14259\\_7.pdf](http://www.michigan.gov/documents/ListingofAllowable_14259_7.pdf))

**3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and 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 or E911.**

**ANSWER:**

- Currently, the Michigan 9-1-1 Committee's list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures is being used by counties to determine allowable expenses. (link: [http://www.michigan.gov/documents/ListingofAllowable\\_14259\\_7.pdf](http://www.michigan.gov/documents/ListingofAllowable_14259_7.pdf)) In accordance with PA 379 of 2008, any changes made to the document language must be transmitted to the Michigan Legislature. Sec. 401(b)(14)
- The Michigan Public Service Commission, in consultation with the Michigan 9-1-1 Committee, may promulgate rules for uniform procedures, policies, and standards for the receipt and expenditure of 9-1-1 funds. Sec. 413(1)(c)
- The Michigan Department of Treasury is under the audit powers of the Michigan Auditor General.
- Each Michigan County is required to have an annual audit by an independent auditor, and must have the audit available for public inspection. Sec. 406(3)
- Each wireline carrier may collect a technical fee for costs related to providing 9-1-1 per Sec. 401d and is subject to an annual accounting under Sec. 412a.

**4. A statement whether all 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.**

**ANSWER:**

- Michigan's Emergency 9-1-1 Services Enabling Act allows also for:
  - \$500,000 to the Michigan State Police to study the feasibility of an IP-based 9-1-1 system for the State of Michigan. The study is expected to be completed by December 2009. Sec. 408(5)
  - 7.75% of the Michigan 9-1-1 charges collected is available for to reimburse local exchange carriers for costs related to wireless emergency services. Sec. 408(4)(b)
  - 1.88% of the Michigan 9-1-1 charges collected for the Michigan State Police to operate a regional dispatch center. Sec. 408(4)(d)
  - 1.87% of the Michigan 9-1-1 charges collected for the Michigan State Police to administer the 9-1-1 Act and maintain the office of the state 9-1-1 coordinator. Sec. 408(4)(d)
  - 6% of the Michigan 9-1-1 charges go directly to the PSAPs for training funds for PSAP personnel. Sec. 408(4)(c).

**5. 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.**

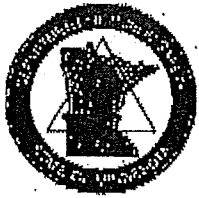
**ANSWER:**

- During 2008, the Michigan Public Service Commission and the Michigan State Police did not authorize any instances where funds collected for 911 or E911 purposes were allowed to be used for purposes unrelated to 911 or E911.

**6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 or E911.**

**ANSWER:**

- We have no further comments.



Alcohol  
and Gambling  
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## Emergency Communication Networks

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www.ecn.state.mn.us

March 20, 2009

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Initial Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Ms. Dortch:

Please accept this report as the state of Minnesota's response to the Initial Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008. Responses to the requested information are set forth below.

**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).**

Response: Minnesota has established a funding mechanism to support the implementation and operations of 911 and E911 services throughout the state under Minn. Stat. §403.11, Subdivision 1. A monthly 911 fee was imposed on all wired line telecommunication carriers for each telephone line, or the trunked equivalent, capable of accessing the 911 network in 1994. In 1997, the fee was extended to wireless telecommunication carriers and in 2004, the statute was amended to clarify its application to packet based telecommunication service providers.

The Minnesota Statewide 911 Program is operated by the Department of Public Safety. The program collects the monthly 911 fee from telephone companies, provides technical assistance to the cities, counties and tribal entities in the implementation, operation, and maintenance of local 911 systems, establishes 911 system standards, pays the recurring network costs and disburses funds collected under Minn. Stat. §403.11, Subd. 1 in accordance with Minn. Stat. Chapter 403.

**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, 2008. 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.

Response: Minn. Stat. § 403.11, Subdivision 1(c) provides for a 911 fee of not less than eight cents nor more than 75 cents through June 30, 2009 for each customer access line or other basic access service. The Commissioner of Public Safety is authorized to establish the 911 fee within the statutory limits with the approval of the Commissioner of Finance. The current 911 fee of 65 cents per access line (wired and wireless) was first established in June of 2004. The total amount collected in calendar year 2008 is \$51,281,641. Minn. Stat. § 403.11, Subd. 1(b) requires collected fees to be deposited and maintained in the 911 emergency telecommunication service account, which is a special revenue account from which all authorized expenditures are made and year end balances are carried forward from year to year.

911 emergency telecommunication service account funds are made available to localities as follows:

- Minn. Stat. § 403.025, Subd. 7 requires the Statewide 911 Program to contract for and provide the 911 telecommunication network elements (telephone line, 911 routing and 911 selective routing services) for counties and other governmental agencies operating Public Safety Answering Points (PSAP) within Minnesota and Minn. Stat. § 403.11, Subd. 3 provides for the payment of those costs.
- Minn. Stat. § 403.025, Subd. 7 also requires the Statewide 911 Program to contract for 911 routing and network elements with wireless carriers and for the payment of those costs under Minn. Stat. § 403.11, Subd. 3.
- Minn. Stat. § 403.113, Subd. 2 requires a portion of the available funds to be distributed directly to state, local and tribal PSAP's. Minn. Stat. § 403.113, Subd. 3 defines the purposes funds distributed to state, local and tribal PSAP's may be used.
- Minn. Stat. § 403.11, 403.113 and 403.30 provide for the use of funds by the Statewide 911 Program from the 911 emergency telecommunication service account to provide resources for localities, as follows:
  - Costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunication services;
  - Costs to operate the Division of Emergency Communication Networks;
  - Grants to provide assistance to counties for the improvement of local emergency telecommunication services;
  - To implement, operate, maintain, enhance and expand enhanced 911 services; and
  - To pay debt services upon revenue bonds authorized under Minn. Stat. § 403.32 and 403.275 to provide the backbone for the statewide public safety radio communication system.



**3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and 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 or E911.**

Response: All 911 fee revenues are deposited and maintained in the 911 emergency telecommunications service account. This account is a special revenue account where funds are carried over from year to year as provided in Minn. Stat. §403.11, Subd. 1(b). The Statewide 911 Program is administered by the Commissioner of Public Safety, who has authority to expend funds from the 911 emergency telecommunications service account as provided in Minn. Stat. Chapter 403. Minn. Stat. § 403.06, Subd. 1a requires the Commissioner of Public Safety to prepare a biennial budget for maintaining the 911 system, report details of expenditures for maintaining the 911 system, 911 fees collected and balance of any funds remaining in the 911 emergency telecommunications service account. Expenditures from the 911 emergency telecommunication service account are subject to periodic audit by the Minnesota Legislative Auditor's Office.

With respect to funds allocated directly to local units of government, under Minn. Stat. §403.113, Subd. 2, funds must be expended in accordance with Minn. Stat. §403.113, Subd. 3 and the local units of government are required to audit the use of those funds annually and to submit a copy of the audit to the Statewide 911 Program.

**4. 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.**

Response: All funds collected for 911 or E911 purposes have been made available and used for purposes designated by Minn. Stat. Chapter 403. The total expenses for Minnesota's 2008 fiscal year (July 1, 2007 through June 30, 2008) were \$46,149,788.

**5. 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.**

Response: None of the 911 funds collected for 911 or E911 purposes have been used for any purposes other than the purposes designated by Minn. Stat. Chapter 403.

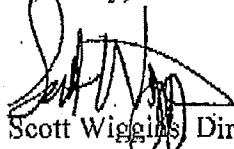
**6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911 purposes.**

Response: The state of Minnesota is preparing to modernize Minnesota's 911 infrastructure by replacing the ageing analog 911 infrastructure with a digital platform that will improve interoperability and allow for county dispatch centers to transfer 911 calls, maps, photos, caller

location information and other pertinent data statewide. The NG911 project is scheduled to begin in FY 2010-2011 and take approximately three to four years to complete.

We hope you find this report informative. Access to the Minnesota Statutes governing 911 can be found at [www.911.state.mn.us/911\\_links.asp](http://www.911.state.mn.us/911_links.asp). Should you have any questions or require additional information, please feel free to contact the 911 Program Manager, Jackie Mines at (651) 201-7550 or [Jackie.Mines@state.mn.us](mailto:Jackie.Mines@state.mn.us).

Sincerely,



Scott Wiggins Director  
Emergency Communication Networks  
Department of Public Safety



**STATE OF MISSISSIPPI**  
**HALEY BARBOUR, GOVERNOR**

**MISSISSIPPI EMERGENCY MANAGEMENT AGENCY**

**THOMAS M. "MIKE" WOMACK**  
**EXECUTIVE DIRECTOR**

March 30, 2009

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Dear Sir:

In reference to your letter dated February 12, 2009 to Governor Haley Barbour and pursuant to the reporting requirements of the Section 6(f)(2) of the NET 911 Act of 2008, here is the information for the state of Mississippi.

**Question 1:** The state of Mississippi has established in law the mechanism in each of our 82 counties to set rates, collect and use 911 and E911 surcharge funds from hard wire lines to fund the 911 systems in their counties. These laws were passed in 1987. The statutes are included in the Mississippi Code sections 19-5-301 and annotated and extended in sections 19-5-303, 305, 307, 309, 311, 313, 315, 317, and 319. The laws that pertain to the wireless phones and established the Commercial Mobile Radio Service Board (CMRS) begin with 19-5-303 and extend to 19-5-309, 331, 339, 341 and 359.

**Question 2:** Each county establishes their own method of receiving fees for the traditional, hard wire phones and distributing those funds. Some counties keep that authority with the elected Board of Supervisors, while others establish 911 boards or commissions made up of those that have a PSAP location to make the decisions. Others have a board, but the elected officials reserve the final decision-making approval. The fees collected for the period of January 1, 2008 through December 31, 2008 for traditional phone service was \$11,758,733.12 with 1 percent retained by the providers for administrative purposes.

**Question 3:** As stated in the previous answer, it is the responsibility of each county and handled in the way described previously. All expenditure of funds is governed by the purchasing and expenditure laws of the state and any ordinances or resolutions passed by the elected body of that county.

**Question 4:** It is a legal requirement that all 911 surcharge funds collected in this state be used to maintain 911 and E911 equipment, establish and train 911 dispatchers to standards as set forth in 19-5 sections of the Mississippi Code, and to purchase radios and PSAP equipment to support 911 responses.

**Question 5:** The state of Mississippi is very proud of its 911 system. The system is always evolving and improving. State and local governments are committed to keeping 911 and E911 as a top priority.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom McAllister', with a stylized flourish at the end.

Tom McAllister  
MEMA Director of Response



Jeremiah W. (Jay) Nixon  
Governor

William J. Bryan  
Chief Information Officer

Kelvin L. Simmons  
Commissioner

State of Missouri  
OFFICE OF ADMINISTRATION  
Information Technology Services Division  
301 W. High St., 280 Truman Building  
Post Office Box 809  
Jefferson City, MO 65102  
www.oa.mo.gov/itsd

(573) 751-3290  
FAX (573) 526-0132

March 20, 2009

Mr. David Furth, Acting Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission

Mr. Furth,

In response to the letter dated February 12, 2009 to Governor Nixon concerning the collection of information required by the New and Emerging Technologies 911 Improvement Act of 2008, the State of Missouri offers the following responses.

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein 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).

**Response:** The State of Missouri has established a state funding mechanism for 911 or E911. However, the measure authorized by statute has not been implemented because it has failed to obtain sufficient votes at election. The State of Missouri has been authorized to establish a wireless funding mechanism under §190.420-440 RSMo. Copies of the pertinent statutes are enclosed, for your information.

Missouri statutes permit local jurisdictions to establish funding through one of two methods. Of the 114 counties in the State, 97 have passed a local funding mechanism. Sixty of the ninety seven counties have established funding authorized by §190.305, RSMo, which states in part:

*The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted.*

The remaining thirty seven counties have established a funding mechanism authorized by §190.335, RSMo, which states in part:

*In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax ..... The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax,....*

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, 2008. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding allowable uses of the collected funds, including the legal citation to such criteria.

**Response:** The State of Missouri does not collect funds for the implementation and support of 911 or E911 services. All funds are imposed and collected by the local political subdivision. The State has established criteria regarding the allowable uses of the funds by local authorities. Section 190.305, RSMo, states in part:

*The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body.*

The funds allowed by Section 190.335, RSMo, are:

*.....for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.....*

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine the collected funds 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.

**Response:** There is no State entity that has the direct authority to approve expenditures or provide oversight. The local political subdivision has three different methodologies available that provide approval of expenditures and establish oversight procedures. The statutes provide for governance.

Section 190.309, RSMo, is established for those jurisdictions that are funded by Section 190.305, RSMo, and states in part:

1. Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county.
2. Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The governing body shall appoint eleven persons to the board. Such powers shall include, but not be limited to:  
*Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected;*

Sections 190.329 and 190.337, RSMo, are established for those jurisdictions that are funded by §190.335, RSMo:

1. *...the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.*
2. *Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be*

electd for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum.

3. Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years.

190.337. 1. The sales tax established by a county according to the provisions of section 190.335 shall be permanent and revenues from it shall be disbursed only for the purposes for which it was collected.

4. 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.

**Response:** The State Auditor conducts bi-annual general audits which include 911 and E911 of the local subdivisions. To our knowledge, there have been no findings that funds were used for any purposes other than for implementation or support of 911 or E911.

5. 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.

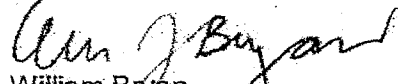
**Response:** The State of Missouri has not identified any instance where funds collected for 911 or E911 purposes were made available or used for any purpose other than the ones designated by the funding mechanism.

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

**Response:** None

Thank you for your interest in Missouri's efforts to fund and maintain 911 and E911.

Respectfully Submitted,

  
William Bryan  
Chief Information Officer  
State of Missouri

Enclosures

# Missouri Revised Statutes

## Chapter 190 Emergency Services Section 190.300

August 28, 2008

### Definitions.

190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;
- (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;
- (3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;
- (4) "Governing body", the legislative body for a city, county or city not within a county;
- (5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (7) "Service supplier", any person providing exchange telephone services to any service user in this state;
- (8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;
- (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

(L. 1981 H.B. 437 § 1, A.L. 1993 S.B. 160)

#### CROSS REFERENCE:

Advisory committee for 911 service oversight, created, members, terms, qualifications, powers and duties, staffed by department of public safety, RSMo 650.325, 650.330

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Missouri General Assembly



# *Missouri Revised Statutes*

## **Chapter 190 Emergency Services Section 190.305**

August 28, 2008

**Emergency telephone service may be provided--tax levy authorized --governing body of  
Christian and Scott counties may contract for services--time limitation on tax--rate--collection.**

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328. The board of any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants shall provide services to a city located in more than one county only after making an agreement or contracting with the city for such services, provided that any agreement or contract in effect, as of January 1, 2006, shall continue until such time as a successor agreement or contract is entered into by the board and city and such agreement or contract is to provide services for a period of three or more years.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the

collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

(L. 1981 H.B. 437 § 2, A.L.; 1986 H.B. 1268, A.L.; 1990 H.B. 951, A.L.; 1993 H.B. 910 merged with S.B. 157 & 29, A.L.; 1994 S.B. 700, A.L.; 1996 H.B. 1097, A.L.; 1997 H.B. 249, A.L.; 2007 S.B. 22)

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Missouri General Assembly

# *Missouri Revised Statutes*

## **Chapter 190 Emergency Services Section 190.309**

August 28, 2008

**Emergency telephone board, powers and duties--members of the board, appointment, terms--  
personnel--officers--rules--removal of members--vacancies--nepotism prohibited.**

190.309. 1. Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county. Such powers shall include, but not be limited to:

- (1) Planning a 911 system;
- (2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems;
- (3) Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected;
- (4) Hiring any staff necessary for the implementation or upgrade of the system.

2. Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The governing body shall appoint eleven persons to the board. At least six of such members shall represent public safety agencies. At least nine of the board members shall be residents of the county described in subsection 1 of this section or a county adjoining such county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, five members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. The members of the board shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

3. The administrative control and management of the county emergency telephone 911 service shall rest solely with the board, and the board shall employ all necessary personnel, fix their compensation, and provide suitable quarters and equipment for the operation of the facility from funds made available for this purpose. Employees of the board shall be eligible for membership in the Missouri local government employees' retirement system pursuant to sections 70.600 to 70.755, RSMo.

4. The board may contract to provide services relating in whole or in part to emergency telephone 911 service and for such purpose may expend the tax funds or other funds.

5. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board.

6. The board shall set rules for establishment and operation of the emergency 911 system, and shall do all other things necessary to carry out the purposes of sections 190.300 to 190.320.

7. The board may contract with any not-for-profit corporation including any corporation which is incorporated for the purpose of implementing the provisions of sections 190.300 to 190.320.

8. The board may accept any gift of property or money for the use and benefit of the emergency telephone 911 service in the county, and the board is authorized to sell or exchange any such property which the board believes would be to the benefit of the service so long as the proceeds are used exclusively for emergency telephone services. The board shall have exclusive control of all gifts, property or money the board may accept; of all interest or other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county on behalf of the emergency telephone 911 services; and of all other funds granted, appropriated, or loaned to the board by the federal government, the state, or its political subdivisions so long as these resources are used solely to benefit the emergency telephone service in the county.

9. Any board member may, following notice and an opportunity to be heard, be removed from office by a majority vote of the other members of the board for any of the following grounds:

- (1) Failure to attend five consecutive meetings, without good cause;
- (2) Conduct prejudicial to the good order and efficient operation of the emergency telephone service; or
- (3) Neglect of duty.

10. The chairman of the board shall preside at such removal hearing, unless the chairman is the person sought to be removed, in which case the hearing shall be presided over by another member elected by the majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn by oath or affirmation before testifying. Any interested party may, at his or her own expense, record the proceedings.

11. Vacancies on the board occasioned by removals, resignations or otherwise shall be reported by the board chairman to the governing body of the county and shall be filled in like manner as original appointments; except that, if the vacancy occurs during an unexpired term, the appointment shall be for only the unexpired portion of that term.

12. Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board.

13. No person shall be employed by the board who is related within the fourth degree of\* consanguinity or affinity to any member of the board.

(L. 1995 H.B. 452, et al., A.L., 1996 H.B. 766, A.L., 1997 H.B. 816)

\*Word "of" does not appear in original rolls.

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Missouri General Assembly

# *Missouri Revised Statutes*

## Chapter 190 Emergency Services Section 190.325

August 28, 2008

**Central dispatching service for emergency services (Clay and Jefferson counties)--use of emergency telephone moneys--tax rate--contracts for service for other political subdivisions--tax collection.**

190.325. 1. In any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants but less than two hundred thousand inhabitants, the county commission may use all or a part of the moneys derived from the emergency telephone tax authorized pursuant to section 190.305 for central dispatching of fire protection, emergency ambulance service or any other emergency services, which may include the purchase and maintenance of communications and emergency equipment. In the event such commission chooses to use the tax provided in that section for such services, the provisions of sections 190.300 to 190.320 shall apply except as provided in this section.

2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section and the amounts required to be collected are due monthly. The amount of tax collected in one calendar month by the service supplier shall be remitted to the governing body no later than one month after the close of a calendar month. On or before the last day of each calendar month, a return for the preceding month shall be filed with the governing body in such form as the governing body and service supplier shall agree. The service supplier shall include the list of any service user refusing to pay the tax imposed by this section with each return filing. The service supplier required to file the return shall deliver the return, together with a remittance of the amount of the tax collected. The records shall be maintained for a period of one year from the time the tax is collected. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. Nothing in this section shall be construed to require any municipality or other political subdivision to join the central dispatching system established pursuant to this section. The governing body of any municipality or other political subdivision may contract with the board established pursuant to section 190.327 for such services or portion of such services, or for the purchase and maintenance of communication and emergency equipment.

(L. 1990 H.B. 951 § 1 subsec. 1, A.L. 1993 H.B. 910)

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Missouri General Assembly

# *Missouri Revised Statutes*

## **Chapter 190 Emergency Services Section 190.327**

August 28, 2008

**Board appointed, when--board elected, when--duties--commission to relinquish duties to board--qualifications--board, powers and duties.**

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, RSMo, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, RSMo, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

- (1) To have and use a corporate seal;
- (2) To sue and be sued, and be a party to suits, actions and proceedings;
- (3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;
- (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;
- (5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;
- (6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;
- (7) To adopt and amend bylaws and any other rules and regulations;
- (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;
- (9) To pay all expenses connected with the first election and all subsequent elections; and
- (10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers

granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

(L. 1990 H.B. 951 § 1 subsec. 2, A.L.; 1995 H.B. 452, et al., A.L.; 1996 S.B. 532)

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Missouri General Assembly

# *Missouri Revised Statutes*

## **Chapter 190 Emergency Services Section 190.328**

August 28, 2008

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### **Election of board, Christian and Scott counties, when--terms.**

190.328. 1. Beginning in 1997, within the area from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of two members from each township within such area and one at-large member who shall serve as the initial chairperson of such board.

2. Within the area from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification, voters shall elect a board to administer funds and oversee the provision of central dispatching for emergency services. Such board shall consist of two members elected from each of the townships within such area and one member elected at large who shall serve as the chairperson of the board.

3. Of those initially elected to the board as provided in this section, four from the townships shall be elected to a term of two years, and four from the townships and the at-large member shall be elected to a term of four years. Upon the expiration of these initial terms, all members shall thereafter be elected to terms of four years.

(L. 1997 H.B. 249)

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# *Missouri Revised Statutes*

## **Chapter 190 Emergency Services Section 190.329**

August 28, 2008

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### **Election of board, exceptions, when--terms.**

190.329. 1. Except in areas from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities located in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.

2. Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum.

3. Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years.

(L. 1990 H.B. 951 § 1 subsecs. 3-4, A.L. 1995 H.B. 452, et al., A.L. 1996 S.B. 532, A.L. 1997 H.B. 249)

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# Missouri Revised Statutes

## Chapter 190 Emergency Services Section 190.335

August 28, 2008

Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax--collection, limitations--adoption of alternate tax, telephone tax to expire, when--board appointment and election, qualification, terms--continuation of board in Greene County--board appointment in Christian County.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

ã ã YES ã ã NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax

imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(L. 1993 S.B. 157 & 29 § 1, A.L. 1996 H.B. 1460, A.L. 2005 H.B. 58, A.L. 2008 S.B. 1039)

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Missouri General Assembly

# *Missouri Revised Statutes*

## Chapter 190 Emergency Services Section 190.337

August 28, 2008

**Revenue, purpose for which shall be used--procedure to terminate tax, ballot form--  
reestablishing emergency service using telephone tax, procedure.**

190.337. 1. The sales tax established by a county according to the provisions of section 190.335 shall be permanent and revenues from it shall be disbursed only for the purposes for which it was collected. Upon receipt of a petition signed by a number of voters in the county equal to ten percent of the number of voters in the county who voted in the most recent gubernatorial election requesting the submission of the question of continuation or termination, the county commission in any county which has adopted the sales tax as a means of paying for emergency services in lieu of financing such services through taxes as provided in section 190.305, shall submit to the voters of the county the question to continue or to terminate the sales tax.

2. The question shall be submitted in the following form:

Shall the county of ..... (insert name of county) continue to impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance, or emergency telephone, services?

â â YES â â NO

3. If a majority of those voting on the question vote "YES" for continuation, the sales tax shall be continued unless and until terminated by a vote of the qualified voters voting thereon; if a majority of those voting on the question vote "NO" for the termination of the sales tax, the county commission shall declare the sales tax terminated effective the first day of the second calendar quarter following notification to the director of revenue that the tax has been repealed and shall discharge any board appointed pursuant to section 190.335. Any order adopted by the board shall be void and of no effect from and after the termination of the sales tax.

4. If the majority of the voters vote "NO" pursuant to subsection 3 of this section, the emergency services shall be deemed to have been terminated. Such emergency services may be reestablished in the county pursuant to the provisions of section 190.305.

(L. 1993 S.B. 157 & 29 § 2)

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# *Missouri Revised Statutes*

## **Chapter 190 Emergency Services Section 190.420**

August 28, 2008

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### **Fund established.**

190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

(L. 1998 S.B. 743)

Effective 7-2-98

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# *Missouri Revised Statutes*

## Chapter 190 Emergency Services Section 190.430

August 28, 2008

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### **Fee for wireless service--rules--office of administration, powers.**

190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

- (1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and
- (2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:
  - (a) The volume of wireless 911 calls received by each public safety answering point;
  - (b) The population of the public safety answering point jurisdiction;
  - (c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and
  - (d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;
- (3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;
- (4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service

provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act\* unless the release constitutes gross negligence, recklessness or intentional misconduct.

(L. 1998 S.B. 743)

Effective 7-2-98

\*"This act" (S.B. 743, 1998) contained numerous sections. Consult Disposition of Sections table for a definitive listing.

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# Missouri Revised Statutes

## Chapter 190 Emergency Services Section 190.440

August 28, 2008

### Ballot measure for fee.

190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

â€” YES â€” NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.

(L. 1998 S.B. 743)

Effective 7-2-98

\*Word "and" appears in original rolls.

Resubmitted to voters 8-06-02, defeated.

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Missouri General Assembly



OFFICE OF THE GOVERNOR  
STATE OF MONTANA

MONTANA

BRIAN SCHWEITZER  
GOVERNOR



JOHN BOHLINGER  
LT. GOVERNOR

March 20, 2009

Secretary  
Federal Communications Commission  
445 12th Street, S. W.  
Washington, D.C. 20554

Re: FCC PS Docket No. 09-14 – Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Sir or Madam:

Pursuant to the FCC Public Notice DA 09-205 dated February 6, 2009 regarding the above mentioned docket, the State of Montana is filing the following information.

**FCC Request #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 NET911 Act, has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E9-1-1 support or implementation (including a citation to the legal authority for such mechanism).

**Response**

*The Montana legislature delegated to the Department of Administration (DOA), an executive branch agency, responsibility to assist in the development of a 9-1-1 emergency telephone system. The legislature levied a surcharge fee on all telephone lines to fund the implementation, operation, and maintenance of the system. The 9-1-1 Program, which is a part of DOA's Public Safety Services Bureau, is responsible for oversight of 9-1-1 activities.*

*Cite: Montana Code Annotated Title 10, Chapter 4, Parts 1 and 2 (MCA 10-4-102; MCA 10-4-201)  
[http://data.opi.state.mt.us/bills/mca\\_toc/10\\_4.htm](http://data.opi.state.mt.us/bills/mca_toc/10_4.htm)*

**FCC Request #2**

The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E9-1-1 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2008. 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.

**Response**

*\$1.00 is collected for 9-1-1 services. The surcharge is based on \$.25 for basic 9-1-1, \$.25 for Enhanced 9-1-1 and \$.50 for wireless 9-1-1. The monthly surcharge is imposed on telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services.*

*The total amount collected for the calendar year ending December 31, 2008 was \$13,172,462.14.*

DOA makes quarterly distributions of the entire basic and enhanced 9-1-1 accounts on a per capita basis. Distribution of the wireless 9-1-1 account provides for a 'small county sunset' provision that divides such that 84% is distributed to all counties on a per capita basis. The remaining 16% is divided evenly to counties with 1% or less of the population. This provision will sunset in 2011. After the provision has sunset the entire wireless account will be distributed based on per capita basis.

Cite: Montana Code Annotated Title 10, Chapter 4, Parts 2 and 3 (MCA 10-4-201; 10-4-302; 10-4-311; 10-4-313) [http://data.opi.state.mt.us/bills/mca\\_toc/10\\_4.htm](http://data.opi.state.mt.us/bills/mca_toc/10_4.htm)

### **FCC Request #3**

A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 or E9-1-1 purposes, and 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 9-1-1 or E9-1-1.

### **Response**

DOA has authority to monitor implementation of approved basic, enhanced and wireless 9-1-1 system plans for compliance and use of funding. Local PSAPs are responsible for implementing, operating, maintaining, and improving 9-1-1 operations locally. "9-1-1 Funding Guidelines" and "Carrier Cost Recovery Guidelines" establish the criteria for the expenditures of the 9-1-1 fees.

The Guidelines are on the 9-1-1 Program web page at <http://pssb.mt.gov/911programs.mcp.x>.

Cite: Montana Code Annotated Title 10, Chapter 4, Parts 1 and 3 (MCA 10-4-102; 10-4-114; 10-4-303) [http://data.opi.state.mt.us/bills/mca\\_toc/10\\_4.htm](http://data.opi.state.mt.us/bills/mca_toc/10_4.htm)

### **FCC Request #4**

A statement whether all the funds collected for 9-1-1 or E9-1-1 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for implementation or support of 9-1-1 or E9-1-1.

### **Response**

9-1-1 revenues to support the programs administrative costs are deposited in the state's General Fund. The general fund deposits for the 9-1-1 program's administrative costs have outpaced actual administrative costs. Current statute does not allow for excess general fund deposits for the program's administrative costs to be transferred to the special revenue account to be distributed to the 9-1-1 jurisdictions.

The 2009 Legislature is considering a bill, House Bill 82 that creates a special revenue fund for the administrative costs and reduces 9-1-1 funds being deposited into the General Fund for the program's administrative costs. In addition the remaining administrative funding would be distributed to the 9-1-1 jurisdictions at the end of each fiscal year. This bill has been approved by the House and Senate. Upon my signature will be effective July 1, 2009.

Cite: Montana Code Annotated Title 10, Chapter 4, Part 3 (MCA 10-4-301)  
[http://data.opi.state.mt.us/bills/mca\\_toc/10\\_4.htm](http://data.opi.state.mt.us/bills/mca_toc/10_4.htm)

#### **FCC Request #5**

A statement identifying what amount of funds collected for 9-1-1 or E9-1-1 purposes were made available or used for any purposes other than the one designated by the funding mechanism or used for purposes otherwise unrelated to 9-1-1 or E9-1-1 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 9-1-1 or E9-1-1 purposes were made available or used.

#### **Response**

*The State of Montana has not used funds collected for 9-1-1 or E9-1-1 for unrelated to the implementation, support or operation of 9-1-1 programs. As noted in response to FCC Request # 4 above, steps are being taken to proactively address the fund balance resulting from lower than anticipated administrative costs.*

#### **FCC Request #6**

Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 9-1-1 and E9-1-1.

#### **Response**

*The State of Montana, Department of Administration has appointed a 9-1-1 Advisory Council, confirmed by my office, to provide input from 9-1-1 jurisdictions.*

*We are very proud of our other accomplishments in public safety and 9-1-1. Becky Berger, State of Montana's 9-1-1 Program Manager was recognized by the Congressional E9-1-1 Caucus and E9-1-1 Institute as the Local Government Leader for 2007. In 2004, the national Governor's Association Center for Best Practices identified Montana for developing innovative strategies to meet E9-1-1 goals.*

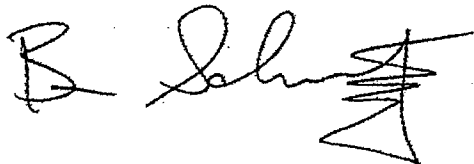
The State of Montana and the nation are challenged to prepare for the impacts of a dramatically changing communications environment that has created the need for a more advanced system to access emergency services. We have established and deployed a statewide 9-1-1 network to all areas of the state, both rural and urban. Planning is currently underway to deploy IP enabled services consistent with the New and Emergency Technologies 9-1-1 Improvement Act of 2008 (NET 9-1-1).

Montana was selected from over 50 applicants, to participate in a U S Department of Transportation (DOT) Proof of Concept demonstrating and testing the Next Generation 9-1-1 Initiative.

Montana is taking steps to ensure that 9-1-1 revenues are being directed to 9-1-1 services. We are proactive in implementing strategies and policies to meet the goals envisioned by Congress in the NET 9-1-1 Act.

Becky Berger is my designated 9-1-1 Representative. If you need additional information please contact her at (406) 444-1966.

Sincerely,



BRIAN SCHWEITZER  
Governor



# Nebraska Public Service Commission

NEBRASKA

COMMISSIONERS:  
JANE C. BOYLE  
ROD JOHNSON  
FRANK E. LANDIS  
TIM SCHRAM  
GERALD L. VAP



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NEBRASKA CONSUMER HOTLINE:  
1-800-526-0017

EXECUTIVE DIRECTOR:  
MICHAEL G. HYBL

March 23, 2009

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

RE: PC Docket No. 09-14

**\*\*SUBMITTED VIA ELECTRONIC DROP BOX\*\***

Dear Ms. Dortch:

Please find attached information provided by the Nebraska Public Service Commission in response to the information request in PC Docket No. 09-14.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Frank Landis".  
Frank Landis  
Chairman

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of the Information )  
Collection Mandated by the New and )  
Emerging Technologies Improvement ) PS Docket No. 09-14  
Act of 2008 )  
)  
)

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

Nebraska Public Service Commission  
1200 N Street; 300 The Atrium Building  
Lincoln, Nebraska 68508  
(402) 471-3101

March 23, 2009



The following information is provided in response to the public notice issued on or about February 6, 2009 in PC Docket No. 09-14.

**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).**

The funding and implementation of landline enhanced 911 services is the province of local governing bodies pursuant to the Emergency Telephone Communications Systems Act, Neb. Rev. Stat. §§ 86-420 to 86-441.01 (2008 Cum. Supp.). The funding and implementation of wireless enhanced 911 service is within the jurisdiction of the Nebraska Public Service Commission pursuant to the Enhanced Wireless 911 Services Act, Neb. Rev. Stat. §§ 86-442 to 86-470 (Cum. Supp. 2008).

#### Landline Enhanced 911 Service

Local governing bodies are permitted to impose a service surcharge of up to \$1.00 on each landline telephone number or functional equivalent within the governing body's 911 service area, with the exception of Douglas County which shall not exceed \$.50.<sup>1</sup> Funds generated by these surcharges shall be used "only for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications-related services required for the provision of 911 service."<sup>2</sup>

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<sup>1</sup> Neb. Rev. Stat. § 86-435(1) and (2).

<sup>2</sup> Neb. Rev. Stat. § 86-435(5).

## Wireless Enhanced 911 Service

Wireless carriers providing service within Nebraska are required to collect and remit to the Nebraska Public Service Commission (Commission) a surcharge up to \$.70 on all active telephone numbers or functional equivalents every month from users of wireless service.<sup>3</sup> A lower cap of \$.50 is set for any users of wireless service whose primary place of use is Douglas County.<sup>4</sup> Additionally, special provisions are in place to address users of prepaid wireless service and prepaid wireless carriers.<sup>5</sup> Currently, the wireless surcharge is set at \$.50.<sup>6</sup>

The use of the funds is limited to the purposes set forth in Neb. Rev. Stat. § 86-465(2). The Commission is in the process of developing a permanent funding mechanism to distribute funds.<sup>7</sup> Pending the completion of the permanent funding mechanism, the Commission has adopted an Interim Policy governing the distribution of funds a copy of which is attached hereto as Appendix A.<sup>8</sup>

**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, 2008. 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.**

<sup>3</sup> Neb. Rev. Stat. § 86-457(1).

<sup>4</sup> Neb. Rev. Stat. § 86-457(2).

<sup>5</sup> Neb. Rev. Stat. § 86-457(5) and *In the Matter of the Commission, on its own motion, to establish surcharges assessed on users of prepaid wireless service and, methods for the collection and remittance of surcharges from carriers offering prepaid wireless services*, Docket No. 911-031.

<sup>6</sup> *The Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund*, Docket No. 911-002, Order Setting Surcharge (Oct. 21, 2008).

<sup>7</sup> Neb. Rev. Stat. § 86-465 and 86-466.

<sup>8</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, to establish interim policies for the Administration of the Enhanced Wireless 911 Fund pending Implementation of LB 1222 [2006]*, Docket No. 911-017/PI-116, Progression Order No. 2 Amending Policy (Dec. 16, 2008).

During 2008, \$5,507,239.80 was remitted to the Enhanced Wireless 911 Fund through the imposition of the \$.50 wireless 911 surcharge. The Commission receives annual reports regarding the amount of landline surcharges collected and remitted by local exchange carriers to local governing bodies. Those annual reports are not due to the Commission until April 30<sup>th</sup> of each year. Therefore, the Commission only has data for 2007. During the 2007 calendar year, \$7,771,667.39 was remitted to local governing bodies in Nebraska through the landline 911 surcharge.

The permissible purposes for each of the funds are set forth in the previously mentioned statutory sections outlined above. The landline funds are remitted directly to the local governing parties and therefore no distribution mechanism is necessary, unless a particular governing body has an interlocal agreement with another governing body for the provision of 911 services which requires any kind of payment. In that case, the sharing of costs would be governed by the terms of the individual interlocal agreement. The Commission receives funding requests from Public Safety Answering Points (PSAPs) and wireless carriers that are reviewed by the Advisory Board and Commission staff. The Commission votes to approve or deny any funding requests. Payments are made to vendors and local exchange carriers on behalf of PSAPs for equipment, software and services necessary for the provision of enhanced wireless 911. Payments are also made directly to wireless carriers for costs incurred for the provision of enhanced wireless 911 services.

**3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and 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 or E911.**

As previously stated, the Nebraska Public Service Commission has the authority to expend funds collected through the enhanced wireless 911 surcharge. The Commission is subject to review by the State Auditor's office. Local governing bodies, i.e. counties and municipalities, have the authority to expend funds collected through their individual landline 911 surcharges.

**4. 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.**

Because the Commission does not have oversight over the collection and use of landline 911 surcharges collected by local governing bodies, we cannot comment regarding the expenditure of their funds. With respect to the Enhanced Wireless 911 Fund, during 2008 \$6,824,780.40 was paid to or on behalf of wireless carriers and PSAPs for the provision of enhanced wireless 911 services and an additional \$167,633.33 was used to cover the expenses of administering the Fund.

**5. 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.**

Because the Commission does not have oversight over the collection and use of landline 911 surcharges collected by local governing bodies, we cannot comment

regarding the use or expenditure of their funds. With respect to the Enhanced Wireless 911 Fund, during 2008 all funds were expended for appropriate purposes pursuant to the Enhanced Wireless 911 Services Act.

Respectfully Submitted,

The Nebraska Public Service Commission

By: Frank Landis

Frank Landis  
Chairman  
300 The Atrium Building  
1200 N Street  
Lincoln, NE 68508  
(402) 471-3101

Second Amended Interim Implementation Policy

PSAP Funding Requests for Shared Costs

Requests for reimbursement for any equipment, software, hardware, or services shared between wireless and wireline enhanced 911 service filed after **February 16, 2007** will be subject to an allocation factor of 55% (fifty-five percent) wireless and 45% (forty-five percent) wireline. This interim policy does not guarantee funding for any particular request. All requests must be reviewed on a case-by-case basis on their own merits.

**Funding will be determined based upon the statewide allocation factor until such time as the funding mechanism is established pursuant to LB 1222 [2006]. A PSAP may request a waiver or adjustment of this allocation factor for good cause, including, but not limited to, financial need.**

Mapping

All PSAPs, counties or cities who have developed GIS data on their own and do not submit requests for reimbursement, must do so **no later than February 16, 2007**. All data must be provided in a form consistent with the standards set forth by the Commission to be included in the data repository prior to a PSAP receiving any funding or access to the data repository. The Commission staff will continue to develop a policy regarding access to and use of the data repository.

The Commission will continue to fund the development of GIS data up to 100% during the interim period. Any requests for funding for the development of GIS data will continue to be reviewed on a case-by-case basis.

PSAP Phase II Funding

Any requests by PSAPs for Phase II LEC costs, whether already incurred or new costs, will be considered on a case-by-case basis. Any requests for reimbursement of already incurred Phase II costs must be submitted **no later than February 16, 2007**. Failure to submit requests for reimbursement of already incurred costs by said date, may constitute a waiver of reimbursement.

Testing

During the interim period, all PSAPs, wireless carriers, LECs and vendors involved in the implementation of Phase I or Phase II wireless enhanced 911, must do so consistent with the Phase I standards adopted by the Commission in Progression Order No. 5 in Docket No. 911-011/PI-79 and the Phase II standards adopted by the Commission on October 17, 2006 in the same docket. The applicable testing standards shall be followed on any initial implementation and if an additional tower is being implemented, this includes notifying

the Commission, appropriate LEC and the PSAP. Failure to comply with applicable testing guidelines may result in loss of funding and/or possible fines.

#### Wireless Carrier and LEC Costs

Any wireless carrier who has not submitted invoices for previous billing periods must file with the Commission all invoices for previous billing periods by February 16, 2007. Furthermore, all invoices for billing periods up through December, 2006 must be filed by February 16, 2007. Failure to submit these invoices may constitute a waiver of any funds previously approved.

Wireless carriers will not receive funding for Phase II costs at this time. Any costs currently approved for Phase I that will continue with Phase II implementation will continue to be reimbursed consistent with Commission rules, other terms of the interim policy, and Commission Orders.

The Commission will not approve any increase in Wireless Carrier or LEC costs during the effectiveness of the interim policy.

The Commission will continue to consider costs associated with new implementations, increases in subscriber counts, new towers, etc. This does not include increases in the actual rates.

#### Phase I Funding

All PSAPs ready to move forward with Phase I and wireless service providers should submit requests for funding consistent with Progression Order No. 5 and Commission procedures set forth herein. The Commission and staff may request additional information in order to properly consider each request.

#### GIS Data Development and the Data Repository

Due to the length of time necessary for development and the need statewide, funding for the development of GIS data and the data repository will continue during the transition period. Any PSAP which has developed its own data, must provide that data in a form consistent with the standards set forth by the Commission to be included in the data repository prior to receiving any funding or access to the data repository. The Commission staff will be developing a policy regarding access to and use of the data repository.

#### Multiple PSAPs Within a County

Pending implementation of LB 1222, the Commission will provide funding for only one PSAP per County consistent with Neb. Rev. Stat. § 86-465(1)(e) (2005 Supp.) as amended LB 1222 [2006]. Furthermore, no funding will be provided for backup PSAPs. In cases in which funding is currently being provided to multiple PSAPs within a county, funding will continue during the interim period and the issue will be resolved in conjunction with the establishment of a permanent funding mechanism. If during the

interim period, any new funding requests are received from PSAPs serving an area served by multiple PSAPs, each request will be reviewed on a case-by-case basis.

#### Miscellaneous

All funding requests will continue to be reviewed by the Wireless E911 Advisory Board consistent with past practices. All parties requesting funding will be notified when their request is on the Board's agenda. The Board's funding recommendations will be forwarded to the Commission. Final decision on any funding request will be made by the Commission. Any PSAP, wireless carrier, vendor or LEC may request a hearing before the Commission on any funding request.

All funding requests for equipment and/or hardware/software should include any additional expenses related to maintenance of the equipment. After February 16, 2007, all PSAPs shall utilize vendors of choice as outlined in Docket No. 911-011/PI-79. Any PSAP wishing to use a vendor other than a vendor of choice, should file a request for approval prior to the signing of any contract with the vendor.

All counties are responsible for ensuring compliance with all state and local laws and rules and regulations which govern the bidding process.

Should the Commission determine that money is no longer available for funding, no new funding requests will be approved.

The Commission may amend this policy at any time during the interim period.





## CARSON CITY FIRE DEPARTMENT

*"Service with Pride. Commitment. Compassion"*

April 23, 2009

Received &amp; Inspected

APR 29 2009  
FCC Mail Room

Marlene H. Dortch, Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Ref: PS Docket No. 09-14

Dear Ms. Dortch:

Pursuant to a request for information that was sent to Nevada Governor Jim Gibbons, I am replying to the FCC's request for information related to the New and Emerging Technologies Improvement Act of 2008. The Act requests a report from the states relative to 9-1-1 fees and their uses. In Nevada, this authority is vested in each county. The State of Nevada doesn't track or keep records on the fees charged for this purpose. The information contained in this report is for Carson City, a consolidated municipality and combined city/county.

Carson City has established a funding mechanism designed for the purposes of supporting 9-1-1 services. This funding mechanism is authorized by Nevada Revised Statutes 244A.7641 through 244A.7647 and by Carson City Municipal Code Chapter 4.05. The fees charged through this authorization are twenty-five cents (\$0.25) per month per individual line or two dollars and fifty cents (\$2.50) per month per line for trunk lines.

The money collected through this process is statutorily restricted to the following uses:

(a) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:

- (1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;
- (2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;
- (3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

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777 S. Stewart Street, Carson City, Nevada 89701  
Business Phone (775) 887-2210 • Fax (775) 887-2209 • [www.carsonfire.org](http://www.carsonfire.org)

Marlene H. Dortch  
Page 2  
April 23, 2009

(4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(b) To improve the telephone system for reporting emergencies in the county.

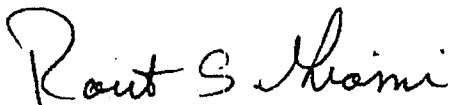
Funds collected must be deposited into a special account which is established by the Carson City Board of Supervisors (BOS). Expenditures from this account must be approved by a BOS-appointed advisory committee and ultimately the BOS. The expenditures must be in accordance with the 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies which is also approved by the BOS.

The local ordinance establishing this process was passed in 2008. Fees were not levied through this process until calendar year 2009. No fees were collected or expended during the requested reporting period ending December 31, 2008.

Future expenditures will be made based on applicable statutes and ordinances and in accordance with the master plan as approved by the Carson City legislative body.

Please contact our office if you have any additional questions or comments.

Sincerely,



R. Stacey Giomi  
Fire Chief - Emergency Management Director

cc: Governor Jim Gibbons  
City Manager Larry Werner  
Jeff Fontaine, NACO Executive Director

**BOARD OF COUNTY COMMISSIONERS**

1594 Esmeralda Avenue, Room 307, Minden, Nevada 89423



T. Michael Brown  
COUNTY MANAGER  
775-782-9821

**COMMISSIONERS**  
Nancy McDermid, CHAIR  
Greg Lynn, VICE-CHAIR  
David I. Brady  
Doug N. Johnson  
Michael A. Olson

Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington DC 20554

Re: Response to New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act). PS Docket No. 09-14

To Whom It May Concern:

This statement is a response to the FCC by Douglas County, Nevada, a local government entity.

Douglas County, NV established a surcharge through the adoption of County Ordinance 2007-1212 (attached) in accordance with Nevada Revised Statutes (NRS) 244A.7641 through NRS 244A.7647 inclusive.

The fee structure includes:

- A \$0.25 charge per month, per land line to the local exchange.
- A \$0.25 charge per month, per cellular/mobile telephone number.
- A \$2.50 charge per month on trunk lines.

The total amount of fees collected as of December 31, 2008 is \$82,482.49. To date, none of the funds have been expended, however, a plan is in place to replace the E911 system by June 2009.

The 911 surcharge funds are collected by Douglas County, a local government entity. Telecommunications providers send monthly checks to the Douglas County 911 Emergency Services Department. All funds are deposited in a 911 surcharge account for the sole purpose of maintaining and replacing 911 equipment.

The Douglas County, NV 911 Surcharge Advisory Committee is a local advisory committee established by County Ordinance 2007-1212 to develop and oversee a five year master plan and make recommendations to the Douglas County Board of County Commissioners on the expenditure of 911 surcharge funds.

The 911 surcharge funds are used for the sole purpose of replacement and maintenance of the E911 system.

If you have questions or require additional information, we would work to respond in a timely fashion.

**Ordinance No. 2007-1212**

**SUMMARY**

An ordinance establishing an advisory committee and authorizing a telephone line surcharge to be imposed for the enhancement or improvement of existing telephone systems used for reporting emergencies pursuant to NRS 244A.7641 through NRS 244A.7647 inclusive.

**TITLE**

An ordinance establishing an advisory committee to develop a 5-year master plan to enhance or improve the telephone system for reporting an emergency and to oversee any money allocated for that purpose, and authorizing a telephone line surcharge to be imposed for the enhancement or improvement of existing telephone systems used for reporting emergencies pursuant to NRS 244A.7641 through NRS 244A.7647 inclusive, and other properly related matters.

**Chapter 3.50**

**Surcharge for Enhancement or Improvement of Telephone System used for Reporting  
Emergency**

**Sections:**

- 3.50.010 Authority and Purpose.**
- 3.50.020 Definitions.**
- 3.50.030 Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency.**
- 3.50.040 Chairman, election, and duties.**
- 3.50.050 Rules and regulations.**
- 3.50.060 Quorum.**

- 3.50.070 Meetings.
- 3.50.080 Creation of special revenue fund; use of money in fund.
- 3.50.090 Imposition of telephone surcharge.
- 3.50.100 Penalty for failure to remit surcharges

#### 3.50.010 Authority and Purpose.

This chapter is enacted pursuant to NRS 244A.7641 through 244A.7647 for the following purposes:

- A. To establish an advisory committee to develop a 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in Douglas County and to oversee any money allocated for that purpose.
- B. To impose a surcharge for the enhancement or improvement of the telephone system for reporting an emergency in Douglas County on:
  - 1. Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Douglas County; and
  - 2. The mobile telephone service provided to each customer of that service whose place of primary use is in Douglas County.

#### 3.50.020 Definitions.

As used in this chapter, the words and terms defined in this section have the meanings ascribed to them unless the context requires otherwise.

A. **Incumbent local exchange carrier.** Has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

B. **Mobile telephone service.** Cellular or other service to a telephone installed in a vehicle or which is otherwise portable.

C. **Place of primary use.** Has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.

D. **Supplier.** A person authorized by the Federal Communications Commission to provide mobile telephone service.

E. **Trunk line.** A line that provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the

telecommunications provider.

**3.50.030 Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency.**

The board creates a five member advisory committee to develop a 5-year master plan to enhance or improve the telephone system for reporting an emergency in Douglas County and to oversee any money allocated for that purpose (the Committee). The master plan must include an estimate of the cost of the enhancement or improvement of the telephone system and all proposed sources of money for funding the enhancement or improvement.

A. Members will serve without compensation.

B. A member appointed to the Committee must:

1. Be a resident of Douglas County.
2. Possess knowledge concerning telephone systems for reporting emergencies; and
3. Not be an elected public officer.

As Douglas County has a population of less than 100,000, at least one member of the Committee must be a representative of an incumbent local exchange carrier which provides service to persons in Douglas County.

D. Members will be selected at large by the board at its discretion.

E. The Board must appoint members for a term of two years, except for the initial term, and may reappoint any member to subsequent terms of two years. Any vacancy occurring during a member's term will be filled by the board. A person appointed to fill a vacancy occurring during a term must serve out the unexpired term of the member replaced. On the effective date of this ordinance, the board must set the initial appointed members' terms to provide for the terms of three of the appointed members to end on December 31, 2008, and for the terms of two of the appointed members terms to end on December 31, 2007.

**3.50.040 Chairman, election, and duties.**

A. The committee must elect from its membership a chairman and vice-chairman.

B. the chairman will preside at meetings and be the signatory of any correspondence necessitated by operation of the committee.

**3.50.050 Rules and regulations.**

The committee may adopt rules and regulations regarding its meetings and procedures.

### **3.50.060 Quorum.**

Three members of the committee will constitute a quorum. The approval of a majority of all members present to vote is necessary on any action the committee desires to take.

### **3.50.070 Meetings.**

The committee must hold a public meeting on a regular day not less than quarterly unless a rule changing the meeting is adopted by the committee. At least three working days prior to any meeting, copies of the proposed agenda must be available to the public in the county clerk's office and must, additionally, be mailed to each member of the committee. Notice of the meetings and the conduct of the meetings of the committee, including the taking of minutes and their transcription and retention, must comply with the provisions of chapter 241 of NRS, Nevada Open Meeting Law.

### **3.50.080 Creation of special revenue fund; use of money in fund.**

A. The board creates a special revenue fund for the deposit of any money collected pursuant to NRS 244A.7643. The money in the fund must be used only for the following purposes:

(1) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:

(a) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(b) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(c) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

(d) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(2) To improve the telephone system for reporting emergencies in the county.

B. If the balance in the fund created pursuant to subsection 1 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board must reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

### **3.50.090 Imposition of telephone surcharge.**

A. The Board imposes a surcharge for the enhancement of the telephone system for reporting an emergency in Douglas County on:

(1) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Douglas County; and

(2) The mobile telephone service provided to each customer of that service whose place of primary use is in Douglas County.

B. The surcharge on access lines to the local exchange of a telecommunications provider will be twenty-five cents per month per line.

C. The surcharge on trunk lines to the local exchange of a telecommunications provider will be two dollars and fifty cents per month per line.

D. The surcharge for each telephone number assigned to a customer by a supplier of mobile telephone service will be twenty-five cents per month per telephone number.

E. A telecommunications provider that provides access lines or trunk lines in Douglas County and a supplier that provides mobile telephone service to customers in Douglas County must collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, each telecommunications provider and supplier must remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers. In accordance with NRS 244A.7647, a telecommunications provider or supplier which collects the surcharge imposed pursuant to this section is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.

F. Telecommunications providers and mobile telephone service suppliers affected by this ordinance must begin imposing the surcharges described in this section 3.50.090 within 60 days after the Board approves a 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in the county commencing with a full monthly billing cycle.

G. The county manager may adopt procedures as necessary to effectuate the provisions of this section.

### **3.50.100 Penalty for failure to remit surcharges**

Any telecommunications provider or mobile telephone service supplier that fails to remit surcharges due within 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharges to the county treasurer will be subject to a penalty of 5% of the cumulative amount of surcharges owed by the telecommunications provider or supplier.

SECTION II: Imposition of the surcharges described in Section 3.50.090 cannot



commence until the board adopts a 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in the county. All other provisions of the ordinance are effective upon publication as provided in NRS §244.117(3).

### **NRS 244A.7641 911 SURCHARGE**

#### **SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCY**

NRS 244A.7641 Definitions. As used in NRS 244A.7641 to 244A.7647, inclusive, unless the context otherwise requires:

1. "Mobile telephone service" means cellular or other service to a telephone installed in a vehicle or which is otherwise portable.
2. "Place of primary use" has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.
3. "Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.

(Added to NRS by 1995, 1056; A 1999, 1686, 2715; 2001, 621, 622, 1642, 2124; 2003, 69)

NRS 244A.7643 Surcharge: Imposition; master plan required in certain counties; amount; collection; penalties for delinquent payment.

1. Except as otherwise provided in this section, the board of county commissioners in a county whose population is 100,000 or more but less than 400,000 may by ordinance, for the enhancement of the telephone system for reporting an emergency in the county, impose a surcharge on:

- (a) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in the county.

2. Except as otherwise provided in this section, the board of county commissioners in a county whose population is less than 100,000 may by ordinance, for the enhancement or improvement of the telephone system for reporting an emergency in the county, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in the county.

3. The board of county commissioners of a county whose population is less than 100,000 may not impose a surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement or improvement of the telephone system and all proposed sources of money for funding the enhancement or improvement.

4. The surcharge imposed by a board of county commissioners pursuant to this section:

(a) For each access line to the local exchange of a telecommunications provider, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telecommunications provider, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telecommunications provider pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telecommunications provider pursuant to paragraph (a).

5. A telecommunications provider which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telecommunications provider or supplier shall remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

6. An ordinance adopted pursuant to subsection 1 or 2 may include a schedule of penalties for the delinquent payment of amounts due from telecommunications providers or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telecommunications provider or a supplier.

7. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

(Added to NRS by 1995, 1056; A 1997, 2212; 1999, 1686; 2001, 621, 1643, 2124; 2003, 152, 153; 2007, 559)

NRS 244A.7645 Establishment of advisory committee to develop plan to enhance or improve telephone system; creation of special revenue fund; use of money in fund.

1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more but less than 400,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must consist of not less than five members who:

(a) Are residents of the county;

(b) Possess knowledge concerning telephone systems for reporting emergencies; and

(c) Are not elected public officers.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers; and

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the

meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:

(1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

(4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(b) In a county whose population is less than 100,000, to improve the telephone system for reporting an emergency in the county.

4. If the balance in the fund created pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

(Added to NRS by 1995, 1056; A 1999, 1686; 2001, 621, 2125; 2007, 561)

NRS 244A.76455 Requiring deposit of business license fees imposed in county whose population is less than 100,000 on providers of personal wireless service into special revenue fund; exceptions. Repealed. (See chapter 165, Statutes of Nevada 2007, at page 562.)

NRS 244A.7646 Dispute of amount of surcharge or designation of place of primary use by customer of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit or explanation.

1. If a customer of a supplier of mobile telephone service believes that the amount of a surcharge imposed pursuant to NRS 244A.7643 or the designation of a place of primary use is incorrect, the customer may notify the supplier of mobile telephone service in writing of the alleged error. The notice must include:

- (a) The street address for the place of primary use of the customer;
- (b) The account number and name shown on the billing statement of the account for which the customer alleges the error;
- (c) A description of the alleged error; and
- (d) Any other information which the supplier of mobile telephone service may reasonably require to investigate the alleged error.

2. Within 60 days after receiving a notice sent pursuant to subsection 1, the supplier of mobile telephone service shall review the records that the supplier of mobile telephone service uses to determine the place of primary use of its customers.

3. If the review indicates:

(a) That the alleged error exists, the supplier of mobile telephone service shall correct the error and refund or credit the customer for the amount which was erroneously collected for the applicable period, not to exceed the 24 months immediately preceding the date on which the customer notified the supplier of mobile telephone service of the alleged error.

(b) That no error exists, the supplier of mobile service shall provide a written explanation to the customer who alleged the error.

4. A customer may not bring a cause of action against a supplier of mobile telephone service for surcharges incorrectly imposed pursuant to NRS 244A.7643 unless he first complies with this section.

(Added to NRS by 2001, 1642)

NRS 244A.7647 Recovering cost of collecting surcharge. A telecommunications provider or supplier which collects the surcharge imposed pursuant to NRS 244A.7643 is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.

(Added to NRS by 1995, 1057; A 1999, 1686; 2001, 621; 2007, 562)



**From:** Kelly J. Chouinard [kjchouinard@gov.nv.gov]  
**Sent:** Wednesday, July 01, 2009 10:59 AM  
**To:** Aaron Garza  
**Subject:** FW: E-911  
Hello Aaron,

As we discussed, below is the report from Elko County, Nevada. I will get Clark County, Nevada's report to you as soon as possible. Thank you for your assistance with this matter.

*Kelly*

*Kelly Chouinard*

*Executive Assistant to*

*Joshua J. Hicks, Esq., Chief of Staff*

*and*

*Christopher G. Nielsen, Esq., General Counsel*

*775-684-7124*

**The People of Nevada deserve a Government that works *for* them, not *against* them.**

---

**From:** Kristine [mailto:ecddirector@frontiernet.net]  
**Sent:** Tuesday, June 30, 2009 3:00 PM  
**To:** Kelly J. Chouinard  
**Subject:** E-911

To Whom It May Concern:

Hello, my name is Kristine Stork I am the current Director of the Central Dispatch Administrative Authority in Elko County. We are the PSAP for all of Elko County. This letter is to advise the State of Nevada and the FCC that Elko County does not have E-911 at this time. We do not have a surcharge in place to implement 911 service either. Currently we are in the process of acquiring E-911, but have not yet implemented any charges for the services. If you have any further questions please feel free to contact me.

Kristine Stork, Director  
Central Dispatch Administrative Authority  
725 Aspen Way  
Elko, Nevada 89801  
(775) 777-7301





NEVADA – LAS VEGAS  
METROPOLITAN POLICE  
DEPARTMENT

**From:** Kelly J. Chouinard [kjchouinard@gov.nv.gov]

**Sent:** Thursday, July 02, 2009 3:09 PM

**To:** Aaron Garza

**Subject:** FW: E911 Surcharge

This is the report from Clark County, Nevada. Thanks again.

*Kelly*

*Kelly Chouinard*

*Executive Assistant to*

*Joshua J. Hicks, Esq., Chief of Staff*

*and*

*Christopher G. Nielsen, Esq., General Counsel*

775-684-7124

**The People of Nevada deserve a Government that works *for* them, not *against* them.**

---

**From:** Barbara Doran [mailto:B4482D@LVMPD.COM]

**Sent:** Thursday, July 02, 2009 10:50 AM

**To:** Kelly J. Chouinard

**Subject:** E911 Surcharge

Good Afternoon,

I am the Director of Communications for the Las Vegas Metropolitan Police Department. We are the primary Public Safety Answering Point (PSAP) for Las Vegas/Clark County. This email is being sent in order to advise the State of Nevada and the FCC at this time we do not charge a surcharge on 9-1-1 (which includes both wire line and wireless).

If you need any additional information, please don't hesitate to contact me. Thank you

**Barbara A. Doran**

Director of Communications

LVMPD Communications Bureau

Office: (702) 828-7172

Pager: (702) 730-2688

Fax: (702) 828-7197

[b4482d@lvmpd.com](mailto:b4482d@lvmpd.com)





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**Thomas Lo**  
Geographic  
Information Systems

**Craig Harrison**  
Telecommunications

**Laura Schmidt**  
WINnet

# TECHNOLOGY SERVICES

May 6, 2009

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Information Collection Mandated By the New and Emerging Technologies  
Improvement Act of 2008 – Washoe County

The State of Nevada established a funding mechanism, NRS 244A.7643, imposed for the purposes of enhancing, implementing and maintaining the E911 system in Washoe County and Washoe County has established Washoe County Code 65.400 – 65.460. \$1,300,514 was the total calendar year 2008 Washoe County surcharge collected.

On January 15, 2008 the Washoe County Board of Commissioners increased the Enhanced 911 surcharge from \$.10 to \$.25, effective May 1, 2008. Trunk charges increased from \$1.00 to \$2.50 per trunk.

The surcharge authorized by NRS 244A.7643 and WCC 65.450 in calendar year 2008 as of May 1, 2008 is as follows:

- a. 25 cents per month for each customer access line to the local exchange;
- b. \$2.50 per month for each customer trunk line to the local exchange;
- c. 25 cents per month per telephone number assigned to a customer by a supplier of mobile phone service.

Funds are remitted to Washoe County Technology Services, deposited by the Washoe County Treasurer and recorded in Washoe County's financial accounting system, SAP.

## NRS 244A.7643

5. A telecommunications provider which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telecommunications provider or supplier shall remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

6. An ordinance adopted pursuant to subsection 1 or 2 may include a schedule of penalties for the delinquent payment of amounts due from telecommunications providers or suppliers pursuant to this section. Such a schedule:

Washoe County  
1001 East Ninth Street  
PO Box 11130  
Reno, NV 89520.0027

775.328.2350  
Fax 775.328.2356

(a) Must provide for a grace period of not less than 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telecommunications provider or a supplier.

Written criteria regarding the allowable uses of the collected funds are as follows:

**NRS 244A.7645 Establishment of advisory committee to develop plan to enhance or improve telephone system; creation of special revenue fund; use of money in fund.**

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:

(1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

(4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(b) In a county whose population is less than 100,000, to improve the telephone system for reporting an emergency in the county.

4. If the balance in the fund created pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

(Added to NRS by 1995, 1056; A 1999, 1686; 2001, 621, 2125; 2007, 561)

As noted above in **NRS 244A.7645** and **Washoe County Code 65.400 – 65.460** attached, Washoe County established an E911 Advisory Committee to recommend expenditures to the Board of County Commissioners comprised of: two members appointed by the City of Reno; two members appointed by the City of Sparks; two members appointed by the County of Washoe and one member appointed by the members pursuant to qualifications. Washoe County legal counsel is present at these public meetings. Washoe County Technology Service's Department, Finance Department and divisions thereof, and Washoe County District Attorney appointed legal counsel provide oversight.

Washoe County surcharge collections are used solely for E911 purposes outlined in **NRS 244A.7645** and all surcharge funds remain in Washoe County's restricted account "C800801 Enhanced E911" until expended for same purpose.

Washoe County's on-going internal audits have determined no E911 funds were used for purposes other than allowed per **NRS 244A.7645**.

Washoe County sponsored a bill, **SB59** that has been approved by the Senate which:

- 1) Requires preparation and annual review of a master plan for E911.
- 2) Raises the cap on surcharge fund ending balance from \$500,000 to \$1M

[http://leg.state.nv.us/75<sup>th</sup>2009/Bills/SB/SB59\\_R1.pdf](http://leg.state.nv.us/75<sup>th</sup>2009/Bills/SB/SB59_R1.pdf)

Annette Van Der Wall  
Administrative Assistant  
Phone: 775-328-2352  
Email: [avanderwall@washoecounty.us](mailto:avanderwall@washoecounty.us)

identification specified by the division.

[§14, Ord. No. 706; Renumbered and amended by Ord. No. 733]

### 911 Telephone Enhancement

#### 65.400. Purpose and authority.

1. The 1995 Nevada Legislature enacted Senate Bill 473 which authorizes a telephone line surcharge to be imposed in certain counties for the enhancement of existing 911 telephone service (hereinafter "Act"). The Act required that any county imposing the surcharge create an advisory committee to develop a plan for 911 enhancements and recommend expenditures of money collected for said purpose.

2. The county of Washoe desires to implement the provisions of the Act to assure that the 911 emergency response system within the county is capable of providing the most efficient service available.

[§2, Ord. No. 941]

65.410. Creation of advisory committee. A 911 Emergency Response Advisory Committee is hereby created, pursuant to the provisions of Senate Bill 473 of the Sixty-Eighth Session of the Nevada Legislature, to develop a plan for the enhancement of the county 911 emergency response system and to recommend to the Washoe County commission the expenditures of money collected through the telephone line surcharge imposed in section 65.450.

[§3, Ord. No. 941]

#### 65.420 Definitions.

1. "Board" means the board of county commissioners.

2. "Telephone company" means a company providing local telephone service to customers within the boundaries of Washoe County, including but not limited to cellular or other service to a telephone installed in a vehicle or otherwise portable.

[§4, Ord. No. 941]

#### 65.430 Membership; qualifications of members; terms; removal; rotating chairmanship.

1. Membership. The membership of the committee shall be as follows:

- (a) Two members appointed by the city of Reno;
- (b) Two members appointed by the city of Sparks;
- (c) Two members appointed by the county of Washoe; and
- (d) One member appointed by the members appointed pursuant to 1(a), (b) and (c).

2. Qualifications. A member appointed to the committee must:

- (a) Be a resident of and a qualified elector in Washoe County;
- (b) Possess knowledge concerning telephone systems for reporting emergencies; and

(c) May not be an elected public officer.

3. Term. The term of appointment shall be for 4 years except that for the terms commencing January 1, 1996, each of the appointing entities shall appoint one member for a 2-year term

and the committee shall initially be appointed for a 1-year term.

4. Removal. A member may be removed for cause by the appointing body in accordance with procedures established by the appointing body.

5. Chairmanship. A chairman shall be selected from among the members at the first meeting in January of each year and must rotate each year among the appointees from the city of Sparks, city of Reno and Washoe County.

[§5, Ord. No. 941]

65.440 Rules; records; quorum.

1. Rules. The committee shall adopt rules for the conduct of business.

2. Records. The committee shall keep a record of its business, which record shall be a public record. Complete records of actions of the committee shall be kept on file in the department of the county manager.

3. Quorum. A quorum consists of a majority of the members and action may be taken upon an affirmative vote of a majority of a quorum.

[§6, Ord. No. 941]

65.450 Telephone line surcharge; duties of telephone companies; special revenue fund; commencement date; implementation.

1. Surcharge. There is hereby imposed a fee upon access lines or trunk lines of customers receiving telephone service within Washoe County as follows:

(a) Twenty-five cents per month for each customer access line to the local exchange;

(b) Two dollars and fifty cents per month for each customer trunk line to the local exchange;

(c) Twenty-five cents per month per telephone number assigned a customer by a supplier of mobile telephone service.

2. Commencement date. The surcharge imposed pursuant to subsection 1 above shall be imposed and collected by a telephone company commencing with the first full monthly billing cycle on or after January 1, 1996.

3. Setting the surcharge amount by resolution. The surcharge imposed pursuant to subsection 1 may be changed by the board of county commissioners by the adoption of a resolution in accordance with this section. The amount of the surcharge set by such resolution shall:

(a) Not exceed twenty-five cents per month for each customer access line to the local exchange;

(b) For each customer trunk line to the local exchange, an amount per month not to exceed, but which must be equal to, 10 times the amount of the surcharge imposed for each access line to the local exchange as set forth in 3(a) above;

(c) Not exceed twenty-five cents per month per telephone number assigned a customer by a supplier of mobile telephone service.

4. Commencement date of change in surcharge set by resolution. The resolution adopted by the board pursuant to subsection 3

hereof shall set the actual amount of surcharge to be imposed and collected. The amounts so established by resolution shall take effect on the first billing period of the telephone company following the effective date of the resolution.

5. Deposit. All money collected by a telephone company pursuant to this section shall be deposited into a special revenue fund and shall be expended solely for purposes of 911 emergency telephone enhancements and improvements.

6. Retention. A telephone company may retain an amount of the collected surcharge equal to the cost to collect the surcharge.

7. Implementation. The county manager shall adopt procedures necessary to effectuate the provisions of this section, including but not limited to a schedule for transfer of the surcharge by telephone companies to the county and review of costs for collection.

**Note:** This subsection 5 became effective on December 1, 1995. Sections 65.400 to and including 65.460, except as otherwise provided, became effective on January 1, 1996.

[§§7 and 8, Ord. No. 941; A Ord. No. 1109]

65.455 Remittance of funds; schedule of penalties.

1. Except for such amount of the surcharge as a telephone company is entitled to retain to equal the cost of collection of the surcharge pursuant to NRS 244A.6737, a telephone company shall remit the surcharge it collects to the treasurer of the county not later than the 15th day of the month after the month it received payment of the surcharge from its customers.

2. A surcharge imposed and collected by a telephone company pursuant to WCC 65.450 shall be considered subject to penalty for purposes of this subsection if not remitted to the county treasurer within ninety (90) days from the date established for remittance to the county.

3. A penalty in the amount of 5% of the amount determined to be delinquent shall be assessed and made payable with the next quarterly remittance.

[§1, Ord. No. 990; A Ord. No. 1109]

65.460 Effective date: Sunset.

1. Subsection 5 of section 65.450 shall be effective upon publication as provided in NRS 244.100. All other provisions of sections 65.400 to 65.460, inclusive, shall be effective on January 1, 1996.

2. Section 65.450 shall expire by limitation on December 31, 2001.

[§8, Ord. No. 941; A Ord. No. 1107]





# State of New Hampshire

NEW HAMPSHIRE

Department of Safety  
Division of Emergency Services  
Bureau of Emergency Communications  
James H. Hayes Safety Building  
33 Hazen Drive, Room 105  
Concord, New Hampshire 03305



John J. Barthelmes  
Commissioner, Department of Safety

Bruce G. Cheney, ENP  
Director, Division of Emergency Services

Earl M. Sweeney  
Assistant Commissioner, Department of Safety

Peter A. DeNutte, ENP  
Assistant Director, Bureau of Emergency Communications

Enhanced 9-1-1  
Commission Members:

April 2, 2009

Chairman  
Chief Douglas Aiken  
NH Assoc. of Fire Chiefs

Federal Communications Commission  
Public Safety and Homeland Security Bureau

Vice-Chair  
Sheriff James D. Linehan  
NH Sheriff's Association

Re: Initial Information Collection Mandated By the New and  
Emerging Technologies Improvement Act of 2008

Secretary  
William Wood  
NH Division of Fire Standards  
and Training & EMS

On behalf of the State of New Hampshire, the following  
responses are provided to your requests for information by letter dated  
February 12, 2009:

Kathryn Bailey  
NH Public Utilities Comm.

Eric Violette  
Telephone Association

1. New Hampshire Revised Statutes Annotated (NHRSA) 106-H:9  
authorizes the state to collect a surcharge on each residence and  
business telephone line to fund the enhanced 911 system.  
<http://www.gencourt.state.nh.us/ras/html/VII/106-H/106-H-9.htm>

Kevin M. Shea  
FairPoint Communications

2. The implementation cost and support for E911 has been collected  
through surcharges on telephone bills. The initial surcharge was  
established in 1993 at 39 cents per telephone line per month. In  
October 1995 the surcharge was increased to 42 cents, and in  
November 2006 the surcharge was increased to 64 cents. The total  
amount collected for the annual period ending December 31, 2008 was  
\$10,854,202.82. Written criteria regarding use of the funds is codified  
in NH RSA 106-H.

David Caron  
NH Municipal Association

Captain George Valliere  
NH Police Officer

<http://www.nh.gov/safety/divisions/emergservices/nh911/911comm.htm>

Colonel Frederick Booth  
NH Dept. of Safety

Richard Bernard  
Public Member

Lieutenant Brett Scholbe  
NH Firefighter

3. Pursuant to RSA 106-H:3 and 106-H:5, the 911 Commission, along  
with the approval of the commissioner of safety, oversee the  
operations of the Bureau of Emergency Communications, responsible  
for the provision of enhanced 911. The 911 Commission meets  
quarterly and minutes are posted. See  
<http://www.nh.gov/safety/divisions/emergservices/nh911/911comm.htm>  
ml. At the December 5, 2008 NH E911 Commission Meeting, a  
motion was made and unanimously approved to state precisely that

James Valiquet  
NH Assoc. of Police Chiefs

Commissioner Linda M. Hodgdon  
Administrative Services

Paul Szoc  
NH Federation of Mutual Aids

Vacant  
NH Disabled Community

Bert D. Girard  
Representative Wireless Telephone Providers

(603) 271-6911  
(603) 271-6609 - fax

Toll Free:  
1-800-806-1242

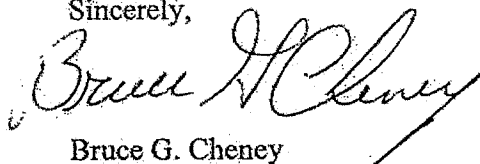
TDD Access: Relay NH  
1-800-735-2964

"the Enhanced 9-1-1 Commission is opposed to any sweep of 9-1-1 funds for other purposes because it will be contrary to Federal Law."

4. All funds collected for E911 purposes have been used for the support of E 911 and emergency communications.

5. Not applicable.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce G. Cheney".

Bruce G. Cheney  
Director

Cc: Governor John Lynch  
John Barthelmes, Commissioner, Department of Safety