

# Nebraska Public Service Commission

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MICHAEL G. HYBL

March 22, 2010

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

RE: PC Docket No. 09-14

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

Dear Ms. Dortch:

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

Should you have any questions, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald L. Vap".

Gerald L. Vap  
Chairman

THE UNIVERSITY OF CHICAGO



1957

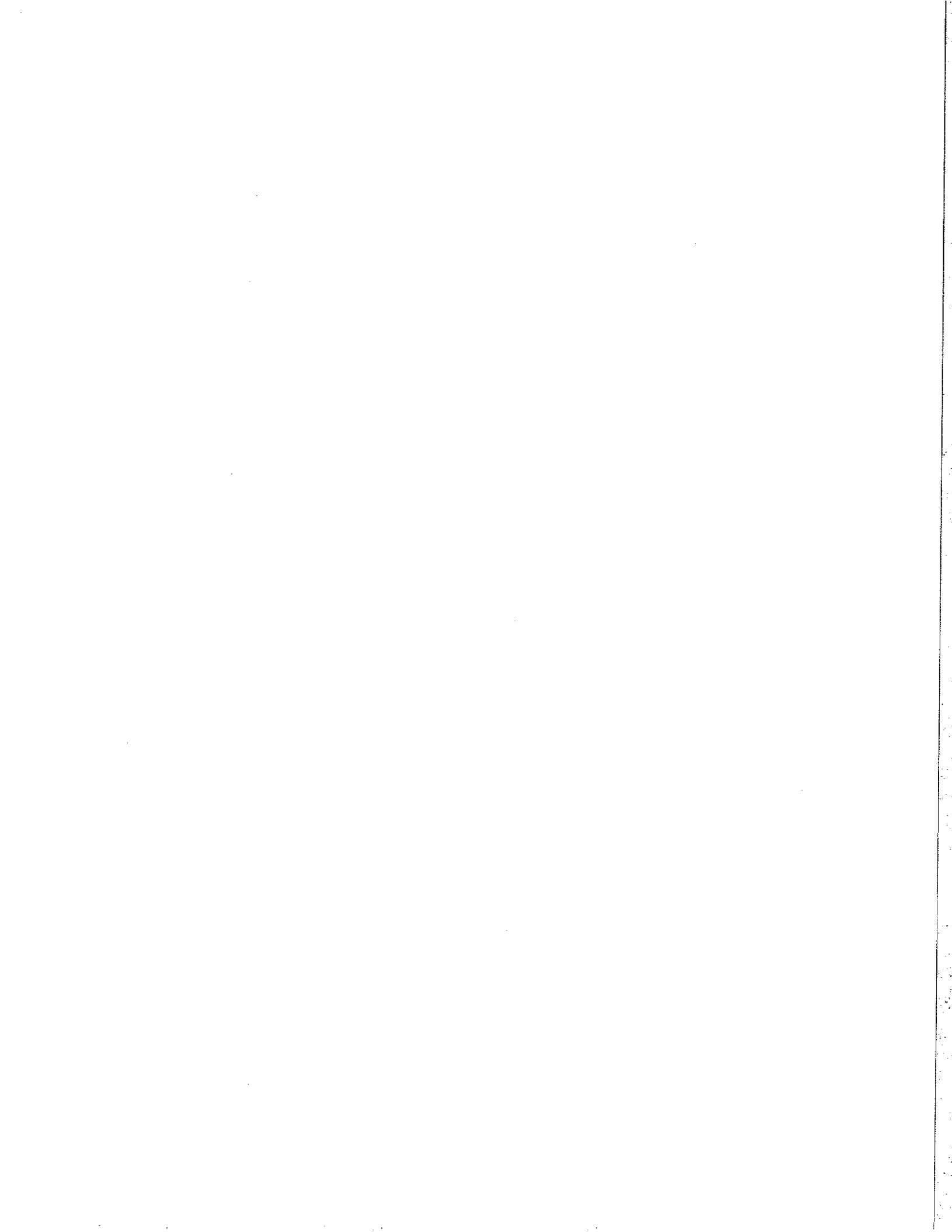
Before the  
Federal Communications Commission  
Washington, D.C. 20554

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

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

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

March 22, 2010



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

**1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).**

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

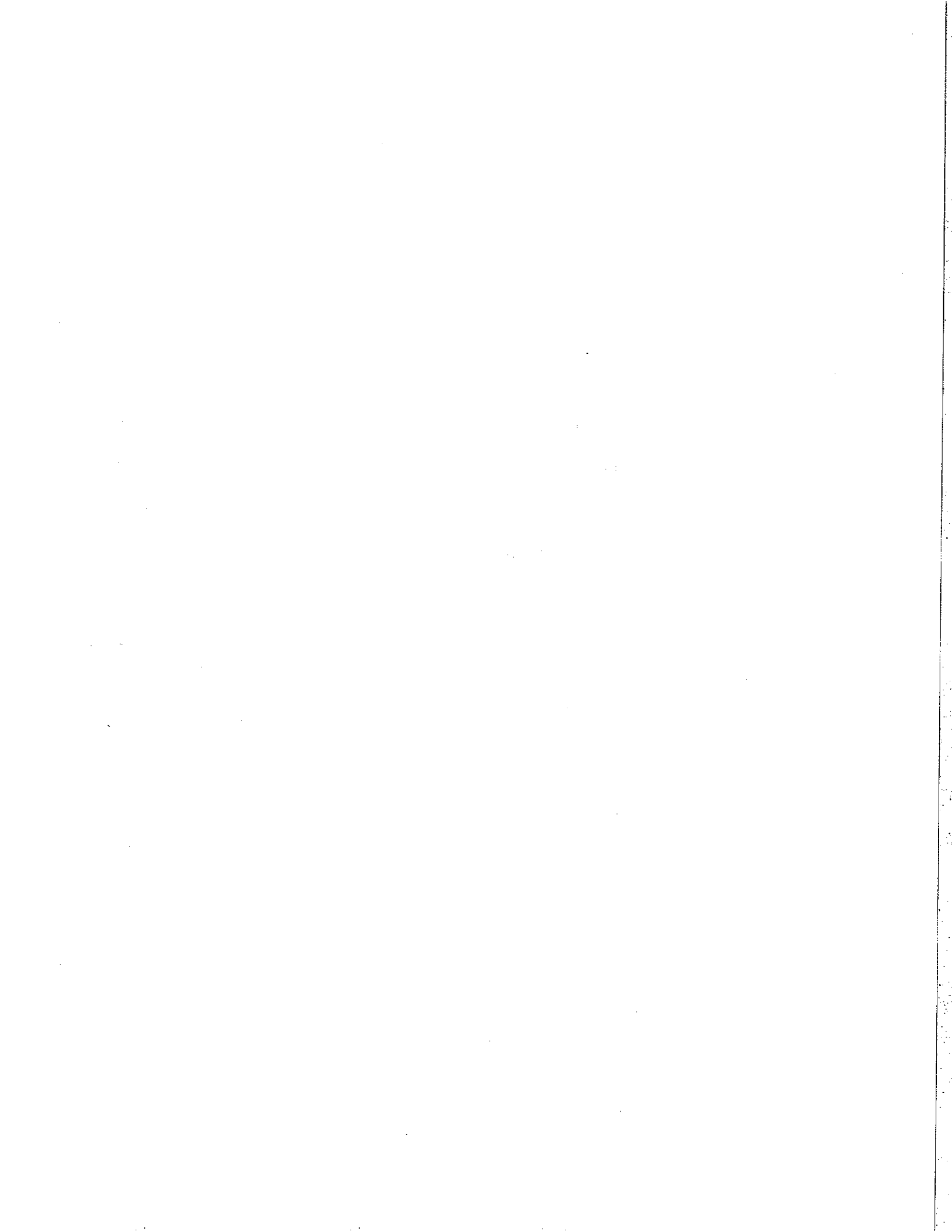
#### Landline Enhanced 911 Service

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

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

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



## Wireless Enhanced 911 Service

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

The use of the funds is limited to the purposes set forth in Neb. Rev. Stat. § 86-465(2). On February 23, 2010, the Commission adopted a permanent funding mechanism to distribute funds pursuant to LB 1222 [2006]. A copy of the Commission's order is attached hereto as Appendix A.<sup>7</sup>

**2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. 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.**

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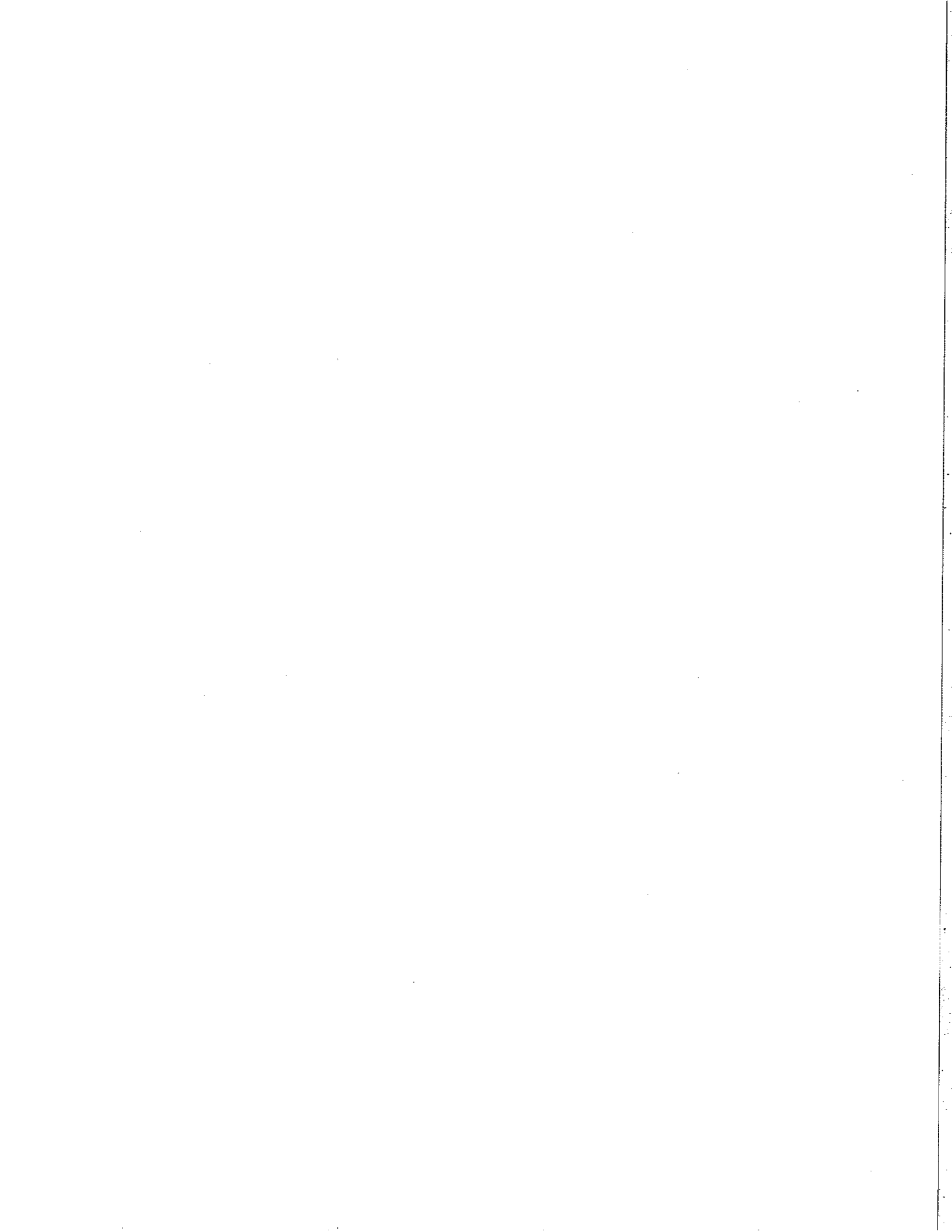
<sup>3</sup> Neb. Rev. Stat. § 86-457(1).

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

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

<sup>6</sup> *The Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund*, Docket No. 911-002, Order Setting Surcharge (Nov. 24, 2009).

<sup>7</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, to establish implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service*, Docket No. 911-019/PI-118, Final Order Adopting Model and Application Process (Feb. 23, 2010).

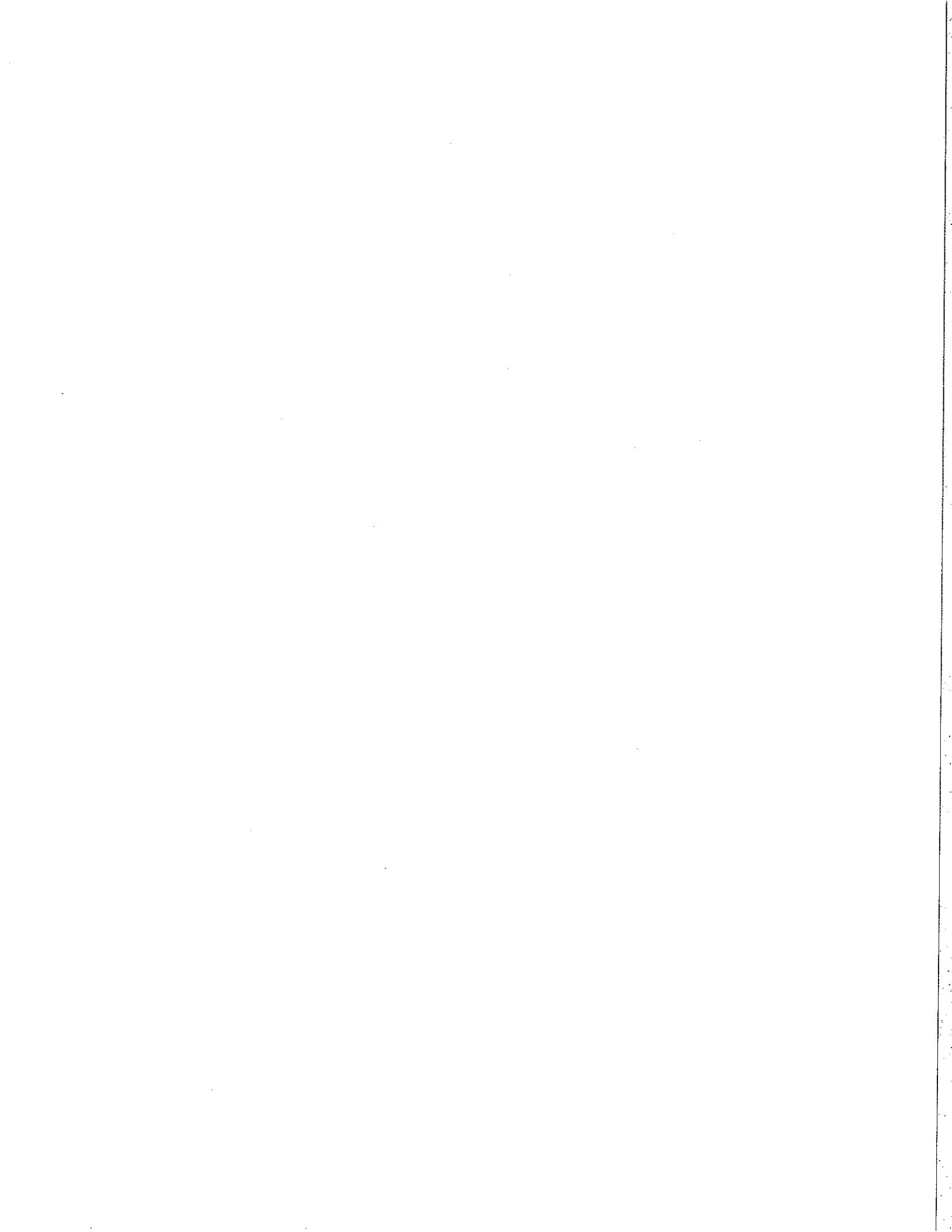




During 2009, \$5,507,239.80 was remitted to the Enhanced Wireless 911 Fund through the imposition of the \$.50 wireless 911 surcharge. The Commission receives annual reports regarding the amount of landline surcharges collected and remitted by local exchange carriers to local governing bodies. Those annual reports are not due to the Commission until April 30<sup>th</sup> of each year. Therefore, the Commission only has data for 2008. During the 2008 calendar year, \$6,284,559.15 was remitted to local governing bodies in Nebraska through the landline 911 surcharge.

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

With the implementation of the new permanent funding mechanism in July 2010, the Commission will allocate certain amounts of funding to PSAPs and wireless service providers to be paid on a monthly basis. PSAPs and wireless service providers will



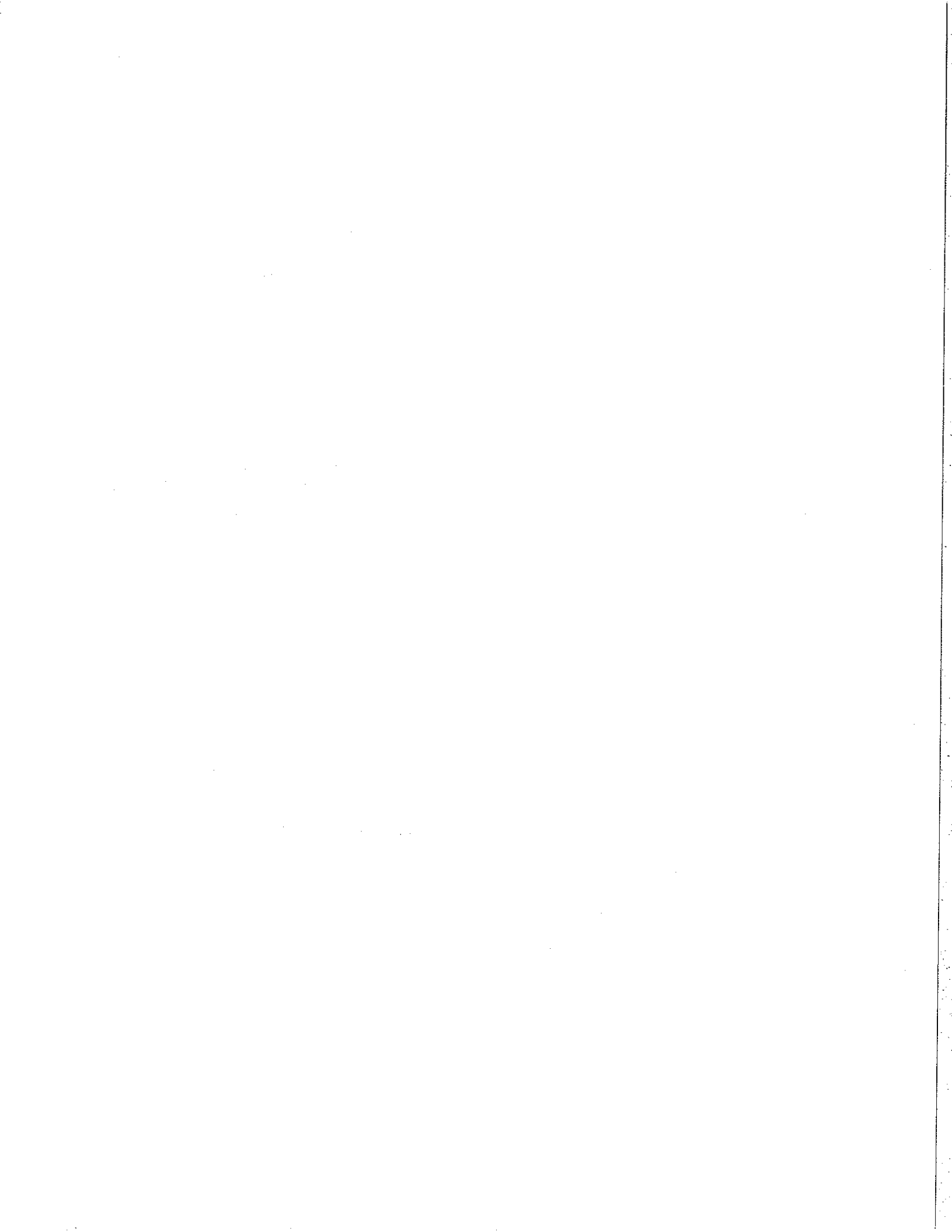
subsequently provide documentation to demonstrate that all funds are used for eligible wireless 911 expenses. Wireless service providers will also have access to a grant program that will assist with capital expenses related to the provision of enhanced wireless 911 service, not including the construction of towers. These applications will be reviewed by the Commission and Advisory Board. Additionally, PSAPs will continue to submit funding requests related to equipment and software purchases and upgrades to ensure that it meets certain requirements.

**3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.**

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

**4. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.**

Because the Commission does not have oversight over the collection and use of landline 911 surcharges collected by local governing bodies, we cannot comment regarding the expenditure of their funds. With respect to the Enhanced Wireless 911 Fund, during 2009 \$6,043,913.75 was paid to or on behalf of wireless carriers and PSAPs for the provision of enhanced wireless 911 services and an additional




\$273,889.35 was used to cover the expenses of administering the Fund. Such administrative expenses are specifically authorized by state 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.**

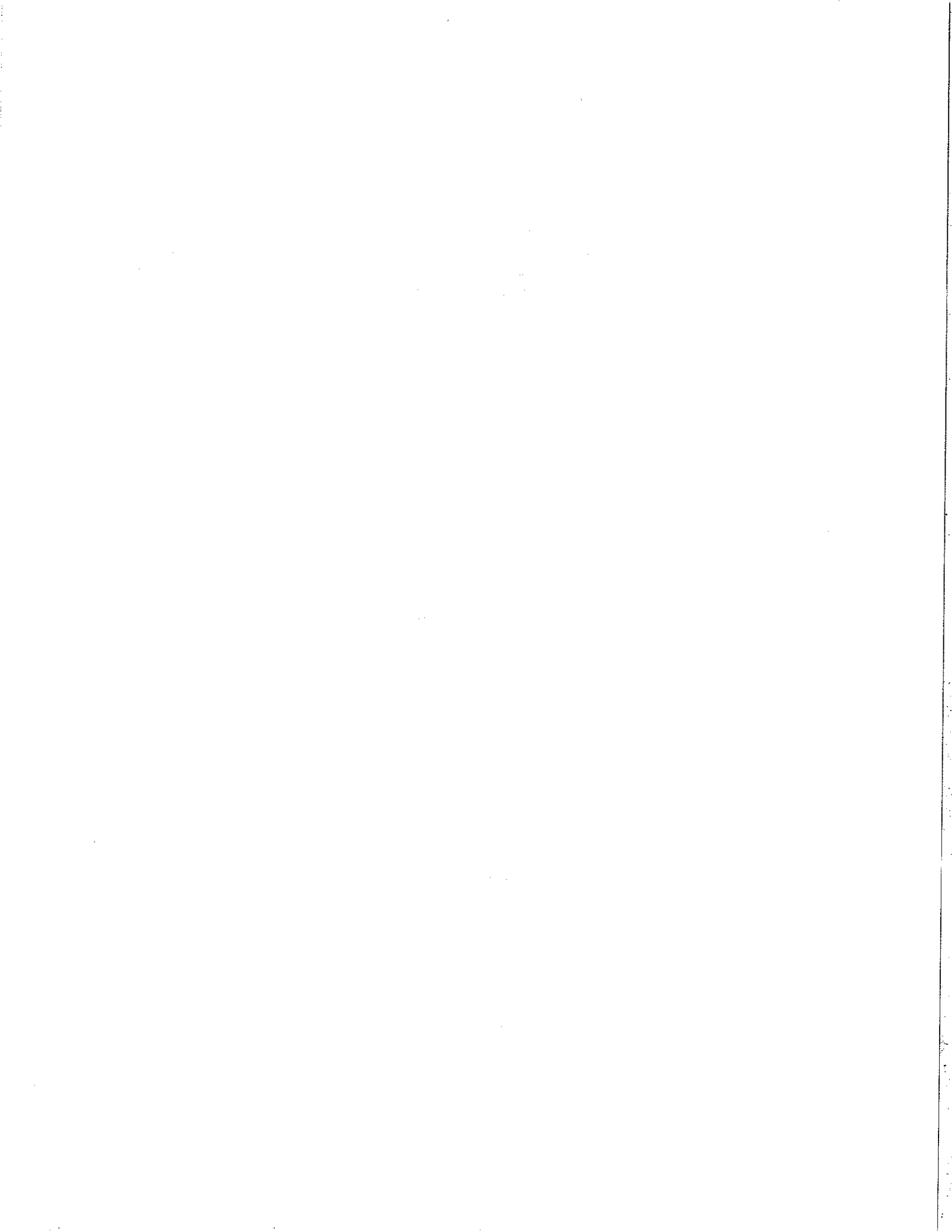
Because the Commission does not have oversight over the collection and use of landline 911 surcharges collected by local governing bodies, we cannot comment regarding the use or expenditure of their funds. With respect to the Enhanced Wireless 911 Fund, during 2009 all funds collected were expended for appropriate purposes pursuant to the Enhanced Wireless 911 Services Act. However, in December 2009, the Nebraska Legislature transferred approximately \$3.4 million in interest from the Fund to address state budget shortfalls.

Respectfully Submitted,

The Nebraska Public Service Commission

By: 

Gerald L. Vap  
Chairman  
300 The Atrium Building  
1200 N Street  
Lincoln, NE 68508  
(402) 471-3101



SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. 911-019/PI-118  
Public Service Commission, on )  
its own motion, to implement )  
provisions of LB 1222 [2006] and ) FINAL ORDER ADOPTING MODEL  
to establish a permanent funding ) AND APPLICATION PROCESS  
mechanism for wireless enhanced )  
911 service. ) Entered: February 23, 2010

BY THE COMMISSION:

The Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service.

LB 1222 requires that the Commission:

Establish a mechanism for determining the level of funding available to each public safety answering point and wireless service providers for costs determined to be eligible by the commission...

Neb. Rev. Stat. § 86-465(1)(e) (2008).

On July 7, 2009, the Commission released for comment a proposed permanent funding mechanism. Comments on the proposed mechanism were filed by: City of Fremont, Nebraska Association of County Officials (NACO), GeoComm, Nebraska Wireless 911 Advisory Board (Advisory Board), N.E. Colorado Cellular, Inc. dba Viaero Wireless (Viaero), Lincoln-Lancaster County Emergency Communications, and Hall County-Grand Island 911 Mgmt.

On September 22, 2009, in order to implement the funding mechanism, the Commission entered a second order releasing for comment a proposed timeline and application process for the approval and distribution of funding and the verification of the use of the funding. Comments were received regarding both proposals. Comments on the proposed application process were filed by: NACO, Boone County Sheriff's Department, Viaero, and Custer County.

An initial hearing was held on October 7, 2009, during which time, staff provided testimony outlining some changes that it intended to propose to the model and process based upon comments received to date. Staff considered the comments received and the testimony during the initial hearing in addition to the impact of the legislature's decision to transfer approximately \$3.4 million

in interest from the Fund to address state budget shortfalls. As a result, on December 15, 2009, the Commission entered order releasing for comment an amended model and application process. Comments regarding the December 15, 2009 proposal were received from multiple PSAPs, NACO, APCO, Viaero and Sprint/Nextel.

Hearing on the amended proposal was held on February 1, 2010. Tyler Frost, staff economist for the Commission, testified regarding adjustments made to the permanent funding mechanism and responded to comments regarding variables used in the construction of the model. Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS), testified regarding the amended model and process and responded to filed comments. Finally, Kara Thielen, 911 Coordinator for Viaero, also testified.

#### FINDINGS AND CONCLUSIONS

Funds will be distributed to PSAPs and wireless service providers on a monthly basis. Payments to local exchange carriers on behalf of PSAPs will be made on a quarterly basis in arrears based upon quarterly reports filed by wireless service providers. Details will be discussed more fully below.

##### **I. The Wireless 911 Support Allocation Model (911-SAM)**

Based upon the written comments and testimony received, the Commission finds that the 911-SAM as proposed in the December 15, 2009 order is hereby adopted as the permanent funding mechanism for wireless enhanced 911 service effective July 1, 2010 with a funding year of July 1<sup>st</sup> through June 30<sup>th</sup> pursuant to the requirement set forth in § 86-465(1)(e). The 911-SAM forecasts the future status of the Enhanced Wireless 911 Fund (Fund) and assists in the allocation of annual support amounts to eligible Public Safety Answering Points (PSAPs) and Wireless Service Providers (WSPs).

The 911-SAM includes summaries of the Fund status forecast and Fund support amount allocated to eligible PSAPs and WSPs for the current funding year.

The 911-SAM calculates Fund support amounts for each year forecasted based on the existing balance, reserve levels, pre-existing payment commitments, Fund administration costs, LEC costs paid on behalf of the PSAPs by the Commission, and surcharge remittance levels. Fund support amounts are allocated utilizing cost proxies.



SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. 911-019/PI-118

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The 911-SAM derives cost proxy amounts, representing the costs incurred for the provision of wireless enhanced 911 service, for three cost categories; PSAP, Geographic Information Systems (GIS), and wireless service provider (WSP). Cost proxy amounts are determined as functions of independent variables and predefined cost inputs. More specifically, PSAP and GIS cost proxy amounts are calculated as functions of population and the WSP cost proxy amount is determined as a function of cellular towers. NACO had commented in response to the December 15, 2009 that other variables other than population should be used. However, the Commission has used the most accurate data available. Should the Commission determine, pursuant to observed implementation, changes are needed, the 911-SAM provides for the flexibility needed and gives the Commission the ability to address issues, such as these, in a dynamic environment.

Cost category proxy amounts are calculated at a PSAP or county level and aggregated to a statewide level. Statewide cost category proxy amounts are further aggregated to determine a total proxy amount. The 911-SAM then calculates each cost category's allocation of the Fund support amount, calculated as the cost category's statewide cost proxy amount, relative to the total proxy amount.

The 911-SAM further utilizes cost proxy results, at a PSAP or county level, to allocate cost category support amounts to each eligible PSAP and WSP. Eligible PSAP support amounts include PSAP and GIS. Fund support amounts allocated to eligible PSAPs and WSPs are summarized for the current funding year.

The 911-SAM reflects a fiscal year from July 1 to June 30. Additionally, the LEC cost category will be paid directly by the Commission on a statewide basis rather than being allocated to individual PSAPs. It is therefore treated in the same manner as other amounts previously identified and included in the calculation of annual Fund support amounts. A discussion of the LEC proposal is set forth more fully herein. The 911-SAM includes an interest calculation and a cap on the WSP Grant Program. Furthermore, amounts attributable to LEC costs have been separated from other PSAP costs. Finally, the PSAP Equipment Program releases funds directly to the PSAPs.

Attached hereto and incorporated herein by this reference as Appendix A, is the E911 Fund Forecast. Also attached hereto and incorporated herein by this reference as Appendix B, is the Summary of E911 Funding Support, which summarizes the allocation of funding support to each cost category. However, amounts

allocated to individual WSPs are not listed at this time. The WSP grant funding available is a function of the number of WSPs requesting funding, further potentially a function of recent changes in the wireless industry. Due to recent changes in the wireless industry including Verizon's acquisition of Alltel Wireless and Pinpoint's decision to exit the market, the Commission will not announce the individual WSP allocation amounts and WSP grant funding available until May 1, 2010 after all requests for WSP funding are submitted. Amounts reflected in Appendix A related to grant funds may also change based upon the requests received. Finally, attached hereto as Appendix C, and incorporated herein by this reference, is a spreadsheet which summarizes the payment to each PSAP after all pre-existing commitments are paid.

#### **A. PSAP Funding**

As mentioned above, the LEC costs have been removed as a cost category and will be paid directly by the Commission on a statewide basis rather than through an allocation to individual PSAPs. Payments for intertandem trunking and the GIS repository will not be allocated to any PSAP but will instead be paid directly by the Commission. Therefore, the remaining PSAP funding will relate to the PSAP and GIS cost categories. PSAPs may retain up to seventy-five percent (75%) of the amount allocated to that PSAP for the future purchase of equipment and software. A more detailed description of the equipment program is included herein.

Additionally, the Commission will continue to pay amounts for intertandem trunking, GIS data development, equipment costs which represent a first request for funding for that PSAP, and equipment and software maintenance contracts approved prior to the implementation of the 911-SAM. These amounts would be paid directly to the appropriate vendor on behalf of the PSAP. Any previously approved amounts being paid on behalf of a PSAP would be deducted from their PSAP allocation. This arrangement would continue until the expiration of any existing contracts. At that time, each PSAP would be responsible for making payments to vendors on their own and the amounts previously deducted by the Commission in order to make the payments would then be paid directly to the PSAP.

After the above listed adjustments are made, any funds remaining from the allocation would be paid to the PSAP in equal installments on a monthly basis commencing July, 2010 after receipt of the required application materials.

The Commission will continue to provide funding for no more than one PSAP per county consistent with Neb. Rev. Stat. § 86-465(1)(e). However, under certain circumstances in which costs are shared, payments may be made to multiple PSAPs in one county so long as expenses are not duplicated between the PSAPs. For example, Norfolk PD is the designated PSAP for Madison County; but Madison County funded GIS development. Therefore, the Commission has provided funding to Madison County strictly for the maintenance of the GIS data. If an inter-local agreement exists between multiple governing bodies which necessitates the payment of funding to more than one governing body, the governing bodies are required to submit that information along with their applications so that the proper payments can be made.

PSAPs receiving funding will be required to attest annually and provide supporting documentation demonstrating that funds received were utilized for permissible purposes under the Act, Commission orders, and Commission guidelines and rules and regulations. Additionally, PSAPs will have to certify that they meet certain eligibility requirements and follow application processes and procedures established by the Commission in this order. Failure to comply may result in suspension or termination of funding.

#### **1. Prerequisites for PSAP Funding**

The Commission believes that certain minimum prerequisites should be established for PSAPs in order to ensure a complete and reliable statewide enhanced wireless 911 system. PSAPs will be responsible for meeting the following prerequisites:

- PSAPs must establish a separate account in which to maintain all funds received from the Enhanced Wireless 911 Fund. All account information must be provided to the Commission at the time the original funding application is made as outlined herein on the ACH form provided by the Commission.
- All PSAPs must be connected to the selective router; must make arrangements for the maintenance of the software and equipment necessary for the provision of enhanced wireless 911 service; and must have made arrangements or retained trained personnel to ensure that all GIS data is current and accurate.
- Furthermore, all PSAPs receiving funding shall provide their GIS data to the statewide GIS repository and

provide periodic updates according to policies to be established by the Commission. If a PSAP does not yet have a username and password for the repository, it shall make application to the Commission on or before the time it submits its application for funding. The Commission will, at a future date, investigate the option of a statewide contract for the maintenance of GIS data.

- Also, the Commission will no longer pre-approve equipment and software vendors. PSAPs are required to ensure that the equipment is appropriate for the provision of enhanced 911 service. All PSAPs will be required to certify that they have complied with all applicable state and local bidding requirements for the purchase of goods and services. All requests for equipment funding will continue to be reviewed by the Enhanced Wireless 911 Advisory Board.

A checklist of the PSAP prerequisites to funding is attached hereto as Appendix D. This appendix is intended only to assist in the application process. To the extent any differences between Appendix D and the terms of the order exist, the order controls.

## 2. Eligible PSAP Costs

Neb. Rev. Stat. § 86-465(2) sets forth general costs that may be eligible for funding as prescribed by the Commission.

The Commission finds that the following shall be eligible costs for PSAP funding. The Commission is aware that funds provided will not provide full cost recovery for all elements listed.

- The purchase and installation of equipment and software necessary for the provision of wireless E911 based upon the Commission's wireline/wireless ratio unless the PSAP can produce call volumes demonstrating a higher volume of wireless calls. Such items shall not include any equipment or software used primarily for the provision of landline 911 service.
- Costs of upgrades to equipment and software necessary for the provision of wireless E911, including CPE equipment and relevant software.
- Maintenance costs for eligible equipment and software.
- Maintenance costs related to GIS data.

- Telecommunications services required for the provision of enhanced wireless 911 service including trunking and connection to the selective router. A dedicated wireless 911 trunk is eligible for funding. However, shared facilities are subject to the Commission's wireline/wireless ratio unless the PSAP can demonstrate a higher volume of wireless calls.
- Training related to the provision of Enhanced Wireless 911 service not to exceed 5% of the funds allocated to the PSAP.

The December 15, 2009 order previously proposed that no funding be permitted for costs related to the following: Computer Aided Dispatch; Logging and Recall Recorder Equipment; Community Notification Systems; Time Synchronization; Radio Equipment; and PBX. Based upon comments received, the Commission will allow funding to be used for Computer Aided Dispatch; Logging, Recall Recorder Equipment, and any other equipment or software used for the provision of enhanced wireless 911 service subject to the wireless/wireline factor or the appropriate call volumes demonstrated by the PSAP consistent with the equipment and software program outlined below. PSAPs must show that the equipment or software is for the provision of enhanced wireless 911 service and not simply for more general emergency response services.

Also, the Commission is aware of the importance of ongoing training as the complexity of providing enhanced 911 services increases. Therefore, based upon comments received from the PSAPs and related entities, the Commission will permit up to 5% of the funds allocated to the PSAP to be used for training purposes. PSAPs must demonstrate that the training was for the provision of enhanced wireless 911 service. The funds are not intended to simply supplement personnel or administrative costs but must be used for training for the provision of enhanced wireless 911 services.

### **3. Equipment and Software Program**

As stated previously, the Commission will permit PSAPs to set aside up to seventy-five percent (75%) of each PSAPs' available funding allocation for equipment and maintenance on an annual basis to be used for future equipment and software purchases and upgrades. This percentage is based upon per occurrence historical data of equipment and software purchases and the costs of maintenance. PSAPs may set aside these funds for no more than ten (10) years. The funds cannot be held by the PSAP for more than 2 years after the ten year period expires or the funds must be paid

back to the fund. An accounting of the funds shall be provided at the time the PSAP verifies use of its allocation at each year end.

PSAPs may utilize these funds solely for upgrades and replacements of PSAP equipment and software. Retained funds can be used for up to fifty-five percent (55%) of the cost of the equipment and software based upon the wireless/wireline allocation previously adopted by the Commission. This allocation factor may be amended by the Commission as needed. If the PSAP can demonstrate that a greater percentage of its call volume is attributable to wireless 911 it can be funded up to the proven call volume percentage. PSAPs must provide a detail of wireless and wireline 911 call volumes for each month of the previous 12 month period.

Prior to expending these funds, PSAPs must submit an application to the Commission for approval and a determination of the allocation factor if the PSAP wishes to use the funds to pay for more than amounts determined utilizing the established wireless/wireline allocation factor. Applications related to equipment purchases may be submitted to the Commission throughout the funding year, but will only be reviewed by the Enhanced Wireless 911 Advisory Board on a quarterly basis. Hearings regarding the applications may be held by the Commission.

All applications must contain the following information:

- The detailed technical specifications, number of call taking positions, individual pieces of equipment and software, any installation costs, and costs of the equipment and software being purchased.
- A certification that the equipment and software meets applicable NENA standards and is IP capable.
- PSAPs must also provide information regarding any other 911 and/or public safety related funds received from other sources (e.g. any stimulus money, other grant funds, etc.) during the twelve (12) months preceding the application.
- PSAPs must provide wireless and wireline 911 call volumes for each month of the previous 12 month period to the date of the application.
- PSAPs must provide the current level of its landline 911 service surcharge.
- PSAPs must also certify that they have complied with all applicable state and local bidding requirements.

PSAPs are not required to wait to apply for funding until they have saved sufficient funds from their monthly allocation to

cover the cost of the equipment and software. To the extent that there is an insufficient balance in the PSAP's equipment and software fund, after an accounting is received of the funds the PSAP has available, the Commission will pay the appropriate percentage of the cost of the equipment and software and a deduction will be made from the future annual allocation to the PSAP until the expense is reimbursed to the Fund. At that point, the PSAP will again begin receiving its full allocation. Any funding requests representing a second request for equipment and software funding received prior to the establishment of the funding mechanism will be treated in this same manner. The amount of funding will be deducted over five (5) years in equal installments. Should the amount attributable to wireless be in excess of that PSAP's equipment and maintenance allocation over five years, the Commission will adjust the amount to be deducted.

#### **4. Funding for LEC Costs**

Currently, the Commission receives invoices for PSAPs from each of the three LECs for wireless 911 charges. The manner by which LECs are compensated for telecommunications services provided to PSAPs is dependent upon data filed with the Commission in quarterly reports. The Commission finds that it would be more efficient for the Commission to continue to pay LEC costs directly, on behalf of PSAPs, on a statewide basis.

LECs will be compensated on a per wireless subscriber rate and paid based upon the number of wireless subscribers reported to the Commission in wireless quarterly reports. Each LEC shall file a tariff outlining a per subscriber rate no later than **October 15, 2010** based upon the costs of providing the service. Total recoverable costs should not exceed total amounts currently billed under contracts. However, the rate established should take into account any Phase II costs and nonrecurring costs incurred for the implementation of enhanced wireless 911 service of future towers that the LEC expects to recover. Until such time as the tariff is filed, the Commission will continue to pay invoices on behalf of PSAPs as previously approved.

#### **B. Wireless Service Provider Funding**

The WSP funding amounts calculated by the 911-SAM will be paid directly to the carriers on a monthly basis commencing July, 2010 after receipt of all required application materials. WSPs receiving funding are required to attest annually and provide supporting documentation demonstrating that funds received were utilized for permissible purposes under the Act, Commission

orders, and Commission guidelines and rules and regulations. Additionally, WSPs are required to certify that they meet certain eligibility requirements and follow application processes and procedures established by the Commission. Failure to comply with all requirements, including the timely submission of accurate quarterly reports and remittances of surcharges, may result in suspension of funding.

### 1. Prerequisites for WSP Funding

In order to be eligible to receive funding, the Commission believes that certain minimum prerequisites to funding should be established for WSPs in order to ensure a complete and reliable statewide enhanced wireless 911 system. WSPs must satisfy the following prerequisites to funding:

- WSPs must certify compliance with federally established testing and accuracy standards as set forth in 47 CFR Sec. 20.18(h).
- Prior to receiving funding, WSPs shall report and account for any additional funding that may support 911 services including, but not limited to, federal or state universal service funds, federal or state grant funds and revenues generated through surcharges imposed by the carrier or costs billed to consumers for location-based services.
- WSPs must timely file accurate quarterly reports; remittances; and remittance worksheets. Failure to do so may result in a suspension or termination of funding.

### 2. Eligible WSP Costs

With respect to WSPs, the Act states that eligible costs may include, but not be limited to, the costs for new equipment used for providing enhanced wireless 911 service, costs to lease another vendor's equipment or services to provide enhanced wireless 911 service, costs to create or maintain any database or database elements used solely for enhanced wireless 911 service, and other costs of establishing enhanced wireless 911 service.<sup>1</sup> However, costs for equipment or services used in the WSP's main infrastructure resulting in revenue are not eligible for funding.<sup>2</sup>

<sup>1</sup> Neb. Rev. Stat. Sec. 86-465(2)(a).

<sup>2</sup> Neb. Rev. Stat. Sec. 86-465(2)(a).



The distinction between whether a particular cost of providing enhanced wireless 911 service is a Phase I or Phase II related expense is no longer pertinent to whether a particular cost is an eligible expense.

The Commission finds that the eligible costs for WSP funding include database management and upgrade costs necessary to provide enhanced 911 service and costs for transportation and facilities to carry wireless E911 calls to the selective router. The recurring monthly funding received by wireless carriers is not intended to cover capital costs. Furthermore it is not intended to be used to fund the construction of towers. Additionally, no administration, personnel or training costs will be considered eligible expenses at this time.

Any capital expenses directly related to the provision of enhanced 911 service, including new equipment and software and upgrades will be addressed in connection with the WSP grant program set forth in more detail herein.

A checklist of the WSP prerequisites to funding and application is attached hereto as Appendix E. This appendix is intended only to assist in the application process. To the extent any differences between Appendix E and the terms of the order exist, the order controls.

### 3. WSP Grant Program

To date, several WSPs have chosen not to seek funding. Funding not paid to individual WSPs, will be set aside and made available to WSPs via the WSP Grant Program. The WSP Grant program funding would be available to all wireless service providers, eligible to receive funding, for recovery of other potentially eligible costs incurred in the provision of wireless enhanced 911 service. Such costs may include capital expenses or other one-time costs incurred for the provision of enhanced wireless 911 service but not covered by the recurring funding received on a monthly basis. These funds shall not be used for the construction of towers, administrative costs or personnel costs. This grant fund is not intended to reimburse carriers for expenses incurred prior to this order but is instead related to future projects and costs.

The level of grant funding available will be announced by the Commission on or before May 1<sup>st</sup> each year. Carriers seeking grant funding shall submit an application on or before **October 15<sup>th</sup>** for the following funding year. The Grant application shall include:

- A detailed budget and supporting documentation.
- Information regarding vendors to be used including copies of all contracts and disclosures of any affiliations between the vendor and the WSP.
- A statement regarding 911 and/or public safety related funds received from other sources including but not limited to any stimulus money, other state or federal grant funds, 911 or public safety funds from other states used to support costs of providing 911 service.
- A certification that the money requested is to support costs that are solely to support the Nebraska 911 system and information to support any allocation of costs between different states.

All grant applications are subject to Commission approval, subsequent to review by the Enhanced Wireless 911 Advisory Board and hearing before the Commission. No more than twenty-five percent (25%) of the total support amount allocated to WSPs may be spent on grant funding. Any amounts in excess of the 25% will be returned to the total funds available for both PSAPs and WSPs and reallocated for the following funding year. Viaero raised objections to the imposition of the 25% cap. However, such cap is necessary to ensure that no single carrier receives a level of funding that may unduly subsidize its operation to the competitive disadvantage of other carriers.

All grant funds will be paid after completion of project based on invoices paid by the WSP.

Funds not awarded in one year will be rolled into available funds for distribution to PSAPs and WSPs the following funding year.

A checklist for completion of the grant application is attached hereto as Appendix F. This appendix is intended only to assist in the application process. To the extent any differences between Appendix F and the terms of the order exist, the order controls.

## II. GENERAL PROCESS

### A. Requests for General Funding

All WSPs and Public Safety Answering Points (PSAPs) must file an initial application for funding no later than **April 15, 2010**. Failing to submit an application by the deadline would result in a loss of funding for the 2010-2011 funding year. The Commission

will issue a notice of available funding to each wireless service provider on or before **May 1, 2010**. After this initial year, each WSP and PSAP will be responsible for verifying and updating the information on file with Commission and will not be required to submit an entirely new application. Verification and updates to the information on file will be due no later than April 15th of each year.

### **1. WSP Applications**

WSPs seeking funding would have to identify the eligible costs for which funding would be used during the funding year. Additionally, WSPs are responsible for the accuracy of the quarterly reports on which all payments would be based. Should an error be found in the process of an audit or under other circumstances, a carrier would be required to refund any overpayments made based upon an inaccurate report. However, if it was determined that the number of towers was underreported, a carrier is not entitled to back payment of any additional funds that would have been received had the tower been properly reported.

A WSP's failure to timely file quarterly reports or otherwise fail to comply with Commission orders, rules and regulations or any other statutory requirements, could result in a delay, suspension, termination or refund of funds. WSPs would also be required to submit updated ACH Enrollment and contact information for funding and quarterly reports or verification that information currently on file with the Commission is accurate.

### **2. PSAP Applications**

PSAPs seeking funding must provide information regarding their current equipment and software version including all specifications and number of call-taker positions; dates of installations and a description and the date of any equipment or software upgrades occurring within the previous twelve (12) months; a copy of any maintenance contracts for equipment and software currently in place. The PSAP would also have to verify the current status of the PSAP for both enhanced wireline and wireless 911 services and all areas for which it provides service; the current level of the landline 911 surcharge. Also, the application would include a report of wireless and wireline 911 call volumes for each month for the previous twelve (12) month period.

Included with this order is spreadsheet showing the 2010-2011 allocation for PSAPs. PSAPs would also identify the eligible costs for which funding will be used including what percentage the PSAP intended to set aside for the future purchase of equipment and software. If funds are not used appropriately, future funding may be affected. Additionally, funding may fluctuate from year to year based upon the availability of funds. Also, updated ACH enrollment forms, copies of interlocal agreements for 911 service and updated contact information would be required.

### **B. Annual Verification**

Each year, both WSPs and PSAPs shall submit all invoices and other supporting documentation to the Commission to demonstrate that all funds for the previous funding year were used for eligible costs. This submission by PSAPs must also include an accounting of the funds set aside for future equipment and software purchases. Additionally, the verification would serve as the application for continued funding. All verifications are due no later than **October 15<sup>th</sup>**, following the close of the previous funding year. If the Commission determines that any funds were not used appropriately, funding for the following funding year would be adjusted to recoup any necessary funds. All WSPs and PSAPs are subject to audit.

A list of application deadlines is attached hereto as Appendix G to assist in the application process. To the extent any differences exist between Appendix G and the order, the order controls.

### **III. Workshop**

The Commission further finds that in order to assist in the completion of applications and answer any questions regarding implementation, a workshop should be scheduled for **March 17, 2010 at 1:00 p.m. CST** at the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln and via video conference at the following locations:

**Lincoln:** Nebraska Public Service Commission, 300 The Atrium, 1200 N Street

**Omaha:** Nebraska State Office Building, Room 207, 1313 Farnam on the Mall

**Grand Island:** Grand Island Public Library, 211 North Washington Street

**Kearney:** Kearney Public Library, 2020 1st Avenue.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. 911-019/PI-118

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McCook: McMillen Hall, Room 208, 1205 East 3<sup>rd</sup> Street.  
Norfolk: Northeast Community College, Maclay Building, Room 122,  
801 East Benjamin Avenue.  
Scottsbluff: Panhandle Research & Extension Center, High Plains Room,  
4502 Avenue I.  
Valentine: Cherry County Extension Office, 132 South Hall Street.

O R D E R

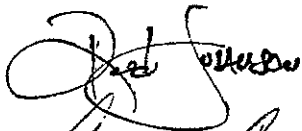
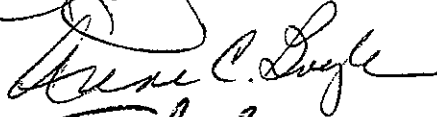

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the permanent funding mechanism and process outlined herein, is adopted.

IT IS FURTHER ORDERED that in order to assist in the completion of applications and answer any questions regarding implementation, a workshop is scheduled for **March 17, 2010 at 1:00 p.m. CST** at the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln and via video conference at the locations set forth herein.

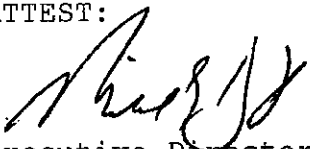
MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of February, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman 

ATTEST:  
  
Executive Director

//s// Frank E. Landis  
//s// Gerald L. Vap

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

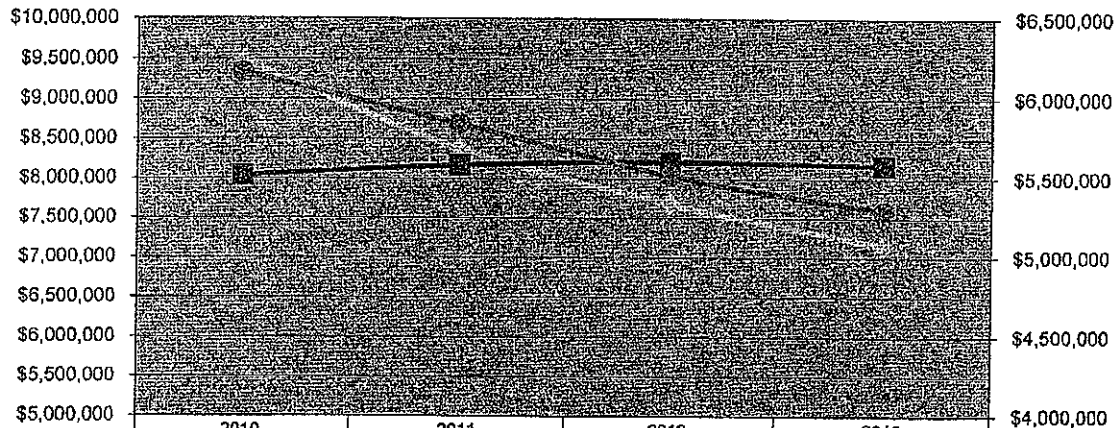
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10/22/10

Appendix A

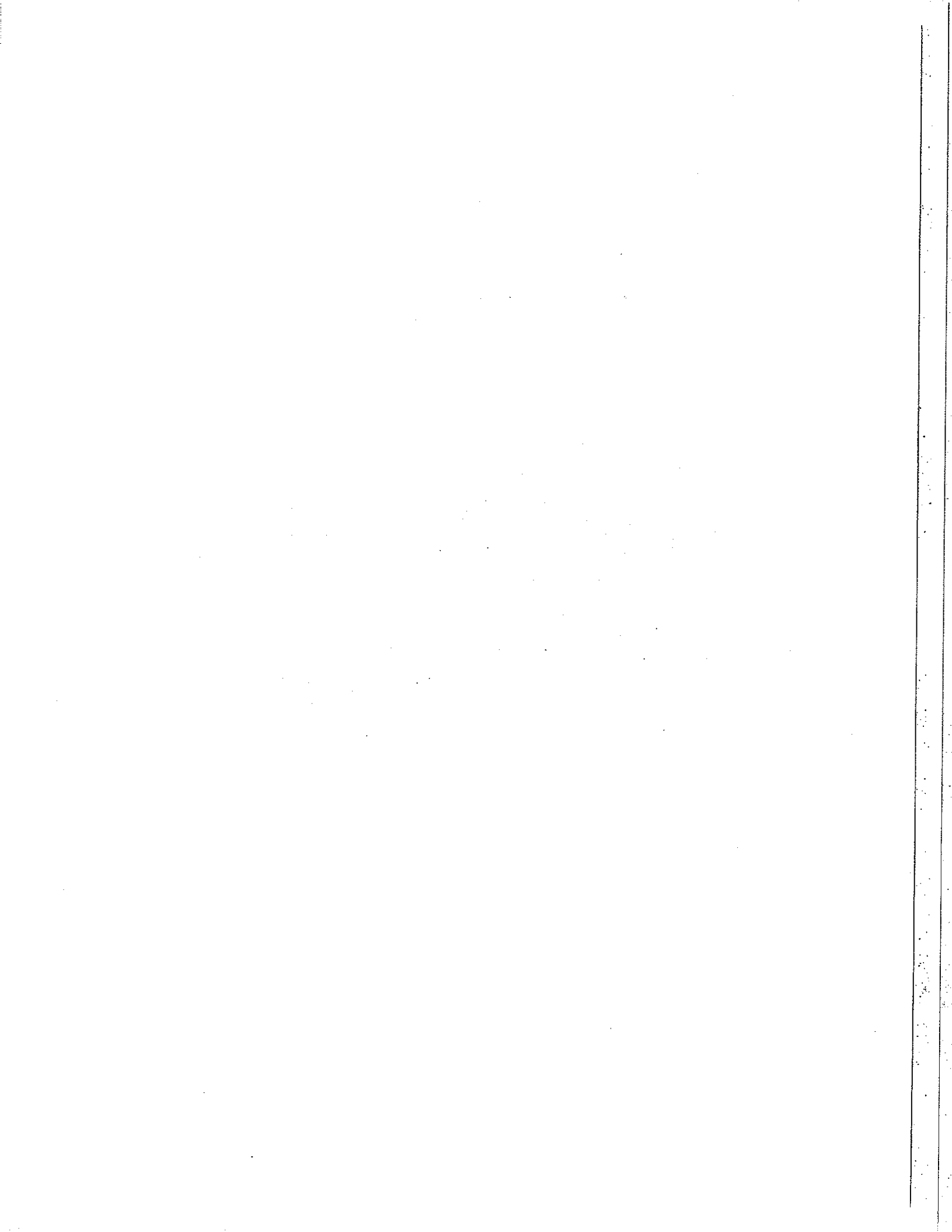
	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Balance	\$ 13,596,000	\$ 9,477,873	\$ 8,377,020	\$ 7,683,954
Reserve	\$ 9,477,873	\$ 8,201,393	\$ 7,525,609	\$ 7,000,000
Pre Existing	\$ 3,000,000	\$ 500,000	\$ 350,000	\$ 275,000
NPSC	\$ 450,830	\$ 461,530	\$ 472,486	\$ 483,706
LEC	\$ 2,542,283	\$ 2,638,980	\$ 2,724,407	\$ 2,800,335
Remittance	\$ 8,039,164	\$ 8,169,347	\$ 8,212,982	\$ 8,170,071
Support Available	\$ 6,164,178	\$ 5,845,316	\$ 5,517,499	\$ 5,294,983
Support Allocated				
PSAP	\$ 2,330,234	\$ 2,141,086	\$ 1,961,890	\$ 1,830,421
GIS	\$ 975,600	\$ 901,846	\$ 831,448	\$ 780,567
WSP				
WSP	\$ 2,392,958	\$ 2,360,526	\$ 2,307,657	\$ 2,284,824
Grants	\$ 465,385	\$ 441,858	\$ 416,504	\$ 399,171
Grant Cap	\$ -	\$ -	\$ -	\$ -
Interest Accrued	\$ -	\$ 175,627	\$ 158,344	\$ 146,435
EOY Balance	\$ 9,477,873	\$ 8,377,020	\$ 7,683,954	\$ 7,146,435

E911 Fund Status Forecast



	2010	2011	2012	2013
EOY Balance	\$9,477,873	\$8,377,020	\$7,683,954	\$7,146,435
Remittance	\$8,039,164	\$8,169,347	\$8,212,982	\$8,170,071
Support Available	\$6,164,178	\$5,845,316	\$5,517,499	\$5,294,983

EOY Balance      Remittance      Support Available

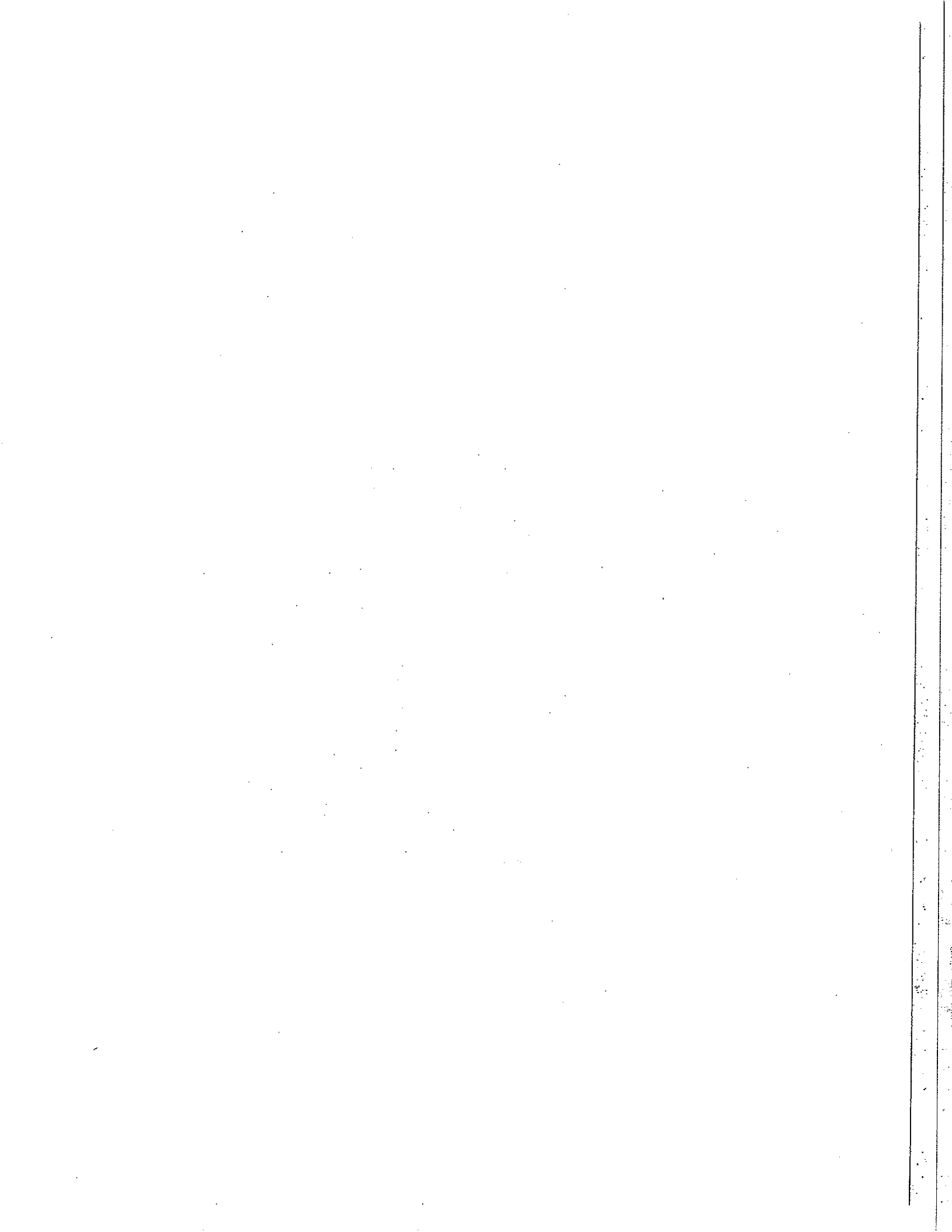




## Appendix B

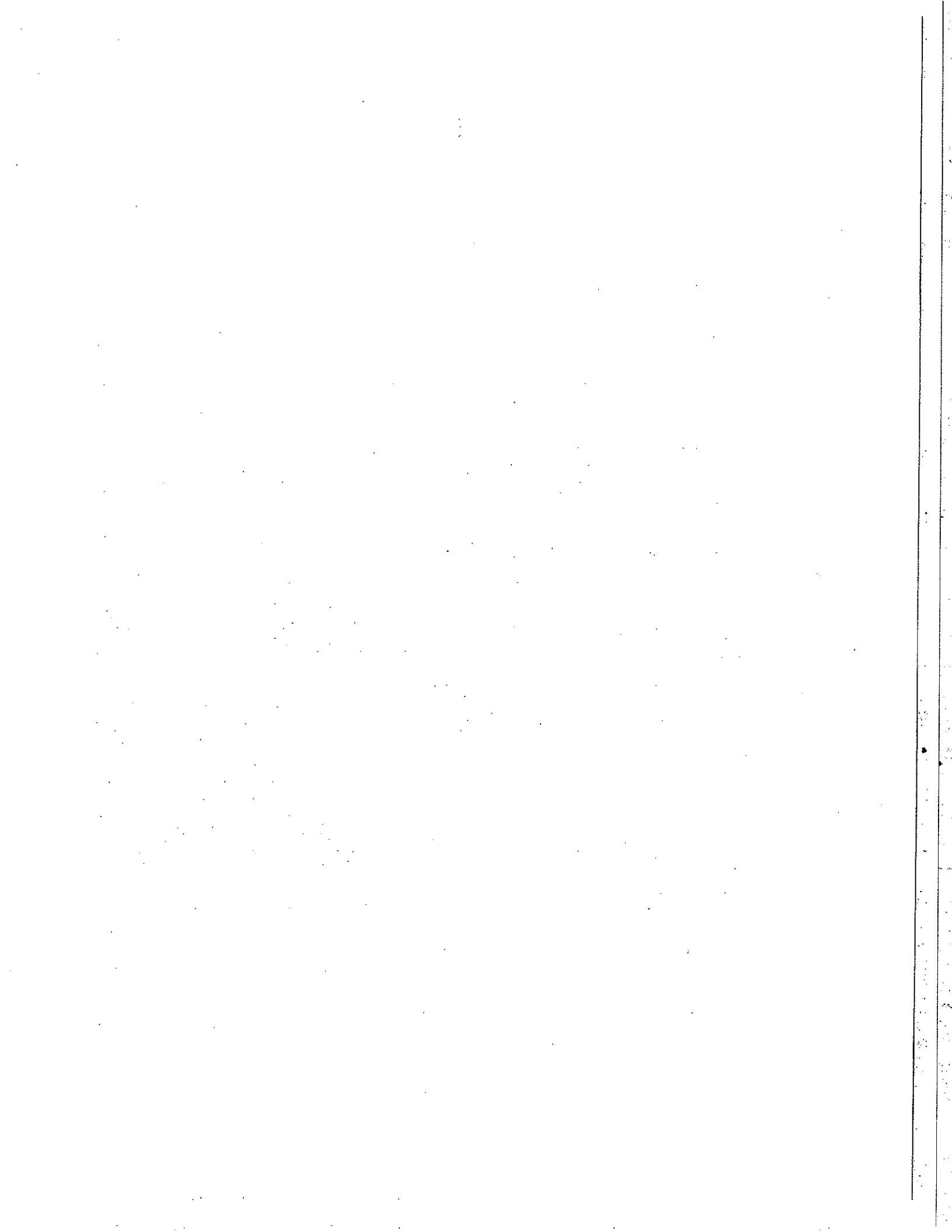
2010 PSAP E911 Funding  
Support

PSAP Names	PSAP		GIS		Total	
	\$	2,330,234 100.00%	\$	975,600 100.00%	\$	3,305,835 100.00%
Alliance PD	\$	27,890 1.20%	\$	5,917 0.61%	\$	33,807 1.02%
Antelope County Sheriff's Office	\$	24,679 1.06%	\$	3,507 0.36%	\$	28,185 0.85%
Beatrice Communications Center/Gage County	\$	36,730 1.58%	\$	12,740 1.31%	\$	49,470 1.50%
Boone County	\$	23,880 1.02%	\$	2,913 0.30%	\$	26,792 0.81%
Brown County (Basic 911)	\$	22,260 0.96%	\$	1,715 0.18%	\$	23,975 0.73%
Buffalo County 911	\$	51,320 2.20%	\$	24,686 2.53%	\$	76,005 2.30%
Burt County 911	\$	25,187 1.08%	\$	3,886 0.40%	\$	29,074 0.88%
Butler County	\$	26,242 1.13%	\$	4,676 0.48%	\$	30,918 0.94%
Cass County Sheriff's Dept.	\$	39,436 1.69%	\$	14,887 1.53%	\$	54,323 1.64%
Cedar County Sheriff 911	\$	26,195 1.12%	\$	4,641 0.48%	\$	30,835 0.93%
Chase County	\$	22,667 0.97%	\$	2,015 0.21%	\$	24,682 0.75%
Cherry County (Basic 911)	\$	24,331 1.04%	\$	3,248 0.33%	\$	27,579 0.83%
Cheyenne County Emergency Communications Center	\$	27,283 1.17%	\$	5,459 0.56%	\$	32,741 0.99%
Clay County	\$	24,748 1.06%	\$	3,558 0.36%	\$	28,306 0.86%
Colfax County 911	\$	27,280 1.17%	\$	5,457 0.56%	\$	32,737 0.99%
Columbus PD	\$	41,658 1.79%	\$	16,672 1.71%	\$	58,330 1.76%
Crele PD	\$	- 0.00%	\$	- 0.00%	\$	- 0.00%
Curming County 911	\$	26,610 1.14%	\$	4,952 0.51%	\$	31,563 0.95%
Custer County 911	\$	27,790 1.19%	\$	5,841 0.60%	\$	33,631 1.02%
Dakota County/South Sioux City Law Enforcement Center	\$	35,169 1.51%	\$	11,514 1.18%	\$	46,683 1.41%
Dawes County	\$	26,838 1.15%	\$	5,124 0.53%	\$	31,962 0.97%
Dawson County Sheriff	\$	39,275 1.69%	\$	14,758 1.51%	\$	54,034 1.63%
Dixon County	\$	24,414 1.05%	\$	3,310 0.34%	\$	27,724 0.84%
Dodge County Sheriff	\$	- 0.00%	\$	- 0.00%	\$	- 0.00%
Douglas County 911 LEC	\$	96,843 4.16%	\$	274,421 28.13%	\$	371,264 11.23%
Dundy County	\$	21,420 0.92%	\$	1,096 0.11%	\$	22,516 0.68%
Fillmore County	\$	24,413 1.05%	\$	3,309 0.34%	\$	27,721 0.84%
Franklin County	\$	22,319 0.96%	\$	1,758 0.18%	\$	24,077 0.73%
Fremont PD 911	\$	45,027 1.93%	\$	19,419 1.99%	\$	64,446 1.95%
Frontier County 911	\$	21,941 0.94%	\$	1,479 0.15%	\$	23,421 0.71%
Furnas County Sheriff 911	\$	23,423 1.01%	\$	2,574 0.26%	\$	25,997 0.79%
Garden County	\$	21,315 0.91%	\$	1,019 0.10%	\$	22,334 0.68%
Hall County 911	\$	58,013 2.49%	\$	30,503 3.13%	\$	88,515 2.68%
Hamilton County	\$	27,045 1.16%	\$	5,279 0.54%	\$	32,324 0.98%
Harlan / Phelps Counties/City of Holdrege	\$	28,988 1.24%	\$	6,749 0.69%	\$	35,737 1.08%
Haslings Police Department	\$	43,490 1.87%	\$	18,160 1.86%	\$	61,649 1.86%
Hitchcock County 911	\$	22,740 0.98%	\$	2,069 0.21%	\$	24,809 0.75%
Holt/Boyd County	\$	28,615 1.23%	\$	6,466 0.66%	\$	35,081 1.05%
Howard County 911	\$	24,959 1.07%	\$	3,716 0.38%	\$	28,675 0.87%
Jefferson County	\$	25,433 1.09%	\$	4,070 0.42%	\$	29,503 0.89%
Johnson County	\$	25,201 1.08%	\$	3,897 0.40%	\$	29,097 0.88%
Keamey County 911	\$	24,985 1.07%	\$	3,736 0.38%	\$	28,721 0.87%
Keith County 911	\$	29,253 1.26%	\$	6,950 0.71%	\$	36,203 1.10%
Keya Paha	\$	20,530 0.88%	\$	443 0.05%	\$	20,974 0.63%
Kimball County	\$	22,490 0.97%	\$	1,884 0.19%	\$	24,373 0.74%
Knox County	\$	26,052 1.12%	\$	4,533 0.46%	\$	30,585 0.93%
Lincoln 911	\$	136,192 5.84%	\$	150,713 15.45%	\$	286,905 8.68%
Lincoln County 911/North Platte PD	\$	45,139 1.94%	\$	19,511 2.00%	\$	64,649 1.96%
Madison County Sheriff's Department	\$	- 0.00%	\$	- 0.00%	\$	- 0.00%
McCook Police Department	\$	27,764 1.19%	\$	5,822 0.60%	\$	33,586 1.02%
Merrick County	\$	25,511 1.09%	\$	4,128 0.42%	\$	29,640 0.90%
Mid Rivers 911	\$	22,489 0.97%	\$	1,883 0.19%	\$	24,372 0.74%
Morrill County (Basic 911)	\$	23,632 1.01%	\$	2,729 0.28%	\$	26,361 0.80%
Nance County	\$	22,414 0.96%	\$	1,828 0.19%	\$	24,242 0.73%
Nemaha County	\$	24,847 1.07%	\$	3,632 0.37%	\$	28,479 0.86%
Norfolk PD	\$	48,369 2.08%	\$	22,193 2.27%	\$	70,562 2.13%
Nuckolls County	\$	23,132 0.99%	\$	2,359 0.24%	\$	25,491 0.77%
Otoe County	\$	31,189 1.34%	\$	8,430 0.86%	\$	39,618 1.20%
Perkins County	\$	22,058 0.95%	\$	1,565 0.16%	\$	23,623 0.71%
Pierce County	\$	25,434 1.09%	\$	4,070 0.42%	\$	29,504 0.89%
Polk County	\$	23,789 1.02%	\$	2,845 0.29%	\$	26,634 0.81%
Region 26	\$	29,652 1.27%	\$	7,255 0.74%	\$	36,907 1.12%
Richardson County	\$	26,025 1.12%	\$	4,513 0.46%	\$	30,538 0.92%
Rock Co. Sheriff's Dept.	\$	20,938 0.90%	\$	742 0.08%	\$	21,681 0.66%
Sarpy County 911	\$	107,054 4.59%	\$	84,113 8.62%	\$	191,167 5.78%
Saunders County	\$	35,012 1.50%	\$	11,391 1.17%	\$	46,402 1.40%
Scottsbluff County Communication	\$	46,019 1.97%	\$	20,237 2.07%	\$	66,257 2.00%
Seward County	\$	32,171 1.38%	\$	9,185 0.94%	\$	41,356 1.25%
Sheridan County	\$	23,927 1.03%	\$	2,948 0.30%	\$	26,875 0.81%
Thayer County	\$	23,507 1.01%	\$	2,636 0.27%	\$	26,143 0.79%
Thurston County	\$	25,217 1.08%	\$	3,909 0.40%	\$	29,126 0.88%
Washington County 911	\$	35,022 1.50%	\$	11,399 1.17%	\$	46,421 1.40%
Wayne PD	\$	26,580 1.14%	\$	4,930 0.51%	\$	31,510 0.95%
Wilbur Sheriff's Office	\$	30,453 1.31%	\$	7,866 0.81%	\$	38,319 1.16%
York County Sheriff	\$	30,320 1.30%	\$	7,765 0.80%	\$	38,085 1.15%
York Police Department	\$	- 0.00%	\$	- 0.00%	\$	- 0.00%



## Appendix C

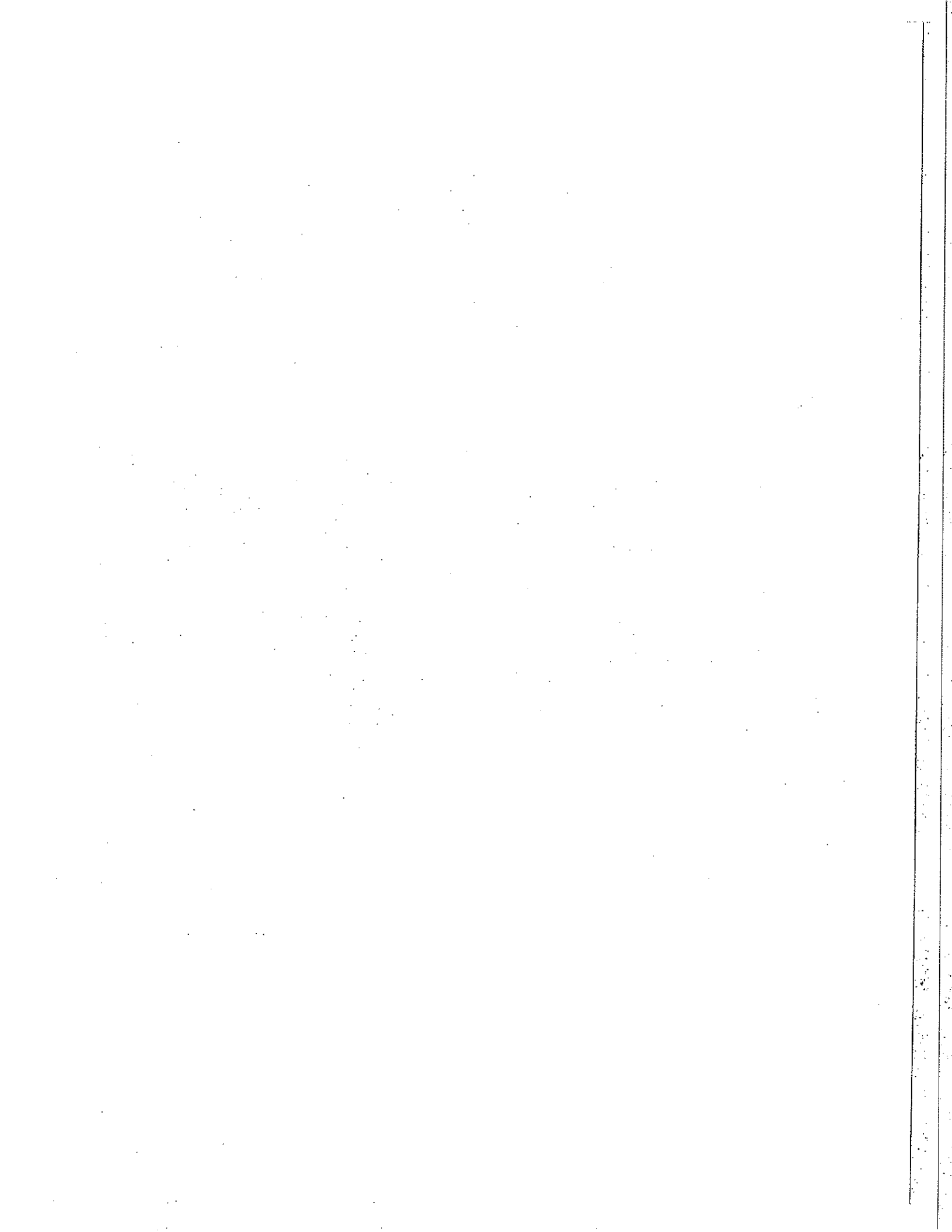
PSAP Names	PSAP Support as Proposed by 911-SAM	Hardware Maintenance Previously Approved for 2010-2011	Mapping Software Maintenance Previously Approved for 2010-2011	Annual PSAP Allocation Less Pre-Existing Commitments to be Paid PSAP	Annual GIS Allocation	Total Annual Allocation	Monthly Total Allocation
Alliance PD	\$27,889.89	\$5,469.90	\$7,888.35	\$14,531.64	\$5,917.03	\$20,448.66	\$1,704.06
Antelope County Sheriff's Office	\$24,678.52		\$2,888.00	\$21,790.52	\$3,506.84	\$25,297.36	\$2,108.11
Beatrice Communications Center/Gage County	\$36,730.32		\$3,846.00	\$32,884.32	\$12,739.62	\$45,623.94	\$3,802.00
Boone County	\$23,879.67		\$3,032.00	\$20,847.67	\$2,912.62	\$23,760.29	\$1,980.02
Brown County (Basic 911)	\$22,260.47	\$9,399.00	\$2,750.00	\$10,111.47	\$1,714.50	\$11,825.97	\$985.50
Buffalo County 911	\$51,319.58			\$51,319.58	\$24,685.86	\$76,005.44	\$6,333.79
Burt County 911	\$25,187.24		\$2,750.00	\$22,437.24	\$3,886.35	\$26,323.60	\$2,193.63
Butler County	\$26,242.04			\$26,242.04	\$4,675.97	\$30,918.01	\$2,576.50
Cass County Sheriff's Dept.	\$39,436.06			\$39,436.06	\$14,886.77	\$54,322.83	\$4,526.90
Cedar County Sheriff 911	\$26,194.82			\$26,194.82	\$4,640.54	\$30,835.36	\$2,569.61
Chase County	\$22,667.06	\$4,402.79	\$8,225.67	\$10,038.60	\$2,014.57	\$12,053.17	\$1,004.43
Cherry County (Basic 911)	\$24,331.04	\$9,399.00	\$2,750.00	\$12,182.04	\$3,248.11	\$15,430.15	\$1,285.85
Cheyenne County Emergency Communications Center	\$27,282.63	\$5,604.92	\$10,840.68	\$10,837.05	\$5,458.61	\$16,295.66	\$1,357.97
Clay County	\$24,747.68	\$1,122.22		\$23,625.44	\$3,558.37	\$27,183.82	\$2,265.32
Colfax County 911	\$27,280.50		\$2,888.00	\$24,392.50	\$5,457.00	\$29,849.50	\$2,487.46
Columbus PD	\$41,658.00			\$41,658.00	\$16,672.13	\$58,330.13	\$4,880.84
Crete PD	\$0.00			\$0.00		\$0.00	\$0.00
Cuming County 911	\$26,610.16			\$26,610.16	\$4,952.42	\$31,562.58	\$2,630.21
Custer County 911	\$27,789.74			\$27,789.74	\$5,841.34	\$33,631.08	\$2,802.59
Dakota County/South Sioux City Law Enforcement Center	\$35,168.93		\$3,942.00	\$31,226.93	\$11,513.59	\$42,740.52	\$3,561.71
Dawas County	\$26,837.87	\$4,402.78	\$8,225.67	\$14,209.42	\$4,670.60	\$18,880.03	\$1,573.34
Dawson County Sheriff	\$39,275.42	\$6,976.60	\$9,482.75	\$22,816.07	\$14,758.00	\$37,574.07	\$3,131.17
Dixon County	\$24,413.99			\$24,413.99	\$3,309.84	\$27,723.83	\$2,310.32
Dodge County Sheriff	\$0.00			\$0.00		\$0.00	\$0.00
Douglas County 911 LEC	\$96,843.23			\$96,843.23	\$274,421.08	\$371,264.31	\$30,938.69
Dundy County	\$21,420.29	\$3,717.00	\$1,444.00	\$16,259.29	\$1,096.12	\$17,355.41	\$1,446.28
Fillmore County*	\$24,412.55	\$6,404.40		\$18,008.15	\$3,308.77	\$21,316.92	\$1,776.41
Franklin County	\$22,319.43		\$1,375.00	\$20,944.43	\$1,757.98	\$22,702.41	\$1,891.87
Fremont PD 911	\$45,027.00			\$45,027.00	\$19,418.88	\$64,445.88	\$5,370.49
Frontier County 911	\$21,941.38			\$21,941.38	\$1,479.39	\$23,420.77	\$1,951.73
Furnas County Sheriff 911	\$23,423.07		\$1,444.00	\$21,979.07	\$2,573.90	\$24,552.97	\$2,046.08
Garden County	\$21,315.05	\$1,200.00	\$2,750.00	\$17,365.05	\$1,018.83	\$18,383.88	\$1,531.99
Hall County 911	\$58,012.90		\$4,620.00	\$53,392.90	\$30,502.50	\$83,895.40	\$6,991.28
Hamilton County	\$27,044.68		\$2,888.00	\$24,156.68	\$5,279.32	\$29,436.00	\$2,453.00
Harlan / Phelps Counties/City of Holdrege	\$28,987.78		\$3,250.00	\$25,737.78	\$6,749.00	\$32,486.78	\$2,707.23
Hastings Police Department	\$43,489.85			\$43,489.85	\$18,159.58	\$61,649.42	\$5,137.45
Hitchcock County 911	\$22,740.45	\$6,381.00	\$2,750.00	\$13,609.45	\$2,068.00	\$15,677.45	\$1,306.45
Holl/Boyd County	\$28,615.11		\$2,888.00	\$25,727.11	\$6,466.00	\$32,193.11	\$2,682.76
Howard County 911	\$24,959.28	\$4,402.78	\$8,225.67	\$12,330.83	\$3,716.19	\$16,047.03	\$1,337.25
Jefferson County	\$25,432.92		\$4,125.00	\$21,307.92	\$4,069.93	\$25,377.85	\$2,114.82



**Appendix C**

PSAP Names	PSAP Support as Proposed by 911-SAM	Hardware Maintenance Previously Approved for 2010-2011	Mapping Software Maintenance Previously Approved for 2010-2011	Annual PSAP Allocation Less Pre-Existing Commitments to be Paid PSAP	Annual GIS Allocation	Total Annual Allocation	Monthly Total Allocation
Johnson County (Includes Pawnee)	\$25,200.90			\$25,200.90	\$3,897.00	\$29,097.90	\$2,424.82
Kearney County 911	\$24,985.18		\$2,888.00	\$22,097.18	\$3,735.52	\$25,832.70	\$2,152.72
Keith County 911	\$29,252.57	\$6,766.79	\$10,840.66	\$11,645.12	\$6,951.00	\$18,596.12	\$1,549.68
Keya Paha	\$20,530.14	\$9,399.00	\$2,750.00	\$8,381.14	\$443.39	\$8,824.53	\$735.38
Kimball County	\$22,489.68		\$1,738.56	\$20,751.12	\$1,883.59	\$22,634.71	\$1,886.23
Knox County	\$26,051.67		\$2,750.00	\$23,301.67	\$4,533.18	\$27,834.85	\$2,319.57
Lincoln 911	\$136,192.01	\$10,324.67		\$125,867.34	\$150,712.67	\$276,580.01	\$23,048.33
Lincoln County 911/North Platte PD	\$45,138.55		\$4,620.00	\$40,518.55	\$19,510.67	\$60,029.22	\$5,002.44
Madison County Sheriffs Department	\$0.00			\$0.00	\$18,680.80	\$18,680.80	\$1,556.73
McCook Police Department	\$27,764.16		\$2,888.00	\$24,876.16	\$5,822.01	\$30,698.18	\$2,558.18
Merrick County	\$25,511.16		\$1,444.00	\$24,067.16	\$4,128.45	\$28,195.61	\$2,349.63
Mid Rivers 911	\$22,488.95	\$4,206.50	\$2,750.00	\$15,532.45	\$1,883.06	\$17,415.51	\$1,451.29
Morrill County (Basic 911)	\$23,632.31	\$1,200.00	\$2,750.00	\$19,682.31	\$2,729.04	\$22,411.34	\$1,867.61
Nance County	\$22,414.03		\$2,750.00	\$19,664.03	\$1,827.77	\$21,491.79	\$1,790.98
Nemaha County	\$24,847.02			\$24,847.02	\$3,632.45	\$28,479.47	\$2,373.29
Norfolk PD	\$48,368.77			\$48,368.77		\$48,368.77	\$4,030.73
Nuckolls County*	\$23,132.43	\$6,404.40		\$16,728.03	\$2,358.65	\$19,086.68	\$1,590.56
Otoe County	\$31,188.75			\$31,188.75	\$8,429.74	\$39,618.49	\$3,301.54
Perkins County	\$22,058.00	\$4,402.79	\$6,580.54	\$11,074.67	\$1,565.00	\$12,639.67	\$1,053.31
Pierce County	\$25,433.64	\$7,422.00	\$2,750.00	\$15,261.64	\$4,070.00	\$19,331.64	\$1,610.97
Polk County	\$23,788.57		\$2,888.00	\$20,900.57	\$2,644.98	\$23,745.55	\$1,978.80
Region 26	\$29,652.33		\$4,125.00	\$25,527.33	\$7,255.00	\$32,782.33	\$2,731.86
Richardson County	\$26,025.18			\$26,025.18	\$4,513.32	\$30,538.50	\$2,544.87
Rock Co. Sheriffs Dept.	\$20,938.30	\$9,399.00	\$2,750.00	\$8,789.30	\$742.38	\$9,531.68	\$794.31
Sarpy County 911	\$107,054.20	\$12,272.88	\$16,264.32	\$78,517.00	\$84,112.71	\$162,629.71	\$13,552.48
Saunders County	\$35,011.72			\$35,011.72	\$11,390.66	\$46,402.39	\$3,866.87
Scottsbluff County Communication	\$46,019.46	\$13,416.72	\$3,754.00	\$28,848.74	\$20,691.00	\$49,539.74	\$4,128.31
Seward County*	\$32,170.51	\$12,870.00		\$19,300.51	\$9,185.00	\$28,485.51	\$2,373.79
Sheridan County	\$23,927.38		\$2,750.00	\$21,177.38	\$2,948.05	\$24,125.42	\$2,010.45
Thayer County	\$23,507.08			\$23,507.08	\$2,636.17	\$26,143.25	\$2,178.60
Thurston County	\$25,217.43	\$1,727.33		\$23,490.10	\$3,908.90	\$27,399.00	\$2,283.25
Washington County 911	\$35,022.02		\$4,620.00	\$30,402.02	\$11,398.72	\$41,800.74	\$3,483.40
Wayne PD	\$26,580.16		\$2,750.00	\$23,830.16	\$4,929.87	\$28,760.03	\$2,396.67
Wilbur Sheriff's Office	\$30,453.14	\$1,200.00	\$2,819.00	\$26,434.14	\$7,866.11	\$34,300.25	\$2,858.35
York County Sheriff	\$30,320.46			\$30,320.46	\$7,764.65	\$38,085.12	\$3,173.76
York Police Department	\$0.00			\$0.00		\$0.00	\$0.00
Stanton (GIS Only)					\$3,512.21	\$3,512.21	\$292.68

\*Amount includes hardware and mapping software maintenance



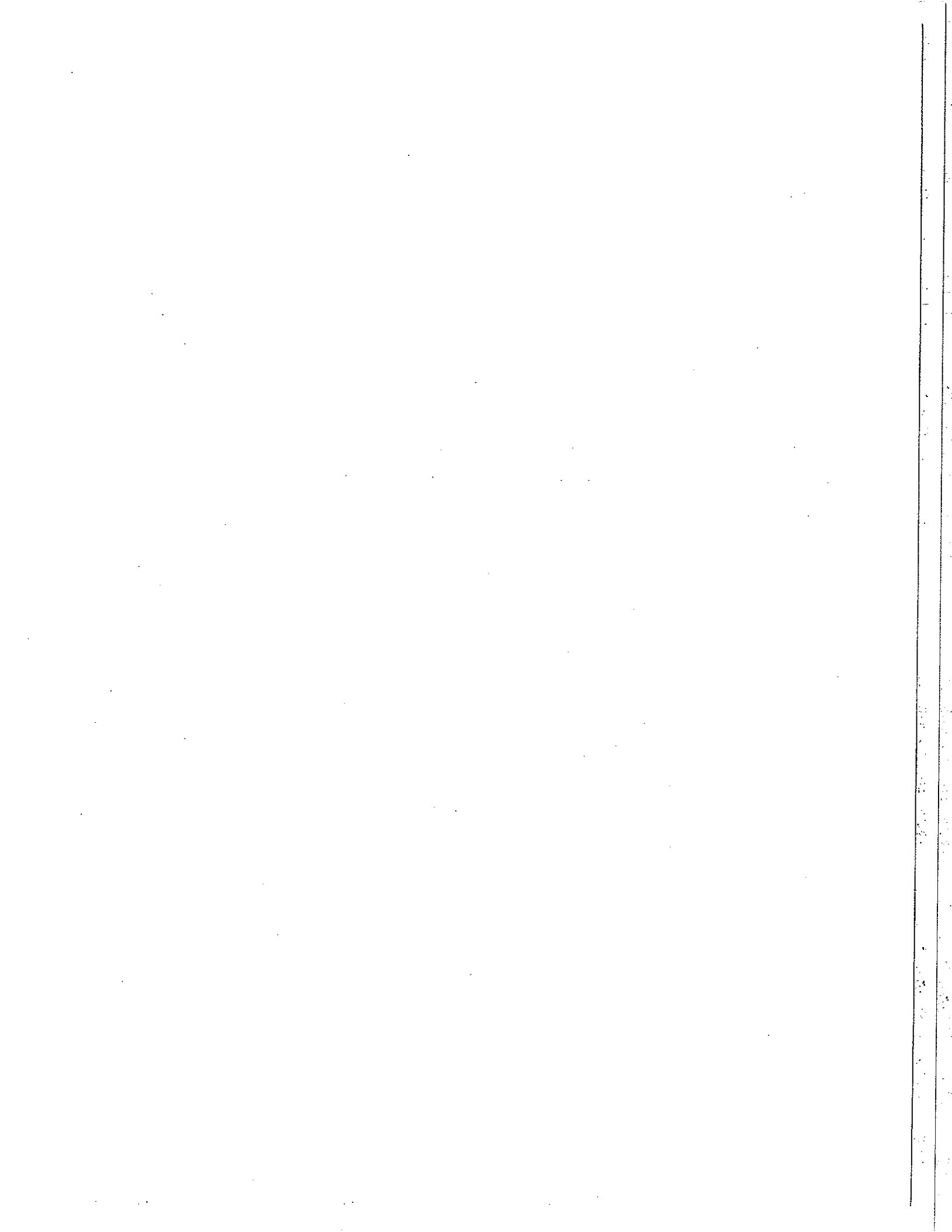
**PSAP Funding Checklist**

**Funding Prerequisites:**

- Establish a separate account for Wireless E911 Fund monies \_\_\_\_\_
- File ACH Enrollment form with new account information with the Commission. \_\_\_\_\_
- Is PSAP Connected to Selective Router? \_\_\_\_\_
- Have arrangements been made for maintenance of hardware? \_\_\_\_\_
- Have arrangements been made for maintenance of software? \_\_\_\_\_
- Have arrangements been made for maintenance of GIS data? \_\_\_\_\_
- Is current GIS data uploaded on the GIS Respository? \_\_\_\_\_

**The following items should be addressed in the PSAP Application:**

- Specifications of current equipment - including the type and model of equipment, number of call taker positions, version of software, is equipment IP compatible \_\_\_\_\_
- Type of mapping software \_\_\_\_\_
- Date of installation of equipment \_\_\_\_\_
- Date of installation of mapping software \_\_\_\_\_
- Has equipment or mapping software been upgraded in the last twelve (12) months? \_\_\_\_\_
- Does equipment and software meet NENA standards? \_\_\_\_\_
- Copy of maintenance contract for hardware. \_\_\_\_\_
- Copy of maintenance contract for software. \_\_\_\_\_
- PSAP level of implementation for landline 911 of jurisdiction served. \_\_\_\_\_
- PSAP level of implementation for wireless 911 of jurisdiction served. \_\_\_\_\_
- Current level of landline 911 surcharge \_\_\_\_\_
- Other funding sources available to PSAP (e.g. any stimulus money, other grant funds) \_\_\_\_\_
- Report of call volumes for 12 months demonstrating wireline/wireless call ratios. \_\_\_\_\_
  
- Specify eligible costs PSAP intends to use Wireless E911 to cover. \_\_\_\_\_
- Specify if an amount of funding will be set aside for future equipment purchases. If so, specify percentage of allocation that will be set aside. \_\_\_\_\_





WSP Funding Checklist

The following things should be addressed in the WSP Application:

Does WSP comply with federally established testing and accuracy standards as set forth in 47 CFR Sec 20.18(h)?

\_\_\_\_\_

Does WSP receive additional funding from other sources to support 911 services, including but not limited to, federal or state universal service funds, revenues generated through surcharges imposed by the carrier, costs billed to consumers for location-based services?

\_\_\_\_\_

Is the WSP in compliance with Commission rules regarding submission of quarterly reports?

\_\_\_\_\_

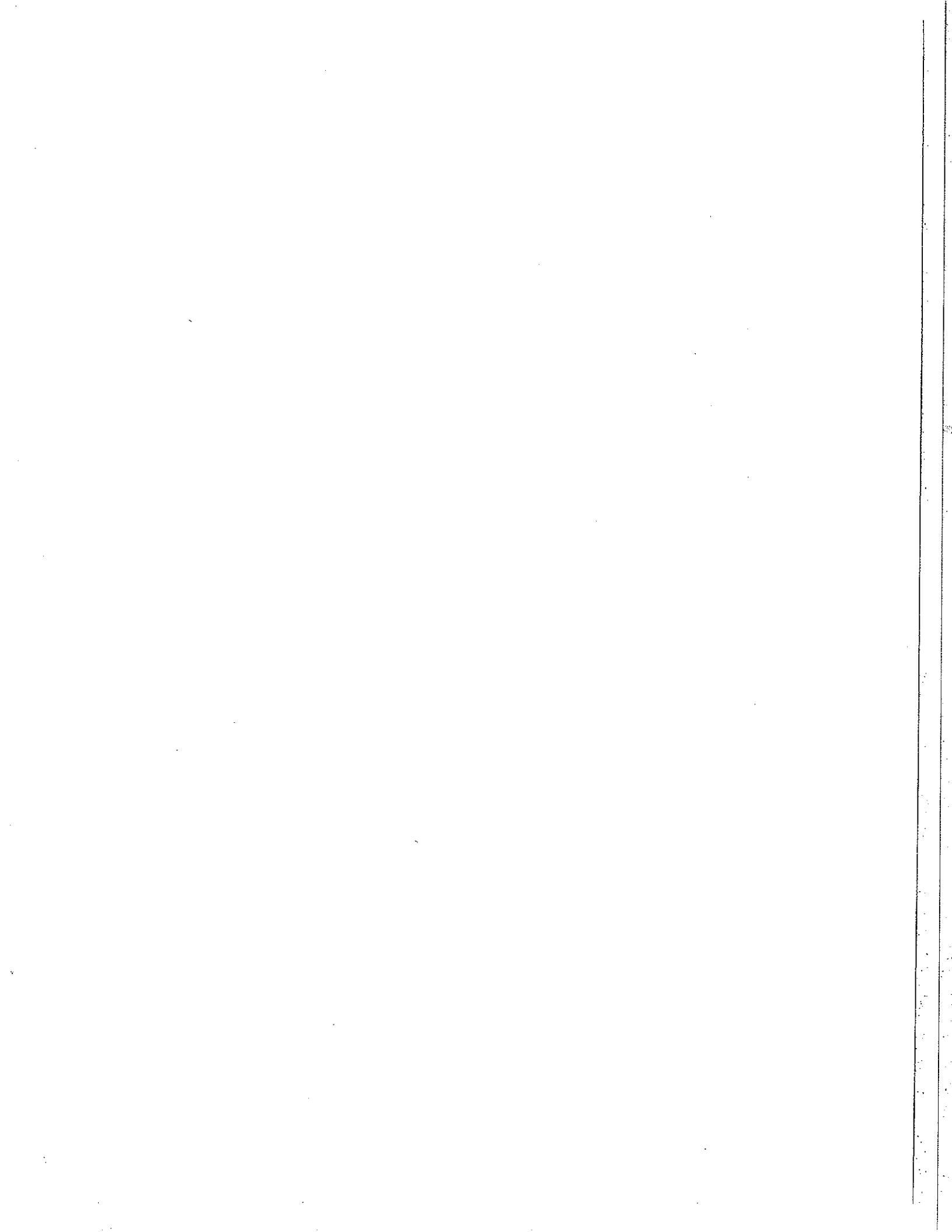
Is the WSP in compliance with Commission rules regarding submission of surcharge remittances?

\_\_\_\_\_

Is the WSP in compliance with Commission rules regarding submission of remittance worksheets?

\_\_\_\_\_

Specify eligible costs WSP intends to recover with allocation.



WSP Grant Funding Checklist

The following things should be addressed in the WSP Application:

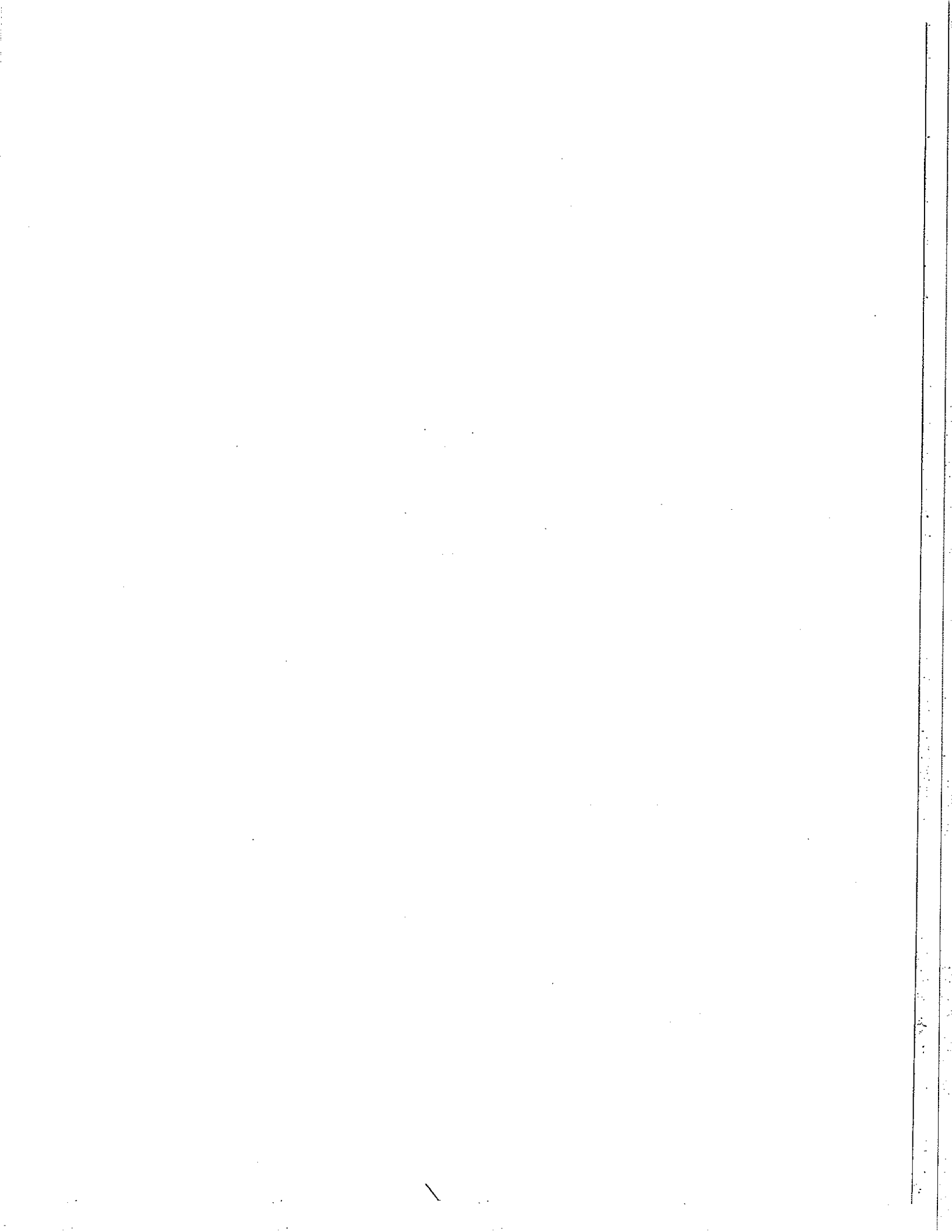
Detailed budget of project \_\_\_\_\_  
Supporting documentation for project costs \_\_\_\_\_

Information regarding vendors utilized for project \_\_\_\_\_  
Copies of contracts with vendors \_\_\_\_\_

Disclosures of any affiliations between vendor and WSP \_\_\_\_\_

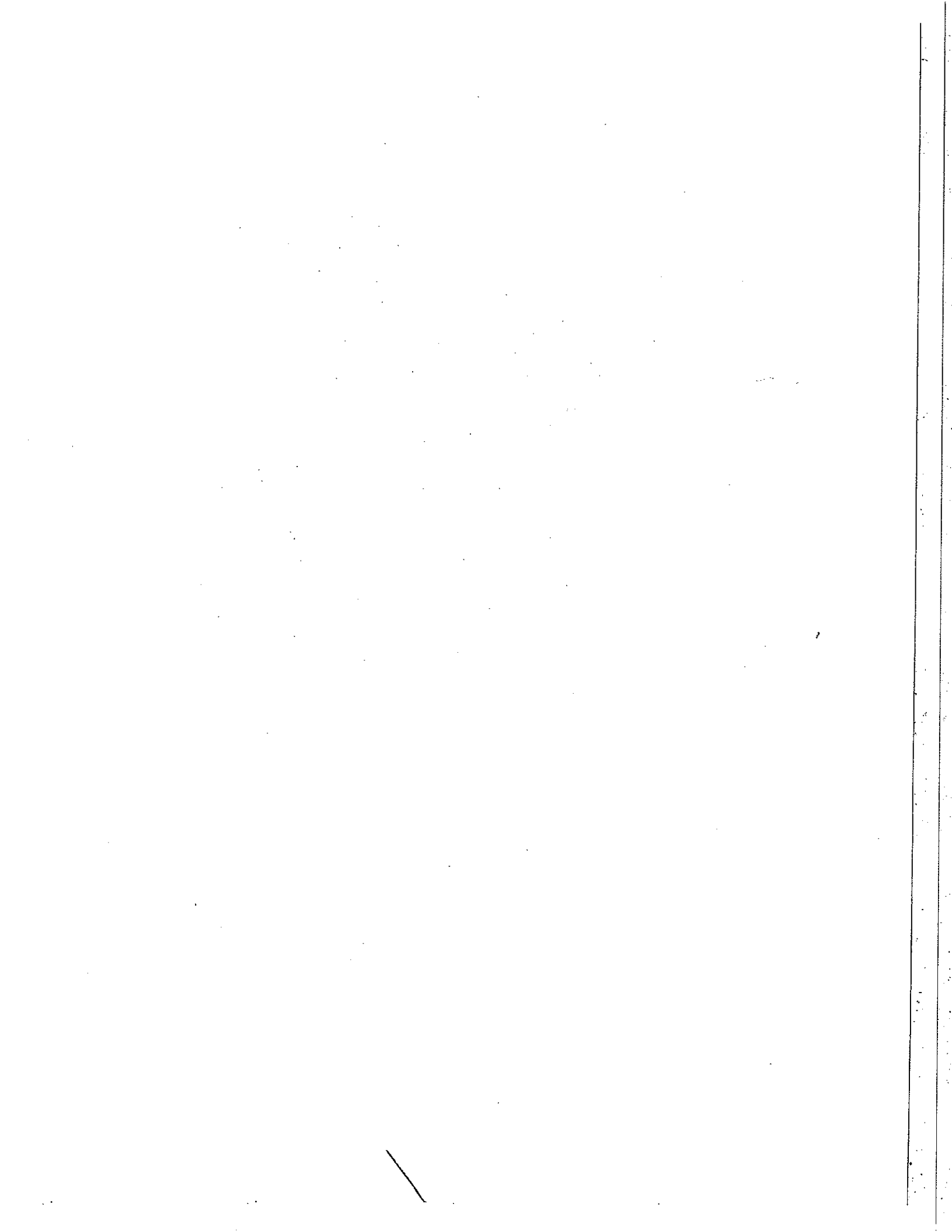
Statement regarding 911 and/or public safety related funds received from other sources including but not limited to any stimulus money, other grant funds, 911 or public safety funds from other states used to support costs of providing 911 service. \_\_\_\_\_

Certification that funds requested for this project will support only the Nebraska 911 system \_\_\_\_\_



Appendix G  
Deadlines for Application Process

Deadline	Event
March 17, 2010	Workshops to assist in application and implementation
April 15, 2010	Applications for Funding Due to Commission from all PSAPs and WSP
May 1, 2010	Commission will Announce Final Funding amounts for all WSPs and Amount Available for Grant Program
July 1, 2010	Start of First Funding Year - Monthly Payments will be made to all PSAPs and WSPs beginning during the month of July
October 15, 2010	All LECs file tariff rate per subscriber for provision of enhanced wireless 911 services
October 15, 2010	WSPs submit grant applications for funding during funding year commencing July 1, 2011
April 15, 2011	Verification and Updated Application Information filed by PSAPs and WSPs for the Funding Year Commencing July1, 2011
May 1, 2010	Commission will Announce Final Funding amounts for all PSAPs, WSPs and Amount Available for Grant Program
July 1, 2011	Second Funding Year Commences
October 15, 2011	All documentation and support for money received and spent for 2010-11 funding year by PSAPs and WSP due to Commission
May 1, 2012	Commission will Announce Final Funding amounts for all PSAPs, WSPs and Amount Available for Grant Program including any adjustments that must be made based upon verification of use of 2010-11 funds





March 15, 2010

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

Dear Ms. Dortch:

Las Vegas Metropolitan Police Department was forwarded a copy of the letter addressed to Nevada Governor Jim Gibbons that requests responses on the status of 911 services as a result of the NET 911 Act of 2008. On behalf of the 911 system utilized by our agency in Clark County, Nevada, please see the below responses to the six questions posed.

- 1) Nevada Revised Statute 244A.765-777 was established in 1985 to acquire, operate, and maintain a 911 system.
- 2) The above citation allows Nevada Counties to impose a property tax of  $\frac{1}{2}$  of \$.01 of assessed valuation for the property in the jurisdiction. That has been imposed and collected by the Clark County Treasurer since the legislation was enacted. In the calendar year 2009, the total collected by LVMPD was \$2,652,366.00.
- 3) The Board of any County has the authority to create a taxing district for the establishment and support of 911. Said Boards are responsible for reviewing the annual budgets for establishment and operation of 911 system and determine whether to continue the tax levy at the current level.
- 4) All the funds received by LVMPD have been used for purposes established in the funding mechanism.
- 5) No funds were used for any other purpose than those established in the funding mechanism.
- 6) N/A

If you should have any further questions or concerns in reference to our responses, please do not hesitate to contact my office. I may be reached at (702) 828-5538.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Roberts".

Lt. Tom Roberts, Director  
LVMPD Office of Intergovernmental Services





## BOARD OF COMMISSIONERS

1594 Esmeralda Avenue, Room 101, Minden, Nevada 89423

T. Michael Brown  
COUNTY MANAGER  
775-782-9821

### COMMISSIONERS

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Nancy McDermid  
Greg Lynn

March 16, 2010

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

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

To Whom It May Concern:

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

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

The fee structure includes:

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

The total amount of fees collected as of December 31, 2009 is \$237,283.70. Expenditures began as of October 7<sup>th</sup>, 2009 at approximately \$9,600.00 per month.

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

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

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

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

Mailing Address: P.O. Box 218, Minden, NV 89423





"Dedicated to Excellence  
In Public Service"

**Cory Casazza**  
Chief Information  
Management Officer

**Craig Harrison**  
Communications &  
Security

**Carrie Howard**  
Enterprise  
Infrastructure

**Thomas Lo**  
Geographic  
Information Systems

**Laura Schmidt**  
Customer &  
Enterprise Solutions

**Kraig Smith**  
Software Solutions  
& Services

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

775.328.2350  
Fax 775.328.2356

# TECHNOLOGY SERVICES

March 18, 2010

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

Re: Initial Information Collection Mandated by the New and Emerging  
Technologies Improvement Act of 2008 – Washoe County, Nevada, as requested  
by Governor Jim Gibbons

Washoe County Statements, as requested:

Washoe County established a funding mechanism designated for and imposed for  
the purposes of E911 support and implementation.

- NRS 244A.7641 - NRS 244A.777 Surcharge for Enhancement or  
Improvement of Telephone System Used for Reporting Emergency  
(copy attached)
- Washoe County code 65.400-65.460 (copy attached)

On January 15, 2008 the Washoe County Board of Commissioners, authorized by  
NRS 244A.7643 and WCC 65.450, raised the Enhanced 911 surcharge rate  
effective May 1, 2008 to the following:

- a. 25 cents per month for each access line to the local exchange
- b. 25 cents per month per telephone number assigned to a customer by a  
supplier of mobile phone service
- c. Each trunk line to the local exchange of a telecommunications provider,  
must equal 10 times the amount of the surcharge imposed for each  
access line to the local exchange of a telecommunications provider, set  
at \$2.50
- d. A telecommunications provider or supplier which collects the surcharge  
imposed pursuant to NRS 244A.7643 is entitled to retain an amount of  
the surcharge collected which is equal to the cost to collect the surcharge

The telecommunications provider or supplier shall remit the surcharge it collects to  
Washoe County Technology Services to be deposited by the County Treasurer no  
later than the 15th day of the month after the month it receives payment of the  
surcharge from its customers.

For calendar year 2009, January 1, 2009 through December 31, 2009, Washoe  
County collected a total E911 surcharge remittance amount of \$1,863,101.

The State of Nevada has established written criteria regarding the allowable uses of  
the collected funds:

- **NRS 244A.7641 - NRS 244A.777** Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergency (copy attached).

Washoe County has the authority to approve the expenditure of funds collected for E911 purposes and oversight procedures were established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism as described below:

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

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

- (a) Are residents of the county;
- (b) Possess knowledge concerning telephone systems for reporting emergencies; and
- (c) Are not elected public officers.

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

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

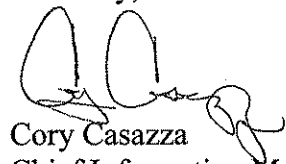
- (1) Are residents of the county;
- (2) Possess knowledge concerning telephone systems for reporting emergencies; and
- (3) Are not elected public officers; and

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

In addition, Washoe County provides legal counsel to each E911 Advisory Board meeting that advises stakeholders whether the proposed use of money from the fund complies with the intent of **NRS 244A.7641 - NRS 244A.777** and Washoe County code 65.400-65.460. Expenditures are overseen by Washoe County Commissioners, Audit Division, Comptroller, Finance, Manager, Purchasing, Technology Services and the public (during publically attended and announced meetings).

All funds collected for E911 purposes are made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of E911. NO funds collected for E911 were, or are now used, for any other purpose than intended in **NRS 244A.7641 - NRS 244A.777**.

Sincerely,



Cory Casazza  
Chief Information Management Officer

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

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

1. "Mobile telephone service" means cellular or other service to a telephone installed in a vehicle or which is otherwise portable.

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

3. "Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.

4. "Telephone system" means a system for transmitting information between or among points specified by the user that does not change the form or content of the information regardless of the technology, facilities or equipment used. A telephone system may include, without limitation:

(a) Wireless or Internet technology, facilities or equipment; and

(b) Technology, facilities or equipment used for transmitting information from an emergency responder to the user or from the user to an emergency responder.

(Added to NRS by 1995, 1056; A 1999, 1686, 2715; 2001, 621, 622, 1642, 2124; 2003, 69; 2009, 639)

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

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

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

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

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

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

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

3. A board of county commissioners may not impose a surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement or improvement, as applicable, of the telephone system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement or improvement, as applicable, of the telephone system and all proposed sources of money for funding those costs. For the duration of the imposition of the surcharge, the board shall, at least annually, review and, if necessary, update the master plan.

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

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

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

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

5. A telecommunications provider which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telecommunications provider or supplier shall remit the surcharge it

collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

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

- (a) Must provide for a grace period of not less than 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharge to the county treasurer; and
- (b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telecommunications provider or a supplier.

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

(Added to NRS by 1995, 1056; A 1997, 2212; 1999, 1686; 2001, 621, 1643, 2124; 2003, 152, 153; 2007, 559; 2009, 640)

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

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

- (a) Are residents of the county;
- (b) Possess knowledge concerning telephone systems for reporting emergencies; and
- (c) Are not elected public officers.

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

- (a) Consist of not less than five members who:
  - (1) Are residents of the county;
  - (2) Possess knowledge concerning telephone systems for reporting emergencies; and
  - (3) Are not elected public officers; and

- (b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

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

- (a) In a county whose population is 40,000 or more but less than 400,000, to enhance the telephone system for reporting an emergency, including only:
  - (1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;
  - (2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;
  - (3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and
  - (4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

- (b) In a county whose population is less than 40,000, to improve the telephone system for reporting an emergency in the county.

4. If the balance in the fund created in a county whose population is 40,000 or more but less than 400,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge

imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.

5. If the balance in the fund created in a county whose population is less than 40,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

(Added to NRS by 1995, 1056; A 1999, 1686; 2001, 621, 2125; 2007, 561; 2009, 641)

**NRS 244A.766 Dispute of amount of surcharge or designation of place of primary use by customer of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit or explanation.**

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

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

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

3. If the review indicates:

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

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

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

(Added to NRS by 2001, 1642)

**NRS 244A.767 Recovering cost of collecting surcharge.** A telecommunications provider or supplier which collects the surcharge imposed pursuant to NRS 244A.7643 is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.

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

#### **TAXING DISTRICT TO PROVIDE TELEPHONE NUMBER FOR USE IN EMERGENCY**

**NRS 244A.765 Definitions.** As used in NRS 244A.765 to 244A.777, inclusive, unless the context otherwise requires:

1. "Board" means the board of county commissioners.
2. "District" means a taxing district created to establish a system to provide a telephone number to be used in an emergency.
3. "System" means the system to provide a telephone number to be used in an emergency.

(Added to NRS by 1985, 953; A 1989, 266)

**NRS 244A.767 Creation of taxing district in county whose population is 400,000 or more; boundaries of district; delegation of operation of system to metropolitan police department.**

1. The board in any county whose population is 400,000 or more, shall, by ordinance, create a taxing district to establish a system to provide a telephone number to be used in an emergency if the question for the funding of the system has been approved by the voters of that county.

2. The boundary of the district:

- (a) Must be defined in the ordinance;
  - (b) May not include any part of an incorporated city unless the governing body of the city petitions the board for inclusion in the district; and
  - (c) May include only the area served by the system.
3. The board may delegate the operation of the system to a metropolitan police department, if one has been established in the county.  
(Added to NRS by 1985, 953; A 1989, 1906)

**NRS 244A.768 Creation of taxing district in county whose population is less than 400,000; boundaries of district; delegation of operation of system to metropolitan police department.**

1. The board in any county whose population is less than 400,000 may submit to the voters of that county the question of whether a taxing district to establish a system to provide a telephone number to be used in an emergency should be created within the county. If the question is approved, the board, by ordinance, must create such a district.
2. The boundary of a district created pursuant to subsection 1:
- (a) Must be defined in the ordinance;
  - (b) May not include any part of an incorporated city unless the governing body of the city petitions the board for inclusion in the district; and
  - (c) May include only the area served by the system.
3. The board may delegate the operation of the system to a metropolitan police department, if one has been established in the county.  
(Added to NRS by 1989, 265; A 1989, 1936)

**NRS 244A.769 Features of system.** The system may include:

- 1. The automatic tracing of the telephone number and location from which a telephone call is made and the transmission of that number or location to the answering location of the system; and
  - 2. Any other feature which enables the system to operate more efficiently and effectively.
- (Added to NRS by 1985, 953)

**NRS 244A.771 System to use 911 as primary telephone number; secondary number.** The system shall use 911 as the primary emergency telephone number. The board or the metropolitan police department, if the operation of the system has been delegated to it, may establish a second telephone number to be used in an emergency in any political subdivision participating in the system.  
(Added to NRS by 1985, 953)

**NRS 244A.773 Tax levy: Approval of voters; exemption from limitation.** The board shall, upon the approval of the voters of the county pursuant to NRS 244A.767 and 244A.768, levy and collect, from year to year, a tax ad valorem on all taxable property in the district. The district is exempt from the limitation imposed by NRS 354.59811.  
(Added to NRS by 1985, 954; A 1989, 266, 2081, 2086)

**NRS 244A.775 Determination of rate of tax levy.**

- 1. The board shall determine annually the amount of money necessary to pay the costs of acquiring, operating and maintaining the system and shall fix a rate, not greater than one-half cent per \$100 of assessed valuation unless a different rate is established pursuant to subsection 3, which, when levied upon every dollar of assessed valuation of taxable property in the district, will raise that amount.
- 2. If the operation of the system has been delegated to the metropolitan police department, it shall submit to the board before May 1 of each year a budget for the operation of the system for the following fiscal year. The board shall consider the budget of the department in making its determination of the amount of money necessary to be raised by taxation.
- 3. The maximum rate provided by subsection 1 for the levy of the tax may be increased if the board so proposes to the registered voters of the district, specifying the proposed rate, and the proposal is approved by a majority of the voters voting on the question at a primary or general election or a special election called for that purpose.
- 4. A special election may be held only if the board determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board

must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board to prevent or mitigate a substantial financial loss to the district or county or to enable the board to provide an essential service to the residents of the county.

5. The board shall levy and collect the tax upon the assessed valuation of all taxable property in the district, in the same manner, at the same time and in addition to other taxes levied by the board.

(Added to NRS by 1985, 954; A 1989, 266; 1993, 1038; 2007, 16)

**NRS 244A.777 Collection of taxes; tax constitutes lien.**

1. Any officer charged with the duty of collecting taxes shall collect the taxes levied pursuant to NRS 244A.775 at the same time and in the same manner, and with like interest and penalties, as other taxes are collected. When the tax is collected, the officer shall pay it monthly to the county treasurer to the credit of:

(a) The district; or

(b) The metropolitan police department if the operation of the system has been delegated to it.

2. The tax levied pursuant to NRS 244A.765 to 244A.777, inclusive, with any interest or penalties, and the cost of collecting the unpaid tax, penalty or interest, are a lien on the property until they are paid. The lien must be executed, and has the same priority, as a lien for general taxes.

(Added to NRS by 1985, 954)





identification specified by the division.

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

### 911 Telephone Enhancement

#### 65.400. Purpose and authority.

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

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

[§2, Ord. No. 941]

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

[§3, Ord. No. 941]

#### 65.420 Definitions.

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

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

[§4, Ord. No. 941]

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

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

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

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

- (a) Be a resident of and a qualified elector in Washoe County;
- (b) Possess knowledge concerning telephone systems for reporting emergencies; and
- (c) May not be an elected public officer.

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

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

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

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

[§5, Ord. No. 941]

65.440 Rules; records; quorum.

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

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

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

[§6, Ord. No. 941]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65.455 Remittance of funds; schedule of penalties.

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

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

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

[\$1, Ord. No. 990; A Ord. No. 1109]

65.460 Effective date: Sunset.

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

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

[\$8, Ord. No. 941; A Ord. No. 1107]





# State of New Hampshire

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



John J. Barthelmes  
Commissioner, Department of Safety

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

Earl M. Sweeney  
Assistant Commissioner, Department of Safety

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

Enhanced 9-1-1  
Commission Members:

Chairman  
Chief Douglas M. Aiken  
NH Association of Fire Chiefs

Vice Chairman  
Captain George Valliere  
NH Police Officer

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

Kathryn Bailey  
NH Public Utilities Commission

Marc Violette  
NH Telephone Association

Kevin M. Shea  
FairPoint Communications

David Caron  
NH Municipal Association

Vacant  
NH Sheriff's Association

Vacant  
NH Department of Safety

Richard Bernard  
Public Member

Lieutenant Brett Scholbe  
NH Firefighter

James Valiquet  
NH Association of Police Chiefs

Commissioner Linda M. Hodgdon  
Department of Administrative Services

Paul Szoc  
NH Federation of Mutual Aids

Vacant  
NH Disabled Community

Robert D. Girard  
Representative Wireless Telephone Providers

James Arden Barnett, Jr.  
Rear Admiral (Ret.)  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Re: Information Collection Mandated By the NET 911 Act

Dear Chief Barnett,

My name is Bruce Cheney and I am the Director of the New Hampshire Division of Emergency Services, Bureau of Emergency Communications (NHBECS). The NHBECS provides all of the E-911 services for New Hampshire on a statewide basis. I am pleased to be able to provide the answers and information regarding the E-911 surcharge that you have requested per Section 6(f)(2) of the NET 911 Act.

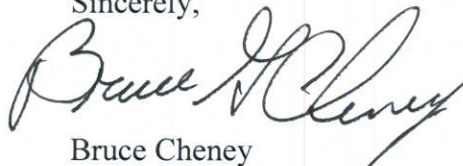
1. The State of New Hampshire has established a statewide E911 funding mechanism. NH Revised Statute Annotated 106:H-9 established an Enhanced 911 Surcharge on all residential and business telephone lines, as well as every customer of an entity that provides "commercial mobile radio service" (cell phones).
2. The New Hampshire E-911 surcharge for the period ending on December 31<sup>st</sup>, 2009 is \$0.64 per phone line per month. Of the amount collected, \$0.07 is designated specifically for the reimbursement of telecommunications companies for the technology required to establish Phase II Wireless Location, otherwise referred to as "cost recovery". The remaining \$0.57 is collected and used exclusively for the operation of the statewide E-911 system. The statewide E-911 system includes providing hardware and software required for CAD, mapping and operations at the local dispatch centers across the state. The criteria for allowable uses of the surcharge are specified in Revised Statute Annotated 106:H-9, "The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services."
3. The New Hampshire Division of Emergency Services, Bureau of Emergency Communications (NHBECS) was established by Revised Statute Annotated 106:H-1 for the purpose of establishing a coordinated statewide Enhanced 911 system. Per 106:H-6:VII, the NHBECS has the authority to "submit a budget for each biennium,

which shall include financial responsibility for and the costs of all programs offered or contracted by the division of emergency services and communications, and all revenues and expenditures of the dedicated fund established in Revised Statute Annotated 106-H:9.” As noted above, Revised Statute Annotated 106:H-9 specifies that the “moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services, in accordance with the terms of this chapter.”

4. All of the funds collected via Revised Statute Annotated 106:H-9 have been used for the purposes designated by the funding mechanism.
5. No funds have been used or made available for any other purposes outside of the purposes specified by the funding mechanism.
6. The NHBEC has no other comments.

If you have any questions about the information that I have provided, please feel free to contact me at (603) 271-6911 or [bcheney@e911.ng.gov](mailto:bcheney@e911.ng.gov).

Sincerely,

A handwritten signature in black ink that reads "Bruce Cheney". The signature is written in a cursive, flowing style.

Bruce Cheney

Director, New Hampshire Bureau of Emergency Communications



## State of New Jersey

Office of Information Technology  
P.O. Box 212  
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

ADEL W. EBEID  
Chief Technology Officer

March 19, 2010

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

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

Dear Ms. Dortch:

The following information is being submitted for the State of New Jersey as required by the NET 911 Act, outlined in correspondence received from Mr. James Arden Barnett, Jr., Chief, Public Safety and Homeland Security Bureau, and FCC Public Notice DA 10-240, dated February 2, 2010. This information outlines the status of collections and expenditures of the fees established in connection with E911 services for calendar year 2009. Chief Barnett's letter requests specific information to the following six items:

*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:**

On June 29, 2004 the Governor of New Jersey signed into law Assembly Bill A3112, creating the 9-1-1 System and Emergency Response Fee, amending the 9-1-1 Statute N.J.S.A 52:17C. The law also created a special account, known as the "9-1-1 System and Emergency Response Trust Fund Account" in the Department of the Treasury within the General Fund. The 9-1-1 System and Emergency Response Fee placed a monthly assessment of \$.90 on each wireline, wireless and VoIP telephone in the state (with some limited exemptions).

**Pertinent citation to the legal authority:**

**N.J.S.A. 52:17C-19. 9-1-1 System and Emergency Response Trust Fund Account**

a. There is established in the Department of the Treasury within the General Fund a special account to be known as the “9-1-1 System and Emergency Response Trust Fund Account.”

b. Funds credited to the “9-1-1 System and Emergency Response Trust Fund Account” shall be annually appropriated for the purposes of paying:

- 1) eligible costs pursuant to the provisions of sections 13 and 14 of P.L.1989, c. 3 (C.52:17C-13 and 52:17C-14);
- 2) the costs of funding the State's capital equipment (including debt service), facilities and operating expenses that arise from emergency response;
- 3) the cost of emergency response training, including any related costs or expenses of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety;
- 4) the cost of operating the Office of Emergency Telecommunications Services created pursuant to section 3 of P.L.1989, c. 3 (C.52:17C-3);
- 5) the cost of operating the 9-1-1 Commission created pursuant to section 2 of P.L.1989, c. 3 (C.52:17C-2);
- 6) any costs associated with implementing any requirement of the Federal Communications Commission concerning 9-1-1 service that is not otherwise allocated to a carrier and not eligible for reimbursement under law or regulation;
- 7) any costs associated with planning, designing or implementing an automatic location identification technology that is not otherwise allocated to a wireless carrier and not eligible for reimbursement under law or regulation; and
- 8) any costs associated with planning, designing or acquiring replacement equipment or systems (including debt service) related to the enhanced 9-1-1 network as defined by subsection e. of section 1 of P.L.1989, c. 3 (C.52:17C-1).

**N.J.S.A. 52:17C-20. Itemized billing for emergency response fee**

A mobile telecommunications company and a telephone exchange company collecting the fee imposed pursuant to section 2 of P.L.2004, c. 48 (C.52:17C-18) shall itemize and separately identify the fee set forth on each periodic bill received by the customer as the “9-1-1 System and Emergency Response Assessment,” which identification may be abbreviated as “911System/Emerg.Resp.Fee.” Provided however, that a mobile telecommunications company or telephone exchange company may commence the separately identified itemization of the periodic charge on a periodic bill issued to a customer not later than October 1, 2004, but only if the customer's first periodic bill issued on and after that date includes the separately identified itemization for the periodic bills issued for the customer during the months of July, August and September of 2004, if any, and the fee imposed for the bills for those months is also set forth separately for collection thereon from the customers.

***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, 2009. 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:**

The 9-1-1 System and Emergency Response Fee places a monthly assessment of \$.90 on each wireline, wireless and VoIP telephone in the state. The total amount collected in calendar year 2009 was \$128.9 million.

Through the budgeting process, the Office of the State Treasurer, the Office of Management and Budget (OMB), and the State Legislature determine how to allocate the revenue generated by the 9-1-1 System & Emergency Response Fee. In the current State fiscal year (FY2010), the State originally anticipated that revenue from the 9-1-1 System & Emergency Response Fee would generate \$137 million. Of that amount there was no funding made available to county and local PSAPs.

*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:**

Through the budgeting process, the Office of the State Treasurer, OMB, and the State Legislature determine how to allocate the revenue generated by the 9-1-1 System & Emergency Response Fee.

*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:**

As allowed by the enabling legislation, funds have been made available or used for the purposes designated by the funding mechanism. Approximately 10% of the fees collected support the State's cost of the Statewide 911 Emergency Telephone System (\$12M) and the operating budget of the Office of Emergency Telecommunications Services (\$1M). Beyond the amounts provided to E9-1-1 programs, the remaining funds (\$124M) are used to support emergency response activities, including Homeland Security, consistent with the fee's enabling legislation.

*5) A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.*

**Response:**

The funds collected from the 9-1-1 System and Emergency Response Fee are deposited in the 9-1-1 System and Emergency Response Trust Fund Account and applied to offset the costs of the programs outlined below.

**911 SYSTEM AND EMERGENCY RESPONSE FEE**

(thousands of dollars)

The estimated revenue from the mobile telecommunications service and telephone exchange service fee in fiscal 2010 totals \$137 million. In accordance with the enabling legislation (P.L. 2004, c.48), these funds will be deposited into the 911 System and Emergency Response Trust Fund account, and applied to offset a portion of the cost of related programs listed below:

Department of Health and Senior Services	
Disease Surveillance . . . . .	3,250
Bioterrorism Response . . . . .	4,000
Interdepartmental	
State Police Emergency Operations Center . . . . .	1,554
State Police Multipurpose Bldg and Troop C Headquarters . . . . .	8,267
Department of Law and Public Safety	
Office of Homeland Security and Preparedness – Operating . . . . .	491
Homeland Security and Preparedness . . . . .	5,750
State Police CAD System . . . . .	600
State Police Central Monitoring Station . . . . .	654
Urban Search and Rescue . . . . .	1,000
Emergency Operations Center, Operating . . . . .	2,857
Vehicle Purchases . . . . .	4,637
Rural Section Policing . . . . .	53,398
State Police – Remaining Operating Budget . . . . .	226,994
Department of Military and Veterans’ Affairs	
Military Services – National Guard and Support Services . . . . .	6,677
Department of Treasury	
Office of Emergency Telecommunications Service (OETS) . . . . .	1,000
Statewide 911 Emergency Telephone System . . . . .	11,967
<b>Total, State Appropriations . . . . .</b>	<b>333,096</b>

Should you need additional assistance or have any follow-up questions, please don't hesitate to contact me at (609) 984-4082.

Sincerely,



Adel W. Ebeid  
Chief Technology Officer, Chair,  
Public Safety Communications Commission

- c: Richard Bagger , Chief of Staff
- Andrew P. Sidamon-Eristoff, State Treasurer
- Craig Reiner, OETS Director



**STATE OF NEW MEXICO**  
**DEPARTMENT OF FINANCE AND ADMINISTRATION**  
**LOCAL GOVERNMENT DIVISION**  
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**BILL RICHARDSON**  
GOVERNOR

**KATHERINE B. MILLER**  
CABINET SECRETARY

**ROBERT M. APODACA**  
DIRECTOR

February 19, 2010

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

Re: Response to the 2010 Request for Information Mandated by the New and Emerging  
Technologies Improvement Act of 2008

Dear Mr. Furth:

Here are New Mexico's responses to the questions in your 2010 letter to Governor Richardson.

- 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:

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) provides a funding mechanism designated to support local governments' and wireless carriers' costs of providing 911 service throughout the state.

- 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, 2009. 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:

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) mandates a 51¢ surcharge per month on each subscriber's landline telephone and a 51¢ surcharge per month on each subscriber's cellular telephone.

The total amount collected for the annual period ending December 31, 2009 was \$12,073,923.31. The surcharge is collected in accordance with the Tax Administration Act and deposited into the enhanced 911 fund administered by the Local Government Division, Department of Finance and Administration. Payments from the fund through grants are made to or on behalf of local governing entities or their fiscal agents for the costs of providing enhanced 911 service.

New Mexico has established written criteria, Rule 10.6.2 NMAC, Enhanced 911 Requirements, detailing the allowable uses of the fund.

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:

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) identifies the Local Government Division, Department of Finance and Administration, as the state entity with the authority to administer the fund and the power to adopt rules to carry out the provisions of the Enhanced 911 Act.

Any payment from the fund is reviewed for compliance with the Act and the Rule and approved for payment by state E-911 program managers, the state E-911 Director and the Department of Finance's CIO. Prior approval from the Board of Finance is required for equipment or system purchases. Local Public Safety Answering Points submit their requests along with detailed price quotes to the state program managers who reviews all requests and recommend, if appropriate, approval to the E-911 program director and Local Government Division's director. Requests are then presented to the Board of Finance for final approval.

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 implementation or support of 911 or E911.*

Response:

All the funds collected through New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) are made available and used to implement and support E-911 service.

5. *A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.*

Response:

No funding is used for purposes other than E-911.

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

Response:

No comment.

I verify that the above information is accurate and correct. If you have questions concerning these responses, please contact Joyce Johnson at (505) 827-4179 or [Joyce.Johnson@state.nm.us](mailto:Joyce.Johnson@state.nm.us).

Sincerely,



Robert M. Apodaca, Director  
Local Government Division  
Department of Finance and Administration

(a). The first mechanism is established at the State level via NYS Tax Law section 186-f. This section of law authorizes a "public safety communications surcharge" (PSCS) and establishes the value, collection, deposit and distribution thereof. This surcharge is applied to all wireless communication devices (except those used by NYS and any of its agencies, instrumentalities and political subdivisions) utilized by customers whose place of primary use is in the State of New York. Each wireless communications service supplier providing service in NYS is statutorily responsible for the collection of the PSCS and is also charged with depositing revenue derived from the same with the State Comptroller, who distributes such revenues to the General Fund as well as the State Wireless Telephone Emergency Account Fund, established pursuant to Section 9700 of the State Finance Law.

1. New York State has three funding mechanisms designated or imposed for the purposes of 911 or E911 support or implementation:

In response to your letter to Governor Paterson, the Division of the Budget has compiled the following information:

Dear Mr. Barnett:

RE: Initial Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008; Response Due No Later Than March 23, 2010

Mr. James Arden Barnett, Jr.  
Rear Admiral (Ret.)  
Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, DC 20554

April 21, 2010

DAVID A. PATERSON  
GOVERNOR

STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

LORRAINE A. CORTÉS-VAZQUEZ  
SECRETARY OF STATE



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(b). The second and third funding mechanisms are established at the local level through Article 6 of the NYS County Law. Article 6, sections 303 and 308a - 308v authorize NYS counties and the City of New York to establish two separate 911/E911 surcharges: one which applies to land lines and one which applies to wireless communication devices. Revenues derived from these surcharges fund the costs associated with obtaining, operating, and maintaining the telecommunication equipment and telephone services needed to provide an E911 system. Service suppliers act as the collection agent for participating localities and remit funds collected from the surcharge to the same on a monthly basis. Article 6 of the County Law does not require localities to impose either surcharge.

2. NYS Law authorizes the imposition of a Public Safety Communications Surcharge and two local 911/E911 surcharges.

(a). The State PSCS is currently set in statute at § 1.20 (Tax Law Section 186-f). In addition to the design, construction and operation of a statewide wireless network that will provide interoperable communications solutions to first responders, the revenue generated from this surcharge funds other public safety initiatives. Section 186-f of the Tax Law specifies that not less than *ten million dollars annually* must be disbursed in support of the Local Enhanced Wireless 911 program and that monies are to be allocated each year to pay the cost of debt service for bonds and notes issued to finance expedited deployment of local public safety answering points, both pursuant to Article 6-a of the County Law.

(b). County Law provides that NYS counties may impose two surcharges:

(i) Section 303 authorizes a surcharge of up to thirty-five cents per access line per month on the customers of every service supplier (i.e., a telephone company that provides local exchange access service within a 911 service area) operating within a participating county. NYC is authorized to impose a surcharge of up to one dollar for this purpose. The imposition of this surcharge is at local option.

(ii) Sections 308-a through 308-v authorize NYS counties and NYC to impose a surcharge of up to thirty cents per access line per month on each wireless communications device through which service is provided to a customer whose place of primary use is within the county. The imposition of this surcharge is at local option.

According to statistics kept by the NYS Office of the State Comptroller, county revenues received through the imposition of these surcharges totaled \$25.3 million for 2008. E911/911 surcharge revenues generated by New York City during this same period totaled \$60.4 million.

3. There are two basic processes or structures articulated in NYS statute regarding review and approval of surcharge funds collected for 911 or E911 purposes:

(a). Regarding the expenditure of the annual \$10 million PSCS allocation that funds the Local Enhanced Wireless 911 program, the NYS Department of State (DOS), in consultation with the NYS 911 Board (established pursuant to Article 6-A of the County Law), reviews municipal expenditures related to E-911 service initiatives and authorizes reimbursement of the same. The local enhanced wireless 911 reimbursement initiative administered by DOS and the Board is an annual reimbursement fund available to the designated county dispatch centers who receive wireless 911 calls. Reimbursement is intended to offset some operational costs related to Wireless 911. For the past several years, the E911 Board has administered a \$100 million dollar grant designated for county dispatch centers to upgrade their 911 facilities and equipment. The administration of this grant provided financial assistance to these centers to receive and dispatch wireless 911 calls at Phase II level of service. Almost all funding from the \$100 million grant is now expended and all designated county dispatch centers now provide Phase II service levels. Sections 325-333 of Article 6-A of the County Law contain provisions for the establishment of the Board and its powers and duties.

(b). Regarding the expenditure of funds collected from the imposition of the local E-911 surcharge as authorized by Article 6 of the County Law, the expenditure and control of such funds are the responsibility of the local governing authority.

(i) In the case of a county's or NYC's expenditure of funds generated through the imposition of the thirty-five cent (counties) or one dollar (NYC) monthly land line surcharge, the following statutory language applies: "All surcharge monies remitted to the municipality by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the municipality shall be expended only upon authorization of the board and only for payment of system costs as permitted by this article. The municipality shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof."

(ii) In the case of a county's expenditure of funds generated through the imposition of the thirty cent surcharge on wireless communication devices, the following standard statutory language typically applies: "All surcharge monies remitted to the county of \_\_\_\_\_ by a wireless communications service supplier shall be expended only upon authorization of the local county legislative body and only for payment of eligible wireless 911 service costs as defined in subdivision sixteen of section three hundred twenty-five of this chapter. The county of \_\_\_\_\_ shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof."

(iii) The expenditure and control of such funds by NYC, generated through the imposition of the thirty cent surcharge on wireless communication devices, is governed by the following language: "All surcharge monies remitted to the city by a wireless communications service supplier shall be expended only upon authorization of the board and only for payment of system costs or other costs associated with the design,



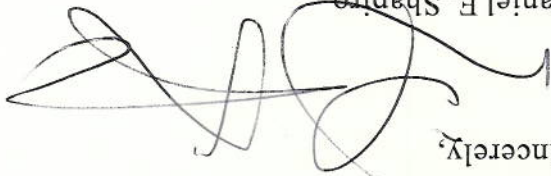
construction, operation, maintenance, and administration of public safety communications networks serving such city. The city shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof."

4. To the best of our knowledge, with only two statutorily-authorized exceptions, all State funds collected to date for 911 or E-911 purposes have been made available or used for the purposes designated by the aforementioned State funding mechanisms. With respect to local funds generated through E-911 surcharges, we do not currently possess enough information to validate that all such funds have made available and used for their designated purposes, although we assume such is the case.

5. In State Fiscal Years 2009-10 and 2010-11, \$10 million and \$2.5 million, respectively, were transferred from the balance of the Local Wireless account to provide relief for the state's General Fund, which was facing a substantial deficit. The transfer of these funds was authorized by statute and did not affect the ability of the State, through the auspices of the Department of State and the NYS E-911 Board, to reimburse municipalities for approved E-911 expenditures.

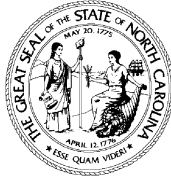
If you have any questions or need further clarification about New York State's E-911 System, please contact me at 518-486-9846.

Sincerely,



Daniel E. Shapiro  
First Deputy Secretary of State

DES/wyb



# North Carolina 911 Board

George Bakolia, Chair

Joseph K. Durham, Vice Chair

March 18, 2010

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

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

Dear Ms. Dortch,

James A. Barnett, Rear Admiral (Ret), Chief, Public Safety and Homeland Security Bureau addressed a letter to Governor Beverly Perdue in regard to information collection under Section 6(f)(2) of the NET 911 Act. On behalf of Governor Perdue and the State of North Carolina, the North Carolina 911 Board provides the following information in regards to Section 6(f)(2) of the NET 911 Act:

1. The State of North Carolina established a funding mechanism for the support and implementation of 911 and E911 in Session Law 2007-383, codified as N.C.G.S. §62A, Article 3. Administration is governed by the N.C. 911 Board. The statutes expressly incorporate the FCC Order (94-102, 1 December 1997) and subsequent modifications.
2. A fee not to exceed \$.70/month is imposed on each voice communications service connection (includes wireline, wireless and VoIP providers) that can access the 911 system. N.C.G.S. §62A-43 A moratorium on collection of such fees from or by prepaid CMRS providers extends through December 2010. The 911 Board received \$ 87,367,015 for the 2009 calendar year. Voice communication providers collect fees from their subscribers and remit the fees, less 1% for their administrative costs, to the 911 Board. N.C.G.S. §62A-43(c)

[www.nc911.nc.gov](http://www.nc911.nc.gov)

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The 911 Board may allocate up to 1% of the fees received from the Voice communication providers for the administrative expenses of the Board. N.C.G.S. §62A-44(b)

The 911 Board establishes a percentage of the fees received for CMRS provider cost recovery of deploying E911. As of December 31, 2009, the percentage was set at .5%. N.C.G.S. §62A-44(b)(1)

The 911 Board establishes a percentage of the fees received for distribution to Primary PSAPs. As of December 31, 2009 the percentage designation was set at 99.5%. In addition to the percentage designation from CMRS providers, all fees collected by all other voice communication providers are designated for distribution to Primary PSAPs. N.C.G.S. §62A-44(b)(2)

Funds are distributed monthly to all Primary PSAPs based on their reported Fiscal Year 2007 revenues. Funds received in excess of the "base" amount may be distributed to Primary PSAPs on a per capita basis. N.C.G.S. §62A-46(a)

The State limits uses of 911 fees collected and distributed to CMRS Providers for their cost recovery and Primary PSAPs. Only the actual costs incurred for the compliance with the requirements of enhanced 911 service are reimbursable. N.C.G.S. §62A-45(a)

Primary PSAPs may use 911 Funds for the lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing, nonrecurring costs of establishing a 911 system and training for 911 personnel. N.C.G.S. §62A-46(c)

3. The North Carolina 911 Board has been designated as the entity to receive 911 fees collected, distribute and provide oversight on all 911 fees. The 911 Board established an "Eligible Expenditure List" to aid Primary PSAPs receiving 911 funds, and makes available 911 Board staff to assist PSAPs with any questions. As of 31 December 2009, there are 129 Primary PSAPs in North Carolina. The 911 Board conducts an annual Revenue/Expenditure Report on each Primary PSAP to ensure compliance with the use of all 911 fees. N.C.G.S. §62A-42(a)(5)

Each CMRS Provider seeking cost recovery is required to submit a plan detailing technical and operational aspects of its system together with cost projections. Providers must deliver sworn invoices in compliance with their plans and allowable expenditures. Funds are released to CMRS providers upon staff approval. N.C.G.S. §62A-45(a)

4. For the reporting period of calendar year 2009, all funds received by the 911 Board for 911 or E911 have been made available and used for the authorized purposes of implementing or supporting of 911 or E911.

On behalf of the State of North Carolina, thank you for the opportunity to respond and offer no additional comments regarding 911 funding at this time.

I verify under penalty of perjury that the foregoing is true and correct. Executed on March 18, 2010.

---

George Bakolia



# ND Department of Emergency Services

PO Box 5511

Tel: (701) 328-8100

Email: [nddes@nd.gov](mailto:nddes@nd.gov)

Bismarck, ND 58506-5511

Fax: (701) 328-8181

Website: [www.nd.gov/des](http://www.nd.gov/des)

*"Ensuring a safe and secure homeland for all North Dakotans"*

March 18, 2010

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

Dear Secretary Dortch:

The following information provides specific responses requested by the Federal Communication Commission's Public Safety and Homeland Security Bureau. The responses fulfill the State of North Dakota's obligation to provide the Federal Communication Commission the initial information mandated by the New and Emerging Technologies Improvement Act of 2008.

1. Chapter 57-40.6 of the North Dakota Century Code authorizes counties or cities to impose a fee (to be collected by all telecommunication companies) on a per communication device per month basis. The local governing board passes a resolution placing the question of the imposition of this fee on the ballot; upon approval of the electorate, it goes into effect. The fee must be equal on all telecommunication services. The statutory limit on the fee was raised from \$1.00 to \$1.50 per device per month, effective August 1, 2009; Thus far, no jurisdiction has raised its fee beyond \$1.00.
2. During Calendar Year 2009, the fee imposed throughout the State was \$1.00 per device per month. For the annual period ending December 31, 2009, the total collected by all jurisdictions was \$8,369,366. The funds are remitted directly to the local jurisdictions by the telecommunication companies. The legislation authorizing the imposition of this fee also regulates the use of the fee revenue. Specifically, 57-40.6-05 states the revenue must be used *"solely for implementing, maintaining, or operating the emergency services communication system."* Additionally, 57-40.6-10 requires that jurisdictions receiving this fee revenue maintain it in a separate fund and *"ensure that fee proceeds collected under this chapter are expended in accordance with guidelines developed pursuant to section 57-40.6-12 and implement an accounting system sufficient to meet the requirements of section 57-40.6-05."* The statutory body created by section 12 has promulgated expenditure guidelines that detail what is and is not allowable under the statutory limitation.

John Hoeven  
Governor

Major General David Sprynczynatyk  
Director - Department of Emergency Services

Greg M. Wilz  
Director - Division of Homeland Security

Mike Lynk  
Director - Division of State Radio

3. As noted in number 2 above, the state legislature has created a statutory body, the Emergency Services Communications Coordinating Committee, charged with implementing and maintaining expenditure guidelines that detail what is and is not allowable under the broader statutory limitation. Each jurisdiction is mandated by 57-40.6-12 to submit a report to the statutory body that indicates revenues and expenditures related to this fee. The Committee then crosswalks the reports against the guidelines and compiles the information for presentation to the legislature.
4. The reports received and compiled by the Emergency Services Communications Coordinating Committee since the implementation of the guidelines in January 2008 have indicated all funds generated by this fee have been expended for purposes allowed under the statute and guidelines.
5. No funds generated by the fee authorized by 57-40.6 have been used or made available for purposes other than those allowed by statute and the expenditure guidelines.
6. None

If questions arise, please contact me at (701) 328-8150 or [mlynk@nd.gov](mailto:mlynk@nd.gov).

Sincerely,



Mike Lynk, Director  
Division of State Radio  
Department of Emergency Services



# Public Utilities Commission

**Ted Strickland**, Governor  
**Alan R. Schriber**, Chairman

## Commissioners

Ronda Hartman Fergus  
Valerie A. Lemmie  
Paul A. Centolella  
Cheryl Roberto

March 2, 2010

James Arden Barnett, Jr.  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Mr. Barnett,

The Federal Communication Commission, in accordance with the New and Emerging Technologies 911 Improvement Act of 2008, has requested specific information related to the 9-1-1 funding mechanisms in Ohio. The Ohio 9-1-1 Service Program, housed within the Public Utilities Commission of Ohio (PUCO), respectfully submits the attached responses to the questions provided. Please contact me at 614-644-8950 with any clarifying questions which may arise.

Sincerely,

Shawn S. Smith, CGFM  
Ohio 9-1-1 Coordinator,  
Ohio 9-1-1 Service Program

Encl.

1. 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).

### **Wireline E9-1-1 Funding**

Funding for wireline enhanced 9-1-1 (E9-1-1) is organized under Section 4931.47 of the Ohio Revised Code (ORC). This statute defines a bill and keep system for wireline 9-1-1. Currently in Ohio, each incumbent local exchange carrier directly charges their individual subscribers a tariffed fee to cover the recurring 9-1-1 costs unique to that carrier for the maintenance and operation of the company's portion of the wireline telephone network. Nonrecurring costs are directly recovered under ORC 5733.55 through a tax credit. As a result, local 9-1-1 public safety answering points are not billed for base wireline 9-1-1 services. The tariffed rates range from a low of \$.12 to a high of \$.25 per month.

A wireline service provider may only begin charging this tariffed fee in a specific county upon PUCO approval. Generally, the county must have passed a countywide 9-1-1 plan and be positioned to begin taking wireline E9-1-1 calls.

### **Wireless E9-1-1 Funding**

Sections 4931.61 through 4931.651 of the ORC prescribe the funding mechanism for wireless E9-1-1. Each month a \$.28 surcharge is imposed upon each wireless phone number belonging to a subscriber with an Ohio billing address. Prepaid providers are permitted three options under ORC 4931.61 to calculate the amount due. Wireless service providers remit the collected surcharges to the Ohio 9-1-1 Service Program, housed within the PUCO, on a monthly basis.

The wireless service providers and PUCO are each permitted to retain up to 2% of the collected funds. The remaining 96% is distributed monthly to each of the 88 counties in Ohio. County disbursements are calculated based upon a ratio of the number of wireless numbers with billing addresses in the individual county over the total number of wireless numbers with billing addresses in the state. Each county is guaranteed a minimum of \$90,000 per year.

Upon receipt, individual county treasurers internally allocate the funds in accordance with that county's unique countywide 9-1-1 plan. Funds may only be utilized by the local governmental entities for the implementation and maintenance of wireless E9-1-1.

The Ohio wireless 9-1-1 surcharge is set to expire December 31, 2012.

### **Other Local Funding Options**

Sections 4931.51 through 4931.54, 5705.19, and 5739.026 of the ORC provide various options for counties to obtain general local funding for their E9-1-1 system. These options include charges on improved realty, monthly telephone bill charge, monthly telephone access line charge, property tax, and local sales tax.



2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2008.

The amounts of 9-1-1 fees in Ohio vary as follows:

- Tariffed charges appearing on wireline subscribers' monthly bills to cover the individual incumbent local exchange carrier's wireline E9-1-1 costs range between \$.12 and \$.25 per month.
- The wireless E9-1-1 surcharge is currently statutorily set at \$.28 per billed wireless phone number belonging to a subscriber with an Ohio billing address. Legislative action lowered this surcharge from \$.32 as of January 1, 2009.
- Incumbent wireline service providers incur incremental costs over and above wireline 9-1-1 to carry wireless 9-1-1 traffic and associated information. As such, each incumbent local exchange carrier which acts as a 9-1-1 host in Ohio has received PUCO approval to recover a tariffed charge for these costs. The charges and billing methodology found within these tariffs are unique to the individual carrier. Ohio law also permits governmental entities and carriers to enter into unique negotiated arrangements outside of these tariffs. A summary of the charges may be found in the table below.

<b>Company</b>	<b>Nonrecurring Charge</b>	<b>Recurring Charge</b>	<b>Billing Unit Defined</b>
AT&T	\$119.32 per billing unit	\$7.90 per billing unit	1 Billing Unit= 1000 population
Sprint	\$3,500 per PSAP	\$250 per PSAP	1 Billing Unit= 1 PSAP
Verizon	N/A	\$36.66 per billing unit	1 Billing Unit= 1000 Call Units
CBT	\$92.01 per billing unit	\$16.05 per billing unit (maintenance)	1 Billing Unit = 100 Call Blocks
New Knoxville	Negotiated contract with Auglaize County	Negotiated contract with Auglaize County	N/A
Windstream Ohio	\$100.50 per billing unit (Phase I) \$107.00 per billing unit (Phase II)	\$10.75 per billing unit for Phase I, \$1.05 per billing unit for Phase II	1 Billing Unit= 1000 population
Windstream Western Reserve	\$100.50 per billing unit (Phase I) \$107.00 per billing unit (Phase II)	\$10.75 per billing unit for Phase I, \$1.05 per billing unit for Phase II	1 Billing Unit= 1000 population

- Under ORC 4931.51, county voters may approve a charge on improved realty to cover the costs of establishing, equipping, and furnishing one or more public safety answering points within the county.
- ORC Sections 4931.52 and 4931.53 permit county voters to approve a county fee to be placed on local wireline telephone bills. The monthly charge may not exceed \$.50. Under ORC 4931.54, a telephone company which collects this charge on behalf of the county may retain 3 percent of the charge it collects as compensation for the costs of such collection. The collected funds are remitted to the county on a quarterly basis.

- Section 5705.19 of the ORC permits county electors to approve a tax in excess of the 10 mill limitation to fund the establishment of a 9-1-1 system.
- A county sales tax, not exceeding one half of one percent, is permitted to be used for 9-1-1 under Section 5739.026 of the ORC. If the county is utilizing all of the sales tax solely to fund 9-1-1, the tax may not be levied for more than five years.

A total of \$28,164,049.54 in wireless surcharge fees were remitted to the Ohio 9-1-1 Service Program by wireless service providers in calendar year 2009. The Ohio 9-1-1 Service program does not hold regulatory or audit authority over local 9-1-1 or taxing jurisdictions and cannot speak as to the total funds collected at this level.

3. 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.

November 1 of each year the Ohio 9-1-1 Service Program collects, directly from each wireless service provider, the number of wireless phone numbers tied to billing addresses in each county. This data is tabulated for each county. A percentage is calculated for each individual county based upon the total number of wireless numbers within that county, divided by the total amount of wireless numbers in the state. This same percentage is utilized through the rest of the calendar year.

Each month the wireless remittances received are multiplied by the individual county allocation percentages to determine the amount due to each county that month. Once certified by the Ohio 9-1-1 Coordinator, the funds are distributed to the individual county treasurers. Under ORC 4931.64 (D) the county treasurer then internally allocates the funds as defined by that county's 9-1-1 plan.

Section 4931.65 of the ORC dictates the purposes for which the wireless funds may be expended at the local level. On March 21, 2007, under case number 05-1114-TP-EMG, the PUCO issued guidance regarding appropriate expenditures for which the wireless funds could be utilized. This entry may be obtained at:

<http://dis.puc.state.oh.us/TiffToPDF/A1001001A07C21B43448J57876.pdf>

4. 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.

Neither the Ohio 9-1-1 Service Program nor the PUCO hold regulatory or audit authority over how local entities utilize 9-1-1 funding. Decisions regarding the use of 9-1-1 funding are made at the local level. The Auditor of State may enter into an audit engagement to determine the appropriate use of these funds and the Ohio attorney general may bring suit against a telephone

company service provider or a local subdivision to enforce compliance with the Ohio 9-1-1 service program.

5. 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.

Neither the Ohio 9-1-1 Service Program nor the PUCO hold regulatory or audit authority over how local entities utilize 9-1-1 funding. Decisions regarding the use of 9-1-1 funding are made at the local level. The Auditor of State may enter into an audit engagement to determine the appropriate use of these funds and the Ohio attorney general may bring suit against a telephone company service provider or a local subdivision to enforce compliance with the Ohio 9-1-1 service program.

6. 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.

Neither the Ohio 9-1-1 Service Program nor the PUCO hold regulatory or audit authority over how local entities utilize 9-1-1 funding. Decisions regarding the use of 9-1-1 funding are made at the local level. The Auditor of State may enter into an audit engagement to determine the appropriate use of these funds and the Ohio attorney general may bring suit against a telephone company service provider or a local subdivision to enforce compliance with the Ohio 9-1-1 service program.

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

None.