



STATE OF TENNESSEE
TENNESSEE EMERGENCY COMMUNICATIONS BOARD
DEPARTMENT OF COMMERCE & INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-0582
615-253-2164

RANDY PORTER
CHAIRMAN

LYNN QUESTELL
EXECUTIVE DIRECTOR

March 20, 2009

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
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 Tennessee's response to the Initial Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008. Specific responses are set forth below each request for information. There are 100 Emergency Communications Districts (ECDs) in Tennessee that collect emergency communications fees on landlines. The Tennessee Emergency Communications Board (TECB or Board) collects fees on non-wireline communication services.¹

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: Tennessee has established two distinct funding mechanisms for 911 support and implementation. Tennessee law imposes separate 911 service charges on non-wireline and wireline telecommunications service.

¹ Tenn. Code Ann. § 7-86-103(11) defines non-wireline service as "any service provided by any person, corporation or entity, other than a service supplier as defined in this part, that connects a user dialing or entering the digits 911 to a PSAP, including, but not limited to, commercial mobile radio service and IP-enabled services".

Non-wireline 911 funding mechanism: Tenn. Code Ann. §§ 7-86-108(a)(1)(B)(i)(a) authorizes the imposition and collection of a monthly 911 service charge on the users and subscribers of non-wireline telecommunications service. The law designates the TECB to set the 911 fee at a flat, statewide rate not to exceed three dollars (\$3.00), subject to ratification by a joint resolution of the General Assembly.² The fee is collected by non-wireline telecommunications providers and remitted to the Board every two (2) months.³ The 911 emergency communications fund is designated for the purposes of funding the operational and administrative expenses of the Board,⁴ the implementation, operation, maintenance and enhancement of statewide wireless 911 and E911 service⁵ and deployment of 911 service for emerging communications technologies.⁶

The TECB, a self-funded, nine-member agency administratively attached to the Department of Commerce and Insurance,⁷ was created “for the purpose of assisting emergency communications district boards of directors in the area of management, operations, and accountability, and establishing emergency communications for all citizens of the state.”⁸

Wireline 911 funding mechanism: Tenn. Code Ann. § 7-86-108(a)(1)(A) authorizes the boards of directors of Tennessee’s 100 ECDs to levy an emergency telephone service charge in an amount not to exceed sixty-five cents (\$.65) per month for residential classification service users, and not to exceed two dollars (\$2.00) per month for business classification users, “to be used to fund the 911 emergency telephone service.”⁹ The 911 fee is remitted to each ECD every two (2) months by each wireline telecommunications service provider operating within the ECD’s boundaries.¹⁰ ECDs may request the TECB to increase the 911 service charge on landlines in the ECD’s service area up to a statutory maximum not to exceed one dollar fifty cents (\$1.50) for residential classification service users and three dollars (\$3.00) for business classification service users.¹¹

² Tenn. Code Ann. § 7-86-108(a)(1)(B)(i)(a).

³ Tenn. Code Ann. § 7-86-108(a)(1)(B)(ii)(b).

⁴ Tenn. Code Ann. § 7-86-303(d).

⁵ Tenn. Code Ann. § 7-86-303(d)(3)(A).

⁶ Tenn. Code Ann. § 7-86-306(a)(8).

⁷ See Tenn. Code Ann. §§ 7-86-302, 7-86-303(c) (The Board is funded by a service charge on users and subscribers of non-wireline service). Eight of the nine Board members are appointed by the Governor for fixed terms. The ninth member is the designee of the Office of the Comptroller of the Treasury. The Board is served by a staff of eight.

⁸ Tenn. Code Ann. § 7-86-302(a).

⁹ Tenn. Code Ann. § 7-86-108(a)(1)(A).

¹⁰ Tenn. Code Ann. § 7-86-110(a).

¹¹ Tenn. Code Ann. §§ 7-86-108(a)(2)(A); 7-86-306(a)(12).

By statute, the TECB exercises financial and operational oversight over the state's 100 ECDs which are the statutorily created municipalities that administer or facilitate local E-911 call taking and/or dispatching services across the state.¹² The TECB establishes technical, operational and dispatcher training standards, and administers grants and reimbursement programs which distribute funds to ECDs.¹³ It also provides substantial technical assistance to ECDs upon request.¹⁴

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: An emergency telephone service charge of \$1.00 per month on users and subscribers of non-wireline phone service is the TECB's sole revenue source. For calendar year 2008, the total amount collected was about \$55 million (2008 fiscal year total was \$51,362,089.00).¹⁵

The funds are used to fulfill the TECB's statutory mandates of establishing emergency communications for all citizens of the state, and assisting the state's 100 ECDs in the areas of management, operations and accountability. The TECB distributes twenty-five percent (25%) of the revenue generated by the monthly service charge on users and subscribers of non-wireline telephone service to the ECDs, based on the proportion of the population of each district to that of the State.¹⁶ The funds are distributed every two months.

Tenn. Code Ann. § 7-86-102(d) requires that ECDs use funds received from all sources "exclusively in the operation of the emergency communications district." Consistent with that mandate, the TECB has established 911 Revenue Standards pursuant to Tenn. Code Ann. § 7-86-306, as criteria regarding acceptable uses of revenue for the ECDs. These criteria can be found at <http://www.tennessee.gov/commerce/911/>. ECDs are subject to annual audits to assure compliance with the Revenue Standards and generally accepted auditing standards. The auditing manual may be accessed at

<http://www.comptroller1.state.tn.us/repository/ca/mg/tnecdmanual2008.pdf>

¹² See Tenn. Code Ann. § 7-86-106; Tenn. Code Ann. § 7-86-302, 7-86-306.

¹³ See Tenn. Code Ann. §§ 7-86-205, 7-86-306(a)(9) through (11).

¹⁴ Tenn. Code Ann. § 7-86-306(a)(7).

¹⁵ The state operates on a cash basis except when it closes its fiscal year on June 30. An exact amount for the calendar year ended December 31, 2008 cannot currently be determined and verified.

¹⁶ Tenn. Code Ann. § 7-86-303(d)(1).

The TECB also provides a number of non-statutory funding programs for the ECDs. For example, it provides a \$10,000 annual grant for GIS mapping maintenance. The Board also initiated an operational support program of \$14 million. This program was implemented to address the inequities of the strictly population based distribution required by Tennessee law. Under the \$14 million operational funding program, each district receives \$40,000 annually as an acknowledgement of the basic costs intrinsic to providing 911 service without regard to the size of the ECD. The remainder of the \$14 million (\$9.96 million) is divided among the districts based on seven (7) population groups. A set amount is allocated to each group based on the average audited cost ratios of each of the population groups, determined from an analysis of audited financial statements from the 2004-2005 fiscal year. In figuring this calculation, all personnel costs, including salaries and benefits, were excluded in order to assure more equal treatment between districts that dispatch and those that do not. Each ECD in each of the seven (7) population groups receive the same dollar amount. The population groups receive the following annual distributions, which may be used in the operation of the districts for all purposes permitted under the TECB Revenue Standards:

<u>Populations (2005 estimates):</u>	<u>Annual distribution to each ECD (per population group):</u>
Under 15,000	\$ 72,215
15,000 - 29,999	\$ 86,169
30,000 - 49,999	\$104,081
50,000 - 74,999	\$120,041
75,000 - 99,999	\$176,619
100,000 - 199,999	\$234,923
over 300,000	\$918,619

This formula lessens the disproportionality inherent in the strictly population based distribution required by law, which provides the larger districts with substantially more funding and provides comparatively less support to the smaller, more rural districts. The four most populous districts receive over 33% of the total annual revenue from the 25% distribution. The formula also avoids the pitfalls of an equal distribution, which fails to reflect the cost differences related to the size of the populations served by the ECDs.

The TECB also offers ECDs some non-recurring (one-time) funding and reimbursements up to the following amounts:

- \$50,000 for Geographic Information System ("GIS") Mapping Systems
- \$40,000 for Controllers
- \$150,000 for Essential Equipment

- \$5,000 for Master Clocks
- \$150,000 to each ECD that Consolidates (to a maximum of 3 ECDs)
- \$1,000 to Train Dispatcher Trainers
- \$100,000 to Cover Uninsured Catastrophic Event Losses

Below are the current ECD landline 911 Rates:

ECD	Residential	Business	ECD	Residential	Business
Anderson	\$0.65	\$2.00	Lake	\$0.65	\$2.00
Clinton City	\$0.65	\$2.00	Lauderdale	\$1.25	\$2.25
Oak Ridge City	\$1.50	\$3.00	Lawrence	\$1.50	\$3.00
Bedford	\$1.50	\$3.00	Lewis	\$0.65	\$2.00
Benton	\$0.65	\$2.00	Lincoln	\$0.65	\$2.00
Bledsoe	\$1.50	\$3.00	Loudon	\$0.65	\$2.00
Blount	\$1.10	\$2.45	Macon	\$0.65	\$2.00
Bradley	\$1.50	\$3.00	Madison	\$0.45	\$1.64
Campbell	\$1.50	\$3.00	Marion	\$0.65	\$2.00
LaFollette City	\$1.50	\$3.00	Marshall	\$1.50	\$3.00
Cannon	\$1.50	\$3.00	Maury	\$1.50	\$3.00
Carroll	\$0.65	\$2.00	McMinn	\$0.65	\$2.00
Carter	\$1.50	\$3.00	McNairy	\$1.15	\$2.50
Cheatham	\$1.15	\$2.50	Meigs	\$1.50	\$3.00
Chester	\$0.65	\$2.00	Monroe	\$0.65	\$2.00
Claiborne	\$1.50	\$3.00	Montgomery	\$1.50	\$3.00
Clay	\$1.50	\$3.00	Moore	\$0.65	\$2.00
Cocke	\$1.15	\$2.50	Morgan	\$1.50	\$3.00
Coffee	\$0.55	\$1.75	Obion	\$0.65	\$2.00
Crockett	\$0.65	\$2.00	Overton-Pickett	\$1.50	\$3.00
Cumberland	\$1.40	\$2.75	Perry	\$1.50	\$3.00
Davidson	\$0.65	\$2.00	Polk	\$0.65	\$2.00
Decatur	\$0.65	\$2.00	Putnam	\$0.65	\$1.66
DeKalb	\$0.65	\$2.00	Rhea	\$1.50	\$3.00
Dickson	\$0.55	\$1.65	Roane	\$1.50	\$3.00
Dyer	\$0.55	\$1.67	Robertson	\$1.50	\$3.00
Fayette	\$1.50	\$3.00	Rutherford	\$0.50	\$1.52
Fentress	\$0.65	\$2.00	Scott	\$0.65	\$2.00
Franklin	\$0.65	\$2.00	Sequatchie	\$1.50	\$3.00
Gibson	\$1.50	\$3.00	Sevier	\$0.55	\$1.67
Giles	\$1.50	\$3.00	Shelby	\$0.65	\$2.00
Grainger	\$1.50	\$3.00	Smith	\$0.65	\$2.00
Greene	\$0.65	\$1.50	Stewart	\$1.00	\$2.50
Grundy	\$1.50	\$3.00	Sullivan	\$1.50	\$3.00
Hamblen	\$1.25	\$2.75	Bristol City	\$0.65	\$2.00
Hamilton	\$1.50	\$3.00	Kingsport City	\$0.65	\$1.65
Hancock	\$1.50	\$3.00	Sumner	\$0.55	\$1.00
Hardeman	\$0.65	\$2.00	Tipton	\$1.50	\$3.00
Hardin	\$0.60	\$1.50	Unicoi	\$1.50	\$3.00
Haywood	\$0.65	\$2.00	Union	\$1.50	\$3.00
Henderson	\$0.65	\$2.00	Van Buren	\$0.65	\$2.00
Henry	\$0.65	\$2.00	Warren	\$1.00	\$3.00
Hickman	\$0.65	\$2.00	Washington	\$1.50	\$3.00
Houston	\$1.50	\$3.00	Wayne	\$1.00	\$2.50
Humphreys	\$1.50	\$3.00	Weakley	\$0.65	\$2.00
Jackson	\$1.50	\$3.00	White	\$1.50	\$3.00
Jefferson	\$1.00	\$3.00	Williamson	\$0.64	\$2.00
Johnson	\$1.50	\$3.00	Brentwood City	\$0.65	\$2.00
Knox	\$1.50	\$3.00	Wilson	\$0.55	\$1.67

The amount of 911 fees received by each of Tennessee's 100 ECDs for the annual period ending December 31, 2008 is not presently available.

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: The TECB is authorized to approve expenditures of non-wireline funds collected for 911 and E911 purposes.¹⁷ In addition to the 911 Revenue Standards referenced above, Tenn. Code Ann. § 7-86-108(a)(1)(B) requires the TECB submit an annual report to the Finance, Ways and Means Committees of the Tennessee Senate and the House of representatives. Additionally, Tenn. Code Ann. § 7-86-315 requires the TECB submit an annual report to the Governor and the Speakers of the General Assembly.

The Boards of Directors of each of Tennessee's ECDs also have authority to approve expenditures of 911 revenue, so long as the funds are used exclusively in the operation of the district and consistently with the Revenue Standards adopted by the TECB.¹⁸ As noted previously, the ECDs are subject to annual audit, supervised by the Office of the Comptroller of the Treasury.¹⁹

The TECB is authorized to withhold distributions of the non-wireline 911 service charge from ECDs that are operating in or fail to correct specific violations of the law including, but not limited to, the failure to submit an annual budget or audit, operating contrary to the open meetings act, or failing to comply with the emergency communications law. The TECB may also withhold such distribution upon a finding that an ECD is not taking sufficient actions or acting in good faith to establish, maintain or advance wireline or wireless E-911 service.²⁰

The TECB is subject to audit by the Office of the Comptroller of the Treasury.

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 of the funds collected from the users and subscribers of non-wireline telecommunications service by the TECB for 911 or E911 purposes have either been made available or used for the purposes designated by the funding mechanism or for implementation or support of 911 and E911. The TECB's budgeted continuing expenditures of \$51.9 million for fiscal year 2008-2009 include the following: \$1.2 million for ECD reimbursements for equipment and 911 trunking and automatic location information (ALI) costs; \$12.5 million for the 25% allocation to

¹⁷ Tenn. Code Ann. §§ 7-86-303(d); 7-86-306(a)(11).

¹⁸ Tenn. Code Ann. § 7-86-102(d).

¹⁹ Tenn. Code Ann. § 7-86-113.

²⁰ Tenn. Code Ann. § 7-86-108(f).

ECDs; \$14 million for ECD operations support; \$1 million for GIS Mapping Maintenance grants to ECDs; \$5.6 million for beginning phases of the Next Generation 911 project; \$3.2 million for Administration and contracted services; and \$14.5 million for Phase I and Phase II carrier cost recovery.

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 funds collected from the users and subscribers of non-wireline telecommunications service by the TECB for 911 or E911 purposes have been made available or used for purposes other than those designated by the State's funding mechanism or for implementation or support of 911 and E911.

On November 4, 2008, the TECB was notified by the Tennessee Department of Finance and Administration that ten million dollars (\$10,000,000) from the interest accrued on the funds collected for 911 or E911 purposes would be taken "for the purpose of closing the general fund at June 30, 2008." The stated amount of interest was taken shortly thereafter. The notice stated, "While federal law does not allow the taking of the fee applicable to commercial mobile services and internet-protocol enabled voice services specifically designated by the state for 911 or enhanced 911 services, the federal law does not prohibit diversion of the interest earnings of the fund, which is solely a matter of state law."

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

Response: The TECB is preparing for the financial challenges associated with modernizing Tennessee's 911 infrastructure through its conservative stewardship of the 911 fund. The modernization project, called Next Generation 911 or NG911, will replace the State's aging analog 911 infrastructure with a digital platform which will improve interoperability and increase the ease of communication between emergency communications districts, allowing the immediate transfer of 911 calls, maps, photos, caller location information and other data statewide. The TECB projects non-recurring build out costs of approximately \$44 million over the next five years and recurring operational costs of up to \$16.5 million annually. The NG911 project was originally planned for implementation in FY 2006-2007, but the TECB opted to explore whether the infrastructure planned for a statewide IP network being built as part of

the NET TN project under the auspices of the Office of Information Resources in the Department of Finance and Administration would be sufficiently redundant and robust for 911 purposes. Negotiations to participate in the statewide IP network are ongoing. The TECB is taking preliminary steps toward deployment and has requested a Budget Improvement for FY2009-2010 in the amount of \$5 million.

We hope you find this report informative. Should you have any questions or require additional information, please feel free to contact me at (615) 253-2164.

Sincerely,



Lynn Questell

Executive Director

Tennessee Emergency Communications Board

500 James Robertson Parkway

Davy Crockett Tower

Nashville, Tennessee 37243-0582

Cc/ TECB

The Hon. Phil Bredesen, Governor

The Hon. Tre Hargett, Secretary of State

The Hon. Eddie Roberson, Interim Chairman, Tennessee Regulatory Authority



TEXAS

COMMISSION ON STATE EMERGENCY C

TO PROTECT AND ENHANCE PUBLIC SAFETY AND HEALTH

333 Guadalupe Street * Suite 2-212 * Austin * Texas 78701-3942

March 23, 2009

(Via Electronic Filing Only)

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

C/O Office of Management Budget
Data Collections Program

Re: PS Docket No. 09-14; State Of Texas' Response to Information Collection Mandated By the New and Emerging Technologies Improvement Act Of 2008

On behalf of the State of Texas, the Texas Commission on State Emergency Communications ("CSEC")¹ through its undersigned General Counsel respectfully submits this response to the Federal Communications Commission's ("FCC") February 6, 2009, Public Notice.

9-1-1 service in Texas is administered by three independent entities. CSEC oversees the statewide 9-1-1 program implemented by Texas' 24 Regional Planning Commissions ("RPCs"), which provide 9-1-1 service to approximately two-thirds of the geographic area of Texas and one-third of its population. The rest of the state's 9-1-1 service is provided by either of two types of Emergency Communication Districts ("ECDs"). The first type consists of public agencies or groups of public agencies acting jointly "that provided 9-1-1 service before September 1, 1987, or that had voted or contracted before that date to provide that service."² These ECDs are referred to as Municipal ECDs because they were created at the municipal level, with the exception of the Dallas County Sheriff's Office.³ The remaining ECDs were created at

¹ CSEC is a state agency created pursuant to Texas Health and Safety Code Ann. Chapter 771, and is the state authority on emergency communications.

² Tex. Health & Safety Code Ann. § 771.001(3)(A).

³ The Dallas County SO is included as a Municipal ECD and provides 9-1-1 service to the unincorporated portions of Dallas County.

the county level and are governed by Texas Health and Safety Code Ann. Chapter 772.⁴ These ECDs are referred to as 772 ECDs. The State of Texas' response is provided on behalf of the foregoing three entities.⁵

FCC REQUEST: A statement as to whether or not the state or other entity 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: Texas has three statutory 9-1-1 funding mechanisms: Wireline 9-1-1 fee, Wireless 9-1-1 fee, and a 9-1-1 Equalization Surcharge. Wireline 9-1-1 fees are authorized by Texas Health and Safety Code Ann. §§ 771.071, 772.114, 772.214, 772.314, 772.403 and via municipal ordinances.⁶ Regardless of the administering entity, wireline 9-1-1 fees may only be imposed on a "local exchange access line" as that term is defined by CSEC rule.⁷ CSEC's definition includes voice service provided via Interconnected Voice over Internet Protocol ("VoIP"). The wireless 9-1-1 fee is a statewide fee authorized by Texas Health and Safety Code Ann § 771.0711. The 9-1-1 equalization surcharge is also a statewide fee and is authorized by Texas Health and Safety Code Ann. § 771.072.

FCC REQUEST: 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.

RESPONSE: The statewide wireless 9-1-1 fee is imposed on each "wireless telecommunications connection"⁸ at the rate of \$.50 per month.⁹ The statewide equalization surcharge is assessed at the rate of 1% of the charges for intrastate long-distance.¹⁰ The wireline 9-1-1 fee for the state 9-1-1 program is imposed on each local exchange access line at a rate not to exceed \$.50 per month.¹¹ The wireline 9-1-1 fees of the 51 ECDs are set by each ECD for its program service area and vary in amount from \$0.20 to \$1.50 per month, per residential local exchange access

⁴ Tex. Health & Safety Code Ann. § 771.001(3)(B). See Attachment A, Texas 9-1-1 Alliance letter

⁵ Information for the 772 ECDs was collected and provided by the Texas 9-1-1 Alliance (see enclosed letter dated March 18, 2009). Information for the Municipal ECDs was provided individually by the ECDs and is available upon request. This filing does not include information for Municipal ECD the City of Kilgore, Texas, which had not provided CSEC with its information prior to making this filing.

⁶ For municipal ordinances *se e.g.*, Addison Code of Ordinance Sec. 82-242; Wylie City Ordinance 98-20; Town of Highland Park Ordinance No. 1355.

⁷ Tex. Health & Safety Code § 771.063(d).

⁸ Defined in § 771.001(13).

⁹ § 771.0711.

¹⁰ § 771.072.

¹¹ § 771.071.

line.¹²

For the 2008 calendar year, reported collections are as follows:

9-1-1 Entity Name or Program Area	2008 Wireline 9-1-1 Fees	2008 Wireless 9-1-1 Fees ¹³	2008 Equalization Surcharge ¹⁴
State of Texas		\$100,338,737.00	\$18,358,713.61
CSEC	\$19,894,670.90		
Chapter 772 ECDs	\$35,169,617.79		
Municipal ECDs	\$23,467,056.58		
TOTALS	\$78,531,345.27	\$100,338,737.00	\$18,358,713.61

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

RESPONSE: As previously stated, 9-1-1 service in Texas is provided either via the state program administered by CSEC and implemented through the state's 24 RPCs or at the county/municipal level by one of the state's 51 ECDs.

Funding of the state 9-1-1 program is provided for by the Texas Legislature via a biennial appropriation to CSEC. CSEC provides grants of appropriated funds to the 24 RPCs, who in turn make 9-1-1 funds locally available through Interlocal Agreements. ECDs impose, collect and make available wireline 9-1-1 fees to localities in accordance with either Health and Safety Code Chapter 772 or via their local governing bodies--depending upon the type of ECD. The state wireless 9-1-1 fee is remitted to the Texas Comptroller of Public Accounts ("Comptroller"). Collected wireless fees are returned by CSEC to each ECD based on the ratio of the ECD's population to the population of the state.¹⁵ ECDs allocate returned wireless fees to their local governing bodies in the same manner as wireline 9-1-1 fees. The state equalization surcharge is remitted to the Comptroller and then appropriated by the Texas Legislature to CSEC to account for funding shortfalls in the state 9-1-1 program.¹⁶

¹² Business customers may pay a higher rate ranging from \$0.51 to \$2.93 in some ECD areas, but there is also a 100 line maximum that does not apply in the CSEC program area. Nomadic VoIP that is not classified as either residential or business in the 9-1-1 Automatic Location Information (ALI) database is treated as a separate class of service and charged \$0.50 per month.

¹³ The Wireless 9-1-1 Fee is reported on a statewide basis as it is a state fee that is remitted by service providers to the Texas Comptroller of Public Accounts. Tex. Health & Safety Code Ann. § 771.0711.

¹⁴ The Equalization Surcharge is a statewide fee used to provide additional funding to those areas where locally collected 9-1-1 fees are insufficient to fund 9-1-1 service. Tex. Health & Safety Code Ann. § 771.072.

¹⁵ § 771.0711(c).

¹⁶ § 771.072(c).

Collected and appropriated wireline 9-1-1 fees within the state 9-1-1 program area may be allocated by CSEC to RPCs "for use in providing 9-1-1 services as provided by contracts executed under Section 771.078."¹⁷ Wireline 9-1-1 fees collected within the areas of 772 ECDs are accounted for in the ECDs annual budget and may only be expended for 9-1-1 purposes as expressly provided by the applicable law in Chapter 772.¹⁸ The use of wireline 9-1-1 fees collected by Municipal ECDs is prescribed by applicable laws or ordinances for expending funds in accordance with city and county budgets.¹⁹ Wireless 9-1-1 fees, regardless of the 9-1-1 entity in receipt thereof, "may be used only for services related to 9-1-1 service."²⁰ Appropriated equalization surcharge is "allocated [by CSEC] to regional planning commissions . . . for use in carrying out the regional plans provided by this chapter."²¹ Except as specifically provided in Chapter 771, surcharge "may be used only for planning, development, provision, and enhancement of the effectiveness of 9-1-1 service as approved by [CSEC]."²²

FCC REQUEST: A statement identifying any entity in the 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: CSEC administers the state 9-1-1 program and receives funding for the program through a legislative appropriation. CSEC's appropriation request is derived from detailed information submitted by each of the RPCs to CSEC regarding the cost to fund each region's 9-1-1 program. The resulting legislative appropriation prescribes with some specificity CSEC's allocation of appropriated funds. Additionally, CSEC may only allocate appropriated monies to those RPCs with CSEC-approved regional 9-1-1 plans, and then only via contracts with each RPC detailing how allocated monies are to be used.²³ Finally, each RPC is subject to audit by the state auditor at the request of the Public Utility Commission of Texas.²⁴

Regarding the local administration of 9-1-1 service, the 772 ECDs are governed by a Board of

¹⁷ § 771.071(f).

¹⁸ §§ 772.114, 772.214, and 772.314; Texas Att'y Gen Op. No. JC-410.

¹⁹ Tex. Local Gov. Code, Chapter 102 (city budgets); Tex. Local Gov. Code, Chapter 111 (county budgets). *See also e.g.*, City of University Park Code of Ordinance 1.1102; City of Lancaster Ordinance, Chapter 1, Article 1.400, Sec. 1.402; City of Hutchins, Ordinance No. 692, Sec. 1., Art. 11.801.

²⁰ Tex. Health & Safety Code § 771.0711(c).

²¹ § 771.072(d). Section 771.072(d) authorizes CSEC to allocate surcharge to an ECD. CSEC's legislative appropriation, however, limits the use of surcharge to the state 9-1-1 program implemented by the RPCs.

²² § 771.075(a). Exceptions include funding the state poison control program and a 1% administrative collection fee.

²³ §§ 771.056 and 771.078.

²⁴ § 771.076(c).

Managers ("Board") comprised of representatives from each of the governmental jurisdictions participating in the ECD. The Board has the statutory authority under Chapter 772 to approve allowable 9-1-1 expenses in accordance with the annual budget. Allowable expenses for such ECDs "include all costs attributable to designing a 9-1-1 system and to all equipment and personnel necessary to establish and operate a public safety answering point and other related answering points that the board considers necessary."²⁵ 772 ECDs are also required to have their director submit a sworn statement on all money received and disbursed and have an independent financial audit.²⁶ Municipal ECDs' budgets and auditing are subject to applicable municipal ordinances and/or Texas Local Government Code Chapters 102 (budgets) and 103 (audit of finances) and the one county Municipal ECD²⁷ is subject to Texas Local Government Code, Chapter 111 (budget) and 112 (financial accounting).

FCC REQUEST: 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: On behalf of the RPCs and all ECDs, CSEC affirms that all 9-1-1 funds have been made available and/or used solely for the purposes designated by the applicable funding mechanism in accordance with applicable laws. CSEC makes the foregoing statement based on Texas laws, local ordinances, public documents, and representations by the ECDs.

FCC REQUEST: 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: On information and belief, no 9-1-1 funds have been made available or used for purposes other than those designated by the applicable funding mechanism or used for purposes unrelated to 9-1-1 or E911.

FCC REQUEST: Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 911 and E911.

RESPONSE: In addition to 911 and E911 funds, local governments rely upon other revenue sources to fund parts of the 9-1-1 system, including the funding of emergency call-taker training and salaries.

Respectfully submitted,

²⁵ §§ 772.117, 772.217, and 772.317.

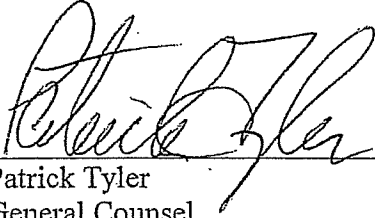
²⁶ §§ 772.109, 772.209, and 772.309.

²⁷ The Dallas County Sheriff's Office is the sole county Municipal ECD and it provides 9-1-1 service to the unincorporated portions of Dallas County, Texas.

Marlene H. Dortch

March 23, 2009

Page 6 of 6



Patrick Tyler
General Counsel

Enc: 2 (Patrick Tyler Verification; Texas 911 Alliance Letter).

Cc: (Via Email Only)
Texas Governor's Office
Public Utility Commission of Texas
Texas 9-1-1 Alliance
Municipal Emergency Communication Districts Assoc.

VERIFICATION OF PATRICK TYLER

THE STATE OF TEXAS

§
§
§

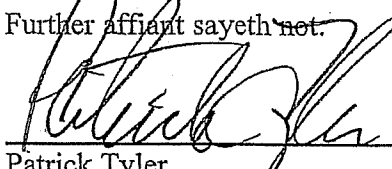
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, personally appeared Patrick Tyler, who, being known to me, and being by me duly sworn on his oath states:

"My name is Patrick Tyler. I am over the age of 21 years and I am fully competent to make this verification. I have been the Commission on State Emergency Communications General Counsel since January 2005.

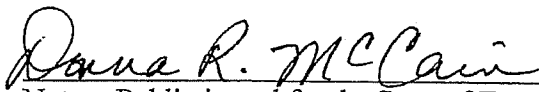
I declare under penalty of perjury under the laws of the State of Texas that I have read the above response to the Federal Communications Commission's Public Notice and I know it is true of my own knowledge, except as to those things stated upon information and belief, and as to those I believe it to be true."

Further affiant sayeth not.

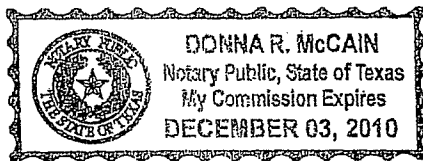


Patrick Tyler

SUBSCRIBED AND SWORN to before me on this the 23 day of March 2009.



Notary Public in and for the State of Texas
My commission expires: 12/3/2010



Notary without Bond



Texas 9-1-1 Alliance

2600 Airport Freeway
Fort Worth, TX 76111
www.texas911alliance.org



March 18, 2009

Mr. Paul Mallett
Executive Director
Commission on State Emergency Communications
333 Guadalupe Street, Suite 2-212
Austin, Texas 78701-3942

Dear Paul,

In response to your letter of March 9, 2009, the attached spreadsheet shows the wireline 9-1-1 fee revenues collected in calendar year 2008 for each District of the Texas 9-1-1 Alliance and shows each District's wireline 9-1-1 fees. Allowable operating expenses of Chapter 772 Districts are addressed in Texas Health and Safety Code Ann. Sections 772.117, 772.217, and 772.317. The Texas Attorney General has interpreted these statutory provisions in Texas Attorney General Opinion No. JC-410 as follows "[i]n our opinion, these items specifically listed as allowable operating expenses include only items related to a 9-1-1 system by which a person in need of emergency assistance may communicate that need to a district and by which the district may respond quickly." Under the Chapter 772 District enabling statute, the District directors prepare an annual budget that must be approved as provided in the statute. After the end of each fiscal year, the District directors also provide to the District's Board of Managers and to all participating public agencies in writing a sworn statement of all money received by the District and how the money was disbursed or otherwise disposed of during the preceding year. Accordingly, in response to your letter, the funds from 9-1-1 fees for Chapter 772 Districts are made available and used for the purposes designated by the funding mechanisms under the applicable Chapter 772 enabling statute, annual budget approval process, and sworn statements on disbursement and disposition.

Please feel free to contact me with any questions.

Sincerely,

James D. Goerke
Chief Executive Officer
Texas 9-1-1 Alliance

Copies: Chapter 772 Directors
Michael J. Tomsu



Texas 9-1-1 Alliance

2600 Airport Freeway
Fort Worth, TX 76111
www.texas911alliance.org



Texas 9-1-1 Alliance CY 2008 Wireline Revenue Structure

Member	Res	Bus	Trunk	Rev Collected
Abilene/Taylor	0.66	1.44	2.10	648,479.28
Austin	0.53	1.41	2.00	234,786.07
Bexar Metro	0.22	0.51	0.77	3,162,348.00
Brazos	0.54	1.21	2.26	569,109.14
Calhoun	0.53	1.37	2.19	73,800.00
Cameron	0.50	0.50	0.50	1,270,144.05
DENCO	0.27	0.71	1.14	1,362,617.00
Ector	0.51	1.06	1.56	466,408.00
El Paso	0.40	1.00	1.60	2,050,291.20
Galveston	0.62	1.44	2.10	893,334.05
GHC	0.50	0.80	0.87	14,992,997.00
Henderson	0.45	1.08	1.50	245,607.00
Howard	0.50	1.17	1.86	107,462.34
Kerr	0.36	0.92	1.55	189,452.08
Lubbock	0.46	1.06	1.61	964,600.00
McLennan	0.32	0.80	1.19	605,381.61
Medina	0.49	1.15	1.81	94,084.42
Midland	0.55	1.15	1.70	546,500.00
Montgomery	0.62	1.44 / 1.66	1.29/2.23	2,220,412.25
Potter-Randall	0.93	1.63	2.28	969,872.02
Smith	0.55	1.15	1.70	817,701.04
Tarrant	0.20	0.46	0.74	2,330,754.02
Texas Eastern	0.70	1.24	1.86	365,512.00
Wichita-Wilbarger	0.46	1.07	1.61	407,965.22

The Texas 9-1-1 Alliance is an inter-local cooperation act administrative entity composed of the Texas Health and Safety Code Chapter 772 Emergency Communication Districts with E9-1-1 service public safety responsibility for approximately 53% of the population of Texas.





State of Utah

JON HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of Public Safety

D. Lance Davenport
Commissioner

UTAH

March 3, 2009

Mr. David Furth
Acting Chief
Public Safety and Homeland Security Bureau
445 12th Street, S.W.
Washington, DC 20554
(E911 Federal Communications Commission)

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

Dear Mr. Furth:

The following information is provided pursuant to your letter dated February 17, 2009.

1. The State of Utah has established a funding mechanism in State Code 69-2-5 Funding for 911 emergency telecommunications service. The code allows several funding mechanisms and the most popular method employed is that of imposing a surcharge on communication services as described below:
 - (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of this Subsection (3) a county, city, or town within which 911 emergency telecommunications service is provided may levy monthly an emergency services telecommunications charge on:
 - (i) each local exchange service switched access line within the boundaries of the county, city, or town;
 - (ii) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, or town; and
 - (iii) any other service, including voice over Internet protocol, provided to a user within the boundaries of the county, city, or town that allows the user to make calls to and receive calls from the public switched telecommunications network, including commercial mobile radio service networks.
2. The 911 surcharge is bifurcated into a \$0.61 per line charge and a \$0.08 per line charge. The surcharge is collected by the Utah State Tax Commission and the \$0.61 per line charge is remitted to the local entity (city, county, or public agency supporting the local PSAP) and the \$0.08 per line charge is remitted to the state. The amounts that can be collected are specified in State Code 69-2-5 and State Code 69-2-5.6.

The total amount collected for local PSAP authorities from January 1, 2008 to December 31, 2008 was \$20,659,351.

The total amount collected for the State of Utah from January 1, 2008 to December 31, 2008 was \$2,706,950.

3. The city, county, or public agency sponsoring the PSAP is responsible for the expenditure of their portion of the 911 funds according to local and state laws and policies. With regards to 911 funds collected by the state, State Code 53-10-603 creates a restricted account in the General Fund entitled the "Statewide Unified E-911 Emergency Service Fund," or "fund." State Code 23-10-601 creates the Utah 911 Committee that consists of 18 members made up of local, state, and industry representatives. This committee authorizes the use of the money in the fund pursuant to State Code 53-10-605, by grant, to local entity or state agency.
4. State Code 53-10-605 sets forth the criteria for the use of 911 funds. The purpose is to enhance the 911 emergency services and where needed, assist the counties, in cooperation with private industry, with the creation or integration of wireless systems and location technology in rural areas of the state.

The state's Automated Geographic Reference Center in the Division of Integrated Technology of the Department of Technology Services receives an amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6 to enhance and upgrade statewide digital mapping standards. The 1 cent is taken from the 8 cents collected for the state.

The State of Utah Tax Commission is authorized to retain up to 1.5% for the collection and distribution of 911 funds per State Code 69-2-5.

5. The 911 fund, local and state, are a restricted fund and are to be used for 911 and 911 related items. Radios, CAD systems, digital call log recorders are not funded from the 911 restricted fund. The funds roll over from year to year and any funds not spent during the year are available to be used in the subsequent year.
6. The 911 funding mechanism in Utah has enabled local government to provide 911 Emergency Telephone Service throughout the state. The service is, for the most part, Enhanced 911 and, for the most part, Phase II compliant. State grants have enabled local PSAPs to upgrade and refresh their equipment. The most recent equipment purchases have IP capability and position the state to move forward towards NG 911.

Please contact me with any questions and/or concerns.

Sincerely,

Bill Jensen
Utah 911 Program Manager
801-647-8193
awjensen@utah.gov

4501 South 2700 West, Box 141775, Salt Lake City, Utah 84114-1775•telephone main # (801) 965-4461 or (800) 222-0038



112 State Street
4th Floor
Montpelier, VT 05620-2701
TEL: 802-828-2358



111/100 Vt. 800-235-8351
FAX: 802-828-3351
E-mail: psb.clerk@state.vt.us
Internet: <http://www.state.vt.us/psb>

State of Vermont
Public Service Board

MEMORANDUM

To: Federal Communications Commission

From: Vermont Public Service Board

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

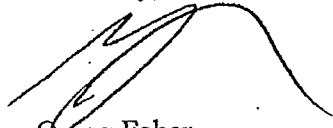
Date: March 17, 2009

Pursuant to the information request regarding the collection and expenditure of fees or charges established by the states in connection with E911 services, the Vermont Public Service Board responds as follows:

1. The State of Vermont enhanced 911 fund was created in 1993 and is codified in to 30 V.S.A. § 7054.
2. The total amount disbursed by the Vermont Universal Service Fund fiscal agent to fund enhanced 911 for the annual period ending December 31, 2008 was \$4,832,374.02. The Universal Service funds are collected by the Vermont Universal Fund fiscal agent, appointed by the Vermont Public Service Board, and distributed to support enhanced 911 services pursuant to 30 V.S.A. §§ 7511 and 7054. The expenses and costs for which the enhanced 911 fund may be used are specified in 30 V.S.A. § 7054.
In addition to funding enhanced 911 services, the Vermont Universal Service Funds are also used to support the Vermont lifeline program, and the Vermont telecommunications relay service, pursuant to 30 V.S.A. § 7511. The Vermont Universal Service Fund rate is set annually by the Public Service Board.
3. Pursuant to 30 V.S.A. § 7053, the enhanced 911 board is the single governmental agency responsible for statewide enhanced 911.
4. The funds collected by the fiscal agent are distributed to the state treasurer, for deposit into the enhanced 911 special fund, as annually directed by the general assembly, pursuant to 30 V.S.A. § 7514.

5. All of the funds collected for enhanced 911 purposes are used for enhanced 911 purposes as specified in 30 V.S.A. § 7054.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregg Faber', with a large, sweeping flourish extending to the right.

Gregg Faber
Utility Analyst
Vermont Public Service Board



COMMONWEALTH of VIRGINIA
Virginia Wireless E-911 Services Board

Dorothy Spears-Dean
 PSC Coordinator
 (804) 416-6201

Michael M. Cline
 Chairman
 VDEM

Robert W. Woltz, Jr.
 Vice-Chairman
 Verizon

David A. Von Moll
 Treasurer
 Comptroller

Linda W. Cage
 Mecklenburg County

Chief Ed Frankenstein
 Prince George County

Captain John Furlough
 Virginia State Police

Tracy Hanger
 City of Hampton

Philip Heins
 Hanover County

Robert Layman
 AT & T

Robert L. McAvoy
 NTELOS

Chief Ron Mastin
 Fairfax County

Sheriff Fred Newman
 Washington County

Pat B. Shumate
 Roanoke County

Denise B. Smith
 Charles City County

Lemuel C. Stewart, Jr.
 VITA

Albert F. Vincent
 Virginia Dept. of
 Emergency Management

March 18, 2009

Mr. David Furth
 Acting Chief
 Public Safety and Homeland Security Bureau
 Federal Communications Commission
 Washington, DC 20554

Mr. Furth:

I am in receipt of your letter dated February 12, 2009 requesting information identified in the FCC's Public Notice, DA 09-206. This initial information collection is mandated by the New and Emerging Technologies Act of 2008 (NET 911 Act). The specific information requested is provided to you in the same sequential format outlined in your letter. If you should have any questions regarding the information provided, or need any further assistance, please do not hesitate to contact myself, or the Public Safety Communications Coordinator, Dorothy Spears-Dean.

Sincerely,

Michael Cline
 Chairman
 Wireless E-911 Services Board

Dorothy Spears-Dean
 PSC Coordinator
 VA Info Tech Agency

1. The Commonwealth of Virginia has established funding mechanisms for the support and implementation of E911. The state E-911 surcharge on wireless telephone service is imposed pursuant to *Code of Va. § 56-484.12*
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.12>.

The Landline E-911 tax on landline telephone service is collected pursuant to 2006 House Bill 568 (Acts of Assembly 2006, Chapter 780)
<http://leg1.state.va.us/cgi-bin/legp504.exe?061+ful+CHAP0780>.

2. The state wireless E-911 surcharge is a monthly fee of \$0.75. Each CMRS provider collects a wireless surcharge from each of its customers whose place of primary use is within the Commonwealth. In addition, the wireless E-911 surcharge is imposed on wireless customers who purchase prepaid CMRS service, subject to certain provisions. A payment equal to all wireless E-911 surcharges is remitted within 30 days to the Wireless E-911 Services Board for deposit into the Wireless E-911 Fund, a special nonreverting fund created in the state treasury. The collected wireless surcharge funds are made available to the localities pursuant to *Code of Va. § 56-484.17* <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.17>. The total amount collected for the annual period ending December 31, 2008 was \$51,407,429.60. The distribution of wireless funding is as follows:

- Sixty percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to the percentage of recurring wireless E-911 funding received by the PSAP as determined by the Board.
- Using 30% of the Wireless E-911 Fund, the Board shall provide full payment to CMRS providers of all wireless E-911 CMRS costs.
- The remaining 10% of the Fund and any remaining funds for the previous fiscal year from the 30% for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and payment schedule; however, the grants must be to the benefit of wireless E-911.

2006 House Bill 568 replaced many of the historic state and local communications taxes and fees with a centrally administered communications sales and use tax and a uniform statewide E-911 tax on landline telephone service. The landline E-911 tax is imposed at the rate of \$0.75 per line. The landline E-911 tax is collected and remitted monthly by communications services providers to the Commonwealth's Department of Taxation and deposited into the Communications Sales and Use Tax Trust Fund. Moneys in the Fund are distributed by the Department of Taxation to localities on a monthly basis.

3. The Wireless Services Board (Board) is the entity within the Commonwealth of Virginia that has the authority to approve the expenditure of funds collected for wireless E-911 purposes. Pursuant to *Code of Va.* § 56-484.14 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.14>, the Board can "collect, distribute, and withhold moneys from the Wireless E-911 Fund". At the end of each fiscal year, on a schedule adopted by the Board, the Board audits the wireless grant funding received by all recipients to ensure that it was utilized in accordance with the grant requirements. In addition, the Auditor of Public Accounts annually audits the Wireless E-911 Fund.
4. All funds collected for wireless E-911 purposes have been used for the implementation and support of wireless E-911. However, in addition to the funding distribution mentioned above, wireless moneys are utilized for two other purposes that support wireless E-911. First, pursuant to *Code of Va.* § 56-484.14 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.16>, wireless E-911 funding is provided to the Virginia State Police to accept wireless 9-1-1 calls for those PSAPs not yet taking wireless E-911 calls directly. Secondly, pursuant to *Code of Va.* § 2.2-2031 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2031>, the salaries of the employees of the Division of Public Safety Communications, are paid from the Wireless E-911 Fund.
5. In the current proposed biennium budget for the Commonwealth of Virginia, wireless E-911 funds will be used to support sheriff's dispatchers. In both fiscal year 2009 and 2010, it is proposed that \$6M will be transferred from the Wireless E-911 Fund to the Compensation Board. Although this amount may be used for a purpose other than ones designated in the funding mechanism, the purpose is directly related to supporting E-911.
6. In January 2008, the Wireless E-911 Services Board approved the *Virginia Statewide Comprehensive 9-1-1 Plan* <http://www.va911.org/wireless/home.shtml> to address the future of 9-1-1 in Virginia. This plan is the Commonwealth's Next Generation 9-1-1 (NG9-1-1) strategic plan. Funding for NG9-1-1 is an important component of the Plan.





STATE OF WASHINGTON
MILITARY DEPARTMENT
Camp Murray, WA 98430-5000

March 23, 2009

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

RE: New and Emerging Technologies Act of 2008

Dear Mr. Furth

Thank you for your February 12, 2009, letter to Governor Chris Gregoire. Attached is the request for information about the funding of Enhanced 911 in Washington State, PS Docket 09-14.

We encourage the Commission to coordinate this information request and future information requests with the National 911 Office as the questions are similar to ones they have indicated will be included in their grant management activities also associated with the New and Emerging Technologies (NET) 911 act.

The Washington State Enhanced 911 Program Office within the Washington Military Department has statutory authority for management of 911 affairs in the state. Robert Oenning of that office can facilitate further questions; he can be reached at 253-512-7011 or via email at b.oenning@emd.wa.gov.

Washington State has a long standing positive working relationship with the Commission on 911 issues and I want to thank you for the interest in and support given to 911 and public safety concerns over the past few years.

Sincerely,

A handwritten signature in black ink, reading "Timothy J. Lowenberg".

Timothy J. Lowenberg
Director
Washington Military Department

Enclosure

Before the
Federal Communications Commission
Washington, D.C. 20554
March 18, 2009

In the Matter of
NET911 Act

Initial Information Collection Mandated By the
NET 911 Act of 2008

)
)
)
)
)

PS Docket No. 09-14

Comments from;
Enhanced 911 Program Office
Washington Military Department
Camp Murray, Washington

Washington State is proud of our forward looking 911 programs and welcomed the New and Emerging Technologies 911 Improvement Act of 2008 as a clear indication that Congress was taking a strong interest in the viability of our Nation's universal critical link to emergency response, 911.

In answering your questions derived from provisions of the NET 911 Act it is valuable to establish some background for the Enhanced 911 Program in Washington State. The program was authorized in 1991 with the voter approval of Referendum 42. That act modified existing local taxing authority and established the obligation of counties to assure that Enhanced 911 (E911) dialing was available, established a statewide program to support the counties, and permitted both a local and statewide taxing authority to support the implementation and operation of Enhanced 911. Modifications of the legislation since that time have extended the tax to wireless, implemented requirements for private telephone system integration to the 911 system, and changed the role of the state program to attain efficiencies by acquiring network and database services for all counties. 911 services to Tribal Governments are included in the county obligation to assure E911 dialing. Pertinent statutes and rules concerning controls on the use of the funds can be viewed on the Emergency Management web page at:
http://www.emd.wa.gov/e911/e911_financial_support.shtml under policies and laws.

1. All 39 Counties in Washington State have implemented the maximum 911 fee of 50¢ per month per subscriber for both wireline and wireless services. The State has implemented the maximum statewide fee of 20¢ per month per subscriber for both wireline and wireless services. Both fees are authorized by Revised Code of Washington 82.14B. 030ⁱ.
2. Both the state and all counties collect the fees at the maximum permitted with the total receipts for the annual period ending December 31, 2008 being \$19,863,761 for the state fee and \$49,659,402 for the county fees. The State fee is collected by the carriers and is submitted to the Department of Revenue who then deposits it into the state Enhanced 911 account. The carriers

remit the local excise tax directly to the counties. The use of the fees is controlled by two mechanisms. The first are the limitations imposed by RCW 82.14B.020 and RCW 82.14B.050 that together permit a fairly broad utilization of the county tax.ⁱⁱ The second limiting factor is the requirements associated with county receiving assistance from the State E911 Program. A definitive list of permitted uses for the funds has been adopted as Washington Administrative Code with the counties required to spend their local collection on those items before being eligible for state assistance, and with limits on the amount that will be considered for reimbursement for many items.ⁱⁱⁱ The funding collected from the 911 excise taxes is less than 37% of the total funding required to operate Enhanced 911 in Washington State with remaining support coming from other local government sources.

3. The state E911 Coordinator is given rule making authority to adopt Washington Administrative Codes related to the permitted uses of the State Enhanced 911 funds.^{iv} That position is given the working title of State Enhanced 911 Administrator and resides within the Emergency Management Division of the Military Department. In addition to the rules adopted to govern the use of the funds there is an extensive annual application and reimbursement process designed to assure that both county and state funds are expended on designated items and within the approved limits to support E911. The primary control document is an annual contract with the county that spells out the detail of the supported items and includes provisions for contract performance with appropriate penalties for non-performance. Counties that do not request state assistance have greater latitude in the use of the locally collected E911 Excise taxes within the constraints of statutes that limit the permitted uses.
4. The counties are given certain latitude in the use of the locally collected 911 funds to the degree that they must commit to expenditures in support of 911 equal to the amount that the tax generates.^v The rules promulgated by the state E911 Program for the use of county funds before being eligible for state assistance provide definitive control over the use of the funds in 36 of the 39 counties. A statement identifying the appropriate use of both the state and local funds needs to take into account both the restrictions and the latitude of the enabling statutes. For the 36 counties the state provides assistance to it is absolutely clear that the excise taxes collected are used in direct support of E911 activities. The latitude provided the other counties permits them some discretion in the use of the funds, but it is clear that in each case the fiscal commitment of local government to E911 activities exceeds the local excise tax collection. The control process the State E911 Program Office utilizes along with audit controls provided by the Office of the State Auditor have uncovered instances of use of E911 Funds for unauthorized purposes all of which were promptly remedied. During the 2001-02 fiscal year the Legislature modified the

purposes for which the State E911 fund could be utilized to include appropriations of \$6 Million to support other activities.

5. The control mechanisms for the expenditure of E911 Excise taxes are quite detailed and are clearly in support of the Legislative intent that the funds be spent as presented to the voters, solely to forward E911 services. The equivalency provisions in the statutes governing the use of the funds give local government some options on how to apply the funding, but make it clear that there is an obligation to support E911 not only to the degree that the tax is collected, but to the total permitted by the taxing authorization.

The answers to your questions were drafted by Bob Oenning, the State E911 Program Administrator who can be reached at 253-512-7011 or via email at b.oenning@emd.wa.gov should you have further questions or need additional information. Mr. Oenning has been the State's primary contact with the Commission for 911 issues for many years and I encourage you to contact him if you have any questions concerning issues related to 911.

Respectfully Submitted via electronic filing March 23, 2009

RCW 82.14B.030

County enhanced 911 excise tax on use of switched access lines and radio access lines authorized — Amount — State enhanced 911 excise tax — Amount. (Contingency, see note following RCW 82.04.530.)

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding fifty cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) The legislative authority of a county may also impose a county enhanced 911 excise tax on the use of radio access lines whose place of primary use is located within the county in an amount not exceeding fifty cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the subscribers who paid the tax. The ordinance shall further provide that to the extent the subscribers who paid the tax cannot be identified or located, the tax paid by those subscribers shall be returned to the county.

(3) A state enhanced 911 excise tax is imposed on all switched access lines in the state. The amount of tax shall not exceed twenty cents per month for each switched access line. The tax shall be uniform for each switched access line. The tax imposed under this subsection shall be remitted to the department of revenue by local exchange companies on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540.

(4) A state enhanced 911 excise tax is imposed on all radio access lines whose place of primary use is located within the state in an amount of twenty cents per month for each radio access line. The tax shall be uniform for each radio access line. The tax imposed under this section shall be remitted to the department of revenue by radio communications service companies, including those companies that resell radio access lines, on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state

sales and use tax or any local tax.

(5) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax imposed by subsection (3) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

RCW 82.14B.050

Use of proceeds.

The proceeds of any tax collected under this chapter shall be used by the county only for the emergency services communication system.

RCW 82.14B.020

Definitions.

As used in this chapter:

- (1) "Emergency services communication system" means a multicounty, countywide, or districtwide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.
- (2) "Enhanced 911 telephone system" means a public telephone system consisting of a network, database, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.
- (3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.
- (4) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.
- (5) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.
- (6) "Radio communications service company" has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers.
- (7) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.
- (8) "Subscriber" means the retail purchaser of telephone service as telephone service is defined in RCW 82.16.010.
- (9) "Place of primary use" has the meaning ascribed to it in RCW 82.04.065.

iii

WAC 118-66-050

Agency filings affecting this section

Eligible expenses.

Enhanced 9-1-1 communications systems are comprised of multiple components. Subject to available funds, expenses for implementation, operation, and maintenance costs of these components may be eligible for reimbursement if incurred by eligible entities. The components listed below may be eligible for reimbursement to eligible entities from the enhanced 9-1-1 account based on a reasonable prioritization by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee and in accordance with the purposes and priorities established by statute and regulation, including WAC 118-66-020.

(1) Expenses for the following wireline components may be eligible for reimbursement from the enhanced 9-1-1 account from funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)):

- (a) Statewide dialing items:
 - (i) Switching office enabling;
 - (ii) Automatic number identification (ANI);
 - (iii) 9-1-1 voice network (B.01/P.01 grade of service level required);
 - (iv) Traffic studies between switching offices and the selective router;
 - (v) MSAG coordination and maintenance;
 - (vi) ALI/DMS service;
 - (vii) Reverse ALI search capability;
- (b) Basic service items:

- (i) Route diversity between switching offices and selective router;

(2) Expenses for the following wireless components may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):

- (a) Wireless Phase I E9-1-1 service components:
 - (i) Phase I automatic location identification (ALI);
 - (ii) Phase I address;
 - (iii) Service control point Phase I capabilities;
 - (iv) Phase I ALI data base;
 - (v) Phase I MSAG coordination;
 - (vi) Phase I interface to selective router;
 - (vii) Phase I interface to ALI data base;
 - (viii) Phase I testing;
 - (ix) Phase I implementation plans;

- (x) Phase I implementation agreements;
 - (xi) Pseudo-ANI (P-ANI);
 - (xii) Phase I 9-1-1 voice network;
 - (xiii) MSC Phase I software capabilities;
 - (xiv) Traffic studies between the MSC and selective router;
 - (xv) Phase I ALI data circuits;
 - (b) Wireless E9-1-1 Phase II service components (including all Phase I components):
 - (i) PSAP mapping;
 - (ii) Phase II CAD system upgrades;
 - (iii) Location determination technology;
 - (iv) Phase II implementation plan;
 - (v) Phase II testing;
 - (vi) MSC Phase II software capabilities;
 - (vii) Service control point Phase II capabilities; and
 - (viii) Mobile positioning center.
- (3) Expenses for the following components are shared with wireline and wireless enhanced 9-1-1 services and may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and from enhanced 9-1-1 account funds generated under the statewide wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):
- (a) Statewide dialing items:
 - (i) Selective routing;
 - (ii) Automatic location identification (ALI) data base;
 - (iii) Traffic studies between selective router and PSAP;
 - (iv) ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment;
 - (v) ANI/ALI display equipment for primary PSAPs;
 - (vi) That portion of a telephone system compatible with enhanced 9-1-1 that is used to answer 9-1-1 calls;
 - (vii) TTY required for compliance with the American Disabilities Act (ADA);
 - (viii) County 9-1-1 coordinator duties;
 - (b) Basic service items:
 - (i) Call detail recorder and/or printer;
 - (ii) E9-1-1 mapping administration;
 - (iii) Mapping display for call answering positions that are ANI/ALI equipped.
 - (iv) Instant call check equipment (one per 9-1-1 call answering position);
 - (v) Uninterruptible power supply (UPS) for PSAP enhanced 9-1-1 equipment;
 - (vi) 9-1-1 management information system;
 - (vii) Headsets for 9-1-1 call takers;
 - (viii) 9-1-1 call receiver salaries and benefits;
 - (ix) Language line service;
 - (x) Call receiver training;
 - (xi) Enhanced 9-1-1 document retention and destruction;
 - (xii) 9-1-1 coordinator electronic mail;
 - (xiii) Route diversity between selective router and PSAP;
 - (xiv) Alternate routing and/or night service;
 - (c) Capital:
 - (i) Auxiliary generator to support 9-1-1 emergency telephone service for backup;
 - (ii) Logging recorder for 9-1-1 call;
 - (iii) Computer aided dispatch (CAD) system hardware and software; and
 - (iv) Clock synchronizer.

iv

RCW 38.52.540

Enhanced 911 account.

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(3) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(4) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

(4) During the 2001-2003 fiscal biennium, the legislature may transfer from the enhanced 911 account to the state general fund such amounts as reflect the excess fund balance of the account.

v

RCW 38.52.510

Statewide enhanced 911 service — Funding by counties.

By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by RCW 38.52.520 shall assist and facilitate enhanced 911 implementation throughout the state.



Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Michael A. Albert
Chairman



March 30, 2009

SENT VIA U.S. FIRST CLASS MAIL AND ELECTRONIC TRANSMISSION

David Furth, Acting Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, District of Columbia 20554

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

Dear Mr. Furth:

We have been asked to respond to your letter of February 12, 2009, to Governor Joe Manchin III about the initial information collection mandated by the New and Emerging Technologies Improvement Act of 2008.

In West Virginia, 911/E911 fees are collected from subscribers of landline, wireless and Voice over Internet Protocol ("VoIP") telecommunications service providers. In reviewing your February 12, 2009 letter and the attached Federal Communications Commission Public Notice, we were not certain whether your inquiry is concerned only with 911/E911 fees collected from VoIP telecommunications service providers or all 911/E911 fees, regardless of their VoIP, landline or wireless telecommunications origins. At the Public Service Commission of West Virginia ("PSCWV"), we account for 911/E911 fees received by provider without distinguishing the specific type of provider submitting the fees for disbursement among the various counties of the State of West Virginia. With this understanding, we will respond to your six questions *seriatim*. For ease in reviewing, we will repeat each question.

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).

Wireless. *West Virginia Code*, Chapter 24, Article 6, Section 1, *et seq.* (hereinafter "*W.Va. Code* §"), generally establishes the statutory framework within which the County Commissions of the Counties in West Virginia must promulgate County Plans in order to establish wireless 911/E911 emergency services telephone systems. The County Plans are submitted to the PSCWV for compliance monitoring. The fee collection responsibility is performed by wireless telecommunications service providers and forwarded to the PSCWV for distribution to the (i) Counties, (ii) the West Virginia State Police, (iii) the West Virginia Division of Homeland Security and Emergency Management, and (iv) a fund from which disbursements are made in the form of grants to subsidize the construction of wireless telecommunications towers. The statutory scheme is implemented by the PSCWV by rule. Those rules are codified at 150 C.S.R. 25, *Rules and Regulations Governing Emergency Telephone Service*.

VoIP. In 2006, the West Virginia Legislature amended *W.Va. Code* §7-1-3cc. As a result of that amendment, 911/E911 fees imposed by the Counties were extended to include VoIP telecommunications service subscribers. The amended statute did not establish a framework within which the fees would be collected. This responsibility was delegated to the PSCWV. On October 8, 2008, the PSCWV issued emergency rules to become effective on November 19, 2008, governing the billing, collection and remission of 911/E911 fees. Comments were received from telecommunications service providers and that rule-making proceeding continues. A hearing is set to be held on April 29, 2009. That rule-making proceeding is docketed as General Order No. 187.36, *Rules Governing Billing Collection and Remission of E911 Fees by Providers of Voice Over Internet Protocol Service*. The 911/E911 fees are collected by VoIP telecommunications service providers from VoIP telecommunications subscribers and remitted to the various County Commissions. The VoIP telecommunications service provider may assess an administrative charge of up to 3% for the provision of these collection and remitting functions. The emergency rules that enable the statutory arrangement may be found at 150 C.S.R. 32, *Rules Governing Billing, Collection and Remission of E911 Fees by Providers of Voice Over Internet Protocol Service*.

Landline. The statutory arrangement for collection of 911/E911 fees from landline telephone subscribers is similar to the VoIP arrangement. The fees are collected from landline telephone subscribers by landline telecommunications service providers and remitted to the Counties of the State of West Virginia. The statutory authority for the landline telecommunications service 911/E911 fee collection and remission may be found at *W.Va. Code* §7-1-3cc.

Prepaid Wireless. A separate and distinct funding mechanism has been established by statute for prepaid wireless telecommunications subscribers. In West Virginia, a consumers sales and service tax is imposed on prepaid wireless telecommunications sales in lieu of a 911/E911 fee. The tax is collected at the point of sale, remitted to the State Tax Commissioner, and then is forwarded to the PSCWV on a monthly basis for redistribution by the PSCWV to the Counties along with the other wireless fees. See *W.Va. Code* §§11-15-2(b)(13,17) and 11-15-30(d).

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.

Collections for the calendar year 2008 totaled \$32,278,728. The collected 911/E911 fees were distributed, as required by statute, to the following entities in the following amounts:

County Commissions	\$28,619,095
West Virginia State Police	1,078,338
Office of Emergency Services	1,581,295
Tower Assistance Fund	<u>1,000,000</u>
Total	\$32,278,728

These funds, when remitted to the PSCWV for distribution to the County Commissions of the State, are remitted in accordance with the provisions of *W.Va. Code* §§24-6-6b(b)(c) and (d)(1). One Million Dollars is deposited annually in a fund administered by the PSCWV for redistribution in the form of grants for wireless tower construction subsidization. The funds are designed for the acquisition, equipping and

construction of new wireless towers that provide E911 service coverage and that might not be otherwise available because of marginal financial viability in the tower coverage area. Ten cents of each 911/E911 fee is distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with those of the enhanced 911 systems. The telecommunications service providers retain a three-percent billing and collection fee before remitting the fees collected to the PSCWV. Five percent of the 911/E911 fee money remitted to the PSCWV is deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system. Any funds remaining in this account at the end of the fiscal year are automatically reappropriated for the following year.

The expenditure of 911/E911 fees collected directly by County Commissions through landline or VoIP telecommunications service providers and 911/E911 fees redistributed to the counties by the PSCWV is statutorily restricted. The funds "may be used solely and directly for the capital, installation, administration, operation and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the reasonable costs associated with establishing, equipping, furnishing, operating or maintaining a county answering point." See *W.Va. Code* §7-1-3cc(b). As to the amount of the funds collected by County Commissions directly, the PSCWV is unaware of the amount of these collections.

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.

West Virginia statutory law requires that all expenditures of funds by County Commissions in the State of West Virginia be audited by the West Virginia State Tax Commissioner. See *W.Va. Code* §7-12-12. In addition, the financial activities of the PSCWV are monitored internally by the State of West Virginia through audits, reviews and studies by the Legislature and externally by an independent private sector auditor in a "Single State Audit."

The PSCWV may review, and in certain instances in the past has reviewed, the use of 911/E911 fees by County Commissions. *W.Va. Code* §24-6-7 confers authority upon the PSCWV to resolve conflicts between County Commissions, between telephone companies, between telephone companies and County Commissions, and between the West Virginia Department of Public Safety (State Police) and County Commissions and/or telephone companies, in matters concerning 911/E911 systems. If the dispute involves misuse of 911/E911 fees, the PSCWV has financial analysts review the use of these fees.

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 to implement or support 911 or E911.

To the extent that 911/E911 funds have been collected by telecommunications providers from subscribers and submitted to the PSCWV for redistribution to the Counties and other entities, all funds have been distributed as required by statute. The PSCWV is not aware of any 911/E911 fees being used for purposes other than those established by statute.

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.

See response to Question 4.

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

We have no further comments.

David Furth
March 30, 2009
Page 6 of 6

We hope these answers fully respond to your inquiry, but if there is additional information you need, please address your inquiries directly to me.

Sincerely yours,



Michael A. Albert
Chairman

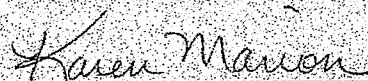
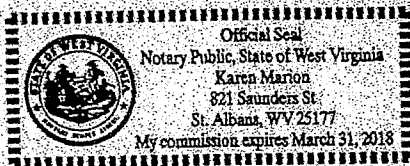
cc: The Honorable Joe Manchin III, Office of the Governor

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

I, Karen Marion, a notary public in and for said state, do hereby certify that Michael A. Albert, whose name is signed to the writing above, has this day acknowledged the same before me.

Given under my hand this 30th day of March 2009.

My commission expires March 31, 2018.


Notary Public



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT
Building 1, Room EB-80
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0360
Telephone: (304) 558-5380, Fax: (304) 344-4538

JOE MANCHIN III
GOVERNOR

JAMES W. SPEARS
CABINET SECRETARY

JIMMY J. GIANATO
DIRECTOR

March 19, 2009

Mr. David Furth, Acting Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Dear Mr. Furth:

On Behalf of Governor Joe Manchin, III, pursuant to your letter of February 12, 2009 and in compliance with the New and Emerging Technologies 911 Improvement Act of 2008, I submit to you the following requested information on behalf of the State of West Virginia.

E9-1-1 funding in the State of West Virginia is accomplished in two ways. Currently, funding for land-line service is provided for under WV Code §7-1-3cc. This section of the code authorizes County Commissions to impose a fee on consumers of local exchange service within their county for the purpose of funding an emergency telephone system. These fees vary based on ordinances passed by each county commission and are collected by the local exchange carrier and remitted directly to the county.

In addition, §24-6-6b of the State Code imposes a fee to be collected by all CMRS providers on each valid retail commercial mobile radio service subscription as defined by the West Virginia Public Service Commission. That fee currently is three dollars per month per subscriber. That three dollar fee is divided as directed in the statute:

"ten cents to be distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with those of the enhanced 911 systems; Provided, however, That for the fiscal year beginning on the first day of July, two thousand five, and for every fiscal year thereafter, one million dollars of the wireless enhanced 911 fee shall be distributed by the Public Service Commission to subsidize the construction of towers"... And provided further, That for the fiscal year beginning on the first day of July, two thousand six, and for every fiscal year thereafter, five percent of the

Mr. David Furth, Acting Chief
Page Two
March 19, 2009

wireless enhanced 911 fee money received by the Public Service Commission shall be deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system".

Based on information provided by the West Virginia Public Service Commission, the Commission received \$30,395,727.64 in 2008. Of that amount, \$1,078,338.03 was distributed to the West Virginia State Police to be used as described above, \$1,581,295.04 was distributed to The Division of Homeland Security and Emergency Management to be used for the continued expansion of the West Virginia Interoperable Radio System and the remaining \$27,736,094.57 was distributed to the Counties. These funds are distributed based on the following formula as defined in West Virginia Code §24-6-6b et al. I am attaching to this document copies of both statutes that address 9-1-1 fees in our State. The method of collection and distribution is defined in law. The State does not have a system in place to identify all land-line fees dispersed directly to the Counties from the multiple providers we have.

All 9-1-1 fees in West Virginia are ultimately dispersed by the counties except as noted below. West Virginia Code §7-1-3cc et al defines what the eligible expenses are for the use of the 9-1-1 fees by the local jurisdictions:

"The fee revenues may only be used solely and directly for the capital, installation, administration, operation and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the reasonable costs associated with establishing, equipping, furnishing, operating or maintaining a county answering point. Effective on the first day of July, two thousand six, all county enhanced emergency telephone system fees that are in effect as of the first day of July, two thousand six, and as such may later be modified by action of a county commission, shall be imposed upon in-state subscribers to voice over internet protocol (VoIP) service, as VoIP service is defined by the Federal Communications Commission of the United States. A non-business VoIP service subscriber shall be considered in-state if the primary residence of the subscriber is located within West Virginia. A business subscriber shall be considered in-state if the site at which the service is primarily used is located within West Virginia. The Public Service Commission may, as it deems appropriate and in accordance with the requirements of due process, issue and enforce orders, as well as adopt and enforce rules, dealing with matters concerning the imposition of county enhanced emergency telephone system fees upon VoIP service subscribers."

Mr. David Furth, Acting Chief

Page Three

March 19, 2009

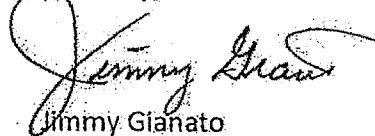
The Code further states:

"The books and records of all county answering points that benefit from the imposition of the local exchange service fees shall be subject to annual examination by the state auditor's office"

It is my opinion that the wireless fees allocated to the West Virginia State Police and The West Virginia Division of Homeland Security and Emergency Management have been spent according to state law and have been used to support 9-1-1 services in our State. In addition, the funds allocated to the West Virginia Public Service Commission have been spent to build cellular towers in areas where it would not have been otherwise feasible to do so without supplemental funding. All of these towers are designed and built with the requirement that they are available for use by our state and local responders for enhancing public safety communications and 9-1-1 service. Many are already in use as we build out this system. I have not been made aware of any funds that have been distributed for uses other than those provided by law.

The State of West Virginia and its local 9-1-1 Centers continue to be proactive in providing the best possible service to our citizens. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jimmy Gianato". The signature is stylized with a large, looping initial "J".

Jimmy Gianato
Director

JG:ds

Enclosures

§7-1-3cc. Authority of county commissions to establish enhanced emergency telephone systems, technical and operational standards for emergency communications centers and standards for education and training of emergency communications systems personnel; standards for alarm systems; fee upon consumers of telephone service for the systems and for roadway conversion systems; authority to contract with the telephone companies for billing of fee.

(a) In addition to possessing the authority to establish an emergency telephone system pursuant to section four, article six, chapter twenty-four of this code, a county commission or the county commissions of two or more counties may, instead, establish an enhanced emergency telephone system or convert an existing system to an enhanced emergency system. The establishment of such a system shall be subject to the provisions of article six of said chapter. The county commission may adopt rules after receiving recommendations from the West Virginia Enhanced 911 Council concerning the operation of all county emergency communications centers or emergency telephone systems centers in the state, including, but not limited to, recommendations for:

1. (1) Minimum standards for emergency telephone systems and emergency communications centers;

(2) Minimum standards for equipment used in any center receiving telephone calls of an emergency nature and dispatching emergency service providers in response to that call and which receives 911 moneys or has basic 911 service funded through its county commission; and

(3) Minimum standards for education and training of all personnel in emergency communications centers.

(b) A county commission may impose a fee upon consumers of local exchange service within that county for an enhanced emergency telephone system and associated electronic equipment and for the conversion of all rural routes to city-type addressing as provided in section three of this article. The fee revenues may only be used solely and directly for the capital, installation,

1 administration, operation and maintenance costs of the enhanced emergency telephone system
2 and of the conversion to city-type addressing and including the reasonable costs associated with
3 establishing, equipping, furnishing, operating or maintaining a county answering point. Effective
4 on the first day of July, two thousand six, all county enhanced emergency telephone system fees
5 that are in effect as of the first day of July, two thousand six, and as such may later be modified
6 by action of a county commission, shall be imposed upon in-state subscribers to voice over
7 internet protocol (VoIP) service, as VoIP service is defined by the Federal Communications
8 Commission of the United States. A nonbusiness VoIP service subscriber shall be considered in-
9 state if the primary residence of the subscriber is located within West Virginia. A business
10 subscriber shall be considered in-state if the site at which the service is primarily used is located
11 within West Virginia. The Public Service Commission may, as it deems appropriate and in
12 accordance with the requirements of due process, issue and enforce orders, as well as adopt and
13 enforce rules, dealing with matters concerning the imposition of county enhanced emergency
14 telephone system fees upon VoIP service subscribers.

15 (c) A county commission may contract with the telephone company or companies providing local
16 exchange service within the county for the telephone company or companies to act as the billing
17 agent or agents of the county commission for the billing of the fee imposed pursuant to
18 subsection (b) of this section. The cost for the billing agent services may be included as a
19 recurring maintenance cost of the enhanced emergency telephone system.
20

21 Where a county commission has contracted with a telephone company to act as its billing agent
22 for enhanced emergency telephone system fees, all competing local exchange telephone
23 companies with customers in that county shall bill the enhanced emergency telephone system
24 fees to its respective customers located in that county and shall remit the fee. It may deduct its
25 respective costs for billing in the same manner as the acting billing agent for the enhanced
26 emergency telephone system fee.

27 (d) A county commission of any county with an emergency communications center or emergency
28

1 telephone system may establish standards for alarm systems, including security, fire and medical
2 alarms.

3 (e) The books and records of all county answering points that benefit from the imposition of the
4 local exchange service fees shall be subject to annual examination by the state auditor's office.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **§24-6-6b. Wireless enhanced 911 fee.**

2 (a) All CMRS providers as defined in section two of this article shall, on a monthly basis or
3 otherwise for good cause and as directed by order of the Public Service Commission, collect
4 from each of their in-state two-way service subscribers a wireless enhanced 911 fee. As used in
5 this section "in-state two-way service subscriber" shall have the same meaning as that set forth in
6 the rules of the Public Service Commission. No later than the first day of June, two thousand six,
7 the Public Service Commission shall, after the receipt of comments and the consideration of
8 evidence presented at a hearing, issue an updated order which directs the CMRS providers
9 regarding all relevant details of wireless enhanced 911 fee collection, including the determination
10 of who is considered an in-state two-way service subscriber and which shall specify how the
11 CMRS providers shall deal with fee collection shortfalls caused by uncollectible accounts. The
12 Public Service Commission shall solicit the views of the wireless telecommunications utilities
13 prior to issuing the order.

14 1. (b) The wireless enhanced 911 fee is three dollars per month for each valid retail commercial
15 mobile radio service subscription, as that term is defined by the Public Service Commission in its
16 order issued under subsection (a) of this section: *Provided*, That beginning on the first day of
17 July, two thousand five, the wireless enhanced 911 fee shall include ten cents to be distributed to
18 the West Virginia State Police to be used for equipment upgrades for improving and integrating
19 their communication efforts with those of the enhanced 911 systems: *Provided, however*, That
20 for the fiscal year beginning on the first day of July, two thousand five, and for every fiscal year
21 thereafter, one million dollars of the wireless enhanced 911 fee shall be distributed by the Public
22 Service Commission to subsidize the construction of towers. The moneys shall be deposited in a
23 fund administered by the West Virginia Public Service Commission, entitled Enhanced 911
24 Wireless Tower Access Assistance Fund, and shall be expended in accordance with an enhanced
25 911 wireless tower access matching grant order adopted by the Public Service Commission. The
26 commission order shall contain terms and conditions designed to provide financial assistance
27 loans or grants to state agencies, political subdivisions of the state and wireless telephone carriers
28

1 for the acquisition, equipping and construction of new wireless towers, which would provide
2 enhanced 911 service coverage and which would not be available otherwise due to marginal
3 financial viability of the applicable tower coverage area: *Provided further*, That the grants shall
4 be allocated among potential sites based on application from county commissions demonstrating
5 the need for enhanced 911 wireless coverage in specific areas of this state. Any tower constructed
6 with assistance from the fund created by this subdivision shall be available for use by emergency
7 services, fire departments and law-enforcement agencies communication equipment, so long as
8 that use does not interfere with the carrier's wireless signal: *And provided further*, That the Public
9 Service Commission shall promulgate rules in accordance with article three, chapter twenty-nine-
10 a of this code to effectuate the provisions of this subsection. The Public Service Commission is
11 specifically authorized to promulgate emergency rules: *And provided further*, That for the fiscal
12 year beginning on the first day of July, two thousand six, and for every fiscal year thereafter, five
13 percent of the wireless enhanced 911 fee money received by the Public Service Commission shall
14 be deposited in a special fund established by the Division of Homeland Security and Emergency
15 Management to be used solely for the construction, maintenance and upgrades of the West
16 Virginia Interoperable Radio Project and any other costs associated with establishing and
17 maintaining the infrastructure of the system. Any funds remaining in this fund at the end of the
18 fiscal year shall automatically be reappropriated for the following year.

19 (c) Beginning in the year one thousand nine hundred ninety-seven, and every two years
20 thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911
21 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as
22 of the first day of March of the respecification year, of all of the enhanced 911 fees imposed by
23 the counties which have adopted an enhanced 911 ordinance: *Provided*, That the wireless
24 enhanced 911 fee may never be increased by more than twenty-five percent of its value at the
25 beginning of
26
27 the respecification year: *Provided, however*, That the fee may never be less than the amount set
28 in subsection (b) of this section: *Provided further*, That beginning on the first day of July, two

1 thousand five, the wireless enhanced 911 fee shall include ten cents to be distributed to the West
2 Virginia State Police to be used for equipment upgrades for improving and integrating their
3 communication efforts with those of the enhanced 911 systems: *And provided further*, That
4 beginning on the first day of July, two thousand five, one million dollars of the wireless enhanced
5 911 fee shall be distributed by the Public Service Commission to subsidize the construction of
6 wireless towers as specified in said subsection.

7 (d) The CMRS providers shall, after retaining a three-percent billing fee, send the wireless
8 enhanced 911 fee moneys collected, on a monthly basis, to the Public Service Commission. The
9 Public Service Commission shall, on a quarterly and approximately evenly staggered basis,
10 disburse the fee revenue in the following manner:
11

12 (1) Each county that does not have a 911 ordinance in effect as of the original effective date of
13 this section in the year one thousand nine hundred ninety-seven or has enacted a 911 ordinance
14 within the five years prior to the original effective date of this section in the year one thousand
15 nine hundred ninety-seven shall receive eight and one-half tenths of one percent of the fee
16 revenues received by the Public Service Commission: *Provided*, That after the effective date of
17 this section, in the year two thousand five, when two or more counties consolidate into one
18 county to provide government services, the consolidated county shall receive one percent of the
19 fee revenues received by the Public Service Commission for itself and for each county merged
20 into the consolidated county. Each county shall receive eight and one-half tenths of one percent
21 of the remainder of the fee revenues received by the Public Service Commission: *Provided*,
22 *however*, That after the effective date of this section, in the year two thousand five, when two or
23 more counties consolidate into one county to provide government services, the consolidated
24 county shall receive one percent of the fee revenues received by the Public Service Commission
25 for itself and for each county merged into the consolidated county. Then, from any moneys
26 remaining, each county shall receive a pro rata portion of that remainder based on that county's
27 population as determined in the most recent decennial census as a percentage of the state total
28 population. The Public Service Commission shall recalculate the county disbursement

percentages on a yearly basis, with the changes effective on the first day of July, and using data as of the preceding first day of March. The public utilities which normally provide local exchange telecommunications service by means of lines, wires, cables, optical fibers or by other means extended to subscriber premises shall supply the data to the Public Service Commission on a county specific basis no later than the first day of June of each year;

(2) Counties which have an enhanced 911 ordinance in effect shall receive their share of the wireless enhanced 911 fee revenue for use in the same manner as the enhanced 911 fee revenues received by those counties pursuant to their enhanced 911 ordinances;

(3) The Public Service Commission shall deposit the wireless enhanced 911 fee revenue for each county which does not have an enhanced 911 ordinance in effect into an escrow account which it has established for that county. Any county with an escrow account may, immediately upon adopting an enhanced 911 ordinance, receive the moneys which have accumulated in the escrow account for use as specified in subdivision (2) of this subsection: *Provided*, That a county that adopts a 911 ordinance after the original effective date of this section in the year one thousand nine hundred ninety-seven or has adopted a 911 ordinance within five years of the original effective date of this section in the year one thousand nine hundred ninety-seven shall continue to receive one percent of the total 911 fee revenue for a period of five years following the adoption of the ordinance. Thereafter, each county shall receive that county's eight and one-half tenths of one percent of the remaining fee revenue, plus that county's additional pro rata portion of the fee revenues then remaining, based on that county's population as determined in the most recent decennial census as a percentage of the state total population: *Provided, however*, That every five years from the year one thousand nine hundred ninety-seven, all fee revenue residing in escrow accounts shall be disbursed on the pro rata basis specified in subdivision (1) of this subsection, except that data for counties without enhanced 911 ordinances in effect shall be omitted from the calculation and all escrow accounts shall begin again with a zero balance.

(e) CMRS providers have the same rights and responsibilities as other telephone service

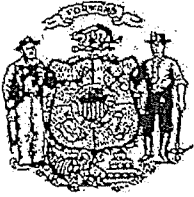
1 suppliers in dealing with the failure by a subscriber of a CMRS provider to timely pay the
2 wireless enhanced 911 fee.

3 (f) Notwithstanding the provisions of section one-a of this article, for the purposes of this section,
4 the term "county" means one of the counties provided in section one, article one, chapter one of
5 this code.
6

7 (g) From any funds distributed to a county pursuant to this section, a total of three percent shall
8 be set aside in a special fund to be used exclusively for the purchase of equipment that will
9 provide information regarding the x and y coordinates of persons who call an emergency
10 telephone system through a commercial mobile radio service: *Provided*, That upon purchase of
11 the necessary equipment, the special fund shall be dissolved and any surplus shall be used for
12 general operation of the emergency telephone system as may otherwise be provided by law.

13 (h) Notwithstanding anything to the contrary in this code, beginning the first day of July, two
14 thousand eight, prepaid wireless calling service is no longer subject to the wireless enhanced 911
15 fee.
16
17
18
19
20
21
22
23
24
25
26
27
28





Public Service Commission

Daniel R. Ebert, Chairperson
Mark Meyer, Commissioner
Lauren Azar, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

April 9, 2009

Mr. David Furth, Acting Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: PS Docket No. 09-14

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

Dear Mr. Furth:

Governor Doyle has requested that I provide the following response to your request for information dated February 12, 2009. Wisconsin has adopted two dissimilar programs for funding wireline and wireless 911 service. For this reason, a statement regarding each program is included for each question.

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).

Wireline E911:

Wisconsin has adopted by statute a funding mechanism to reimburse local telecommunications exchange carriers for just the telephone expenses incurred to implement and operate a 911 system. The 911 statute permits local carriers to collect a surcharge through the monthly telephone bill to recover the 911-related telephone network expenses. No portion of the wireline 911 surcharge is remitted to any local government or state agency. County and municipal governments that operate a wireline public safety answering point (PSAP) fund all equipment, training and salary expenses of that PSAP through the county or municipal budget.

The authorization for that surcharge is a contract between the county government and the participating telephone companies within the county. See Wis. Stat. s. 256.35(3).

Telephone: (608) 266-5481

Fax: (608) 266-3957

Home Page: <http://psc.wi.gov>

TTY/TextNet: In Wisconsin (800) 251-8345, Elsewhere (608) 267-1479

E-mail: pscsecs@psc.state.wi.us

Mr. David Furth
Public Safety and Homeland Security Bureau
Federal Communications Commission
Page 2

Wireless E911:

Wisconsin has also adopted by statute a funding mechanism to reimburse wireless providers and county governments for expenses incurred during a specified reimbursement period (September 3, 2003 to November 30, 2008) to implement and operate an enhanced wireless 911 emergency service system. The statutory authority for the wireless 911 Fund may be found at Wis. Stat. s. 256.35(3m). The wireless 911 Fund program was limited in scope and differs from the wireline scheme described above in several key respects:

- The 911 Fund collected a surcharge from wireless service subscribers with a Wisconsin billing address during the period December 1, 2005 to June 30, 2008.
 - The wireless providers remitted the surcharge collection to a state agency, the Public Service Commission.
 - The Public Service Commission reviewed and awarded grants to eligible applicants to reimburse the applicants for their reasonable wireless 911 costs. The wireless program reimburses certain categories of county and municipal 911 expense as well as the related telecommunications network expenses.
 - The wireless 911 Fund disbursed grant payments from June, 2006 to March, 2009. The total amount disbursed to grant applicants was \$62,019,350.72.
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.

Wireline E911:

No portion of the receipts from the wireline 911 surcharge is shared with the state or local governments. The surcharge for wireline E911 service is limited to the recovery of telecommunications network expenses.

The local exchange carriers providing 911 service in a given county in Wisconsin enter into a service agreement, pursuant to Wis. Stat. ss. 256.35(a)2 and 256.35(b). One schedule in the service agreement identifies the network cost to be recovered. The 911 surcharge is set to recover the costs listed in that schedule. The only difference between this 911 surcharge and any other local telephone rate element is that the participating carriers' cost of providing 911 service in a given county is pooled, and a common surcharge rate is billed to each wireline access line in the county regardless of the interconnecting local carrier. The amount of the surcharge varies from one county to the next, based upon the cost of the 911 network and the number of billable access lines in the county.

Mr. David Furth
Public Safety and Homeland Security Bureau
Federal Communications Commission
Page 3

Wireless E911:

The wireless surcharge was originally set at \$0.83 per month, effective December 1, 2005. The surcharge was increased to \$0.92, effective February 1, 2007. The surcharge was reduced to \$0.43, effective January 1, 2008, and further reduced to \$0.00, effective July 1, 2008. The total surcharge collection over the life of the program was \$87,832,182.38, of which \$9,602,745.46 was collected during calendar year 2008.

The funds collected were made available to wireless providers and county governments in the form of a grant award. Under Wis. Stat. ss. 256.35(3m)(b) and (c), sixty eight counties and eleven wireless providers applied for grants from the Fund. Overall, the Commission approved grant awards totaling \$87,514,022.84.

Generally, grant awards from the 911 Fund were limited to reimbursement for costs that an applicant had incurred, or planned to incur, during the reimbursement period to implement and operate a wireless E911 network. Specific criteria used to evaluate grant applications may be found at Wis. Stat. ss. 256.35(3m)(b)1., (c)1., and (d)3., and at Wis. Admin. Code ss. PSC 173.06 and 173.07.

3. A statement identifying an 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.

Wireline E911:

The wireline 911 surcharge recovers the cost of providing the telecommunications network supporting the E911 service in a given county. The surcharge is authorized by a contract or service agreement that the county enters into with the participating local exchange carriers. This contract specifies in detail the network design for the county 911 service, sets the amount of the 911 surcharge, and also sets forth the obligations of the parties to operate, maintain and repair the 911 telecommunications network. Wis. Stat. s. 256.35(3)(b)3. The requirement for a county-specific contract gives a county a measure of oversight over the design and operation of the 911 network in the county.

The 911 statute also requires that the local exchange carriers submit a 911 contract, or a subsequent amendment to a 911 contract, to the Public Service Commission for review. The Commission may disapprove the contract or contract amendment if it finds the contract is not compensatory, is excessive or is not in the public interest. Wis. Stat. s. 256.35(3)(i).

Mr. David Furth
Public Safety and Homeland Security Bureau
Federal Communications Commission
Page 4

Wireless E911:

The Public Service Commission was designated by statute to administer the Wireless E911 grant program. The Commission evaluated and approved grant awards to reimburse counties and wireless providers for their reasonable expenses to implement and operate a wireless E911 system. The Commission then disbursed grant funds to the grant applicants upon proof that the applicants had actually purchased the equipment and services identified in their respective grant awards. Generally, copies of invoices, check vouchers and purchase orders were accepted as documentation of a purchase. A statement of staff hours on county letterhead was accepted for services rendered by county staff.

Wisconsin also requires an annual audit of the financial records of county programs receiving state funds. The Wireless 911 Fund program was included in the list of state programs subject to this audit during the years in which disbursements to counties were made.

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.

Wireline E911:

All the funds collected through the wireline 911 surcharge have been used for the purpose of establishing and operating a telecommunications network dedicated to the 911 service. No portion of this surcharge has been made available to any local government or state agency. County and municipal governments operating a wireline public safety answering point have funded all equipment, training and salary expense of that PSAP through the county or municipal budget. See Wis. Stat. ss. 256.35(3)(a)2. and 256.35(3)(b).

Wireless E911:

All the funds collected for wireless E911 purposes have been used for the purposes specified in the 911 statute. However, the 911 Fund did collect money in excess of the actual requests for funds submitted by the 911 grant applicants. A final decision on the disposition of those unused funds has not been made as yet.

The 911 Fund collected \$87,832,182 over the life of the program. The Fund disbursed \$62,019,350 to grant applicants. The reason for this surplus is that not all grant applicants filed

Mr. David Furth
Public Safety and Homeland Security Bureau
Federal Communications Commission
Page 5

documented requests for the full amount of their grant awards. There were several reasons for this:

- Some wireless providers overestimated their implementation costs.
- Two wireless providers generated some cost savings by shifting their contract for data services to a different third party provider.
- There were three mergers and/or acquisitions during the course of the wireless 911 program, and in two cases the acquiring companies decided not to pursue reimbursement of the former company's 911 expenses.
- While the program was in progress, Verizon Wireless decided to discontinue collection of its Phase II 911 expenses in any of the states that it operated in.
- Many counties underestimated the amount of time needed to order and install the wireless E911 service, and therefore overestimated the amount of recurring telephone expense they would incur during the reimbursement period.
- Several counties scaled back purchases of equipment and services for which the Commission had agreed to pay a portion (25-50%) of the total cost from the 911 Fund. This would include orthophotography and electronic mapping projects.

In July 2008, the Commission recognized that the wireless 911 program would end with a substantial surplus in the Fund. The Commission extended to each grant applicant the opportunity to supplement its grant application to shift the approved grant funds to alternative uses. The proposed alternative uses had to have been incurred during the reimbursement period as well as meet the same eligibility criteria used to evaluate the original grant applications. In total, 54 of the 68 county grant applicants used this opportunity to identify additional 911-related expenses eligible for reimbursement.

Over the course of the program, the Commission actually disbursed 91.57% (\$31,873,646 of \$34,808,239) of the total grant award approved for county grant applicants as reimbursement for 911-related expenses. The Commission disbursed 57.2% (\$30,145,704 of \$52,705,783) of the total grant award approved for wireless service providers. In sum, the Commission disbursed 70.87% (\$62,019,350) of the total approved grant award for all applicants.

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.

Mr. David Furth
Public Safety and Homeland Security Bureau
Federal Communications Commission
Page 6

Wireline E911:

No portion of the wireline 911 surcharge has been made available to any local government or state agency, either for 911-related purposes or for any other purpose.

Wireless E911:

As discussed above, the 911 Fund did collect approximately \$25,000,000 in excess of the actual requests for funds submitted by the 911 grant applicants. A small portion of that collection was applied to the salary expense the Commission incurred to administer the program. A final decision on the disposition of the remaining balance in the 911 Fund has not been made as of the date of this letter.

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

Wireline E911:


The wireline E911 program has accomplished its principal objective: 70 of 72 counties in Wisconsin provide E911 access to its residents. The two remaining counties, Iron and Menominee Counties, elected to employ a basic 911 service because of the cost of the terminal equipment and associated salary and facilities expense of an enhanced 911 system.

Wireless E911:

The wireless E911 program has accomplished its principal objective: 68 of 72 counties in Wisconsin provide Phase II wireless E911 access to its residents. A 69th county, Dunn County, intends to implement the service by September 2009. The three remaining counties (Iron, Menominee, and Taylor Counties) employ a basic wireless 911 service both because of the cost of the equipment and facilities of an enhanced system and also because, in the view of the counties, there is too little wireless service coverage within those counties to justify the expense.

If you have any additional questions regarding this response, please contact Dennis Klaila at (608) 267-9780 or dennis.klaila@psc.state.wi.us.

Sincerely,


Gary A. Evenson
Administrator
Telecommunications Division

GAE:DJK:slg:DL:\Divisions\Telecommunications\Staff\KlailaD\response to 911 information request.doc

From: Evenson, Gary PSC [Gary.Evenson@psc.state.wi.us]

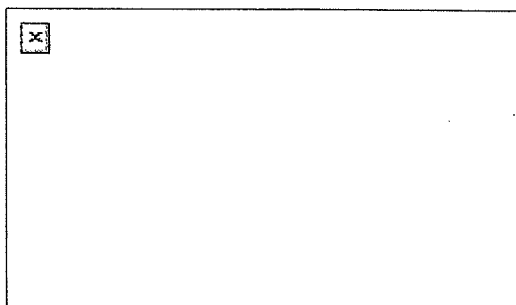
Sent: Tuesday, July 07, 2009 12:34 PM

To: Aaron Garza

Subject: RE: 911 fee issue

Mr. Garza:

Under the PSC program to fund counties and wireless providers for E911 costs, the PSC established a fee to be added to all wireless bills (see Wis. Stat. s. 256.35 and Wis. Admin. Code ch. PSC 173). The fee was set to recover the amounts needed to pay for the approved grants given to counties/providers for E911 expenditures required for location identification of wireless calls to 911. When the wireless 911 fund program ended per state statute, there was some money left in the fund. (Collections from the monthly fees exceeded the amounts needed to pay the approved grants.) The PSC rules had contemplated giving that money back to wireless providers, who in turn would refund it to their end users. However, in 2009 Wisconsin Act 28, the legislature enacted s. 256.35 (3m)(em) that reads "Except for grants under par. (d) or (e), the commission may not make any distribution from the wireless 911 fund to any person." (Par. (d) and (e) are the provisions related to paying the counties and the providers.) The amount that had remained in the fund after paying the counties and providers was used instead for other needs in the state budget. (In 2009 Wisconsin Act 28, sections 617, 619, 1895 and 1898 created the appropriate accounts and appropriations relative to this use of these remainder funds.) **The amounts collected for funding wireless E911 were used for wireless E911.** The providers and counties all were fully compensated for the amount of their approved grants and requests for reimbursement.



From: Aaron Garza [mailto:Aaron.Garza@fcc.gov]

Sent: Monday, July 06, 2009 2:33 PM

To: Evenson, Gary PSC

Subject: FW: 911 fee issue

Dear Mr. Evenson:

I am writing to see if you had a chance to respond to this email. In our phone conversation, you indicated that excess money from the 911 fund was used to close the General Fund. Is that accurate? If you have any questions, please feel free to email me or to call me at 202-418-1175.

Thank you,

Aaron Garza
 Attorney Advisor
 Federal Communications Commission
 Public Safety and Homeland Security Bureau
 (202) 418-1175

*** Non-Public: For Internal Use Only ***

FAX 608 266-3957

TTY 608 267-1479

gary.evenson@psc.state.wi.us

Web Site: <http://psc.wi.gov>



WYOMING



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 09-205

February 6, 2009

OMB Control Number 3060-1122

INFORMATION COLLECTION MANDATED BY THE NEW AND EMERGING TECHNOLOGIES IMPROVEMENT ACT OF 2008

PS DOCKET NO. 09-14

The New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act) became law on July 23, 2008, requiring Internet Protocol (IP) enabled voice service providers to provide 911 and enhanced 911 (E911) services, and requiring various regulatory undertakings by the Federal Communications Commission.¹ Pursuant to Section 6(f)(2) of the NET 911 Act, the Commission must collect information regarding any fees collected by the states or other jurisdictions in connection with 911/E911 services, specifically, information "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified."² On January 26, 2009, the Commission received authorization from the Office of Management Budget to implement a data collection program.³ Pursuant to that authorization, the Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

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

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

³ Letter from Kevin F. Neyland, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, OMB Control Number 200812-3060-008 (Jan 26, 2009).

- A statement as to whether or not the state or other entity 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).
 - Wyoming Statute 16-9-101 "Emergency Telephone Service Act" establishes the authority and funding of emergency 911 services. The act defines the governing body as meaning the board of county commissioners of a county, city council or other governing body of a city, town or county or the board of directors of a special district. Wyoming Statute 16-9-104 establishes the authority of a governing body to impose a tax. Wyoming Statute 16-9-105 governs the use of funds collected. "Funds collected from the 911 emergency tax imposed pursuant to this chapter shall be spent solely to pay for public service safety answering point and service suppliers' equipment and service costs, installation costs, maintenance costs, monthly recurring charges and other costs directly related."
- 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.
 - For the year ending 2008, approximately \$6.7 million was collected annually in Wyoming. The surcharge is assessed on each wireline and wireless carrier in the state. The charge is not to exceed \$0.75 per month per line.
- A statement describing how the funds collected are made available to localities, and whether the state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.
 - Funds are remitted directly to the local jurisdiction. Wyoming Statutes 16-9-105 spells out the authorized use of the funds. (See response to question #1 above for details)
- A statement identifying any entity in the 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.
 - Authority is established under Wyoming Statute 16-9-102 defining the "Governing body" as board of county commissioner of a county, city council or other governing body of a city, town or county or board of directors of a special district.
 - In 2007, the legislature enacted legislation directing the Wyoming Public Service Commission collect data on revenues and expenditures for 911 service throughout the state. The information was to be turned over to the legislature. The Wyoming Public Service Commission has not legislative authority to review or approve the use for the purposes designated.
- 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.
 - Funds have been used for operations, maintenance and upgrades to the E911 system.
- 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.

- o To our knowledge the use of the funds is determined by the governing body. The Public Service Commission has no authority to make any determination.
- Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 911 and E911.
 - o Due to the rural nature and low population density of Wyoming counties, there is a disproportionate level of funding between the governing bodies in the collection of fees and local support for 911 emergency services.

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

Consistent with Section 6(f) of the NET 911 Act, the Commission requests that state officials report the information identified in this Public Notice with respect to fees and charges collected in connection with the implementation and support of 911 or E911 services within their state, including any political subdivision thereof, Indian tribe and/or village and regional corporation serving any region established pursuant to the Alaska Native Claims Settlement Act that otherwise lie within their state boundaries.⁴ In addition, consistent with the definition of "State" set out in 47 U.S.C. 153(40), the Commission will collect this information from states as well as the District of Columbia, and the inhabited U.S. Territories and Possessions.

The information hereby collected will be reviewed by the Public Safety and Homeland Security Bureau. Pursuant to Section 6(f)(2) of the NET 911 Act, the Commission is required to file "within 1 year after the date of enactment of the [NET 911 Act], and annually thereafter" a report with the Congress "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified."⁵

Information submitted pursuant to this information collection should be submitted in a NET 911 electronic drop box located at <https://esupport.fcc.gov/actonline>, and should be submitted no later than March 23, 2009. Filed information must include verification and signature by an official identified in the filing. The information filing should be submitted on an official (letterhead) document of the signatory's agency which is then uploaded to the electronic drop box by attaching an electronic copy of the document and hitting "send."

⁴ See NET 911 Act, Section 6(f)(1).

⁵ *Id.* Section 6(f)(2) specifically directs the Commission to file its reports with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

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

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

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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

Under 5 CFR § 1320, an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB Control Number. This collection has been assigned OMB Control Number 3060-1122 and its expiration date is January 31, 2012.

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

-- FCC --

5





OFFICE OF THE GOVERNOR

PAGO PAGO, AMERICAN SAMOA 96799

TOGIOLA T.A. TULAFONO
GOVERNOR

FAOA A. SUNIA
LIEUTENANT GOVERNOR

TELEPHONE (684) 633-4116
FACSIMILE (684) 633-2269

March 20, 2009

Serial:422

David Furth
Acting Chief, Public Safety and
Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

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

Dear Mr. Furth:

Thank you for your letter of February 12, 2009 requesting information required by the
Federal Communications Commission in its implementation of the NET 911 Act.

For your information, the Territory of American Samoa does not apply fees or charges
for 911 or E911 services. 911 services are provided to the residents of our Territory at
no cost. As such, American Samoa has no information "detailing the status in each
State of the collection and distribution of such fees or charges..."

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Togiola Tulafono".

TOGIOLA T.A. TULAFONO
Governor of American Samoa

Attachment

cc: Tua'olo M.E. Freuan, Commissioner of Public Safety
Fuapopo Avegalio, EMS Director
Aleki Sene, ASTCA CEO
Adolfo Montenegro, Blue Sky CEO





Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lt. Governor

GUAM FIRE DEPARTMENT

DIPATTAMENTON GUAFI GUAHAN



David Q. Peredo
Fire Chief

March 18, 2009

Marlene H. Dortch
Office of the Secretary
Federal Communications commission
445 12th Street
SW, Washington, D.C. 20554

Reference: PS DOCKET NO. 09-14

Dear Ms. Dortch,

Pursuant to the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), which mandates the collection of information regarding any fees collected by the states or other jurisdictions in connection with 911/E911 services, the Government of Guam, Guam Fire Department hereby provides the following information/statements.

- Guam's Public Law No. 23-77, established and designated the Guam Fire Department as the lead agency with the authority and responsibility to administer and operate the Emergency 911 Telephone Communication System.
- Guam's Public Law No. 25-55, provides funding mechanism by authorizing the establishment of a *911 Surcharge* and created an *"Enhanced 911 Emergency Reporting System Fund"*. The fund was created to provide a source of funding for costs associated with an enhanced "911" Emergency Reporting System. It is to fund the just and reasonable expenses of operating and maintaining the "911" System.
- "911" Surcharge is paid by Local Exchange Telephone and commercial Mobile Radio Service subscribers. The amount charged is one dollar (\$1.00) per month per access line, up to a maximum of twenty-five (25) access lines per account bill rendered for local exchange service, and one dollar (\$1.00) per month per account number for commercial mobile radio service, up to a maximum of twenty-five (25)

account numbers per account bill rendered per month. The total amount collected pursuant to the assessed fees or charges for the annual period ending December 31, 2008 is **\$1,468,363.93** (*One million, four hundred sixty eight thousand, three hundred sixty three dollars and ninety-three cents*)

- **Guam's Public Law No. 25-55** mandates each Local Exchange Carrier (LEC) and Commercial Mobile Radio Service (CMRS) provider to collect the surcharge from their subscribers and remit the amounts collected to Guam's Department of Administration through the Treasurer of Guam, no later than forty-five (45) days after the end of the month in which the amount is collected. CMRS provider means a provider of wireless cellular telephone service, or wireless personal communications service. Further, Public Law 25-55 identifies the purpose of the fund and its allowable uses.
- **Each Fiscal Year (October 1.- September 30)**, the Guam Fire Department's annual budget includes appropriation from the Enhanced 911 Emergency Reporting System Fund for the purpose of operating the 911 System. The Guam Fire Department then receives monthly or quarterly allotments from the Government of Guam's Bureau of Budget & Management Research for the department's operation for that particular month/quarter. The Bureau of Budget & Management Research through Title 5, Chapter 1, Article 3. §1303, is responsible in ensuring that funds collected are made available to the Guam Fire Department for its intended purpose. The Fire Chief of the Guam Fire Department has the sole authority, with the recommendation from the Administrative Services Officer, in approving expenditure of the funds collected. The Office of the Public Auditor is responsible in ensuring that funds collected were expended strictly for the purpose of operating the 911 System, through its annual audit.
- All funds collected through the 911 Surcharge and deposited in to the Enhanced 911 Emergency Reporting System Fund had been made available to the Guam Fire Department and said funds were used for maintaining and operating the 911 System.
- No funds collected through the 911 Surcharge and deposited in to the Enhanced 911 Emergency Reporting System Fund, were made available or used for any purposes other than to maintain and operate the 911 System as stipulated in Public Law 25-55.

The Guam Fire Department hereby attests that the above information is true and correct and should you need additional information and/or clarification we may be contacted on the addresses or phone numbers shown on this letterhead.

Sincerely,


DAVID Q. PEREDO

Attachments

Suite 807 DNA Building 238 Archbishop Flores Street Hagåtña, Guam 96910 • Phone: (671) 472-3311 • Fax: (671) 472-3360
Mailing Address: P.O. Box 2950 Hagatna, Guam 96932

**DAVID Q.
PEREDO**

Digitally signed by DAVID Q. PEREDO
DN: cn=DAVID Q. PEREDO, o=Guam
Fire Department, ou=Fire Chief,
email=david.peredo@gfd.guam.gov,
c=GU
Date: 2009.03.21 12:27:24 +10'00'

Refer to
Legislative Secretary



OFFICE OF THE GOVERNOR
GUAM

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 6-30-99

Time: 7:15 AM

Rec'd by: [Signature]

Print Name: Charles

06/29/99 - 0197

JUN 30 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGEMENT RECEIPT

Received By: [Signature]

Time: 10:49 AM

Date: 7-1-99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM", which I have signed into law today as Public Law No. 25-55.

This legislation supports the necessary personnel, equipment, and system needed to properly operate a "911" emergency system. The legislation authorizes a surcharge, in an amount to be set by the Public Utilities Commission, which is to be collected by local exchange carriers and commercial mobile radio service providers.

The money collected is to be placed in a separate fund administered by the Department of Administration.

Recipients of life-line rates for lower income persons, as well as telecommunication services that are incapable of "911" access, are not subject to the surcharge.

Very truly yours,

Madeleine Z. Bordallo
Madeleine Z. Bordallo
I Maga'lahaen Guåhan, Akto
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill


cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00332


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

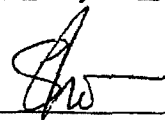
This is to certify that Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM," was on the 15th day of June, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

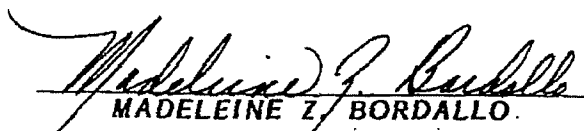
Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'láhen Guahan this 18th day of June, 1999,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'láhi's Office

APPROVED:


MADELEINE Z. BORDALLO
Akto I Maga'láhen Guahan
Acting Governor of Guam

Date: 6/30/99

Public Law No. 25-55

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 170 (COR)

As substituted by the
Committee on Transportation,
Telecommunications and Micronesian Affairs.

Introduced by:

C. A. Leon Guerrero
J. C. Salas
K. S. Moylan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
V. C. Pangelinan
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES
COMMISSION TO ESTABLISH A SURCHARGE ON
LOCAL EXCHANGE TELEPHONE SERVICE AND
COMMERCIAL MOBILE RADIO SERVICE TO FUND
AN ISLAND-WIDE ENHANCED "911" EMERGENCY
TELEPHONE SYSTEM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that the
existing "911" system is antiquated and insufficient for the Island's emergency

1 reporting needs, and that there is a need to establish a new, enhanced "911"
2 system to better protect the health and safety of Island residents. *I Liheslaturan*
3 *Guåhan* further finds that in order to fund the new, enhanced "911" system, a
4 surcharge on Local Exchange Telephone Service and Commercial Mobile Radio
5 Service should be established.

6 **Section 2. Authorization to Establish Surcharge.** (a) The Public
7 Utilities Commission ("Commission") shall establish and amend, as
8 required, a monthly surcharge to be known as the "911 Surcharge" to be paid
9 by Local Exchange Telephone and Commercial Mobile Radio Service
10 subscribers.

11 (b) The Commission may establish different rates for residential,
12 government and business subscribers.

13 (c) The "911 Surcharge" shall be established by the Commission at
14 a rate *not* to exceed One Dollar (\$1.00) per month per access line, up to a
15 maximum of twenty-five (25) access lines per account bill rendered for local
16 exchange telephone service, and at a rate *not* to exceed One Dollar (\$1.00)
17 per month per account number for commercial mobile radio service, up to
18 a maximum of twenty-five (25) account numbers per account bill rendered
19 per month.

20 (d) The purpose of the "911 Surcharge" is to fund the just and
21 reasonable expenses of operating and maintaining the "911" system, which
22 shall be the responsibility of the Guam Fire Department ("Department").
23 The Department shall petition the Commission, in accordance with
24 Commission rules, for the establishment of a "911 Surcharge," and for its
25 amendment from time to time; *however*, the Commission may on its own

1 initiative examine the adequacy of the surcharge at any time.

2 (e) It is the intent of *I Liheslaturan Guåhan* that the "911 Surcharge"
3 authorized by this Chapter *not* necessarily provide the total funding
4 required for establishing or providing the "911" service.

5 (f) In the event the surcharge is insufficient to cover the annual
6 "911" system operating costs, as determined by the Commission, then the
7 Commission shall immediately notify *I Liheslaturan Guåhan* of the shortfall,
8 and the Department shall request an appropriation in its annual budget to
9 cover any such shortfall.

10 (g) In exercising its responsibilities under this Act, the Commission
11 shall have the powers and duties prescribed in its enabling legislation,
12 Chapter 12 of Title 12 of the Guam Code Annotated.

13 (h) Surcharge revenues shall *not* be expended by the Department
14 for the procurement of supplies, equipment or services in excess of Five
15 Hundred Thousand Dollars (\$500,000.00), without the *prior* approval of the
16 Commission as to the prudence and reasonableness of the procurement.

17 **Section 3. Collection of "911 Surcharge."** (a) Each Local
18 Exchange Carrier ("LEC") and Commercial Mobile Radio Service ("CMRS")
19 provider shall collect the surcharge as established by the Commission, and
20 identify such as a separate line item on its invoice.

21 (b) Each LEC or CMRS provider shall remit the amounts collected
22 to the Department of Administration no later than forty-five (45) days *after*
23 the end of the month in which the amount is collected.

24 (c) Each LEC or CMRS provider shall be authorized to deduct from
25 such remittances its actual expenses incurred for collection services,

maintaining the PSAP database, and for reports and audits as may be required by the Commission; *provided*, such deductions are consistent with a Commission-approved budget for such expenses.

(d) The surcharges collected pursuant to this Section are *not* subject to any tax, fee or assessment, nor are they considered revenue of the LEC or CMRS provider.

(e) Each LEC or CMRS provider is authorized to deduct from its "911" receipts, amounts necessary to cover the Commission's expenses in conducting the regulatory activities required in this Act, to be billed by the Commission on a *pro-rata* basis.

(f) For purposes of this Act, a "CMRS provider" means a provider of wireless cellular telephone service, or wireless personal communications service.

Section 4. Creation of Special Fund. There is hereby created, separate and apart from all other funds of the government, the "*Enhanced 911 Emergency Reporting System Fund*" ("Fund") to be administered by the Department of Administration. The Fund is created to provide a source of funding for costs associated with an enhanced "911" Emergency Reporting System. All the "911" surcharges collected by each LEC and CMRS provider shall be paid into the Fund. The money collected and interest earned shall be used by the Department solely for enhanced "911" equipment and system costs as described in this Act.

Section 5. Exemptions from Surcharge. Recipients of life-line rates for local exchange telephone service, and telecommunication services that are incapable of "911" access, including, but not limited to, interstate and international interconnections, internet service providers data access trunks,

1 paging trunks, inbound trunks for PBX service and leased circuits are exempted
2 from the "911 Surcharge."

3 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider
4 collecting the surcharges shall *not* be responsible for uncollectible surcharges, and
5 shall have no obligation to take any legal action to enforce collection of the
6 surcharge. The LEC or CMRS provider shall provide quarterly to the Commission
7 a list of the names, addresses and telephone numbers of any and all subscribers
8 who have identified to the LEC or CMRS provider their refusal to pay the "911"
9 fee.

10 Nothing in this Chapter shall be construed to prevent the government from
11 taking appropriate actions to collect such surcharges designated by the LEC or
12 CMRS provider as uncollectible.

13 **Section 7. Definition of "911" Equipment and System.** (a) For
14 purposes of this Act, "*enhanced 911 equipment*" means the equipment
15 dedicated to the operation of, or use in, the establishment, operation or
16 maintenance of an enhanced "911" system, including customer premises
17 equipment, automatic number identification, or automatic location
18 identification controllers and display units, printers, recorders, software and
19 other essential communication equipment required by the system.

20 (b) "*Enhanced 911 system*" means a telephone system consisting of
21 network, database and enhanced "911" equipment that uses the single three
22 (3) digit number "911" for reporting a fire, police, medical or other
23 emergency situation, and that enables the users of a public telephone
24 system to reach a public safety answering point ("PSAP") to report
25 emergencies by dialing "911."

(c) "Enhanced 911 database for wireline service" means the subscriber name, address and number; and for wireless service means the subscriber name and number, and location consistent with the Federal Communications Commission Order Number 94-102.

(d) An enhanced 911 system includes the personnel required to acquire, install, operate and maintain the system.

(e) Each LEC and CMRS provider shall be responsible for establishing and maintaining an appropriate network to deliver "911" calls to the PSAP, and in maintaining the database for use in the PSAP.

Section 8. Yearly Reports. The Department shall prepare and submit to *I Maga'lahaen Guåhan* and to the Speaker of *I Liheslaturan Guåhan* a yearly assessment report on the enhanced "911" system, to include the number and types of calls received; the number and types of emergencies in which emergency personnel were dispatched; deficiencies, *if any*, in the system compared to other operations in the United States mainland; new system or equipment changes that will be made or required in the future; and any other information that is useful in evaluating the effectiveness of the "911" system.

Section 9. Confidentiality of Records. Any record, recording or information, or portions thereof, obtained by a public agency, or a public safety agency, for the purpose of providing services in an emergency, and which reveals the name, address, telephone number or personal information about, or information which may identify any person requesting emergency service by accessing an emergency telephone number "911" system, is confidential, *except* that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number or personal

1 information about, or information which may identify any person requesting
2 emergency services or reporting an emergency while such information is in the
3 custody of the public agency or public safety agency providing emergency
4 services.

5 A LEC or CMRS provider shall *not* be liable for damages to any person
6 resulting from or in connection with such LEC's or CMRS provider's provision of
7 lawful assistance to any law enforcement officer in connection with any lawful
8 investigation or other law enforcement activity by such law enforcement officer,
9 *unless* the LEC or CMRS provider acted in a wanton or willful manner.

10 **Section 10. False "911" Calls.** Whoever accesses the number
11 "911" for the purpose of making a false alarm, threat, complaint or reporting false
12 information which could result in the emergency response of any public safety
13 agency is guilty of a misdemeanor of the first degree.

14 **Section 11. Violations of this Act.** Any person or entity which
15 the Commission determines has violated any provision of this Act, or any
16 Commission order, shall be given proper notice and be allowed a reasonable
17 opportunity to cure the violation. Thereafter, in the event of failure to cure, the
18 Commission may refer the violation to the Attorney General's Office for
19 prosecution. Any person or entity that, having the responsibility of complying
20 with this Act or a Commission order, fails to cure such violation shall be fined a
21 civil penalty *not* to exceed Ten Thousand Dollars (\$10,000.00) per infraction. Any
22 such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers Shall Not Charge for "911" Calls.**
24 Any telecommunications service that has the capability of reaching the PSAP by
25 voice communication, including, but not limited to, public and private pay

1 phones, shall *not* charge for any calls placed to the PSAP by dialing "911."

2 **Section 13. Public Education.** The Department may use monies
3 from its budget to educate the public on the "911" system. Education may
4 include, but is not limited to, confirming with all residents their actual street
5 addresses. The Department may reimburse the monies used to educate the public
6 on the "911" system from the Fund.

COMMONWEALTH OF PUERTO RICO



MAR 24 2009

FCC Mail Room

JACINTO DESIDERIO ORTIZ
EXECUTIVE DIRECTOR

HON. LUIS G. FORTUÑO BURSET
GOVERNOR

March 18, 2009

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

Dear Ms. Dortch:

As requested by the Federal Communications Commission letter dated February 12, 2009 and mandated by the New and Emerging Technologies Improvement Act of 2008 (NET 911 Act), the 9-1-1 Service Governing Board of Puerto Rico (Board) is providing the following information pursuant to Section 6(f)(2) of said Act.

1. The Board was created through the approval of the "Act for the Speedy Attention of Public Safety Emergency Calls", or "9-1-1 Calls Act" (Dec. 22, 1994, No. 144 as amended (25 L. P. R. A. 1911 et seq). Article 5 of the 9-1-1 Calls Act and Article 22 (F) of the 9-1-1 Service Government Board Bylaws, establish the mechanism for the purpose of funding 911 or E911 in Puerto Rico and is in charge of it's distribution of funds to local responding agencies.

"Article 5 of the 9-1-1 Calls Act – Charges to telephone subscribers", (25 L. P. R. A. 1911 et seq), states as follows:

- (a) The 9-1-1 Service Governing Board, in the exercise of the faculties granted by this law, shall establish the charges it deems justified to defray the costs of equipment and facilities required to render 9-1-1 services and its direct administration, by participating agencies. The charges shall be established from time to time, at the Board's discretion, and their effectiveness shall not be less than one year.
- (b) The 9-1-1 Services charges shall be made against the lines installed to the telephone subscribers in a uniform manner within each subscriber's category, as part of the monthly charges to be billed. The 9-1-1 emergency calls shall not bring about individual charges for the use of telephone facilities for such purpose.

DIRECT ALL CORRESPONDENCE TO THE OFFICE OF THE EXECUTIVE DIRECTOR

❖ PO BOX 270200 SAN JUAN PUERTO RICO 00927-0200 ❖
❖ PHONE (787) 273-3001 ❖ FAX (787) 792-0061 ❖
❖ e-mail: correspondencia@e911.gobierno.pr ❖

- (c) In determining charges, the Board shall take into account the expenses budgeted and projected for the following two years and shall try to provide income to defray said expenses, plus a reasonable reserve for contingencies, expansion of service and the replacement of unusable and obsolete equipment.
- (d) The basic charge for the 9-1-1 Service main telephone line shall not initially exceed, fifty cents (\$0.50) a month for residential subscribers, nonprofit and religious organizations; nor one dollar (\$1.00) a month for commercial, professional and government subscribers. These charges shall take effect once the necessary regulations are approved, provided that the service charges shall commence when the 9-1-1 Service has been completely operational for at least sixty (60) days in each area, including the basic rolling equipment to respond to the calls by public safety agencies, and if the Board does so provide, the call recording equipment and the procedures to safeguard the confidentiality thereof and the constitutional rights of the citizens, shall be included. In all cases, the telephone subscribers shall be informed at least thirty (30) days in advance of the effectiveness thereof.
- (e) The charge for 9-1-1 Services shall be identified separately on each telephone service bill, if the Board contracts such billing services from certain telephone companies.
- (f) The telephone company shall collect the charges for the 9-1-1 Service, and shall deposit them in the account determined by the Board's regulations, within a period of not more than thirty (30) days after the payment was made by the subscriber. The telephone company shall keep a file of billing, payments and records of deposits of said charges, for the term determined by the Board by regulations. The Board shall reimburse the net cost of billing and collection of charges to the telephone companies, without exceeding what is provided in this law.

(Dec. 22, 1994, No. 144, § 5; Aug. 3, 1995, No. 108, § 4.)

Article 22 of the 9-1-1 Service Government Board Bylaws (Regulation Num. 5303)
states as follows:

- (a) The provision of emergency services requires the outlay of funds, which must be recovered in order to obtain the resources needed to maintain optimal conditions of said service. The primary source of resources authorized by law will be the amount collected by a charge against subscriber telephone lines installed, uniform manner within each subscriber category. This charge will be billed monthly in conformity with established procedures by the Telephone Company and Private telephone companies in Puerto Rico, duly ratified by the Board, which shall be

DIRECT ALL CORRESPONDENCE TO THE OFFICE OF THE EXECUTIVE DIRECTOR

❖ PO BOX 270200 SAN JUAN PUERTO RICO 00927-0200 ❖
❖ PHONE (787) 273-3001 ❖ FAX (787) 792-0061 ❖
❖ e-mail: correspondencia@e911.gobierno.pr ❖

submitted by the companies for the consideration by the Board in a time frame not to exceed thirty (30) days counted from the date of approval of this regulation.

- (b) The Board has established the Regulations for Billing and Collections from the Subscribers for 9-1-1 Service (Regulation No. 6203) to govern the process of collecting these charges, the deposit of collections, remittance and delivery of the 9-1-1 funds to the 9-1-1 Government Board from the telephone companies subscribers. Telephone companies must supply the telephone numbers of subscribers and their physical addresses or locations of these to the Board, in case of cellular, as required by law through the Federal Communications Commission, or any other entity with authority and competence, according to the provisions, agreements, technology and other requirements of the Board, welfare and to safeguard the public interest.
- (c) The deposit of the collections of the telephone companies will be made in the Board's account in the Government Development Bank for Puerto Rico in a period of not more (30) days from collection.
- (d) ...
- (e) ...
- (f) The monthly charge per subscriber will be:
 - (1) Fifty cents (\$0.50) a month for residential, nonprofit and religious organization subscribers.
 - (2) Fifty cents (\$0.50) a month for each cellular telephone subscriber.
 - (3) One dollar (\$1.00) a month for commercial, professional and government subscribers.
 - (4) These charges will apply to any other line of communication interconnected to a telephone system that can generate and receive phone calls, according to the above categories.
- 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services is fifty cents (\$0.50) a month for residential, nonprofit and religious organizations subscribers per main telephone line; one dollar (\$1.00) a month for commercial, professional and government subscribers per main telephone line. The total amount collected for the annual period ending December 31, 2008 is \$20,952,458.73.

DIRECT ALL CORRESPONDENCE TO THE OFFICE OF THE EXECUTIVE DIRECTOR

✦ PO BOX 270200 SAN JUAN PUERTO RICO 00927-0200 ✦

✦ PHONE (787) 273-3001 ✦ FAX (787) 792-0061 ✦

✦ e-mail: correspondencia@e911.gobierno.pr ✦

3. **Article 6 of the 9-1-1 Calls Act – Distribution and use of the funds collected for charges to telephone subscribers and Resolution 006, 1998-99** establishes how the funds are collected, distributed and made available to the public safety agencies (Those agencies whose services are offered through the use of the 9-1-1 emergency telephone number, including, specifically the Police of Puerto Rico, the Medical Emergencies of Puerto Rico, the Puerto Rico Fire Department, the Commonwealth Emergency Management and Disaster Administration Agency and the Department of the Family. Also included are the Medical Emergency Programs of Bayamon Municipal Government and Guaynabo Municipal Government) and for the administration of said agency.

Resolution 006, 1998-99 amended the established limits for the distribution of the funds collected from charges to telephone subscribers to be as follows:

(1) Billing cost and collection of charges by the telephone companies:	0.50%
(2) Reserve for contingencies:	10%
(3) Reserve for expansion of services and replacement of equipment and systems:	10%
(4) Board administration and joint operating expenses of public safety agencies, including the 9-1-1 call-receiving centers:	34%
(5) Individual expenses typical of security agencies in responding to calls via 9-1-1. This item shall be distributed among the public safety agencies in proportion to the number of calls handled by each one, except when the Board members, by consensus, authorize exceptions in order to resolve special needs of one or more agencies:	45.50%

4. The Board is formed by the Police Superintendent, the Executive Director of the Emergency Medical Services of Puerto Rico, the Chief of the Puerto Rico Fire Department and the Executive Director of the state Emergency Management Agency. In addition to the four ex officio members mentioned here, the Board is formed by an additional member representing the public interest, which shall be selected and appointed with the consent of the ex-officio members mentioned herein. There are total of five members of the Board.

Without restricting the faculties and duties of the public safety agencies and of the officials who constitute the Board in compliance of their ministerial duties, the Board is in charge of the coordination of any joint government effort to enforce the provisions of the 9-1-1 Calls Act and distribution of money.

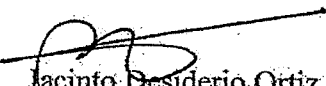
DIRECT ALL CORRESPONDENCE TO THE OFFICE OF THE EXECUTIVE DIRECTOR

✦ PO BOX 270200, SAN JUAN PUERTO RICO 00927-0200 ✦
✦ PHONE (787) 273-3001 ✦ FAX (787) 792-0061 ✦
✦ e-mail correspondencia@e911.gobierno.pr ✦

The Board has adopted bylaws. Through said bylaws, the Board established the fees that the Telephone companies are authorized to collect from the state's telephone service subscribers to facilitate the establishment of the 9-1-1 operations and technologies needed in each participating public safety agency to give an adequate receiving and response service and defray the service's operating and maintenance expenses in said agencies. The Board adopted regulations deemed necessary to expedite interagency coordination and the rendering of the emergency services contemplated herein; and those regulations that in the future, by consensus, its members identify as necessary for the Board's jurisdiction. The Board shall also establish by regulations all that is necessary to carry out its purposes.

5. All the funds collected from telephone subscribers have been collected and deposited to the Board's account in the Puerto Rico Development Bank. The funds have been distributed as mandated by Resolution 006, 1998-99. The distribution of funds to the Participating Agencies has been paid annually in two instalments. The Board administration and operating expenses administration have been defrayed by the 34% of the funds collected.
6. All the funds collected from telephone subscribers have been available and used for the intended purposes mandated by the "911 Calls Act" and the 9-1-1 Government Boards Bylaws.
7. We are having problems with identifying and corroborating the number of either telephone or cellular lines that actually exist. This is because we must rely on what the telephone companies inform us. We need an independent source of corroboration but when we seek the information from government regulatory agencies they inform us that the information is confidential.

Should you have any questions, please contact Ms. Gladys M. Rodríguez of my staff (787) 444-9913 or grodriguez@e911.gobierno.pr.


Jacinto Desiderio Ortiz
Executive Director

DIRECT ALL CORRESPONDENCE TO THE OFFICE OF THE EXECUTIVE DIRECTOR

❖ PO BOX 270200 SAN JUAN PUERTO RICO 00927-0200 ❖
❖ PHONE (787) 273-3001 ❖ FAX (787) 792-0061 ❖
❖ e-mail correspondencia@e911.gobierno.pr ❖





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

545 Marriott Drive, Suite 700

Nashville, TN 37214

MAR 23 2009

Trust Services
Natural Resources

David Furth
Acting Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

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

Dear Mr. Furth:

The Eastern Region of the Bureau of Indian Affairs has queried all 27 Tribes located within our jurisdiction regarding the subject information. Our response is as follows:

1. No tribe subject to our jurisdiction has established a funding mechanism designated for or imposed for the purpose of 911 and E911 support or implementation.
2. Based on the answer to item 1, a negative reply is provided.
3. Based on the answer to item 1, a negative reply is provided.
4. Based on the answer to item 1, a negative reply is provided.
5. Based on the answer to item 1, a negative reply is provided.
6. All funding of 911 and E911 support for tribal reservations under our jurisdiction is conducted by local non-tribal governmental agencies that provide the 911 service to the reservations.

If you have any additional questions, please contact Dr. James Kardatzke, Natural Resources, of my staff at (615) 564-6830.

Sincerely,

ACTING Director, Eastern Region





IN REPLY REFER TO:

Real Estate Services

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Eastern Oklahoma Region
Eastern Oklahoma Regional Office
P.O. Box 8002
Muskogee, OK 74402-8002



MAR - 3 2009

Mr. David Furth
Acting Chief
Public Safety and Homeland Security Bureau
445 12th Street, SW
Washington, D.C. 20554

Dear Mr. Furth:

This correspondence is in response to the request dated February 13, 2009, concerning information collection as mandated by the New and Emerging Technologies 911 Improvement Act of 2008. The Bureau of Indian Affairs, Eastern Oklahoma Region (Region), does not collect information concerning any fees or charges collected by the states or Tribes under the administrative jurisdiction of the Region.

For your reference, enclosed is a list of the Federally recognized Tribes and addresses for the Tribes served by this Region should you wish to contact them directly.

If there are any questions, please contact Ms. Annette Jenkins, Realty Officer, Eastern Oklahoma Region, Eastern Oklahoma Regional Office, Division of Real Estate Services, at (918) 781-4658.

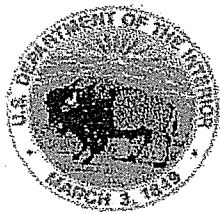
Respectfully,

Regional Director

Enclosure

PRINCIPAL OFFICERS OF THE TRIBES UNDER THE JURISDICTION
OF THE
EASTERN OKLAHOMA REGION

<u>NAME & OFFICE</u>	<u>TERM EXPIRES</u>
TARPIE YARGEE, Chief Alabama-Quassarte Tribal Town P.O. Box 187 Wetumka, OK 74883 Phone: (405) 452-3987 Fax: (405) 452-3968	May 2009
CHADWICK SMITH, Principal Chief Cherokee Nation P. O. Box 948 Tahlequah, OK 74465 Phone: (918) 456-0671 Fax: (918) 458-5580	June 2011
BILL ANOATUBBY, Governor Chickasaw Nation P. O. Box 1548 Ada, OK 74821 Phone: (580) 436-2603 Fax: (580) 436-4287	October 2011
GREGORY E. PYLE, Chief Choctaw Nation of Oklahoma P. O. Drawer 1210 Durant, OK 74702-1210 Phone: (580) 924-8280 Fax: (580) 924-1150	September 2011
GLENNA J. WALLACE, Chief Eastern Shawnee Tribe of Oklahoma P. O. Box 350 Seneca, MO 64865 Phone: (918) 666-2435 Fax: (918) 666-2186	September 2010



United States Department of the Int

BIA - GREAT PLAINS

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401

TAKE PRIDE
IN AMERICA

IN REPLY REFER TO:
Executive Direction
MC-100

April 24, 2009

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

Dear Ms. Dortch:

This is in response to PS Docket No 09-14 Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008.

The following is the Bureau of Indian Affairs, Great Plains Region response to the six items:

1. BIA District I Law Enforcement programs utilize the State Radio Communications System. The County Sherriff's Department manages the 911 system for District I.
2. The only fee our Agencies incur is for our National Crime Information Center (NCIC) Terminal. There are no other related fees incorporated into the Agencies in regard to 911.
3. There are no entities established by any Tribes in our Region that have the authority to approve expenditures of funds collected for 911 or E911 purposes.
4. No funds were collected for 911 or E911 purposes.
5. No funds were collected for 911 or E911 purposes.
6. No additional comments regarding the applicable funding mechanism for 911 or E911 purposes.

If you have any questions, please contact Elmer Four Dance, Special Agent in Charge, District 1 Office of Law Enforcement Services, at (605) 226-7347.

Sincerely,

Alice A. Harwood

ACTING Regional Director





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rocky Mountain Regional Office
316 North 26th Street
Billings, Montana 59101



IN REPLY REFER TO:
Indian Services, Code 360

MAY 20 2009

Thomas J. Beers, Chief, Policy Division
Public Safety and Homeland Security Bureau
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Beers:

This letter is in response to your request regarding "Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008." We forwarded your correspondence to the local Bureau of Indian Affairs Agencies on the reservations and they in turn discussed your request for information with the Tribes. Our responses we received were limited and did not provide the information you requested.

It is our understanding the Law Enforcement Division of the Bureau of Indian Affairs, may have additional information. By copy of this correspondence, we are forwarding your letter to:

Charles Addington, Assistant Special Agent-in-Charge
Bureau of Indian Affairs, Office of Justice Services
490 N 31st Street, Transwestern II, Suite 206
Billings, Montana 59101
(406) 6575936

If you have any questions, please contact Jo-Ellen Cree, Indian Services Specialist, at (406) 247-7964.

Sincerely,

Acting
Regional Director

cc: Charles Addington, ASAC, BIA/OJS w/cy of inc. correspondence





United States Department of the Int

Bureau of Indian Affairs
Southern Plains Regional Office
P. O. Box 368
Anadarko, Oklahoma 73005

IN REPLY REFER TO:
Office of the Regional Director

APR 23 2009

Mr. Thomas J. Beers
Chief, Policy Division
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Subject: SECOND NOTICE -- Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Mr. Beers:

In response to your above subject letter received in this office on April 20, 2009, the following information is provided:

- This office has no information on whether any Indian Tribes under our jurisdiction have established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation.
- To our knowledge, there have been no fees or charges imposed for the implementation and support of 911 and E911 services, and no amounts were collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2008.
- No funds were collected and/or made available to localities.
- No tribal entity under our jurisdiction, to our knowledge, has the authority to approve the expenditure of funds collected for 911 or E911 purposes.
- No funds were collected for 911 or E911 purposes.
- No funds were collected for 911 or E911 purposes.
- We have no other comments to make regarding this subject.

Should you have any further questions, please let me know. I can be reached at (405) 247-6673,
Ext. 314.

Sincerely,

Acting 
Regional Director