



ROBERT BENTLEY
GOVERNOR

STATE OF ALABAMA EMERGENCY MANAGEMENT AGENCY

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ART FAULKNER
DIRECTOR

October 31, 2012

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

Ref: NET 9-1-1 Act

Dear Mr. Beers:

This letter is in response to your request for information in reference to docket 19-14. In my capacity as 9-1-1 Coordinator for the State of Alabama, Governor Robert Bentley has asked that I provide you with the requested information:

1. Under §11-98-5, Code of Alabama 1975 an emergency telephone service charge is established, that upon a vote of the citizens can be imposed by the Emergency Communications Districts (ECD) on wired lines. Also under §11-98-8, Code of Alabama 1975 a state board and service charge is established for wireless connections with a place of primary use located in the State of Alabama. These sections also outline the requirement to establish a system to answer wired and wireless (Phase I and II) 9-1-1 calls.
2. Local ECDs may impose a charge of up to 5% of the maximum tariff rate on wirelines within the district. Districts with less than 25,000 access lines may charge a flat rate of up to \$2.00. Since ECDs are governed by a local 9-1-1 board and are not subject to any oversight from the state, I am not able to provide an amount of revenue from wireline charges. In accordance with §11-98-5(a)(2)(h) and (i) a district may expend available funds for the following reasons:
 - a. To establish a common address and location identification program and to establish the emergency service number data base to facilitate efficient operation of the system. The governing body and the E-911 board of the county or city affected shall jointly be responsible for purchasing and installing the necessary signs to properly identify all roads and streets in the district.
 - b. Funds generated from emergency telephone service charges shall be used to establish, operate, maintain and replace an emergency communication system that may, without limitation, consist of the following:
 - (1) Telephone communications equipment to be used in answering, transferring and dispatching public emergency telephone calls originated by persons within the service area who dial 911.
 - (2) Emergency radio communications equipment and facilities necessary to transmit and receive "dispatch" calls.
 - (3) The engineering, installation and recurring costs necessary to implement, operate and maintain an emergency communication system.

(4) Facilities to house E-911 services as defined in this chapter, with the approval of the creating authority, and for necessary emergency and uninterruptable power supplies for the systems.

A uniform fee of \$.70 is collected by the State Wireless 9-1-1 Board. Of the fee collected by the state, fifty-six percent is distributed to ECDs for operational cost associated with answering wireless 9-1-1 calls. Twenty-four percent is distributed to the ECDs for cost associated with receiving phase II wireless 9-1-1 calls. Twenty percent is distributed to wireless carriers for reimbursement of expenses associated with delivery of 9-1-1 calls. Section §11-98-7 (b)(3)(b) indicates wireless revenue may only be used for the lease, purchase or maintenance of wireless enhanced emergency telephone equipment, including necessary computer hardware, software and data base provisioning for incremental expenses directly related to the FCC Order and the handling of wireless emergency calls. The Alabama Wireless 9-1-1 Board collected \$28,401,585 and distributed \$26,871,047 from wireless connections in 2011.

3. The State Wireless 9-1-1 Board is responsible for the collection and distribution of the wireless service charge. An audit of the board by the Alabama Department of Examiners of Public Accounts would identify any collections or distributions not made in accordance with the laws of the State of Alabama. While the board has no authority to audit the ECDs, annual audits of the local ECDs would identify any funds expended that were not in accordance with the law.
4. All funds collected by the State Wireless 9-1-1 Board have been distributed to ECDs and wireless carriers as directed by law.
5. No funds collected by or distributed by the Alabama Wireless 9-1-1 Board have been utilized for purposes other than those related to the implementation or support of wireline and wireless 9-1-1. To the best of my knowledge, audits of local ECDs have not identified any revenues being used for expenses unrelated to the implementation or support of E 9-1-1.
6. The above information was also certified to NTIA as a prerequisite of the NET 9-1-1 Act.

Alabama does not have an office with the authority to manage E 9-1-1 services. The Governor of Alabama has designated the Alabama Emergency Management Agency as the state's single governmental body to serve as the coordination agency of E 9-1-1 services. If I can be of further assistance to you, please feel free to contact me.

Sincerely,



Art Faulkner
Director

Attachments

APPENDIX C

ANNUAL CERTIFICATION FOR E 9-1-1 GRANT RECIPIENTS

On behalf of the State of Alabama, I, Art Faulkner, State Emergency Management Agency, hereby certify that:

The State of Alabama does not have an office or coordinator with the authority to manage E 9-1-1 services, and the Governor of the State of Alabama has designated

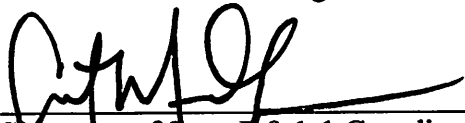
The Alabama Emergency Management Agency as the State's single governmental body, to serve as the E 9-1-1 Coordinator of E 9-1-1 services implementation, and I am its representative.

I further certify that the State has not diverted and will not divert any portion of designated E 9-1-1 charges imposed by the State for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application and continuing throughout the time period during which grant funds are available.

I further certify that no taxing jurisdiction in the State that will receive E 9-1-1 grant funds has diverted any portion of the designated E 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application.

I further certify that the State will ensure that each taxing jurisdiction in the State that receives E 9-1-1 grant funds does not divert any portion of designated E 9-1-1 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available.

I agree that, as a condition of receipt of the grant, the State will return all grant funds if the State obligates or expends, at any time for the full duration of this grant, designated E 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented, and that the State will ensure that if a taxing jurisdiction in the State that receives E 9-1-1 grant funds diverts any portion of designated E 9-1-1 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available, the State will ensure that E 9-1-1 grant funds distributed to that taxing jurisdiction are returned.



Signature of State E 9-1-1 Coordinator
(or representative of single governmental body)

October 31, 2012

Date

Alabama Emergency Management Agency Director
Title

ALABAMA WIRELESS 9-1-1 BOARD
FINANCIAL STATEMENTS
AND
MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2011 AND 2010

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INDEPENDENT AUDITORS' REPORT

Board of Directors
Alabama Wireless 9-1-1 Board
307 Clinton Avenue
Suite 500
Huntsville, Alabama 35801

We have audited the accompanying statements of cash receipts and disbursements – cash basis and statement of cash balances – cash basis of the Alabama Wireless 9-1-1 Board for the years ended September 30, 2011 and 2010. These financial statements are the responsibility of management. Our responsibility is to express an opinion on the financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, this financial statement was prepared on the cash basis of accounting, which is a basis of accounting different from accounting principles generally accepted in the United States of America.

As further described in Note 1, the Alabama Wireless 9-1-1 Board has adopted the aspects of financial statement content and format prescribed by Governmental Accounting Standards Board Statement 34 as it relates to financial statements prepared on the cash basis of accounting.

In our opinion, the statement of cash receipts and disbursements and statement of cash balances present fairly, in all material respects, the cash receipts and disbursements and cash balances of the Alabama Wireless 9-1-1 Board for the years ended September 30, 2011 and 2010, in conformity with the basis of accounting described in Note 1.

Mercer & Associates, PC

January 13, 2012

**ALABAMA WIRELESS 9-1-1 BOARD
MANAGEMENT'S DISCUSSION & ANALYSIS
REQUIRED SUPPLEMENTARY INFORMATION
SEPTEMBER 30, 2011**

Our discussion and analysis of the Alabama Wireless 9-1-1 Board's (the "Board's") financial performance provides an overview of the Board's financial activities for the fiscal year ended September 30, 2011 (FY 2011). Please read it in conjunction with the Board's financial statements and notes to the financial statements, which immediately follow this analysis.

The Management's Discussion and Analysis (MD&A) is an element of the reporting model adopted by the Governmental Accounting Standards Board (GASB) in their Statement No. 34, *Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments* issued June 1999. Certain comparative information between the current year and the prior year is required to be presented in the MD&A.

The sole asset of the Board, cash, is presented on the statement of cash balances and is located in interest bearing checking accounts at qualified public depositories. The Board's only liabilities are cash that is being held on behalf of the emergency communications districts that is to be used as matching funds for a federal grant and cash held for payments of prepaid phone connection fees which were under dispute by the providers awaiting judgment in litigation. The Board's current year revenues and expenses are presented in the statement of cash receipt and disbursement activities. These statements illustrate how the Alabama Wireless 9-1-1 Board collects a \$.70 service charge per connection from all wireless service providers doing business in the State of Alabama. After a 2% deduction from gross service charges collected for operating expenses of the board, the following formula applies to disbursements:

- 80% of the service charges collected are distributed to the emergency communications districts.
- 20% of the service charges collected are retained by the board in order to reimburse wireless service providers for Phase I and II expenses.

Financial Highlights: Significant Items to Note

Our financial statements provide these insights into the results of this year's operations:

- The Board's total net assets increased by approximately \$1,284,825 during the fiscal year.
- Total service charges collected for the year were \$28.40 million.
- Total payments made by the Board to emergency communications districts were \$22.26 million.
- At the end of the current fiscal year, unrestricted fund balance was \$1,565,192.

MANAGEMENT'S DISCUSSION & ANALYSIS (CONTINUED)

Table 1: Statement of Cash Balances

	<u>2011</u>	<u>2010</u>
Cash in bank	\$ 16,591,582	\$ 9,811,990
Total Assets	<u>16,591,582</u>	<u>9,811,990</u>
DOT Grant Liability	920,385	862,868
T-Mobile Liability	486,795	-0-
TracFone Liability	<u>4,950,455</u>	<u>-0-</u>
Total Liabilities	6,357,635	862,868
Restricted for emergency communications districts	1,893,538	1,889,607
Restricted for commercial mobile radio service providers	6,775,217	5,815,843
Unrestricted	<u>1,565,192</u>	<u>1,243,672</u>
Total Liabilities and Net Assets	\$ <u>16,591,582</u>	\$ <u>9,811,990</u>

Assets have increased by approximately 69% over the prior year. The increase is solely attributable to the increase in cash on hand at September 30, 2011.

Table 2: Condensed Statement of Cash Receipt and Disbursement Activities

	<u>2011</u>	<u>2010</u>	<u>Change</u>
Service charges collected	\$28,401,585	\$28,671,923	\$(270,338)
Interest revenue	<u>6,540</u>	<u>8,923</u>	<u>(2,383)</u>
Total revenue	<u>28,408,125</u>	<u>28,680,846</u>	<u>(272,721)</u>
Payments to ECD's	22,267,811	23,562,728	(1,294,917)
Payments to Provider's	4,603,236	4,526,414	76,822
Operating expenses	<u>252,253</u>	<u>277,149</u>	<u>(24,896)</u>
Total expenses	<u>27,123,300</u>	<u>28,366,291</u>	<u>(1,242,991)</u>
Change in net assets	1,284,825	314,555	970,270
Net Assets - Beginning	<u>8,949,122</u>	<u>8,634,567</u>	<u>314,555</u>
Net Assets - Ending	<u>\$10,233,947</u>	<u>\$8,949,122</u>	<u>\$1,284,825</u>

MANAGEMENT'S DISCUSSION & ANALYSIS (CONTINUED)

ECONOMIC OUTLOOK AND ADDITIONAL INFORMATION

The economic outlook of the Alabama Wireless 9-1-1 Board remains consistent with previous years because the \$.70 service charge, their sole source of income, remains unchanged. Any increases in the service charges collected are dependent on the number of wireless connections within the State of Alabama.

CONTACTING THE BOARD'S FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the Board's finances and to show the Board's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact Roger Wilson, Chairman, 307 Clinton Avenue, Suite 500, Huntsville, AL 35801.

**ALABAMA WIRELESS 9-1-1 BOARD
STATEMENT OF CASH BALANCES
SEPTEMBER 30, 2011 AND 2010**

	September 30 2011	September 30 2010
Assets		
Cash In Bank	\$ 16,591,582	\$ 9,811,990
Total Assets	\$ 16,591,582	\$ 9,811,990
Liabilities		
DOT Grant Liability	\$ 920,385	\$ 862,868
T-Mobile Liability	486,795	-
TracFone Liability	4,950,455	-
Total Liabilities	\$ 6,357,635	\$ 862,868
Net Assets		
Restricted for:		
Restricted for emergency communication districts	\$ 1,893,538	\$ 1,889,607
Restricted for commerical mobile radio service providers	6,775,217	5,815,843
Unrestricted	1,565,192	1,243,672
Total Net Assets	\$ 10,233,947	\$ 8,949,122
Total Liabilities and Net Assets	\$ 16,591,582	\$ 9,811,990

The accompanying Notes to the Financial Statements are an integral part of this statement.

ALABAMA WIRELESS 9-1-1 BOARD
STATEMENT OF CASH RECEIPT AND DISBURSEMENT ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2011 AND 2010

	<u>2011</u>	<u>2010</u>
Program Receipts		
Service charges collected	\$ 28,401,585	\$ 28,671,923
Interest revenue	<u>6,540</u>	<u>8,923</u>
Total Receipts	<u>28,408,125</u>	<u>28,680,846</u>
Disbursements		
Payments to emergency communication districts	22,267,811	23,562,728
Payments to wireless service providers	4,603,236	4,526,414
Audit expense	11,699	13,878
Conferences	780	820
Insurance expense	13,620	13,620
Legal and accounting	208,315	231,135
Meals and lodging	3,723	2,827
Office supplies	869	1,167
Printing & publishing	3,577	3,959
Telephone	128	141
Travel	<u>9,542</u>	<u>9,602</u>
Total Expenditures	<u>27,123,300</u>	<u>28,366,291</u>
Change in Net Assets - Cash Basis	1,284,825	314,555
Net Assets - Cash Basis, Beginning of Year	<u>8,949,122</u>	<u>8,634,567</u>
Net Assets - Cash Basis, End of Year	<u><u>\$ 10,233,947</u></u>	<u><u>\$ 8,949,122</u></u>

The accompanying Notes to the Financial Statements are an integral part of this statement.

**ALABAMA WIRELESS 9-1-1 BOARD
NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2011 AND 2010**

NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

The Alabama Commercial Mobile Radio Service Emergency Telephone Services Board d/b/a the Alabama Wireless 9-1-1 Board, was created as an Act of the Alabama Legislature, Number 98-338, as found in the 1975 Code of Alabama Sections 11-98-6 through 11-98-11. The Board was established to receive and disburse the 9-1-1 service charges collected by commercial mobile radio service providers in Alabama. The 9-1-1 service charge currently provides funds for the emergency communications districts and the commercial mobile radio service providers to implement enhanced 9-1-1 service for commercial mobile radio service users as described in Order 94-102 of the Federal Communications Commission. The Board consists of seven members, five appointed by the Governor that are subject to Senate confirmation, one from the House of Representatives appointed by the Speaker of the House, and one member from the Senate appointed by the Lieutenant Governor. The chairman of the Board, elected by a vote of the board members, serves as its executive director.

The Board is a legally separate agency of the State of Alabama. For financial reporting purpose, the Board is considered a component unit of the State of Alabama. An agency is reported as a component unit of the State of Alabama if the government can impose its will on the agency. The State can impose its will on the Board because the Governor, Lieutenant Governor, and Speaker of the House of Representatives appoint the board members, and the legislature can modify the amount of the 9-1-1 service charge and the decisions of the Board's governing body. There are no component units that should be included as part of the financial reporting entity of the Board.

Accounting Principles

The financial statements of the Board have been prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles as used in the United States of America. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Board's accounting policies are described below.

Although the Board presents its annual financial statements on a comprehensive basis of accounting other than generally accepted accounting principles, the aspects of financial statement content and format, the Board has implemented the recommendations for financial reporting presented in GASB Statement No. 34 which provides a financial reporting model for state and local governments that includes the management's discussion and analysis, government-wide financial statements, and required supplementary information. Because the Board is a special purpose government engaged in a single governmental program accounted for on the cash basis, the government wide and fund financial statements are combined.

The cash basis of accounting differs from generally accepted accounting principles in that revenue is recognized when received rather than when collected by the providers. Also, expenses are recognized when paid rather than when incurred.

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Net Assets

Net assets are reported as follows:

Restricted – Net assets restricted by external parties, laws, or regulations of other governments or legislation.

Unrestricted – The difference between the assets and liabilities that is not reported as Restricted.

Receipts

The Board had levied an emergency telephone service charge on each commercial mobile radio service connection that has a principal wireless service or billing address within Alabama at the rate of seventy cents (\$.70) per month per connection uniformly applied throughout the state, beginning on May 1, 1998. This rate will only be increased by an act of the Alabama legislature.

Disbursements

The Board makes monthly disbursements to the ECD's throughout Alabama based on a statutory formula. It has been the practice of the Board to disburse funds to the ECD's in the month following the month of collection. The Board also makes disbursements to the commercial mobile radio services providers to reimburse them for the actual costs uncured for implementation of enhanced 9-1-1 Phase I and Phase II service in Alabama.

The original statutory formula provided that fifty-six percent of the funds collected by the Board, after deduction for administration expense, were distributed to the ECD's based on the ratio of the population of each ECD to the total population of all ECD's in the state in accordance with the statute. These funds were expended by the ECD's for the lease, purchase, or maintenance of wireless enhanced emergency telephone equipment, including necessary computer hardware, software, and database provisioning, and for incremental expenses directly related to the FCC Order 94-102 or the handling of wireless emergency calls.

The original statutory formula also provided that forty-four percent of the funds collected by the Board, after deduction for administrative expenses, were held for the purpose of payment of actual costs incurred by commercial mobile radio service providers in complying with the wireless E-911 service requirements established by FCC Order 94-102, including, but not limited to costs and expenses, incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software, required in order to provide the service as well as the incremental costs of operating the service.

On June 14, 2007, Act of Alabama 2007-459 amended Sections 11-98-6, 11-98-7, and 11-98-8, 1975 Code of Alabama and added Section 11-98-7.1. The Act changed the statutory formula used to distribute funds collected by the Board, effective October 1, 2007.

Under the amended statutory formula, fifty-six percent of the funds collected by the Board, after deduction for administrative expenses, are distributed to the ECDs based on the ratio of the population of each ECD to the total population of all ECDs in the state in accordance with the statute. These funds may be expended by the ECDs for the lease, purchase or maintenance of wireless enhanced emergency telephone equipment, including necessary computer hardware, software, and database provisioning, and for incremental expenses directly related to the FCC Order 94-102 or the handling of wireless emergency calls.

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Twenty percent of the funds collected by the Board, after deduction for administration expenses, are held for the purpose of payment of actual costs incurred by commercial mobile radio service providers in complying with the wireless E-911 service requirements established by FCC Order 94-102, including, but not limited to costs and expenses incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required in order to provide the service as well as the incremental costs of operating the service.

Twenty-four percent of the funds collected by the Board, after deduction for administration expenses, are to be distributed to ECDs in accordance with Section 11-98-7.1. This section provides that beginning on October 1, 2007, the first two million dollars collected shall be deposited into a Phase II Enhanced 911 Implementation Fund. The proceeds from this fund shall be distributed to an ECD for reimbursement of actual costs associated with implementation of a Phase II Enhanced 911 System, provided that the ECD: (1) does not have a Phase II Enhanced 911 system in place on the effective date of the Act; (2) submits a Phase II Enhanced 911 system implementation plan to the Board for approval; and (3) upon approval of the implementation plan by the Board, completes implementation of the Phase II Enhanced 911 system to the satisfaction of the Board within twenty-four months of the effective date of the Act.

Once the Phase II Enhanced 911 Implementation Fund reaches two million dollars, all additional monies from the CMRS charge which are required to be distributed under Section 11-98-7(b)(3)b shall be distributed to all ECDs which have been approved by the Board as operating a Phase II Enhanced 911 system, with the distribution based on each such ECDs population in relation to the population of all ECDs which have been approved by the Board as operating a Phase II Enhanced 911 system. Any ECD which implements a Phase II Enhanced 911 system under the provision of subsection (a) shall be allowed to participate in the distribution beginning on the first day of the first month after the Board has endorsed its participation as a Phase II Enhanced 911 system.

The Phase II Enhanced 911 Implementation Fund was dissolved on September 30, 2009 and thereafter all monies from the CMRS charge which are required to be distributed under Section 11-98-7(b)(3)b and any funds remaining in the Phase II Enhanced 911 Implementation Fund, shall be distributed to all ECDs which have implemented or thereafter shall implement a Phase II Enhanced 911 system as approved by the Board.

NOTE 2 - DEPOSITS

At September 30, 2011 and 2010, deposits on hand at banks were fully collateralized by banks qualifying under the Security for Alabama Funds Enhancement Act (SAFE) as qualified public depositories.

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

NOTE 3 – LIABILITIES

The DOT grant liability is cash held on behalf of the emergency communications districts who have assigned a portion of their payments in order to provide matching funds for a federal grant. The grant is from the U.S. DOT National Highway Traffic Safety Administration and will provide funds to enhance 9-1-1 systems statewide. The funds will be held by the Board until it is time to remit them to the State to comply with the federal grant's matching funds requirement. The DOT grant liability at September 30, 2011 is \$920,385.

The T-Mobile liability represents payments made to the Board for prepaid phone connections. These payments have been disputed by T-Mobile and the Board is involved in litigation concerning these payments. Until a final judgment in the case is reached, all fees paid by T-Mobile under dispute will be deposited in an escrow account and a corresponding liability will be recognized. The T-Mobile liability at September 30, 2011 is \$486,795.

The TracFone liability represents funds paid to the Board for a prior settlement regarding prepaid phone connection fees and current monthly prepaid connection fees. These funds are being held in escrow until a final ruling is made in the T-Mobile case. The TracFone liability at September 30, 2011 is \$4,950,455.

NOTE 4- SUBSEQUENT EVENTS

The Board has evaluated events and transactions for potential recognition or disclosure through January 13, 2012, the date the financial statements were available to be issued.

On December 21, 2011, a final ruling was made on the T-Mobile litigation regarding prepaid phone fees collected. The ruling was made in favor of the Board.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Public Safety

DIVISION OF ALASKA STATE TROOPERS
Office of the Director

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Anchorage, Alaska 99507-1225
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July 27, 2012

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

FILED ELECTRONICALLY – (July 27, 2012)

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

Dear Chief Turetsky:

I am responding to the Federal Communication Public Safety and Homeland Security Bureau's request to Governor Sean Parnell for information about the "collection and expenditure of fees or charges established by the states or other jurisdictions in connection with 911/e911 services" for calendar year 2011.

As requested, below is Alaska's Information:

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or a regional corporation therein as defined by Section 6(f)(1) of the NET 9-1-1 Act, has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E9-1-1 support or implementation (including a citation to the legal authority for such mechanism).

Alaska's Response:

In 2005, SLA 05, Chapter 55 amended Alaska Statutes 29.35.131 through AS 29.35.138 (enhanced 911 system) to allow a municipality, public municipal corporation, or a village to impose and increase a surcharge to provide E911 at public safety answering points from a local exchange telephone company or other qualified vendor. The Alaska Legislature's intent was to provide a sustained funding source for the technology necessary to respond to emergency calls and situations.

AS 29.35.131 – AS 29.35.137 applies to home rule and general law municipalities. Alaska statutes do not allow the imposition of surcharges where no E911 service is provided.

2. The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E9-1-1 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.

Alaska's Response:

The surcharge is capped at \$2 per month per line, with provisions that permit surcharges in the E911 service area to go above that level with voter approval. Allocations are determined by the governing body and its communities via a written agreement. Each year, the governing body of the municipality must review enhanced 911 surcharges to confirm whether the surcharge is meeting enhanced 911 system needs.

E911 surcharges are billed and collected by local exchange telephone companies or other qualified vendors, specifically wireless service providers and remitted to the municipality.

AS 29.35.131 specifies that revenues collected must be used for costs directly attributable to the establishment, maintenance and operation of an E911 system.

Based on available data, the total amount collected for calendar year 2011 was \$12,320,887.52.

3. 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.

Alaska's Response:

AS 29.35.131 specifies that a local exchange telephone company or wireless telephone company providing service in a municipality that has imposed an enhanced 911 surcharge shall bill each month and collect the surcharge from customers in the enhanced 911 service area.

A local exchange telephone company or wireless telephone company that has collected the enhanced 911 surcharge shall remit the amounts collected to the municipality no later than 60 days after the end of the month in which the amount was collected. From each remittance made in a timely manner under this subsection, the telephone company is entitled to deduct and retain the greater of one percent of the collected amount or \$150 as the cost of administration for collecting the enhanced 911 surcharge. In addition, a wireless telephone company is entitled to full recovery of the recurring and nonrecurring costs associated with implementation and operation of Phase I E911 service as allowed under Federal Communications Commission proceedings entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems".

AS 29.35.131 (i) specifies that revenues collected may be used for costs directly attributable to the establishment, maintenance, and operation of an E911 system:

- “(1) the acquisition, implementation, and maintenance of public safety answering point equipment and 911 service features;
- (2) the acquisition, installation, and maintenance of other equipment, including call answering equipment, call transfer equipment, automatic number identification

controllers and displays, automatic location identification controllers and displays, station instruments, 911 telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf, public safety answering point backup power systems, consoles, automatic call distributors, and hardware and software interfaces for computer-aided dispatch systems;

(3) the salaries and associated expenses for 911 call takers for that portion of time spent taking and transferring 911 calls;

(4) training costs for public safety answering point call takers in the proper methods and techniques used in taking and transferring 911 calls;

(5) expenses required to develop and maintain all information necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the 911 call-taking and transferring function, including automatic location identification and automatic number identification databases.”

4. A statement identifying any entity in your State that has the authority to approve the expenditures 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. And a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011

Alaska's Response:

Oversight procedures via AS 29.35.131 require that:

- Municipalities determine funds are made available and used for purposes allowed under AS 29.35.131 (i);
- The governing body of the municipality review E911 surcharges on an annual basis to confirm whether the surcharge is meeting enhanced 911 system needs;
- When imposing or changing an E911 surcharge, municipalities provide written notification to affected telephone customers explaining how the surcharge will be used; and
- Before a borough may use revenue from an E911 surcharge, the borough and city must enter into an agreement to address the duties and responsibilities of each party. The Alaska Department of Public Safety (DPS) must be party to the agreement if DPS provides services to support their E911 system.

The Alaska Statewide 911 coordinator serves as an information conduit and coordinator for all matters related to provision of 9-1-1 services to the entire state, provides technical consulting assistance to state agencies, local governments, and non-commercial entities related to 9-1-1 issues and coordinates and facilitates efforts by telecommunication companies and others to correctly and optimally route 9-1-1 and other emergency calls to Public Safety Answering Points (PSAP's). The coordinator's job does not include oversight or auditing of 911 surcharge spending by municipal governments.

5. A statement whether all the funds collected for 911 and 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.

Alaska's Response:

Alaska Statutes 29.35.131 through AS 29.35.138 dictate the use of the 911/E911 funds that are collected. The state does not have the authority to audit 911 surcharge expenditure decisions made by local government entities.

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 related 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.

Alaska's Response:

The state has no indication that the funds collected in 2011 for 911 or E911 purposes have been made available or used for any other purpose other than the ones designated by AS 29.35.131.

7. A statement identifying with specificity all activities, programs and organizations for whose benefit your State or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Alaska's Response:

Money collected through the 911 surcharge is remitted to local governing bodies and used to provide an enhanced 911 system at public safety answering points and may be used to purchase or lease the enhanced 911 equipment or service required to establish or maintain an enhanced 911 system at public safety answering points from a local exchange telephone company or other qualified vendor.

Alaska requires that services available through a 911 system shall include police, fire fighting, and emergency ambulance services. Each public safety answering point shall notify their public safety agencies of calls for assistance in the governing body's area, and as appropriate, dispatches public safety services directly, or transfers 911 calls to appropriate public safety agencies.

In 2011 there were 145 city governments, 16 organized boroughs and 187 unorganized areas. Out of these 348 political subdivisions, approximately 10% collect a 911 surcharge. However, the vast majority of the state's population lives in areas where a surcharge is collected.

An enhanced 911 service area may be all of a city, all of a unified municipality, or all or part of the area within a borough and may include the extraterritorial jurisdiction of a municipality in

accordance with AS 29.35.020. The governing body of a municipality shall review an enhanced 911 surcharge annually to determine whether the current level of the surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911 system needs. When a municipality imposes an enhanced 911 surcharge or the amount of the surcharge is changed, the municipality shall notify in writing the telephone customers subject to the surcharge and provide an explanation of what the surcharge will be used for.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Alaska's Response:

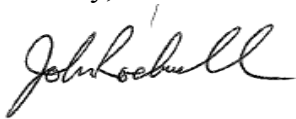
The State continues to monitor the development of Next Generation 911 and other future technologies and operating procedures to enhance 911 in the state to include the development of best practices, policies, procedures and protocols. At this time we have not started an NG911 program.

It is possible that in the future, AS 29.35.131 may be modified to establish planning guidelines for deployment of NG911 service within the state.

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

Thank you for the opportunity to provide information about 911 and E911 funding in Alaska. If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rockwell". The signature is fluid and cursive, with a small vertical mark above the "i" in "John".

John Rockwell
Statewide 911 Coordinator

Janice K. Brewer
Governor



Scott A. Smith
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
100 NORTH FIFTEENTH AVENUE • SUITE 401
PHOENIX, ARIZONA 85007
(602) 542-1500

July 31, 2012

David S. Turetsky, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

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

Dear Chief Turetsky:

On behalf of the State of Arizona, the submittal of this document is in accordance with the Federal Communications Commission's (FCC) Fourth Annual 911 Fee Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008 (NET 911 Act), and PS Docket No. 09-14. This letter contains the information requested and should satisfy the obligations of the FCC's compliance with Section 6(f) (2) of the NET 911 Act as it relates to Arizona's 911 program.

Please note for clarity each FCC statement request is indented, in bold and in italics, and each statement request is followed by the corresponding answer.

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).

The State of Arizona has had a dedicated funding mechanism to support 911 and E911 since 1985. The dedicated funding mechanism is the Telecommunication Services Excise Tax established pursuant to A.R.S. § 42-5251 et seq. The statute levies a tax of twenty cents per month on every telecommunication provider for each activated wire (including VoIP) line service. The statute has been in place since July 1, 2008. The revenue generated from the Telecommunication Services Excise Tax is deposited into the Emergency Telecommunication Services Revolving Fund established pursuant to A.R.S. § 41-704.

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, 2011.

For the period ending December 31, 2011, the aforementioned tax of twenty cents per month was levied on every telecommunication provider for each activated wire-line (including VoIP) and wireless service account for the purpose of financing emergency telecommunication services.

The total amount of tax collected and remitted to the State of Arizona for the period ending December 31, 2011, was \$16,722,854. The interest generated for the period ending December 31, 2011 was \$24,837.

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.

Pursuant to A.R.S. § 41-704 the Director of the Arizona Department of Administration (ADOA) is required to:

- Adopt rules and procedures for administering and disbursing monies deposited in the Emergency Telecommunication Services Revolving Fund;
- Review and approve, at least quarterly, requests by political subdivisions for payment for operating emergency telecommunication service systems;
- Biannually recommend to the Arizona Legislature the amount of the Telecommunication Services Excise Tax that will be required to support the implementation of the State's 911 program; and,
- Administer the Emergency Telecommunication Services Revolving Fund.

The administration of the State's 911 program, including how the collected funds are made available to localities, written criteria regarding the allowable uses of the collected funds and procedures for the disbursement of funds, is governed by rules adopted by the Arizona Department of Administration pursuant to the Arizona Administrative Code. These rules, which were adopted effective June 22, 1985; consist of Section R2-1-401 through R2-1-411 of the Arizona Administrative Code and are as follows:

- R2-1-401. Definitions;
- R2-1-402. Establishment of 911 Planning Committee;
- R2-1-403. Submission of Service Plan;
- R2-1-404. Certificate of Service Plan approval;
- R2-1-405. Resubmitting of a Service Plan;
- R2-1-406. Modification of an Approved Service Plan;

R2-1-407. 911 System Design Standards;
R2-1-408. 911 Operational Requirements;
R2-1-409. Funding Eligibility;
R2-1-410. Method of Reimbursement; and,
R2-1-411. Allocation of Funds.

The Director of ADOA has the authority to approve the expenditure of funds collected for 911 or E911 purposes. The State 911 Office annually reviews a budget for each political subdivision eligible for program funding. A detailed review of equipment, network and other approved costs is completed and funding approval is provided to the political subdivision.

The State 911 Office is responsible for reviewing the accuracy of all invoices for eligible emergency telecommunication services and the payments rendered directly from the Emergency Telecommunication Services Revolving Fund for the implementation and support of 911 or Enhanced 911 services.

Pursuant to A.R.S. § 41-704 ninety-five percent of the revolving fund is identified for the explicit purpose of emergency telecommunications services. ADOA is authorized to use up to two-thirds of the five per cent of the amounts deposited annually in the Emergency Telecommunication Services Revolving Fund for administrative costs. The remainder of the five per cent may be allocated for local network management of contracts with Public Safety Answering Points for emergency telecommunication services.

A statement identifying any entity in the state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Arizona Revised Statutes and the Arizona Administrative Code outline authority and oversight for the Emergency Telecommunication Services Revolving Fund. The Director of ADOA has the authority to approve the expenditure of funds collected. The State 911 office reviews and approves proposals, reviews and processes for payment all community-approved invoices, forwards approved invoices for payment and determines that funds collected have been made available or used for the purposes designated by the funding mechanism. ADOA has also created a 911 Oversight Committee consisting of the ADOA Director, General Counsel, Budget Director, Legislative Liaison, Assistant Director and 911 Administrator which meets quarterly to review revenue and expenditure reports, on-going projects, new projects under consideration and future spending decisions. The ADOA General Accounting Office completed a review of the

911 Office's procedures and processes and did not identify any material weaknesses in internal controls or noncompliance. It was also determined that the Management of the 911 Fund takes its responsibility to maintain effective systems of internal controls seriously and has developed and incorporated a well designed and structured system of policies and procedures which are regularly updated. No corrective actions were required for the annual period ending December 31, 2011.

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.

\$14,725,865 collected for 911 or Enhanced 911 purposes have been made available or used for the purposes designed by the funding mechanism as stipulated in Arizona Revised Statutes, or otherwise used for the implementation or support of 911, Enhanced 911 and Wireless Phase I and Phase II.

Additionally, \$2,213,700 of the tax revenue collected through the Telecommunication Services Excise Tax during the annual period ending December 31, 2011 was transferred to the State of Arizona General Fund to help address the State's budget crisis.

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.

\$2,213,700 of the tax revenue collected through the Telecommunication Services Excise Tax during the annual period ending December 31, 2011 was transferred to the State of Arizona General Fund to help address the State's budget crisis.

A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, or organizations support 911 and E911 services or enhancement of such services.

There are 89 Public Safety Answering Points in Arizona that are eligible for E911 funding from the Emergency Telecommunication Services Excise Tax. During the annual period ending December 31, 2011, funds were expended for E911 equipment upgrades, E911 equipment maintenance and E911 network services, as well as for the wireless carriers' costs associated with the deployment and maintenance of Wireless E911 Phase II.

A statement regarding whether your State classifies expenditure on Next Generation 911 as within the scope of permissible expenditures of funds for 911 and E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on next Generation 911 programs

The implementation of Next Generation 911 falls within the scope of permissible expenditures of funds for 911 and E911 purposes and has funded a successful Next Generation 911 trial. Unfortunately, due to limited revenue, the trial was completed and suspended until such time as full costs are determined and are available. No funds were expended in the annual period ending December 31, 2011.

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

I have no additional comments to provide regarding the applicable funding mechanism for 911 and E911.

On behalf of the State of Arizona, we appreciate the opportunity to assist the FCC with its efforts to comply with Section 6(f)(2) of the NET 911 Act. Should you have any questions, comments or concerns with the information contained within this correspondence, please do not hesitate to contact me at 602-542-1500 or Barbara Jaeger, the State 911 Administrator, at 602-542-0911.

Sincerely,



Scott A. Smith
Director

cc: The Honorable Janice K. Brewer, Governor
John Arnold, Director, Governor's Office of Strategic Planning and Budgeting
Richard Stavneak, Director, Joint Legislative Budget Committee



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

September 19, 2012

Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Genachowski:

In order to comply with Section 6(f) of the NET 911 Act, the State of Arkansas submits the attached information identified in PS Docket Number 09-14 with respect to fees and charges collected in connection with the implementation and support of 911 or E911 services within our State. Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Beebe".

Mike Beebe

MB:tl/jb

Enclosure

Responses to FCC Questionnaire Re 911 Funding (2012)

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

Response to Question 1: Arkansas has adopted a mechanism for funding 911 and E911 service. Those specific provisions are set forth in Ark. Code Ann. §§12-10-301 *et seq.*

Question 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, 2010. A statement describing how the funds collected are made available to the 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 to Question 2: The amount of the fees or charges imposed is set forth in Ark. Code Ann. §12-10-318. The fees for local exchange carriers are between 4% and 12% of the monthly rate for the service for each access line. The fees for wireless providers are \$0.65 per month per connection that has a primary use within the State of Arkansas. The Commission does not have any information regarding the amounts collected during calendar-year 2010. There is not a single source for that information. Possible sources or that information may include the Department of Finance and Administration, the Arkansas Association of Counties, or each of the 75 counties individually. Arkansas has established written criteria regarding the allowable uses of the collected funds. The allowable uses of the funds are defined in Ark. Code Ann. §§12-10-301 *et seq.*

Question 3: A statement identifying the 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 to Question 3: The entity in Arkansas that has the authority to approve the expenditure of funds collected for 911 or E911 service is the Quorum Court of each of the 75 counties in Arkansas. The oversight of the funds rests with each Quorum Court and is governed by the provisions of Ark. Code Ann. §§12-10-301 *et seq.* Legislative Audit may also audit the use of the 911 and E911 charges.

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

Response to Question 4: The funds collected for 911 or E911 have been used for that purpose. Pursuant to Ark. Code Ann. §§12-10-301 *et seq.*, those funds must be used for that purpose.

Question 5: A statement identifying what amount of funds collected for 911 and 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 to Question 5: Pursuant to Ark. Code Ann. §§12-10-301 *et seq.*, the funds collected for 911 or E911 must be used for that purpose and cannot be used for purposes unrelated to 911 or E911 implementation or support.

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

Response to Question 6: No further comment is provided.



IN REPLY REFER TO:

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



Division of Environmental,
Safety and Cultural Resources Management

Received & Inspected

JUN 26 2012

FCC Mail Room

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

JUN 21 2012

Dear Ms. Dortch:

On June 19, 2012, the Bureau of Indian Affairs, Eastern Oklahoma Region, Eastern Oklahoma Regional Office (EORO), received a notice from the Federal Communications Commission (FCC), concerning PS Docket No. 09-14, a request for information with respect to fees and charges in connection with the implementation of 911 or E911 services. The EORO does not collect any fees or charges in relation to either service.

If additional information is required, please contact Ms. Jonna Polk, Division Chief, Division of Environmental, Safety and Cultural Resources Management, EORO, at (918) 781-4660.

Respectfully,

Acting Regional Director

10/1/2012 10:00 AM 0



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Regional Director

JUL 24 2012

David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

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

Dear Mr. Turetsky:

The Eastern Region of the Bureau of Indian Affairs has queried all 28 Tribes located within our jurisdiction regarding the subject information. Our response is as follows:

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

If you have any additional questions, please contact Eric Wilcox, Management Analyst, of my staff at (615) 564-6712.

Sincerely,

Acting Director, Eastern Region



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JUL 17 2012

Thomas J. Beers
Chief, Policy Division
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Fourth Annual Information Collection

Dear Mr. Beers:

This letter transmits information from the Pacific Regional Office of the Bureau of Indian Affairs (BIA-PRO) that was requested in an undated letter recently received from the Federal Communications Commission (FCC). Below are our itemized responses to the nine questions posed in the letter.

1. BIA-PRO has not established such a funding mechanism. Please note that all federally-recognized tribes within the Region are considered sovereign nations and each tribal government needs be contacted individually by FCC regarding each tribe's particular 911 or E911 system. It is our understanding that the vast majority of tribal governments within our Region utilize their local county's emergency dispatch systems.
2. None.
3. No such funds are being collected or are being made available by BIA-PRO. It is recommended that FCC contact each tribal government and/or the local county government to acquire the necessary detailed cost information.
4. Not applicable.
5. Not applicable.
6. Not applicable.
7. Not applicable.
8. Not applicable.
9. Not applicable.

If you have any questions, please call Jay Hinshaw, Regional Emergency Management Coordinator, at (916) 978-6021, or John Rydzik, Chief, Division of Environmental and Cultural Resources Management and Safety (DECRMS), at (916) 978-6051.

Sincerely,

Regional Director



IN REPLY REFER TO:
BRANCH OF SAFETY

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Southern Plains Regional Office

P. O. Box 368

Anadarko, Oklahoma 73005



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

JUL 06 2012

RE: PS Docket No. 09-14

Dear Ms. Dortch:

We are in receipt of correspondence regarding the Fourth Annual Information Collection mandated by the New and Emerging Technologies 911 Improvement Act of 2008. The NET 911 Act requires the Commission to report to Congress annually the collection and expenditure of fees or charges established by states or other jurisdictions in connection with 911/E911 services.

The Department of the Interior, Bureau of Indian Affairs, Southern Plains Region, Anadarko, Oklahoma, after reviewing the requested information, is reporting this office has no instrumentation of this type and has no plans to establish any type of mechanism for the installation and implementation of a 911/E911 service within this region for the possibility of collecting any fees or charges. The Southern Plains Regional Office has neither the authority or the capability to provide and implement such services within the jurisdictional area.

If you require further information regarding our negative report to this inquiry, you may call the Regional Director's Office or the Regional Safety Manager. The telephone numbers are 405-247-1530 or 405-247-5059, respectively.

Sincerely,

ACTING 
Regional Director

CALIFORNIA TECHNOLOGY AGENCY

Public Safety Communications Office
601 Sequoia Pacific Boulevard
Sacramento, CA 95811-0231
(916) 657-9494 FAX (916) 657-9259



July 30, 2012

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

SUBJECT: RESPONSE TO FOURTH ANNUAL INFORMATION COLLECTION MANDATED BY THE NEW AND EMERGING TECHNOLOGIES IMPROVEMENT ACT OF 2008; RESPONSE DUE NO LATER THAN JULY 31, 2012

In response to the Federal Communications Commission's obligations under Section 6(f)(2) of the NET 911 Act and issuance of the Public Notice dated June 8, 2012, PS Docket No. 09-14 the State California Technology Agency, Public Safety Communications Office (PSCO) provides the following:

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

The State of California has established a funding mechanism designated for the purpose of 9-1-1 implementation and ongoing support. The State of California, Revenue and Taxation Code, Section 41001 et seq., known as the Emergency Telephone Users Surcharge Act, provides the statutory authority and description of how funds are collected and distributed in support of 9-1-1.

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, 2011.

The State of California, Revenue and Taxation Codes, Section 41030 requires that the surcharge rate shall not exceed three-quarters of one (1) percent and not less than one-half of one (1) percent and Section 41020 requires it is imposed on amounts paid by every person in the state based on intrastate telephone communication service.

The total amount collected for the 2011 calendar year ending December 31, 2011 was approximately \$85,952,018. For fiscal year 20010/2011, the total

actual amount collected for the implementation and support of 9-1-1 and E9-1-1 services was \$86,507,188.

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.

State of California, Government Code 53100-53120 (Warren-911-Emergency Assistance Act) establishes the framework for allowable uses of collected funds.

The PSCO, California 9-1-1 Emergency Communications Division (CA 9-1-1 Division), State of California 9-1-1 Operations Manual, outlines the criteria and process by which qualifying local agency Public Safety Answering Points (PSAPs) can receive funding for their 9-1-1 telephone system and approved allowable uses.

4. 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

In accordance with State of California, Government Code 53100-53120 and Revenue and Taxation Code Section 41001 et seq., the PSCO, CA 9-1-1 Division has the authority to approve expenditures and oversight of funds collected for 9-1-1 purposes.

The State 911 Advisory Board advises the PSCO, CA 9-1-1 Division on 9-1-1 funding, policies, standards, among other matters outlined in State of California, Government Code 53100-53120.

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.

All funds since the enactment of the NET 911 Act have been collected for the 9-1-1 system in California are used for the appropriate purposes as outlined in the State of California, 9-1-1 Operations Manual and relevant 9-1-1 services related to Government and Revenue and Taxation Codes.

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.

No funds collected for the 9-1-1 system in California have been used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 9-1-1 or E9-1-1 implementation or support.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and e911 services or enhancements of such services.

Funds collected for 911 services are expended on (1) foreign language interpretation services for non-English speaking 9-1-1 callers, (2) 9-1-1 System and Services, (3) PSAP Training and Education, and (4) 9-1-1 Education Materials. Activities/services described in (1), (2), and (3) provide a funding mechanism to directly support 9-1-1 services to local agencies designated as a Public Safety Answering Point (PSAP). Activity (4) provides a funding mechanism for PSAPs to purchase and distribute 9-1-1 educational materials within their local community.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

California classifies expenditures on Next Generation 911 projects to be within scope of permissible expenditures of funds for 9-1-1. For the annual period ending on December 31, 2011, California has expended a total of \$645,239.07 on Next Generation 911 pilot projects.

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

The State of California was awarded \$4,346,352.77 in federal grant monies to fund the build, implementation, and management of a new, state-of-the-art, IP based E9-1-1 network that will serve the northeast region of California.

If you have questions or need any additional information, please contact me at (916) 657-9482 or Ryan Dulin, Deputy Director, California 9-1-1 Emergency Communications Division, PSCO at (916) 657-9535.

Regards,



KAREN WONG, Director
Public Safety Communications Office

cc: Ryan Dulin, Deputy Director
California 9-1-1 Emergency Communications Division, PSCO

Colorado 9-1-1 Resource Center

(866) 332-3082 ♦ fax: 1-877-221-0682 ♦ director@co911rc.org



August 5, 2012

Reference: PS Docket No. 09-14

Purpose: The purpose of this document is to provide information requested by the Federal Communications Commission (the FCC) as required by the NET 911 Act of 2008, and amended in 2012.

Preparation: This report was prepared by the Colorado 9-1-1 Resource Center, a 501(c)3 nonprofit, at the request of the Colorado Public Utilities Commission. Contact information for the Colorado 9-1-1 Resource Center is found in the letterhead of this document. The Colorado 9-1-1 Resource Center is not an office or agency of the State of Colorado, nor is it 9-1-1 planning or coordination office.

Response:

The requests submitted by the FCC is shown in italics, followed by the response.

- 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).*

Yes. Colorado has an established funding mechanism pursuant to CRS §29-11 Part I which authorizes local governing bodies to impose a charge to support 9-1-1 services. Specifically the following statutory language allows for such charge:

CRS §29-11-102 (1) (a) – In addition to any other powers for the protection of the public health, a governing body may incur any equipment, installation, and other directly related costs for the continued operation of an emergency telephone service as further described in section 29-11-104, and may pay such costs by imposing an emergency telephone charge for such service in those portions of the governing body's jurisdiction for which emergency telephone service will be provided. The governing body may do such other acts as may be expedient for the protection and preservation of the public health and as may be necessary for the acquisition of equipment, for the provision of initial services, and for the operation of the emergency telephone service.

CRS §29-11-102 (2) (a) – The governing body is hereby authorized, by ordinance in the case of cities and by resolution in the case of counties or special districts, to impose such charge in an amount not to exceed seventy cents per month per exchange access facility, per wireless

Colorado 9-1-1 Resource Center

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communications access, and per interconnected voice-over-internet-protocol service in those portions of the governing body's jurisdiction for which emergency telephone service will be provided.

Additionally, effective January 1, 2011, additional statutory language in CRS §29-11-102.5 requires the collection of funds from prepaid wireless minutes purchased in a retail establishment in Colorado or by a consumer in Colorado. These collected funds are remitted to the Colorado Department of Revenue, which is required by the statute to distribute the funds to the various local 9-1-1 Authorities using a formula based on wireless call volume.

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 , 2011.*

Amount of Surcharge:

CRS §29-11-102 authorizes by ordinance or resolution as applicable, cities, counties, or special districts to impose a surcharge of up to 70¢ per month on wireline, wireless, or VoIP services in which emergency services are provided. If a governing body believes an amount greater than 70¢ is necessary, they are required to obtain approval from the Colorado Public Utilities Commission. A document detailing the surcharges currently imposed by each local 9-1-1 governing body is attached.

Surcharges on purchases of prepaid cellular minutes in Colorado retail establishments or to Colorado residents is set by CRS §29-11-102.5 at 1.4% of the value of the purchase.

Amount Collected for Period Ending 12-31-2011:

Local surcharges: The last statewide assessment of 9-1-1 funds collected by local 9-1-1 Authorities was in 2008. At that time, the estimated total of surcharge funds collected by all local 9-1-1 Authorities was \$45,000,000. This estimate was derived from revenues reported by 9-1-1 Authorities for 2008 in their annual budgets as submitted to the Colorado Department of Local Affairs, Division of Local Government. It's not anticipated that this number has changed significantly as most 9-1-1 Authorities have reported that their revenues have remained flat or have dropped slightly in recent years. A new assessment will be conducted this year to determine the impact of prepaid surcharge funds on local 9-1-1 Authorities.

Prepaid surcharges: The total prepaid surcharges collected by the Colorado Department of Revenue for the 2011 calendar year, minus the Department's administrative set-up costs was \$1,907,086.51.

3. *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.*

Local surcharges are collected by the telephone service provider, as outlined in CRS §29-11-102 (7) and remitted directly to the appropriate local governing authority.

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Prepaid cell phone surcharges are collected by the retailer and remitted to the Colorado Department of Revenue, which then distributes the funds to local 9-1-1 Authorities in accordance with CRS §29-11-102.5. The percentage of statewide wireless call volume handled by all of the PSAPs of each local 9-1-1 Authority is determined, and that percentage is used to determine what percentage of the collected prepaid wireless 9-1-1 funds the local 9-1-1 Authority receives. Currently, the Department of Revenue is remitting funds to the local 9-1-1 Authorities by direct deposit, monthly.

Criteria for the expenditure of funds are defined in CRS §29-11-104 (2a) (I) (A)-(E).

4. *A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.*

Authority to Approve Expenditure:

Local governing bodies retain the authority to approve the expenditures of 911 surcharge revenue as defined in CRS §29-11-104 (2) (a) – (c).

Oversight Procedures:

- CRS §29-11-104 (5) states that, “Each governing body shall include as a part of the audit required by part 6 of article 1 of this title an audit on the use of the funds collected from the charges imposed pursuant to this article for compliance with paragraph (a) of subsection (2) of this section.”
- The budgets of all 9-1-1 governing bodies are public record and may be requested and reviewed by interested parties.

Enforcement or Other Corrective Actions Undertaken:

There were no enforcement or corrective actions taken against local 9-1-1 Authorities in 2011 for misuse of 9-1-1 surcharge funds.

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.*

Availability of funds to local 9-1-1 Authorities: All funds collected for 911 or E911 purposes in Colorado have been available to local 9-1-1 Authorities with certain exceptions. Telephone service providers collecting 9-1-1 surcharges on wireline, contract wireless, and Voice-over-Internet-Provider (VoIP) service are authorized by CRS §29-11-103 (2) to retain 2% of the funds collected as an administrative fee.

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Similarly, surcharges on purchases of prepaid wireless minutes are subject to administrative fees. CRS §29-11-102.5 (3) (b) (I) authorizes sellers to retain 3.3%. CRS §29-11-102.5 (3) (e) (II) authorizes the Colorado Department of Revenue to retain up to 3% for actual expenses. This paragraph also authorizes the Colorado Department of Revenue to retain an additional amount up to \$400,000 in the year 2011 only for actual administrative costs necessary for the implementation of the prepaid wireless minute surcharge collection and distribution system.

Each local 9-1-1 Authority makes its own determination concerning whether to expend funds within the fiscal year or to retain them into the next year.

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.*

Local governing bodies retain the authority to approve the expenditures of 911 surcharge revenue as defined in CRS §29-11-104 (2) (a) – (c). The author of this report is not aware of any funds collected as a 9-1-1 surcharge being used for purposes other than those authorized by statute by local 9-1-1 Authorities or any Colorado state office.

7. *A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.*

As all 9-1-1 surcharge fund expenditures are determined and approved by Colorado's 56 local 9-1-1 Authorities, an exhaustive list of all activities, programs, and organizations receiving 9-1-1 surcharge funds from said local Authorities is not available.

8. *A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31 , 2011 on Next Generation 911 programs.*

In addition to specific uses of 9-1-1 surcharge funds authorized by CRS §29-11-104, paragraph (1) (E) authorizes expenditures on "...costs directly related to the continued operation of the emergency telephone service..." Insofar as a local 9-1-1 Authority determines that costs related to NG9-1-1 technology and equipment meet this criteria, then they may expend 9-1-1 surcharge funds on said technology and equipment. It is known that some local 9-1-1 Authorities have expended funds on NG9-1-1 compliant equipment within PSAPs and to install broadband connectivity between PSAPs in preparation for an anticipated future conversion to an NG9-1-1 network in Colorado, but a total amount expended on NG9-1-1 related items by all local 9-1-1 Authorities is not available.

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

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- The cost of providing emergency telephone service is not perfectly scalable in that a per-line charge provides better funding for PSAPs in highly populated areas where the surcharge is assessed against a greater concentration of telephone lines. PSAPs in these areas receive a larger remittance from surcharges and also benefit from economies of scale in terms of equipment, facilities, personnel, and training. PSAPs serving lower density areas tend to set higher surcharges to pay for the same basic services.
- It has been reported that some local 9-1-1 Authorities have experienced a decrease in local 9-1-1 surcharge revenues due to individuals “cutting the cord” on their wireline connection and only using a wireless connection. This coupled with the increased load of wireless calls by wireless users whose surcharge is tied to another jurisdiction causes emergency expenses to remain or increase while revenues decrease.
- While VoIP providers are currently required by statute in Colorado to impose a surcharge and remit collected surcharge revenue to the local governing authority, it is difficult if not impossible to know which VoIP providers are currently providing service in Colorado and in what jurisdictions. This makes it very difficult to know to what degree VoIP service providers are complying with state statute and remitting surcharge funds.
- The prepaid surcharge provisions of CRS §29-11-102.5 have generated revenues well below projections. The reasons for this are unclear, but may reflect a low compliance rate among retailers or inaccurate assumptions in the projections.



Daryl Branson, ENP MPA
Colorado 9-1-1 Resource Center



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Office of Statewide Emergency Telecommunications

July 5, 2012

Ms. Marlene H. Dortch
Office of the Secretary, Federal Communications Commission
445 12th Street, SW, Room CY-B402
Washington, D.C. 20554

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

Questions to be answered:

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).*

A1: The State of Connecticut has established a funding mechanism for the purposes of E911 support and implementation, pursuant to Chapter 518a, Section 28-24 of the General Statutes of Connecticut (CGS).

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, 2011.*

A2: Calendar year revenue for 2011, raised via the 9-1-1 surcharge on wireline, wireless and VoIP lines was \$22,413,227.85

3. *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.*

A3: E911 surcharge receipts are retained by the State in the “Enhanced 9-1-1 Telecommunications Fund” in accordance with CGS §28-30a(c). The Fund, and the interest it accrues, may be used solely to fund the expenses of the enhanced emergency 9-1-1 program. The E911 system is provided by the State to all PSAPs at no cost to the localities. The regulatory scheme adopted by the State in accordance with CGS §28-24(7)(c) also provides capital and operations subsidies to consolidated regional PSAPs and to municipal PSAPs serving population of 40,000 or more, as well as training and certification of all PSAP telecommunicators.

4. *A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.*

A4: The entity within the State of Connecticut which has the authority to approve the expenditure of funds collected for 911 or E911 purposes is the Department of Emergency Services and Public Protection (DESPPP)¹ through its Office of Statewide Emergency Telecommunications (OSET). In accordance with CGS §28-29a, the Governor appoints the membership of the E 9-1-1 Commission, which advises OSET and the DESPP Commissioner on issues relating to the E911 system.

Inasmuch as OSET is both the recipient of the E911 surcharge funds, and the only agency authorized by law to expend those funds, the State’s internal audit procedures are sufficient to ensure that E911 funds are being used for the purposes allowed. OSET’s operation is reviewed by the State 9-1-1 Commission, which convenes quarterly public meetings. In addition, the OSET budget is subjected to an annual review and rate-setting process by the Public Utilities Regulatory Authority (PURA)². In Connecticut, while the Legislature sets the maximum surcharge rate per “line”, PURA holds the statutory authority to set the per-line surcharge rate for each fiscal year up to the aforementioned “cap.” PURA convenes the rate-making procedure annually, which includes reviews of the surcharge income received by OSET during the previous year, the subscriber count data received through PURA’s reporting process, and the actual expenditures in each of the OSET line items from the previous year. Public hearings are held to accept testimony from OSET, the carriers, and the public. PURA then sets the per-line rate to a level sufficient to realize the required income for the coming year, if the rate cap has room to allow that to happen.

Enforcement or other corrective actions were neither undertaken nor required with regard to budgetary oversight for the year ending December 31, 2011.

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.*

¹ The Department of Emergency Services and Public Protection is the successor agency to the Department of Public Safety, effective July 1, 2011.

² The Public Utilities Regulatory Authority is the successor agency to the Department of Public Utilities Control, which was effective July 1, 2011, when it became a division within the Department of Energy and Environmental Protection (DEEP).

A5: All funds collected for 911 or E911 purposes during the year ending December 31, 2011 were used for the purposes designated by the funding mechanism.

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.*

A6: No funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism.

7. *A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.*

A7: During 2011, OSET provided funds to or expended funds of behalf of the following activities, programs and organizations :

- a. Equipment Maintenance and Enhancements: Existing 9-1-1 equipment maintenance, address data updates and street centerline data updates.
 - b. Subsidy funding to Regional PSAPs
 - c. Subsidy funding for Cities with populations over 40,000
 - d. Subsidy funding to support Coordinated Emergency Medical Dispatching services
 - e. Transition grant funding to enable PSAP consolidation
 - f. Network Costs: Including the cost of the E911 network and E911 database services, as well as installation and maintenance costs for the Public Safety Data Network (PSDN)³, and the emergency notification system (CTAlert)⁴.
 - g. Training and Certification of Telecommunicators, including subsidy of local training efforts.
 - h. Public Education.
 - i. Capital expenditures to improve emergency communications, available to regional PSAPs and PSAPs serving municipalities of over 40,000 population.
8. *A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.*

A: The Office of Statewide Emergency Telecommunications does classify expenditures for Next Generation 911 programs as permissible expenses for the E911 surcharge fund, and we have expended such funds. Connecticut expended \$13.07 Million for the Next Generation 9-1-1 system procurement and the construction of the Public Safety Data network on which it will be carried during the year ending December 31, 2011.

³ The Public Safety Data Network is a fiber-optic network connecting all PSAPs in Connecticut, installed for the purpose of enabling Next-Generation 911 (NG911).

⁴ The CTAlert system is a reverse notification system provided by OSET for the PSAPs to use to notify the public of emergencies or incidents requiring their attention or action.

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

A: The State of Connecticut believes that surcharges on every device that can access the 9-1-1 system is the proper way to fund the 9-1-1 system, since it is a narrowly-defined tax that is assessed only to the users of the service. As long as the statutes which prevent raiding of the segregated 9-1-1 funds continue to be observed, this would seem to be the fairest way to finance the system.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Youell', written over the word 'Sincerely,'.

William Youell
Director
Office of Statewide Emergency Telecommunications
State of Connecticut
1111 Country Club Road
Middletown, CT 06457



**STATE OF DELAWARE
ENHANCED 9-1-1 EMERGENCY SERVICES BOARD
SAFETY & HOMELAND SECURITY BUILDING
303 TRANSPORTATION CIRCLE
DOVER, DELAWARE 19901**

THE HONORABLE JACK A. MARKELL
GOVERNOR OF DELAWARE

The Honorable Lewis D. Schilliro- Chairman
The Honorable Jim Sills
Tucker M. Kokjohn
Arthur S. Lewis Jr.
Michael F. Metcalf
James E. Turner
Michael H. Vincent

Phone: (302) 744-2682
Fax: (302) 739-4874

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

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

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).

Delaware Code Title 16 Chapter 100 established the Enhanced 911 Emergency Service Board and their authority. Specifically Chapter 101 titled "Enhanced 911 Emergency Reporting System Fund" clearly establishes the funding mechanism and distribution of those funds to support the provisioning of E911 emergency reporting services.

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, 2011.

Under Delaware Code Title 16 Chapter 101 Subsection 10103 defines the monthly surcharge fee of 60 cents across the board for any telecommunications device. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011 was \$8,775,757.25.

3. 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.

Delaware Code Title 16 Chapter 101 Subsection 10104 (b) describes how disbursements from the fund are distributed to the counties. Subsection (d) of this same section clearly defines allowable uses of those collected funds.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 and 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

The Enhanced 911 Emergency Service Board has the authority to approve the expenditure of funds under Delaware Code Title 16; Section 100; Subsection 10005. This subsection defines the Board's makeup and authority. The Board employs a full-time administrator to oversee day-to-day operations. The governing statute requires the Board to perform an annual audit of the Fund by an independent auditor. Inappropriate expenditures could result in loss of funding per rulemaking authority of the E911 Emergency Services Board.

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.

All funds that have been collected by the Enhanced 911 Emergency Service Board have been made available or used for the purposes permitted by Delaware Code Title 16 Chapter 101 Subsection 10104.

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.

For the annual period ending December 31, 2011, there were no funds 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.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.


The revenue generated funds the entire 9-1-1 network and provisioning services statewide for both recurring and non-recurring costs to the Local Exchange Carrier (LEC). This encompasses all state, county and municipal based Public Safety Answering Points (PSAP). Customer Premise Equipment (CPE) upgrades were also funded for the Kent County 9-1-1 Center, Dover Police 9-1-1 Center and the Newark Police 9-1-1 Center. The Sussex and New Castle County 9-1-1 Centers are also receiving Customer Premise Equipment upgrades to be operational in the first quarter of 2012.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Absolutely. All Customer Premise Equipment (CPE) purchased within the last three (3) years has been Next Generation 911 compliant. With the Sussex and New Castle County 9-1-1 Customer Premise Equipment (CPE) phone upgrades, the entire State of Delaware's Public Safety Answering Points will be operating on Positron's Power Viper IP based equipment. The second phase of the project will be to link all the states nine (9) Public Safety Answering Points to a secured Emergency Services Internet Protocol (IP) based network together. This will lay the ground work to accept texting, pictures and streaming video through a partnership with Verizon and Intrado. Through the course of 2011 the State of Delaware has invested over \$ 2.5 million on Next Generation 911 technology.

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

No additional comments at this time.



Lewis D. Schiliro, Chairman
Enhanced 9-1-1 Emergency Services Board



RICK SCOTT
Governor

DEPARTMENT OF MANAGEMENT
SERVICES

CRAIG J. NICHOLS
Secretary

4050 Esplanade Way | Tallahassee, Florida 32399-0950 | Tel: 850.488.2786 | Fax: 850.922.6149

August 10, 2012

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

RE: PS Docket No. 09-14

Dear Secretary Dortch:

In response to David S. Turetsky's letter to Governor Scott and consistent with Section 6(f) of the NET 911 Act, the following information is being provided to the Secretary of the Federal Communications Commission (FCC) as specified in the FCC's Public Notice, DA 12-908.

1. The State of Florida has established a funding mechanism for the purposes of 911, Enhanced 911 (E911) and Next Generation 911 (NG-911) support and implementation. The legislative intent is to provide funds to counties to pay certain costs associated with their 911, E911, NG-911 systems, to contract for E911 services, and to reimburse wireless telephone service providers for costs incurred to provide E911 services. E911 fees are collected as required by Florida Statute §365.172(8) and disbursed as required by Florida Statute §365.173. Local government may not levy the fee or any additional fee on providers or subscribers for the provision of E911 service. The State E911 fee is not assessed on Indian tribal areas, and to our knowledge they do not have a separate fee collected by the service providers.
2. E911 fees are collected as required by Florida Statutes §365.172(8) and §365.173, which provide for segregation into two separate categories based on wireless and non-wireless service. The initial E911 fee and allocation percentages were set by the legislature as required by Florida Statute §365.173. The Florida E911 Board adjusts the allocation percentages or reduces the amount of the fee, or both, if necessary to assure full cost recovery, yet prevent over-recovery of costs incurred in the provision of E911 service. The current 911 fee is set at 50 cents for both wireless and non-wireless service, except as noted below in the section headed as "Non-wireless E911 Fee (Wireline and VoIP)."

The total amount of 911 fee revenue collected in calendar year 2011 was \$122,550,767. This fee revenue was collected and disbursed as wireless and non-wireless fee revenue.

3. Florida has established written criteria regarding the allowable uses of the collected funds. E911 statutory criteria established in Florida Statute §365.173 details the allowable uses of the collected E911 funds. In addition, the authorized county expenditures are detailed in Florida Statute §365.172(9).

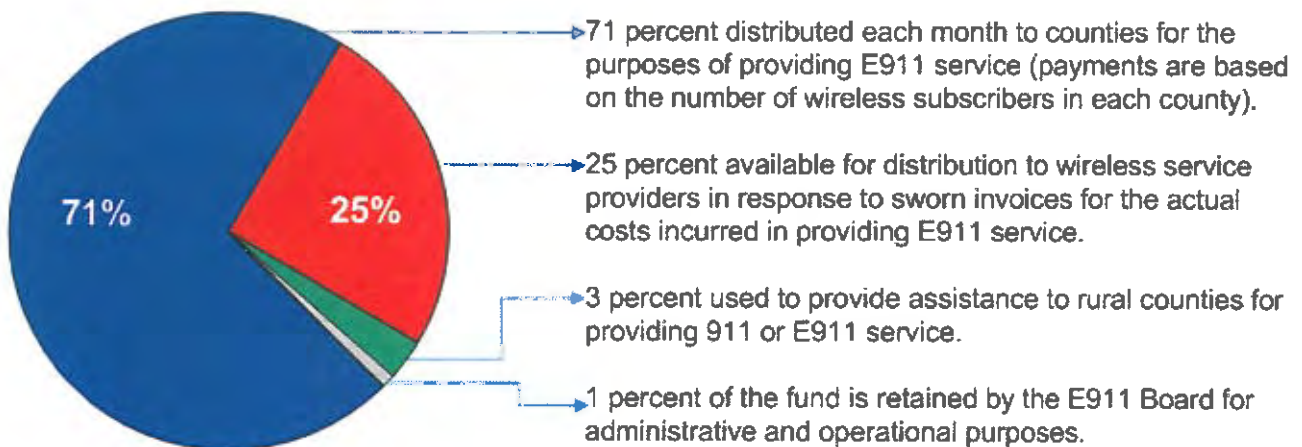
Florida's E911 Board determines how the collected funds are made available to localities. A high-level description of the distribution process is provided below and is broken out into two categories showing both wireless and non-wireless distribution.

Wireless E911 Fee

The rate of the fee is set by the E911 Board; it is capped at 50 cents per month per each service identifier. The fee is imposed uniformly throughout the state. Wireless providers collect the E911 fee from subscribers, retain a 1 percent administrative fee, and submit the remainder of collected fees to the E911 Board. The Board distributes monies back to the counties through monthly disbursements, a rural county grant program, and to wireless service providers in response to sworn invoices for E911 service.

The total amount of wireless E911 fee revenues collected in calendar year 2011 was \$77,299,279.

Current Wireless 911 Fee Allocation Percentages:

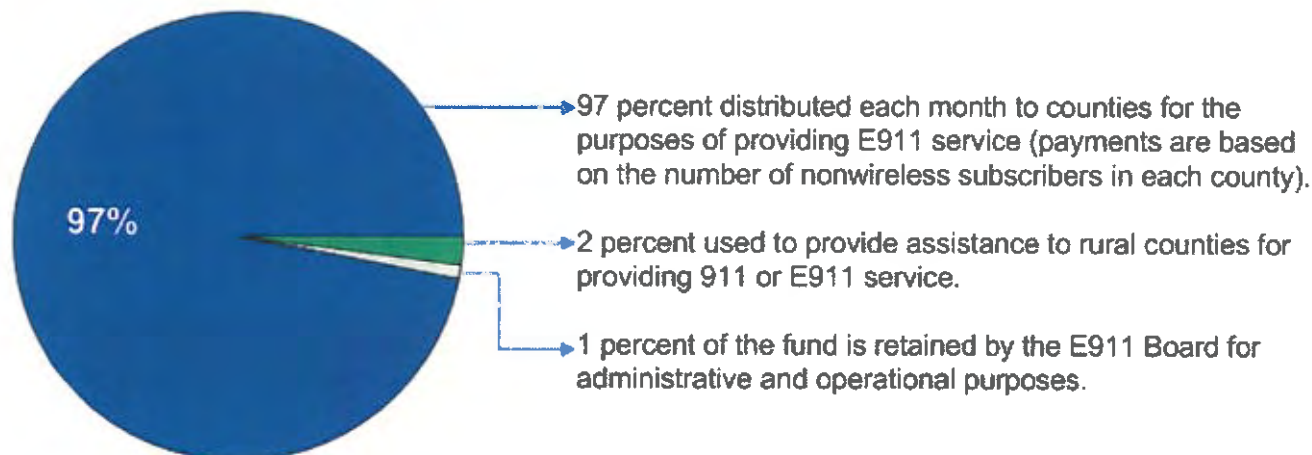


Non-Wireless E911 Fee (Wireline & VoIP)

The rate of the fee is set by the E911 Board; it is capped at 50 cents per month per each service identifier. The fee is imposed uniformly throughout the state, except for three counties (Duval, Lee, and Volusia) that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line. Non-wireless providers collect the E911 fee from customers, retain a 1 percent administrative fee, and submit the remainder of collected fees to the E911 Board, which distributes the monies back to the counties through monthly disbursements and a rural county grant program.

The total amount of non-wireless E911 fee revenues collected in calendar year 2011 was \$45,251,488.

Current Non-Wireless E911 Fee Allocation Percentages:



4. The E911 Board was established to help implement a statewide E911 system for wireless and non-wireless voice communication users. It has the authority to approve the expenditure of funds collected for 911 and E911 purposes. One of the E911 Board's primary functions is to administer, with oversight of the Department of Management Services, the funds derived from a monthly fee for each subscriber with a Florida billing address (place of primary use). The E911 Board approves disbursements from the E911 Trust Fund to county governments and wireless service providers as required by Florida Statute §365.173. Oversight procedures have been established to determine that collected funds have been made available or used for the purpose designated or otherwise used to implement or support 911. Oversight is provided at different levels throughout the process:

As part of its oversight responsibility, the E911 Board provides annual reports to the governor and the legislature on amounts collected and expended, the purposes for which expenditures have been made, and the status of E911 service in this state.

As part of its oversight responsibility, the Auditor General audits the fund to ensure that monies in the fund are being managed as required by the statutes. The Auditor General provides a report of the audit to the E911 Board and the Department of Management Services. The Auditor General has conducted the audit of the E911 Trust Fund for FY 07/2009 - 06/2010, Report Number: 2011-190, Release Date: 6/6/2011, online at www.myflorida.com/audgen/pages/pdf_files/2011-190.pdf.

Counties are required to establish a fund to be used exclusively for the receipt and expenditure of the revenues. The money collected and interest earned in the county's E911 fund is appropriated for the statutory E911 purposes by the county commissioners and incorporated into the annual county budget. The county E911 funds are included within the financial audit performed as required by Florida Statute 218.39. County E911 funds have been periodically audited by the Auditor General and the Department of Management Services Inspector General's Office. In addition, the Florida Single Audit Act establishes state audit and accountability requirements for state financial assistance provided to the counties. The Florida Single Audit Act is codified in Section 215.97, Florida Statutes.

There were no needed corrective actions undertaken in conjunction with the E911 trust fund for the annual period ending December 31, 2011.

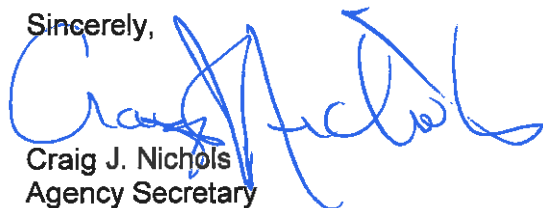
5. All of the E911 fee revenues and funds collected for 911 or E911 purposes have been made available or used for the purposes designated in Florida Statutes §365.172 and §365.173.
6. At the state level, no E911 fee revenues and funds collected for 911 or E911 purposes have been used for any other purposes other than those designated in Florida Statutes §365.172 and §365.173. Actual county spending can only be attested to at the county level. One hundred percent state auditing and oversight of spending is not provided, however, Florida Statute §365.172(9)(c) prohibits county utilization of E911 funds for purposes other than E911 purposes.
7. The Florida E911 Board, as authorized by the Florida Legislature, provides funding for each of Florida's 67 counties for E911 service; counties are the only organizations who benefit from, or expend, funds collected for 911 or E911 purposes. Activities supporting or enhancing 911 or E911 include the functions of database management, call taking, location verification, and call transfer. All costs directly attributable to the establishment or provision of E911 service and contracting for E911 services are eligible for expenditure of monies derived from imposition of the fee.
8. In 2007, Florida classified Next Generation E911 expenditures as within the scope of permissible expenditures of funds for 911 or E911 purposes. Some allowable expenditures include equipment, network, routing, and database services.

The legislature provided that counties must use the funds only for capital expenditures directly attributable to establishing and provisioning E911 services, which may include next-generation deployment. No State E911 Grants were available to any county for next-generation deployment until all counties completed Phase II of the project. As of March 31, 2008, all counties report Wireless E911 Phase I and Phase II completion. The E911 Board began awarding grants to replace and update E911 systems in April 2008. Some of the larger 2008 projects are still in progress and scheduled for completion this year with implementations including NG-911 (i2) and (i3) county solutions and NG-911 (IP) regional routing systems.

The exact dollar amount expended for Next Generation 911 systems for the annual period ending December 31, 2011, is not available; it cannot be determined without obtaining the exact expenditure information from the counties. Since 2008, the E911 Board has awarded more than \$63.1 million in State E911 Grants for E911 systems including Next Generation (IP) and Routing Systems of which more than \$14.3 million, as of the first quarter of 2012, remains to be spent. The Department of Management Services is also currently working on a technical specification project for a Statewide NG-911 (i3) routing system. Additional information on the State E911 Program and Next Generation is available on the State E911 website and in the E911 Board Annual Reports.

9. Information on Florida's funding mechanism, E911 Board information, E911 Statute links, and information on Florida E911 systems is available at <http://dms.myflorida.com> under the links for Telecommunications/Public Safety Bureau/Florida E911.

Sincerely,



Craig J. Nichols
Agency Secretary

GEORGIA EMERGENCY MANAGEMENT AGENCY
GEORGIA OFFICE OF HOMELAND SECURITY

NATHAN DEAL
GOVERNOR



CHARLEY ENGLISH
DIRECTOR

October 10, 2012

Commission Secretary
Federal Communications Commission
Washington, DC 20554

and electronic submission to
<https://esupport.fcc.gov/actonline>

Reference: PS Docket No. 09-14

Dear Secretary:

Pursuant to the Federal Communications Commission (FCC) requirement for states to submit information required by the New and Emerging Technologies 911 Improvement Act of 2008, please accept the following submission. This report has been prepared by the Georgia Emergency Management Agency/Homeland Security (GEMA/HS) on behalf of the State and signed by the Agency Director.

NET 9-1-1 ACT INFORMATION COLLECTION RESPONSE FOR July 31, 2012

- 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).
 - a) Under Georgia Code 46-5-133 a local government providing or contracting for 9-1-1 or E9-1-1 service can impose a 9-1-1 fee on all landlines and all wireless connections except prepaid wireless. The landline fee cannot exceed \$1.50 per month per telephone service under Georgia Code 46-5-134 (a) (1) (A). The wireless fee cannot exceed \$1.00 per month per wireless connection for Phase I wireless 9-1-1 under Georgia Code 46-5-134(2)(A) and \$1.50 per month per wireless connection for Phase II wireless 9-1-1 under Georgia Code 46-5-134 (2)(B).
 - b) Under Georgia Code 46-5-134.2(a) the State of Georgia imposed a 9-1-1 fee on all prepaid wireless service. The prepaid wireless provider can choose one (1) of five (5) methods of calculating this fee which amounts to the equivalent of \$1.50 per the average monthly amount of prepaid wireless service actually provided to a telephone subscriber.



- 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.
 - a) The local governments collecting the landline and wireless fees use the fees following the guidelines in 46-5-134(f). Under Georgia Code 46-5-134(M)(1) each local government collecting and expending landline and wireless 9-1-1 fees shall file an annual report of it's collections and expenditures in conjunction with the annual audit required under Georgia Code Section 36-81-7. These reports are filed with the Department of Audits.
 - b) The Emergency 9-1-1 Assistance Fund is administered by the Department of Community Affairs with input from the Governor's 9-1-1 Advisory Committee. The Governor's 9-1-1 Advisory Committee was created under Code Section 46-5-123.
 - c) There are no known enforcement or corrective actions undertaken in connection with the oversight procedures. Effective January 1st, 2012, pursuant to revisions in Georgia code 46-5-134.2, the Department of Community Affairs is replaced by the Department of Revenue.
- 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.
 - a) The landline and wireless 9-1-1 fees are collected and expended by the local governments providing 9-1-1 service. Accounting for the use of these fees is done by the local government through their annual report to the Department of Audits. Discrepancies, if any, in the use of these funds is addressed by the Department of Audits and corrected by the local government.
 - b) Under Georgia law all funds deposited in the general fund of the state treasury must be allocated for any uses other than general fund budget. In state fiscal year 2012 no funds were allocated for the Emergency 9-1-1 Assistance Fund. Effective January 1st, 2012, pursuant to Georgia Code 46-5-134.2, the mechanism for collection and distribution of funds was changed from DCA to DOR. Subsequently, new rules and policies will be in place for the next reporting period as instituted by the DOR.
- 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.

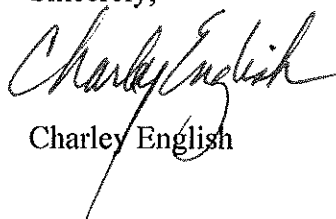
- a) The landline and wireless 9-1-1 fees are collected and expended by the local governments providing 9-1-1 service. Accounting for the use of these fees is done by the local government through their annual report to the Department of Audits. Any discrepancies in the use of these funds is addressed by the Department of Audits and corrected by the local government.
 - b) In the annual period ending December 31, 2011 \$13,700,097 was collected in prepaid 9-1-1 fees. None of these funds were allocated for 9-1-1 or E9-1-1 use.
- A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.
 - a) Georgia 46-5-134 (f) provides that funds may be utilized for actual cost recovery of wireless service providers as it relates to the provision of enhanced 911 services;
 - b) The lease, purchase, or maintenance of emergency telephone equipment, including necessary hardware, software, and data base provisioning; addressing and nonrecurring costs of establishing a 9-1-1 system;
 - c) The rates associated with the services supplier's 9-1-1 service and other service supplier's recurring costs;
 - d) The actual cost of salaries and employees of the local government solely for the operation and maintenance of the emergency 9-1-1 system and their directors;
 - e) The actual cost of training employees of local government solely for the operation and maintenance of the emergency 9-1-1 systems and its directors;
 - f) Office supplies of the Public Safety Answering Points (PSAP or 911 Centers);
 - g) The cost of leasing or purchasing a building to be utilized as a PSAP;
 - h) The lease, purchase or maintenance of computer hardware and software of a PSAP, including computer aided dispatch systems and automatic vehicle location systems;
 - i) Supplies directly related to providing emergency 9-1-1 system services;
 - j) The lease, purchase, or maintenance, of logging recorders used at a PSAP to record telephone or radio traffic;
 - k) The actual cost of insurance purchased by the local government for the risks and liability associated with the operation and maintenance of the emergency 9-1-1 system;
 - l) The lease, purchase, or maintenance of a mobile communications vehicle and equipment, if the primary purpose and designation of such vehicle is as a back-up 9-1-1 system center;
 - m) The allocation of indirect costs associated with supporting a 9-1-1 center and its operations;
 - n) The lease, purchase, or maintenance of mobile public safety voice and data equipment, geo-targeting text messaging alert systems, or towers to carry out the function of the 9-1-1 system operations; and

- o) The lease, purchase, or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility that furthers the legislative intent of providing the highest level emergency response service on a local, regional, and state-wide basis, including equipment and associated hardware and software that support the use of the public safety wireless and data communication systems.
- A statement regarding whether your state classifies expenditures on Next Generation 911 as within scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Pursuant to Georgia 46-5-134(f)(2)(b)(v), the state classifies the lease, purchase, or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility eligible as an expense if it meets the legislative intent of providing the highest level of emergency response service on a local, regional, and state-wide basis. There is not a centralized reporting mechanism for the political subdivisions to report this activity. The code section provides that the expenditures certify in its financial audit that the expenses have met the criteria set forth in the statute.
- Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 911 and E911.
- No further comments.

Please do not hesitate to contact Mr. Wayne Smith with the Georgia Emergency Management Agency/Homeland Security at 404-635-7000 or wayne.smith@gema.ga.gov should there be any questions concerning this submission.

Sincerely,



Charley English

ce/pi



GUAM FIRE DEPARTMENT
DIPATTAMENTON GUAFI GUAHAN
*Professionalism * Respect * Integrity * Dedication * Empathy*



Eddie Baza Calvo
Governor

Joey C. San Nicolas
Fire Chief

Ray Tenorio
Lt. Governor

July 24, 2012

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

**Re: Fourth Annual Information Collection Mandated by the New and Emerging
Technologies Improvement Act of 2008 - PS Docket 09-14**

Dear Mr. Turetsky,

Relative to the above referenced matter, the Government of Guam, Guam Fire Department, hereby provides the following information/statements.

- Guam's Public Law 25-55, provides the funding mechanism by authorizing the establishment of a 911 Surcharge and created an "Enhanced 911 Emergency Reporting System Fund". The funds were created to provide a source of funding for costs associated with an enhanced "911" Emergency Reporting System. It is to fund the just and reasonable expenses of operating and maintaining the "911" System.

Furthermore, Guam's Public Law 28-44, added and amended Public Law 25-55 by providing Guam's Public Utilities Commission (PUC), with the authority to establish a special surcharge protocol on commercial mobile radio service (CMRS) pre-paid accounts and to authorize the PUC to enforce and collect such surcharge.

- "911" Surcharge is paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers. The amount charged is one dollar (\$1.00) per month per access line, up to a maximum of twenty-five (25) access lines per account bill rendered for local exchange service, and one dollar (\$1.00) per month per account number for commercial mobile radio service, up to maximum of twenty-five (25) account numbers per account bill rendered per month. The total amount collected pursuant to the assessed fees or charges for the annual period ending December 31, 2011 is One-Million Seven Hundred Seventy Nine Thousand Seven Hundred Ten Dollars and 45/100 (\$1,779,710.45).

Building 1617 East Sunset Blvd., Tiyan Guam 96921
Phone: (671) 642-3454 • Fax: (671) 642-2012
Mailing Address: P.O. Box 2950, Hagåtña, Guam 96932

- Public Law 25-55 and Public Law 28-44 mandates Local Exchange Carrier (LEC) and Commercial Mobile Radio Service (CMRS) provider to collect the surcharge from their subscribers and remit the amounts collected to Guam's Department of Administration through the Treasurer of Guam, no later than forty-five (45) days after the end of the month in which the amount is collected. Further, Public Law 25-55 identifies the purpose of the fund and its allowable uses.
- Through the Government of Guam's Annual Appropriations Act, the Guam Fire Department's Fiscal Year Budget includes appropriations for the operations of the E911 System. The appropriations are based on the revenues collected and deposited in to the Emergency Reporting System Fund. GFD receives monthly or quarterly allotments from the Government of Guam's Bureau of Budget & Management Research (BBMR) for the department's operation for that particular month/quarter. The BBMR through Title 5, Chapter 1, Article 3. §1303, is responsible in ensuring that funds appropriated are made available to GFD for its intended purpose. The GFD's Fire Chief has the sole authority, with the recommendation of the department's designated Certifying Officer, in approving expenditures of the funds allocated. The Office of the Public Auditor is responsible in ensuring that funds collected were expended for the purpose of operating and maintaining the 911 System, through its annual audit. For the annual period ending December 31, 2011, there were no corrective actions taken due to non-compliance.
- All funds collected through the 911 Surcharge and deposited in the Enhanced 911 Emergency Reporting System Fund has been made available to the Guam Fire Department for the operations and maintenance of the E911 System, with the exception detailed in the statement below.
- During the annual period ending on December 31, 2011, the amount of \$486,323.28 was expended/used for purposes other than the sole and intended purposes of operating and maintaining the E911 System as specified in Public Law 25-55. The expenditures and the purposes for which the funds collected and deposited in to the Enhanced 911 Emergency Reporting System Fund, that were otherwise unrelated to E911 implementation and support, are as follows:

Lease of four (4) Ambulances-----	\$120,000.00
(Lease payments for (4) ambulances for (3) months	
@ \$40,000.00 monthly)	
Maintenance/Repair Services for SmartNet System-----	<u>\$363,323.28</u>
(Public Safety Radio Communications System)	
TOTAL	\$486,323.28

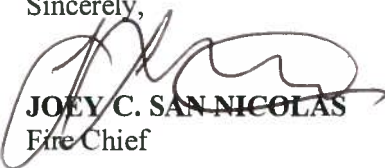
The above purposes and expenditures were in support of the operations of the Guam Fire Department and Guam's Public Safety Radio Communications System.

It is important to note, that though the above expenditures were for items other than for the intended purposes of the E911 Emergency Reporting System Fund, the Guam Fire Department was granted authorization from the Guam Legislature to utilize the funds for its operations. Guam's Public

Law 28-68, Chapter II, Part II, Section 15, appropriated the sum of \$1,235,372.00 from the the E911 Emergency Reporting System Fund for operations in Fiscal Year 2006. As a result of lapses occurring in FY-2006, the Guam Legislature, through Public Law 28-150, Chapter 5 Miscellaneous Provisions, Section 41 (a), authorized the use of these lapse funds in Fiscal Year 2007 or until exhausted. In summary, the above expenditures were from Fiscal Year 2006 lapse funds and was authorized by Guam Legislature through Public Laws.

- The Guam Fire Department (GFD), an agency of the Government of Guam has obligated and expended funds collected for E911 purposes. Through Public Law 23-77, §84121, (c), GFD was designated as the lead agency with the authority and responsibility to administer and operate the emergency 911 telephone communications system (E911). Thus, the E911 Division/Bureau was created within the Guam Fire Department. Furthermore, GFD is required, as part of its proposed annual budget, to submit personnel, supplies, equipment and other needs, to efficiently operate and maintain the E911 System. The funding needs are provided from the E911 Emergency System Reporting Funds.
- Guam's Public Law 25-55, Section 2 (d) states that the purpose of the "911 Surcharge" is to fund the just and reasonable expenses of operating and maintaining the "911" System which shall be the responsibility of the Guam Fire Department. Therefore, GFD does classify expenditures on Next Generation 911 as meeting the criteria of permissible expenditures of funds for 911 or E911 purposes. To date, no funds have been expended on Next Generation 911 programs.

Sincerely,



JOEY C. SAN NICOLAS
Fire Chief

Attachments


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

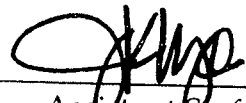
This is to certify that Bill No. 114 (EC), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2006, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," was on the 30th day of September, 2005 duly and regularly passed.

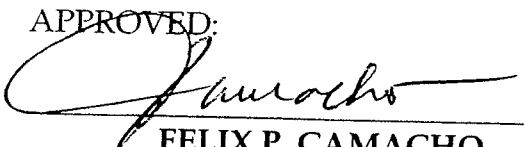

MARK FORBES
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30th day of September, 2005,
at 1:35 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 9/30/05 1

Public Law No. 28-68

1 **CHAPTER II.**

2 **PART II – PUBLIC SAFETY.**

3 **Guam Police Department**

4 **Section 1. Guam Police Department.** (a) The sum of Nineteen Million Three
5 Hundred Forty-seven Thousand Eight Hundred Ten Dollars (**\$19,347,810**) is
6 appropriated from the General Fund to the Guam Police Department for its operations
7 in Fiscal Year 2006, which shall be allocated as follows:

8 Personnel \$18,485,983

9 Operations \$ 861,827

10 (b) The sum of Three Hundred Thirty-nine Thousand One Hundred
11 Sixteen Dollars (**\$339,116**) is appropriated from the Police Services Fund to the Guam
12 Police Department for its operations in Fiscal Year 2006.

13 (c) The sum of One Hundred Twenty-six Thousand Dollars (**\$126,000**) is
14 appropriated from the General Fund to the Guam Police Department to fund training
15 and compensation for twelve (12) additional police cadets.

16 **Section 2. Guam Police Department Fuel Appropriation.** The sum of Five
17 Hundred Thousand Dollars (**\$500,000**) is appropriated from the General Fund to the
18 Guam Police Department for fuel requirements in Fiscal Year 2006.

19 **Section 3. Guam Police Department Tamuning/Tumon Precinct**
20 **Appropriation.** The sum of Six Hundred Thirty-nine Thousand One Hundred Seventy-
21 six Dollars (**\$639,176**) is appropriated from the Tourist Attraction Fund to the Guam
22 Police Department to fund its Tamuning/Tumon Precinct operations in Fiscal Year
23 2006.

24 **Section 4. Additional Overtime Appropriation.** The sum of Eight Hundred
25 Seventy-four Thousand Dollars (**\$874,000**) is appropriated from the General Fund to
26 the Guam Police Department (GPD) to fund overtime requirements for GPD. The
27 Chief of Police shall submit a report to the Speaker of *I Liheslaturan Guåhan* on the

Section 14. Forensic Science Laboratory. Within ninety (90) days of the passage of this Act, the Judicial Council shall commence efforts in all due diligence to effectuate the provisions of Section 9510 of Chapter 9.5 of Title 7 of the Guam Code Annotated, relative to the design and construction of a forensic science laboratory to be located on property of the Guam Community College which shall house the Forensic Division of the Guam Police Department. *No later than* one hundred eighty (180) days from the effective date hereof, the Judicial Council shall report to *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan* on the progress made and expected date of completion and post such report on the Judiciary website.

Guam Fire Department

Section 15. Guam Fire Department.

(a) The sum of Eighteen Million Eight Hundred Forty-one Thousand Three Hundred Eighty-seven Dollars (\$18,841,387) is appropriated from the General Fund to the Guam Fire Department for its operations in Fiscal Year 2006.

(b) The sum of Two Million Eighty-two Thousand Seven Hundred Eighty-seven Dollars (\$2,082,787) is appropriated from the Enhanced 911 Emergency Reporting System Fund to the Guam Fire Department for its operations in Fiscal Year 2006, which shall be allocated as follows:

Personnel	\$ 847,415
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Operations	\$1,235,372
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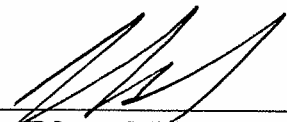
(1) The Guam Fire Department is authorized to use the funds appropriated in this Section to hire civilian personnel to staff the Enhanced 911 Emergency Reporting System, which would allow for existing uniformed firefighters within the E911 Program to transition to other firefighting service areas within the Department.

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

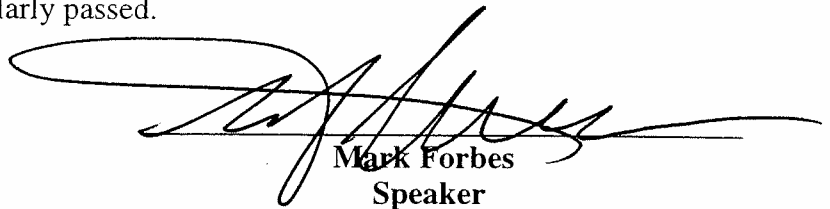
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 359(LS)**, "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, MAKING OTHER APPROPRIATIONS, AND ENACTING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," as amended, was on the 29th day of September, 2006, duly and regularly passed.


Attested:



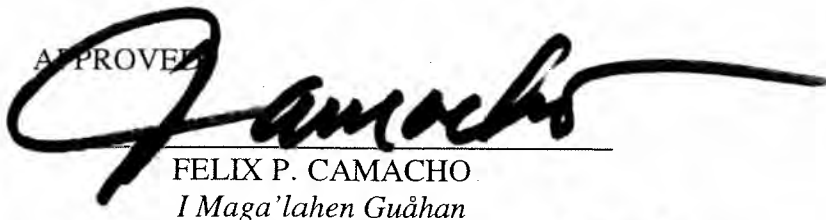
Edward J.B. Calvo
Senator and Secretary of the Legislature


Mark Forbes
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 29 day of Sept, 2006, at
11:11 o'clock 9 .M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 SEPT 2006

Public Law No. 28-I50

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1 1st Priority – Debt Service for the 1997 Infrastructure Improvement
2 Bond;

3 2nd Priority – FY 2007 appropriations to the Guam Visitors Bureau;

4 3rd Priority – All other FY 2007 appropriations.

5 **Section 40. Department of Corrections Lapsed Funds Carryover.**

6 (a) The Department of Corrections is hereby authorized to
7 use Fiscal Year 2006 lapsed funds in Fiscal Year 2007 or until
8 exhausted.

9 (b) *Not later than* October 31, 2006, the Department of
10 Corrections shall submit a report of Fiscal Year 2006 funds
11 carried over to Fiscal Year 2007 to the Speaker of *I*
12 *Liheslaturan Guahan*.

13 **Section 41. Guam Fire Department Lapsed Funds Carryover.**

14 (a) The Guam Fire Department is hereby authorized to use
15 Fiscal Year 2006 lapsed funds in Fiscal Year 2007 or until
16 exhausted.

17 (b) *Not later than* October 31, 2006, the Guam Fire
18 Department shall submit a report of Fiscal Year 2006 funds
19 carried over to Fiscal Year 2007 to the Speaker of *I*
20 *Liheslaturan Guahan*.

21 **Section 42. Guam Police Department Lapsed Funds Carryover.**

22 (a) The Guam Police Department is hereby authorized to use
23 Fiscal Year 2006 lapsed funds in Fiscal Year 2007 or until
24 exhausted.

25 (b) *Not later than* October 31, 2006, the Guam Police
26 Department shall submit a report of Fiscal Year 2006 funds

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE

465 S. KING STREET, #103
HONOLULU, HAWAII 96813

HERMINA MORITA
CHAIR

MICHAEL E. CHAMPLEY
COMMISSIONER

LORRAINE H. AKIBA
COMMISSIONER

Telephone: (808) 586-2020
Facsimile: (808) 586-2066

e-mail: Hawaii.PUC@hawaii.gov

July 16, 2012

Received & Inspected

JUL 23 2012

FCC Mail Room

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

Dear Ms. Dortch,

This responds to the letter by David S. Turetsky, Chief of the Public Safety and Homeland Security Bureau, dated June 19, 2012 requesting information to fulfill the Federal Communications Commission's obligations under Section 6(f) (2) of the New and Emerging Technologies 911 Improvement Act of 2008 ("NET 911 Act") to detail the status of the collection and distribution of fees and charges assessed for the purpose of providing 911 and enhanced 911 services.

The following responses address each of the inquiries made by the Public Safety and Homeland Security Bureau:

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: By Act 159, Session Laws of Hawaii 2004, Hawaii established a monthly wireless E911 surcharge, which is imposed upon each commercial mobile radio service connection. Through Act 168, SLH 2011, effective July 1, 2011, the surcharge was renamed the "E911 surcharge", and is imposed on each "communications service connection", thereby expanding the collection of the surcharge to any telecommunications connection, regardless of technology, except for (a) connections provided by the local public utility providing landline service, (b) connections billed to federal, state and county government entities, and (c) prepaid connections. At present, the surcharge is \$0.66 per month. The Fund is administered by the E911 Board ("Board") that was formerly known as the Wireless Enhanced 911 Board.

In addition, wire line carriers assess a monthly statewide 911 Emergency Service Surcharge of \$0.27 per telephone access line to pay for local enhanced 911 emergency services. HRS section 269-16.95 provides the public utility with the authority to recover the capital and operational costs for providing statewide enhanced 911 emergency services and requires the identification of the surcharge as a separated line item on the customer's bill. The \$0.27 fee is based on a filing by Hawaiian Telcom, Inc., the Incumbent Local Exchange Carrier ("ILEC") and subsequent approval by the Hawaii Public Utilities Commission ("HPUC").

For your reference, Chapter 138 HRS is enclosed as Attachment 1 and Section 269-16.95 is enclosed as Attachment 2.

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, 2011.

Response: The total amount collected pursuant to the assessed fees and charges, for the annual period ending December 31, 2011 are approximately \$1,100,000 collected from the surcharge of \$0.27 per connection from wire line carriers and \$8,655,031 collected from the surcharge of \$0.66 per connection from wireless carriers, a combined total of \$9,755,031.

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

Response: The amounts collected by the Board are used to reimburse Public Safety Answering Points ("PSAPs") solely for their:

"Reasonable costs to lease, purchase, or maintain all necessary equipment, including computer hardware, software, and database provisioning, required by the public safety answering point to provide technical functionality for the wireless enhanced 911 service pursuant to the Federal Communications Commission order [issued in Docket No. 94-102 governing wireless enhanced 911 service]".
[Section 138-5(a) HRS]

The Board reimburses PSAPs for capital and operational expenses to provide wireless E911 services upon: (a) written requests submitted to the Board, in the form prescribed

by the Board; (b) review by the Board's technical and finance committees to ensure necessity and prudence of expenditure and adequacy of moneys in the Fund; and (c) approval of a majority of the Board at a publicly noticed Board meeting.

The amounts collected by the ILEC are to be used for 911 and E911 services as set forth by the Hawaii Public Utilities Commission Decision and Order No. 13950, which is enclosed as Attachment 3.

The Board provides oversight for the reimbursements that are paid to the PSAPs for wireless E911 services. The Board must provide an annual written report to the Hawaii State Legislature detailing:

- a. The total aggregate surcharge collected by the State in the last fiscal year;
- b. The amount of disbursement from the Fund;
- c. The recipient of each disbursement and a description of the project for which the money was disbursed;
- d. The conditions, if any, placed by the Board on disbursements from the Fund;
- e. The planned expenditures from the Fund in the next fiscal year,
- f. The amount of any unexpected funds carried forward for the next fiscal year;
- g. A cost study to guide the legislature towards necessary adjustments to the Fund and the monthly surcharge; and
- h. A progress report of jurisdictional readiness for wireless E911 services, including public safety answering points, wireless providers, and wire line providers.

Additionally, the Hawaii State Legislature establishes the annual expenditure ceiling for the Board when it reviews the budget proposed by the Department of Accounting and General Services, since the Board is administratively attached to the department.

4. 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Response: The State of Hawaii has the authority to approve the expenditure of funds collected for E911 purposes. The State has delegated this responsibility to the Board.¹

¹HRS 138-2

The Board has established the following procedures that are required before funds are disbursed:

- a. Annual Wireless E911 Fiscal Strategic Budget Planning - all anticipated expenditures from the fund are reviewed for conformity with HRS 138 and that the total fiscal year budget is within the ceiling imposed by the State Legislature before receiving final approval from the Board.
- b. Technical Committee - was formed by the Board to provide additional oversight to ensure that all reimbursements to the public safety answering points (PSAP) and wireless service providers (WSP) conform to the requirements set forth in HRS 138-5 prior to receiving Board approval.
- c. Finance Committee - was formed by the Board to provide additional oversight of all cash receipts and disbursements and to assure that all requested expenditures are properly funded in accordance with the Annual Wireless E911 Strategic Plan Budget and Board policy and procedures prior to receiving Board approval.
- d. Board Approved Internal Controls - the procedures for the handling of cash receipts and disbursements.
- e. Monthly Cash Receipts and Disbursement Reporting - each month a detailed report of cash receipts and disbursements is reviewed at a public meeting with the Board and Finance Committee meetings.
- f. Financial Audit - is performed by an independent audit firm every two years to determine whether the fund is being managed in accordance with HRS 138-5. The Board may use the audit to determine whether the amount of the surcharge assessed on each commercial mobile radio service connection is required to be adjusted. The result of the audit is presented at the Board and Finance Committee meetings. The Board maintains the authority to perform a financial audit at any time it feels necessary.²
- g. Annual Financial Report - is submitted to the legislature and provides a detailed accounting of all receipts and disbursements for the fiscal year.³
 - (1) The total aggregate surcharge collected by the State in the last fiscal year;
 - (2) The amount of disbursement from the Fund;
 - (3) The recipient of each disbursement and a description of the project for which the money was disbursed;
 - (4) The conditions, if any, placed by the Board on disbursements from the Fund;

² HRS 138-7

³ HRS 138-6

- (5) The planned expenditures from the Fund in the next fiscal year;
- (6) The amount of any unexpected funds carried forward for the next fiscal year;
- (7) A cost study to guide the legislature towards necessary adjustments to the Fund and the monthly surcharge; and
- (8) A progress report of jurisdictional readiness for wireless E911 services, including public safety answering points, wireless providers, and wire line providers.

The Department of Accounting and General Services' Annual Report to the Legislature is enclosed as Attachment 4.

Additionally, the Hawaii State Legislature establishes the annual expenditure ceiling for the Board when it reviews the budget proposed by the Department of Accounting and General Services, since the Board is administratively attached to the department.

The Hawaii Public Utilities Commission, as the regulator of the ILEC, provides oversight for the public utility. Reviews of all rates and surcharges are conducted during rate cases initiated before the Hawaii Public Utilities Commission. For the annual period ending December 31, 2011, there was no enforcement or corrective actions undertaken in connection with the oversight of the ILEC's wire line E911 Emergency Service \$0.27 surcharge administration.

- 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.

Response: The State of Hawaii have made available all funds collected for E911 purposes for purposes designated by the funding mechanism as described in HRS 138-5, HRS during the annual period ending December 31, 2011.

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

Response: No funds collected for 911 were made available or used for other purposes.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit the State of Hawaii, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes were made available or used.

Response: The State of Hawaii E911 Board approves disbursement of 911 funds for the county PSAP's for the operation, maintenance, and planning for emerging technologies to ensure the public has access to 911 in times of need.

Calendar year 2011

ITEM	Hawaii County PSAP	Kauai County PSAP	Maul County PSAP	City & County of Honolulu PSAP	TOTAL
EXPENDITURES	\$1,594,187	\$4,279,117	\$1,021,345	\$890,154	\$7,784,803

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 programs, and if so, how much your State has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Response: The E911 Strategic Budget Plan provides that "the State of Hawaii is part of the national movement to transition to Next Generation 911 system to significantly improve emergency response, saving lives and reducing property damage. Next Generation 911 enables the public to send texts, photos, videos, and other data to 911 centers just as the public is able to communicate with each other today....

"The State of Hawaii Wireless 911 service has graduated ...to Wireless Phase II maintenance and Enhanced 911 expansion phase. This wireless maintenance and expansion phase has opened the door for the PSAPs to start receiving New and Emerging Technology 911 services such as Voice over Internet Protocol (VoIP) and Telematics emergency services. These new 911 services are already being delivered to the PSAPs and must be

Ms. Marlene H. Dortch
July 16, 2012
Page 7

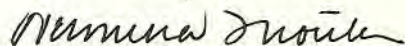
addressed in an expeditious manner to keep pace with the demands for Enhanced 911 response and dispatch by the PSAPs."⁴

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

Response: Governor Neil Abercrombie recently signed legislation to create a single state entity responsible for the coordination of enhanced 911 services in Hawaii. Hawaii's law, Act 168, SLH 2011, amended Chapter 138 of the Hawaii statutes in order to broaden the role of oversight to include all 911 in the state of Hawaii. The Board is tasked with funding "the development, deployment, and sustaining of E911 service, including funding future E911 technologies".

The Hawaii Public Utilities Commission is always happy to oblige to requests from the Federal Communication Commission. For any questions regarding this letter, please contact Mr. Richard Van Drunen at 808-586-2043.

Sincerely,



Hermina Morita
Chair

HM:MW:gb

c: David S. Turetsky
Chief, Public Safety and Homeland Security Bureau

The Honorable Neil Abercrombie
Governor of the State of Hawaii

The Honorable Dean H. Seki
Comptroller, Department of Accounting and General Services

⁴The Department of Accounting and General Services' Annual Report on the Wireless Enhanced 911 Board for the Period July 1, 2010 through June 30, 2011.



July 29, 2012

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Washington, D.C. 20554

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

Dear Mr. Turetsky:

In response to your letter addressed to Governor Otter, and the information requested in PS Docket No. DA 10-240, the Idaho Emergency Communications Commission (IECC) submits the following information.

Your correspondence requested:

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or a regional corporation therein as defined by Section 6(f)(1) of the NET 9-1-1 Act, has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E9-1-1 support or implementation (including a citation to the legal authority for such mechanism).

Idaho Response:

In 1988 the Idaho Legislature passed the Emergency Communication Act, Title 31, Chapter 48 to authorize funding to support implementation of consolidated emergency communications systems through the governance of Idaho counties or by the creation of 9-1-1 service areas. All 9-1-1 fee collections are done at the county level with the exception of the five (5) cities that were providing 9-1-1 services prior to the enactment of the statute. These cities are given allocations by the counties in which they are located or collect fees directly from the providers.

Pursuant to Idaho Code 31-4803, a county must get voter approval to institute an emergency communications fee in an amount no greater than one dollar (\$1.00) per month per "telephone line". The Act has been amended in recent years to include assessing the fee on both wireless and Voice over Internet Protocol (VoIP) service and now uses the term "access line" to indicate that all technology that is able to provide dial tone to access 9-1-1 is mandated to collect the fee.

In 2008, the Idaho Legislature promulgated the implementation of an Enhanced Emergency Communications Grant Fee that was signed into law by the Governor and became Idaho Code §31-4819. This additional fee can be imposed by the boards of commissioners of Idaho counties in the amount of \$0.25 per month per access line to be contributed to the Enhanced Emergency Communications Grant Fund. The funds are distributed via a grant

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Association of Idaho Cities
621 Cleveland Blvd., Caldwell 83605
(208) 455-3011, gnancolas@ci.caldwell.id.us

Rep. Rich Wills — Vice Chairman
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(208) 484-0403, wills550@aol.com

Captain Bill Gardiner
Idaho State Police
700 S. Stratford Dr., Meridian 83642
(208) 846-7555, bill.gardiner@isp.idaho.gov

Chief Scot Haug
Idaho Chiefs of Police Association
1717 E. Polston Ave., Post Falls, ID. 83854
(208) 773-6364, scot@postfallspolice.com

Lan Smith
Idaho Association of Counties
415 E. Main St., Emmett 83617
(208) 477-2018, commissioners@co.gem.id.us

Sheriff Chris Smith, Canyon County
Idaho Sheriffs Association
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(208) 454-7515, csmith@canyoncounty.org

Chief Martin Knoelk
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Vacant
Idaho Prosecuting Attorneys Association

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Idaho EMS Chiefs Association
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Michele Carreras, Treasurer
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VACANT
Wireline

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(208) 699-5366, jim@jrcda.com

**Andy Snook, Deputy Attorney General and
Ex-Officio Member**
954 W. Jefferson Street, 2nd floor, Boise 83720
(208) 334-4105, andy.snook@ag.idaho.gov



process governed by the IECC. Thirty-six Idaho counties have begun assessing the enhanced fee. The total amount of funds collected for the Enhanced Emergency Communications Grant Fund is \$1,809,574.83 for the year ending December 31, 2011. \$535,301.17 of this fund has been awarded to ten counties.

Your correspondence requested:

2. The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E9-1-1 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011. 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.

Idaho Response:

The total amount of fees collected by Idaho counties for the year ending December 31, 2010 was \$17,013,000.00 . As of January 2009 all counties are collecting the emergency communications fee in the amount of \$1.00 per month per access line. The Enhanced Emergency Communications Grant Fund will be distributed via a grant process outlined in Idaho Administrative Code IDAPA 15.06.02) with the third distribution from the fund beginning in September 2011. As of today's date there are thirty-six (36) counties collecting the Enhanced Emergency Communications Grant Fee and the IECC is actively working to gain support and participation from the remaining nine counties.

All 9-1-1 funds are collected by the counties from the service providers. Section 31-4804(5) Idaho Code, governs the use of the fees collected for 9-1-1. The statute provides the fees shall be used only to pay for the lease, purchase or maintenance of emergency communications equipment for basic and enhanced consolidated emergency systems, including necessary computer hardware, software, database provisioning, training, salaries directly related to such systems, cost of establishing such systems, management, maintenance and operation of hardware and software applications and agreed-to reimbursement cost of telecommunications providers related to the operation of such systems. All other expenditures necessary to operate such systems and other normal and necessary safety or law enforcement functions including, but not limited to, those expenditures related to overhead, staffing, dispatching, administrative and other day to day operational expenditures, shall continue to be paid through the general funding of the respective governing boards as specified in Idaho Code §31-4804(5)

Your correspondence requested:

3. 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.
4. A statement identifying any entity in your State that has the authority to approve the expenditures of funds collected for 9-1-1 or E9-1-1 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 9-1-1 or E9-1-1.

Idaho Response: 3 & 4

The authority to approve the expenditure of 9-1-1 funds in the State of Idaho is controlled at the county level by the boards of county commissioners or a joint powers board pursuant to Idaho Code §31-4809. The statute provides as follows:

“The county treasurer of each county or the administrator for a 9-1-1 service area in which an emergency communications system has been established pursuant to this chapter shall establish a fund to be designated the emergency communications fund in which all fees collected pursuant to this chapter shall be deposited and such fund shall be used exclusively for the purposes of this chapter. The moneys collected and the interest earned in this fund shall be appropriated by the county commissioners, or governing board, for expenses incurred by the emergency communications system as set forth in an annual budget prepared by the joint powers board, or in their absence, the county commissioners and incorporated into the annual county budget.”

The counties are mandated by statutes other than the Emergency Communications Act to perform annual audits on all county funds. The emergency communications funds or 9-1-1 funds are accounted for separately under an emergency communications fund but are included in the county audit process. A third party auditor conducts the annual audits for the counties at the county level. The counties are governed by a wide array of state statutes and administrative rules in the process and content of the audits.

Your correspondence requested:

5. A statement whether all the funds collected for 9-1-1 and E9-1-1 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 9-1-19-1-1 or E9-1-19-1-1.

Idaho Response:

The funds collected for 9-1-1 or E9-1-1 are used to finance the installation, maintenance, operation, enhancement and governance of consolidated emergency systems as well as enhanced consolidated emergency systems pursuant to Idaho Code section 4801(2)(b). These funds are collected, appropriated and used for consolidated emergency communications systems at the county level except for the five cities that also have 9-1-1 services.

Your correspondence requested:

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

Idaho Response:

All of the funds collected are mandated for use by counties in accordance with Idaho Code §31-4804(5). No audit-driven report has been received by the IECC indicative or conclusive of any misuse of funds and there is no knowledge of misuse.

Your correspondence requested:

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 or E911 services or enhancements of such services.

All funds are received at the local level. The only money received at the State level is thru the 25 cent grant fund. That fund is given back out in grants for PSPA's requesting funding to upgrade 911 hardware and software to make systems Next Generation ready.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

The State does classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes. Our expenditures are thru the 25 cent grant fund and we awarded \$535,302.17 to ten counties to assist in their movement to Next Generation equipment.

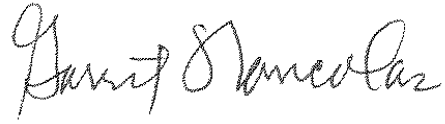
9. Any other comments you may wish to provide regarding the applicable funding mechanism for 9-1-1 or E9-1-1.

Idaho Response:

The state and counties in Idaho enjoy a form of shared governance of authority and control over 9-1-1 related funding. A political climate of local control and independence is prevalent in our citizens and units of local government, and there are drastic differences in the state geography, resource availability, and population density. Since the IECC was created in 2004, the Commission has worked with local government and their state associations to find solutions to bring E9-1-1 services to the rural areas throughout Idaho. We believe that the Enhanced Emergency Communication Grant Fund we can be successful in making sure that all of our citizens are able to access the vital public safety services through 9-1-1 regardless of where they choose to live, work and recreate in our state. We also realize that without new funding through the NET 9-1-1 Act or other mechanisms even more stress will be added to a local and state economy and funding system that is already stretched to its limits. Movement to Next Generation 9-1-1 will be difficult if not impossible in the absence of additional appropriations.

Thank you for the opportunity to provide you information about 9-1-1 and E9-1-1 funding in Idaho. If the IECC or I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, reading "Garret Nancolas". The signature is written in a cursive style with a large, stylized 'G' and 'N'.

Garret Nancolas, Chairman
Idaho Emergency Communications Commission

State of Illinois



ILLINOIS COMMERCE COMMISSION

July 31, 2012

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

VIA ELECTRONIC AND U.S. MAIL

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

Dear Secretary Dortch,

The Illinois Commerce Commission has been requested by Governor Pat Quinn to respond on behalf of the State to the FCC's information collection request pursuant to the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), Section 6(f)(2).

Attached please find a signed verification and the response to the survey as requested. If any additional information is needed please feel free to contact me at (217) 782-4911.

Sincerely,

A handwritten signature in cursive script that reads "Marci Schroll".

Marci Schroll
9-1-1 Program Manager
Illinois Commerce Commission

Cc: Governor Pat Quinn

State of Illinois
July 31, 2012

FCC's Information Collection Mandated by the
New and Emerging Technologies Improvement
Act of 2008

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

The State of Illinois has enacted three separate statutes which establish different funding mechanisms for wireline and wireless 911/E911 service.

Wireline:

The Emergency Telephone System Act, 50 ILCS 750/1 et seq., (hereafter "ETSA") authorizes units of local government (counties or municipalities) to hold referenda to establish emergency telephone system boards (hereafter "ETSBs") and impose wireline surcharges to fund the creation of 911 systems. 50 ILCS 750/15.3. In the event a county or municipal referendum is passed and a surcharge imposed, the ETSB sets up its own 911 system, either alone or pursuant to an intergovernmental agreement with one or more other ETSBs. 50 ILCS 750/15.4. Each ETSB jurisdiction imposes and manages a separate wireline 9-1-1 surcharge for its system, the amount of which is set by the referendum described above. Id. Wireline surcharges in Illinois range from \$.30 to \$5.00. The appropriate surcharge is collected by wireline telecommunication carriers serving in an ETSB's jurisdiction, and is then remitted directly to the ETSB by the carrier. 50 ILCS 750/15.3(g). Carriers are permitted to keep 3% of surcharge funds collected to defray administrative costs. Id.

Wireless:

The Wireless Emergency Telephone Safety Act, 50 ILCS 751/1 et seq., (hereafter "WETSA") established a state funding mechanism and surcharge for wireless 911 / E911 service. State statute imposes a wireless surcharge of \$.73, which is collected from wireless subscribers by wireless carriers throughout the state, excluding the City of Chicago. 50 ILCS 751/17. Wireless carriers remit surcharges thus collected to the Illinois Commerce Commission (hereafter "ICC"), which disburses wireless surcharge funds to the appropriate ETSBs, based on zip codes of wireless subscribers' billing addresses. The statute requires that the \$.73 surcharge be divided between two special funds in the State Treasury. 50 ILCS 751/17(b). The Wireless Carrier Reimbursement Fund

receives \$.1475 of each surcharge while the Wireless Service Emergency Fund receives \$.5825 of each surcharge. Id. Additionally up to \$.01 per surcharge can be used by the ICC to recover its administrative costs. Id.

The Wireless Carrier Reimbursement Fund was established to reimburse wireless carriers for any costs they have incurred (upon submission of sworn invoices) in complying with the applicable provisions of Federal Communication Commission's wireless 911/E911 service mandates. 50 ILCS 751/35. Additionally, under 50 ILCS 751/17, \$.01 per surcharge can be disbursed to the carriers to cover their administrative costs. Id.

The Wireless Service Emergency Fund was established to make monthly grants to the appropriate ETSBs based on zip codes of wireless subscribers' billing addresses. 50 ILCS 751/25

The sole governmental entity not subject to this surcharge regime is the City of Chicago, which is authorized by state statute to enact a municipal ordinance that imposes upon wireless subscribers a surcharge of up to \$2.50 per month, to be collected by carriers and remitted directly to the City. 50 ILCS 751/45. The City of Chicago has adopted an ordinance imposing a surcharge in that full amount. Chicago Municipal Code Sec. 7-50-020(A).

Prepaid Wireless:

On August 19, 2011, the State enacted the Prepaid Wireless 9-1-1 Surcharge Act, 50 ILCS 753/1 et seq, which, beginning January 1, 2012, requires imposition of a 1.5% point of sale charge for prepaid wireless transactions in Illinois except for the City of Chicago. 50 ILCS 753/15(a). The rate applicable to transactions in the City of Chicago is 7%. 50 ILCS 753/15(a-5). The funds realized from the 1.5% surcharge are collected from subscribers at the point of sale and deposited by the Illinois Department of Revenue into the Wireless Services Emergency Fund to be allocated to 9-1-1 systems in a prorated manner based upon zip codes of "post paid" wireless customers, and are to be used for 9-1-1 services. 50 ILCS 753/15(c). After certain technical corrections have been made to the statute, the surcharge funds allocated to the City of Chicago will be disbursed on an ongoing basis to the City by the Illinois Department of Revenue.

- 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, 2011.

Wireline:

There are approximately 194 authorized 911 systems in the State of Illinois today that are run by the local governmental authorities/ETSBs. As stated above, 911 systems are generally funded by surcharges established by local municipal or

county referenda. However, the ETSB for each 911 jurisdiction is responsible for managing and making all critical decisions for its system design, maintenance and daily operations. 50 ILCS 750/15.4. Additionally, the sole responsibility of authorizing 911 expenditures lies with the ETSB in each jurisdiction. Id. Nothing in the ETSA grants the ICC authority to mandate, authorize or prohibit expenditures of surcharge funds by any ETSB. Furthermore, the ICC does not in the ordinary course receive information regarding wireline revenue or budgetary information from ETSBs and cannot provide specific information regarding the aggregate annual wireline surcharge collected by all ETSBs in the state.

Wireless:

As noted above, the State of Illinois requires postpaid wireless carriers to remit a surcharge of \$.73 per customer, per month, or 1.5% at the point of sale for prepaid customers. Wireless carriers pass the postpaid cost on to their customers through an explicit surcharge on customers' bills. 50 ILCS 751/17. As further noted above, the City of Chicago is exempt from this requirement and maintains its own program; it is permitted to collect a surcharge of \$2.50 per connection, which as noted is assessed and collected independently of the state funds. For calendar year 2011, the state collected approximately \$71.9 million through this surcharge, exclusive of that assessed in the City of Chicago. Of this amount, \$57.4 million was deposited into the Wireless Services Emergency Fund and \$14.5 million was deposited to the Wireless Carrier Reimbursement Fund.

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

Wireline:

The ETSA specifies that the wireline surcharge must be applied on each network connection and billed by the Local Exchange Carriers and VoIP providers who provide service in the local 9-1-1 jurisdiction's area. Once collected, the carriers are allowed to deduct 3% of the gross amount of the surcharge for administrative fees. The carriers are then obligated to remit the surcharge back to the appropriate county or municipality that instituted the surcharge no later than 30 days after the surcharge is collected.

The ETSA also specifies what constitutes allowable expenditures of surcharge funds by 911 systems. These are described in Section 15.4(c) of ETSA, 50 ILCS 750/15.4(c), which, in general summary, limits uses of surcharge funds to: (1) the design of an emergency telephone system; (2) preparation of a Master Street Address Guide; (3) repayment of properly incurred advances; (4) charges for necessary equipment; nonrecurring charges to establish network connections; (5) payment for street signs necessary to system implementation; and (7) other necessary equipment and personnel specifically related to 911. The City of

Chicago is authorized to use funds for anti-terrorism purposes or emergency preparedness. 50 ILCS 750/15.4(c)(8).

Wireless:

As noted above, the wireless surcharge for the State of Illinois is \$.73 per wireless subscriber. Of the \$.73 postpaid wireless surcharge collected, \$.1475 goes to the Wireless Carrier Reimbursement Fund, from which wireless carriers are permitted to seek reimbursement for their 911 related expenses. Pursuant to statute, such funds can be used "to reimburse wireless carriers for all of their costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 service mandates". 50 ILCS 751/35. As a general matter, in order to receive a reimbursement, the carriers are required under Section 729.510 of the rules to submit invoices to the Illinois Commerce Commission detailing their expenses and how they are related to providing 911 services.

The remaining \$.5825 of each postpaid surcharge, and the entire prepaid surcharge after administrative costs, are deposited into the Wireless Services Emergency Fund. These funds are distributed on a monthly basis to authorized 9-1-1 governmental entities, typically ETSBs that provide wireless 911 services. The funds are to be used for "the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points... [.]". 50 ILCS 751/20. The funds are disbursed to the proper entities by subscriber zip code; each entity owns a zip code, or a portion of a zip code, and receives the funds generated from that area, 50 ILCS 751/25. Additionally, up to 1 cent of the amount deposited into this fund can be used by the Illinois Commerce Commission to cover its administrative cost, see 50 ILCS 751/17 (b).

- 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.

There are 194 authorized 9-1-1 systems in the State of Illinois. As noted above, each system is managed by an ETSB which has the authority to approve the expenditures of wireline and wireless surcharge funds for 911 purposes only, to the extent authorized by statute. County or municipal auditors appear charged with providing such financial oversight.

The ICC is responsible for disbursement of funds from the Wireless Services Emergency Fund to the qualified ETSBs. However, each individual ETSB is responsible for ensuring those funds are used for their intended purposes.

As stated in its answer to question 2, the ICC engages in some level of oversight of 911 related expenses claimed by wireless carriers. In order to receive reimbursement, the carriers must provide documentation detailing their expenses and explaining how it is related to providing wireless 911 services.

- 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.

Wireline:

As previously stated, the wireline surcharge in each jurisdiction is set by referendum and administered by municipal or county ETSBs. The ICC does not, in the ordinary course of business, have access to the financial records necessary to analyze such a request, nor to make any statement on behalf of any county or municipal ETSB charged with this responsibility.

Wireless:

The ICC was not charged by statute with administration of the Wireless Services Emergency Fund or Wireless Carrier Reimbursement Fund prior to July 2004, and therefore is unable to address this question with respect to any collections or disbursements made from either fund prior to that date. In November of 2004 the state made a \$253,000 "administrative chargeback" to the fund. Transfers that occurred during State fiscal year 2011 are required to be repaid to that fund within eighteen months in the event of sweeps or transfers. 30 ILCS 105/5h(b).

Funds have been diverted from the state's Wireless Carrier Reimbursement Fund to the General Revenue Fund, but this is primarily due to the accumulation of a large fund balance because wireless carriers either have not requested reimbursement for 911 related expenses, or are not incurring such expenses as would be reimbursable under the statute. Funds diverted in State Fiscal Year 2011 are required to be repaid within 18 months. The first two diversions have been paid on schedule and the third diversion is due to be repaid in September 2012.

A new state statute took effect on January 1, 2008 which directs the ICC to review the Wireless Carrier Reimbursement Fund on an annual basis. See, 50 ILCS 751/35(e). Funds that have not been disbursed to wireless carriers within two years are transferred to the Wireless Services Emergency Fund for disbursement to ETSBs. The last transfer, which occurred in August of 2011, resulted in an additional \$2.4 million becoming available for disbursement to the 911 systems. This annual transfer is intended to ensure that unused "carrier" 911 funds go to ETSBs instead.

- 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.

Wireline:

As previously stated, the wireline surcharge funds are administered and expended by county or municipal ETSBs, but surcharge funds may only be used for purposes authorized by state law. Since the funds are controlled by county or municipal ETSBs, the ICC has no information regarding whether any local ETSB has diverted these funds for uses other than those for which they were intended by law.

Wireless:

During state fiscal year 2012, \$2,908,000 was legislatively transferred out of the Wireless Services Emergency Fund. The state is not required to return those funds as was required during fiscal year 2011.

During state fiscal year 2011, as permitted by statute under 30 ILCS 105/5h, the State borrowed from the Wireless Carrier Reimbursement Fund on three occasions. It borrowed:

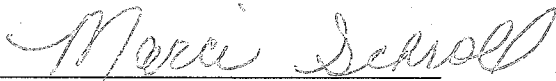
- \$1,114,000 on October 29, 2010. This was repaid in April of 2012.
- \$302,000 on December 1st, 2010. This was repaid in May of 2012.
- \$5,249,500 on March 21st, 2011. This sum must be repaid within 18 months of that date.

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

In November 2011, the Commerce Commission settled litigation with a provider of prepaid wireless services, pursuant to which the provider made a one-time \$1.1 million payment into the Wireless Services Emergency Fund and Wireless Carrier Reimbursement Fund, in settlement of litigation regarding the constitutionality and applicability of the prepaid wireless surcharge law as it existed prior to the Prepaid Wireless 9-1-1 Surcharge Act, 50 ILCS 753/1, *et seq.*, taking effect.

VERIFICATION

I, Marci Schroll, first being duly sworn upon oath, depose and say that I am the 9-1-1 Program Manager, of the Illinois Commerce Commission and that I have read the above and foregoing survey by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.



Marci Schroll
9-1-1 Program Manager
Illinois Commerce Commission

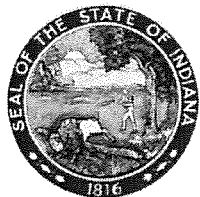
Subscribed and sworn to before me

This 31st day of July, 2012.



NOTARY PUBLIC, ILLINOIS





**STATE OF INDIANA
OFFICE OF THE TREASURER
INDIANAPOLIS**

**Richard Mourdock
TREASURER OF STATE**

**Office: Indiana Wireless 9-1-1 Board
10 West Market Street, Suite 2980
Indianapolis, Indiana 46204
(317) 234-2507**

July 18, 2012

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

Re: Fourth Annual Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008.

Sir,

Please find included in the electronic filing the information requested by your agency in a letter addressed to Governor Mitch Daniels. As the Indiana State Treasurer I also serve as Chairman of the Indiana Wireless E9-1-1 Advisory Board. Should you have any questions please feel free to contact Barry Ritter, ENP, the Executive Director of the Indiana Wireless E9-1-1 Advisory Board at (317) 234-2507 or britter@IN911.net.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Mourdock", written over a horizontal line.

Richard Mourdock
Treasurer, State of Indiana

Cc:
Governor Mitch Daniels
Connie Lawson, Indiana Secretary of State
Chairman, Indiana Utility Regulatory Commission

1. The State of Indiana has established a mechanism to fund 9-1-1, E9-1-1 and NG9-1-1 services. The authority to fund these services for landline and VOIP devices is established by Indiana code (IC 36-8-16).

Sec. 5. (a) Subject to the limitations provided in section 6 of this chapter, the fiscal body of a county may adopt an ordinance to impose a monthly enhanced emergency telephone system fee for each exchange access facility used in the county. (b) If a county fiscal body decides to impose a countywide fee and establish a countywide enhanced emergency telephone system, the county shall allow all public emergency response agencies in the county to participate in the enhanced emergency telephone system. The fee must be sufficient to pay the cost of the installation and operation of the enhanced emergency telephone system for all participating agencies. (c) If a county fiscal body does not impose a fee under subsection (a), the legislative body of a municipality in the county may petition the county fiscal body to adopt an ordinance to impose a fee. If the county fiscal body does not respond to the petition within ninety (90) days, the legislative body of the municipality may adopt an ordinance to impose a fee for each exchange access facility used in the municipality, subject to section 6 of this chapter. If a county, in response to a municipality's petition, decides to impose a countywide fee, installation of the system must begin within one hundred eighty (180) days of the adoption of the ordinance. If installation has not begun within that time period, the county's response is void and the municipality may adopt an ordinance to impose a fee. (d) If a county fiscal body decides to impose a countywide fee after a municipality has imposed a fee, the municipality's fee ordinance is superseded by the county ordinance and is void. However, the fee imposed by the county must include funds sufficient to meet the outstanding obligations of the municipality for the enhanced 911 system.

Funding authority for wireless 9-1-1, E9-1-1 and NG9-1-1 is established by Indiana Code (IC36-8-16.5-25.5) (b) and IC 36-8-16.6 Sec 11:

(b) Except as provided in section 34 of this chapter, the board shall assess a monthly wireless emergency enhanced 911 fee on each standard user that is a customer having a place of primary use in Indiana. A customer's place of primary use shall be determined in the manner provided by IC 6-8.1-15.

Sec. 11. (a) Subject to section 22 of this chapter, the board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010.

2. The wire line fees are remitted by each communication service provider to each of the 92 counties in Indiana. 9-1-1 funds are audited annually by the Indiana State Board of Accounts and the 2011 figures will not be made available until late 2012. Counties self-reported 2010 wire line revenue at approximately \$ 43.3 million.

The State of Indiana collected an estimated \$30 million in Wireless 911 fees in the 2011 calendar year.

3. Wire line and VOIP fees are remitted directly to the Auditor in each of the 92 counties in Indiana. The auditor shall deposit the revenue in a non-revolving account titled for the purpose of wire line 9-1-1. Wireless fees are collected by the State Treasurer's office for the State of Indiana and through two funding formulas distribute the funding to the Auditor in each of the 92 counties. The Auditor shall deposit the revenue in a non-revolving account titled for the purpose of wireless 9-1-1. Wireless distribution is made by authority of IC 36-8-16-5-39. Prepaid wireless revenue is collected at the point of sale and remitted by the retailer to the Indiana Department of Revenue. The Treasurer's office then sweeps the account at the Department of Revenue to be included in the monthly wireless distributions.

4. All 9-1-1 revenue received by a local unit of government either from landline, VOIP or wireless devices have restricted uses. IC 36-8-16-13 Deposit of fees into emergency telephone system fund: "A county treasurer or municipal fiscal officer to whom enhanced emergency telephone system fees are remitted under section 12 of this chapter shall deposit the fees in a separate fund. The fund shall be known as the (insert name of county or municipality) emergency telephone system fund. The county treasurer or municipal fiscal officer may invest money in the fund in the same manner that other money of the county or municipality may be invested. The county treasurer or municipal fiscal officer shall deposit any income earned from such an investment in the fund".

IC 36-8-16-14 Use of fees; annual report by county to municipality operating PSAP; audits by state board of accounts; report to regulatory flexibility committee

Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:

(1) Except as provided in subsection (c), the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and database provisioning;

(2) The rates associated with the service suppliers' enhance emergency telephone system network services;

(3) The personnel expenses of the emergency telephone system;

(4) The lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; and

(5) An emergency telephone notification system under IC 36-8-21.

The legislative body of the unit may appropriate money in the fund only for such expenditure.

(b) This subsection applies to a county that:

(1) Imposes a fee under section 5 of this chapter; and

(2) Contains a municipality that operates a PSAP (as defined in IC 36-8-16.5-13).

Not later than January 31 of each year, the county fiscal body shall submit to each municipality described in subdivision (2) a report of all expenditures described in subsection (a) paid during the immediately preceding calendar year.

(c) The state board of accounts shall audit the expenditures of emergency telephone system fees made during each of the following calendar years by each unit that imposed a fee under section 5 of this chapter during the following calendar years:

(d) The state board of account annually shall audit the expenditures of emergency telephone system fees made during the immediately preceding calendar year by each unit that imposes a fee under section 5 of this chapter. The state board of accounts shall conduct the first audits required by the subsection with respect to expenditures of emergency telephone system fees made during the calendar year ending December 31, 2008.

(e) In conducting the audits required under subsections (c) and (d), the state board of accounts shall determine whether the expenditures made by each unit are in compliance with:

(1) subsection (a); and

(2) section 15 of this chapter, as appropriate

In accordance with IC 36-8-16.5-24 the Indiana Wireless Board is further audited on an annual basis by an independent auditing firm.

Sec. 24. (a) The board shall select a third party to audit the fund every two (2) years to determine whether the fund is being managed in accordance with this chapter. The board shall pay for an audit by the third party auditor as an administrative cost of the board. (b) Every two (2) years, the board shall review wireless 911 service in Indiana, including the collection, disbursement, and use of the wireless emergency enhanced 911 fee assessed under section 25.5 of this chapter. The purpose of the review is to ensure that the 911 fees: (1) do not exceed the amount reasonably necessary to provide adequate and efficient wireless 911 service; and (2) are used only for the purposes set forth in this chapter. The board shall adopt a review conducted under this subsection.

All funds that have been collected by the State of Indiana for 9-1-1, E9-1-1 and NG9-1-1 purposes have been made available for the purposes statutorily designated. Wire line and wireless revenues are restricted by statute for allowable expenses within 9-1-1. The accounts are audited annually by the Indiana State Board of Accounts and any ineligible expenses are identified and reported to the county's fiscal body.

5. Funds allocated and appropriated from the county 9-1-1 fund are the responsibility of the county fiscal body. Eligible expenses are defined by statute (IC 36-8-16; 36-8-16.5) and are subject to an annual audit. State Board of Accounts is responsible for auditing and noting ineligible expenses from the fund. The board is not aware of any 9-1-1 revenue not being made available for PSAPs at the county level.

The Indiana Wireless E9-1-1 Advisory Board is responsible for the maintenance and operation of the statewide public safety ESInet and the administration of the fund. The board is restricted to the use of the revenue and is audited annually. All revenue collected by the board is made available for statutory responsibilities.

6. The Indiana Wireless E9-1-1 Advisory Board is not aware of any 9-1-1 funding being used at the county level for expenditures not authorized by law. The Indiana State Board of Accounts maintains the authority of auditing 9-1-1 expenditures at the local level. Questionable expenditures are identified and remedied at the county level.

The Indiana Wireless E9-1-1 Board has not used 9-1-1 revenue for anything not authorized by law.

7. The Indiana Wireless E9-1-1 Advisory Board only collects and distributes revenue from wireless communication service providers. IC 36-8-16.5-41 states, "A PSAP shall use it distribution made under section 39 of this chapter for the lease, purchase, or maintenance of wireless enhanced emergency telephone equipment, including: 1) necessary computer hardware, software, and data base equipment; 2) personnel expense and training; 3) the provision of wireless enhanced service; or 4) educating consumers about the operations, limitations, role and responsible use of enhanced 911 service.

The use of wire line revenue is restricted by statute. (Refer to answer for question #4).

8. Current law supports the use of wireless revenue for the purchase or implementation of a NG 9-1-1 platform to include hardware, software, etc. The Indiana Wireless Board continues to upgrade our public safety ESInet components with technology that could be considered as NG9-1-1 compatible. The existing network is equipped to accept texting platforms, telematics crash data, and video. The PSAPs in Indiana are not all equipped to accept these communication technologies. Specific financials for NG 9-1-1 expenditures for Indiana are not reported.

9. During the 2012 session of the Indiana General Assembly, lawmakers enacted a new law (effective July 1, 2012) which changes the definition of telecommunication service providers required to collect 9-1-1 fees; the mechanisms for collection and distribution of funding; the eligible expenses; the auditing and reporting requirements; and the penalties for ineligible expenditures of 9-1-1 funds.



STATE OF IOWA

TERRY E. BRANSTAD
GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

DEPARTMENT OF PUBLIC DEFENSE
IOWA HOMELAND SECURITY AND
EMERGENCY MANAGEMENT DIVISION
MARK J. SCHOUTEN, ADMINISTRATOR

July 31, 2012

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

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

Dear Mr. Turetsky:

Please accept this letter as the State of Iowa response to your letter requesting information in regard to the collection and expenditure of fees or charges established by the states in connection with 911/E911 services.

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

The State of Iowa E911 Program has an established funding mechanism for the purpose of E911 support or implementation under Code of Iowa, Chapter 34A.7 for wire line and under 34A.7A for wireless. Administrative Rules 605-Chapter 10 is the corresponding implementing rule for the E911 program.

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, 2011. 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.

Code of Iowa, Chapter 34A.7A(1)(a) – a monthly surcharge of up to sixty-five cents to be imposed on each wireless communications service number provided in the state. For the annual period ending December 31, 2011, the State of Iowa E911 Program collected \$17,418,245 in revenues from the wireless surcharge. Funds collected are made available to localities based on Code of Iowa, Chapter 34A.7A(2)(f)(2) – twenty-five percent of the total amount of surcharge generated per calendar quarter is allocated based on call counts and the square miles of the service area for each county.

Wire line surcharge funds may be used for recurring and non-recurring costs under Code of Iowa, Chapter 34A.2 (e). Code of Iowa, Chapter 34A.7 addresses wire line surcharge, included in this mailing is the current map showing the wire line surcharge collected by each county. 34A.7 (5) describes the use of moneys in fund—priority and limitations on expenditures for wire line surcharge. Wire line surcharge is collected by the local exchange carriers and remitted to the county Joint E911 Service Board for implementation. For the annual period ending December 31, 2011, wire line revenues collected totaled \$13,246,008.

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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011:

Code of Iowa Chapter 34A.2A – the administrator of the homeland security and emergency management division of the department of public defense shall appoint an E911 program manager to administer this chapter.

The program manager must submit a calendar quarter report of the revenues and expenses of the E911 Program to the fiscal services division of the legislative services agency. The government oversight committee reviews the priorities of distribution of funds at least every two years. An Annual Report is submitted to the legislative government oversight committee advising the general assembly which includes an accounting of the revenues and expenses of the E911 program. The E911 program is audited on an annual basis by the State Auditor's office.

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.

The State of Iowa E911 program has used the wire line and wireless surcharge funds in accordance with Code of Iowa Chapter 34A for the purposes designated for surcharge collection and remittance for the implementation and support of the State of Iowa E911 services.

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.

The State of Iowa E911 program has never used the wire line or wireless surcharge funds collected for any other purpose other than the ones designated by the funding mechanism designated in Code of Iowa, Chapter 34A.7 and 34A.7A.

6. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has activities, programs, and organizations support 911 and E911 services or enhancements of services.

Wireless 911 surcharge funds were used as a match for the NHTSA E911 Grant. The NHTSA grant was utilized to begin development of a Next Generation 911 network for wireless 911 in the State of Iowa. Wireless funds were also used as a match for a PSIC grant to assist in the purchase of a mobile 911 unit to be used after a catastrophic event.

7. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

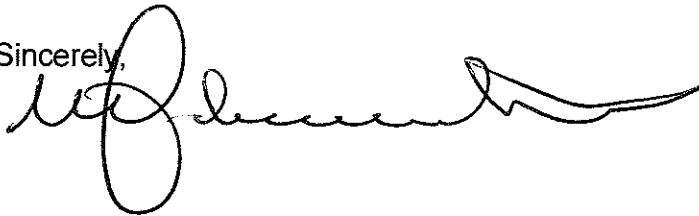
Code of Iowa Chapter 34A.7A.2(3)(g) allows for funds to be used to fund future Phase 2 network and public safety answering point improvements. Approximately \$167,000 was expending in the annual period ending December 31 2011 on the Next Generation 911 program.

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

No additional comments

Please feel free to contact our office if additional information is need or if we can be of further assistance.

Sincerely,



Mark J. Schouten, Administrator
Iowa Homeland Security and Emergency Management



**911 Coordinating Council
Walter Way, Chair**

July 30, 2012

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

Re: PS Docket No. 09-14 Data Request to State of Kansas

TO: Public Safety and Homeland Security Bureau:

The following information is provided in response to the request sent to Kansas Governor Sam Brownback under authority of PS Docket No. 09-14 and specifically in reference to the FCC's collection of information regarding fees collected by states or other jurisdictions in connection with 911/E911 services.

The 2011 Kansas legislature passed the "Kansas 911 Act" which updated the statutory framework and authority for providing 911 service in Kansas communities and which was intended to prepare for the transition to Next Generation 911 (NG911) service. The Act established a 911 Coordinating Council whose 26 members have broad responsibilities for monitoring the delivery of 911 services in Kansas, for development of strategies for future enhancements to the 911 system, and for distribution of available grant funds to local jurisdictions. Governor Brownback signed the Act on May 18, 2011 and the majority of its provisions went into effect on January 1, 2012.

The following statements are in response to the eight (8) subject areas contained in the FCC's request for information.

- 1. A statement as to whether or not your state, or any political subdivision,....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.**

Prior to 2012, Kansas law authorized up to a \$.75 per month 911 tax on wireline exchange telephone service accounts; a total of \$.50 per month wireless enhanced 911 fee and grant fee on wireless telephone service accounts, and a total of \$.50 per month VoIP enhanced 911 fee and grant fee on IP based telephone service accounts. The statutory reference for imposing such 911 tax and fees were Kansas Statutes Annotated (KSA) 12-5302, 12-5324, 12-5330, 12-5355, and 12-5356. Those statutes restricted the use of 911 funds to implementation, operation, maintenance and upgrade of 911 services. All of those statutes were rescinded effective January 1, 2012.

Effective January 1, 2012, the Kansas 911 Act authorized a uniform 911 fee of \$.53 per month per subscriber account of any exchange telecommunications service, wireless telecommunications service, VoIP service, or other service capable of contacting a Public Safety Answering Point (PSAP). The statutory authorization for imposing these fees is KSA 12-5369. The Act also imposed a prepaid wireless 911 fee of 1.06% per retail transaction as authorized in KSA 12-5371. All of these 911 fees imposed under the Act may be expended only for purposes related to the provision of 911 service and the applicable statute directing how such funds may be expended is KSA 12-5375.

- 2. The amount of fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.**

All Kansas PSAP jurisdictions were requested to file a report for 2011 that documented all 911 revenues and expenditures for each jurisdiction. Of the one-hundred and eighteen (118) PSAPs in the state, ninety-six (96) PSAPs reported a total of \$16,676,013.32 in 911 taxes and fees received as well as \$5,449,923.32 in 911 state grant funds awarded to those jurisdictions under 75,000 population, for a total of \$22,125,936.64 in 911 revenues. Those PSAPs reported a total of \$17,407,107.24 in 911 expenditures in 2011. 911 revenue information from the remaining twenty-two (22) PSAPs which did not report financial information for 2011 cannot be readily determined as 911 taxes collected on exchange telephone service were directly remitted in 2011 to PSAPs by telecommunications carriers and such revenues were not reported to a central entity at the state level. Beginning in 2012, all 911 revenues collected by service providers are remitted to the Local Collection Point Administrator (LCPA) at the state level.

- 3. 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 collected funds, including the legal citation to such criteria.**

Prior to 2012, the 911 tax on exchange telephone service was imposed by county or municipal jurisdictions and such tax funds were directly remitted by service providers to those jurisdictions. 911 fees assessed upon wireless telephone service and VoIP service were each comprised of two separate statutory \$.25 per month fees collected by service providers. A \$.25 fee was remitted to the state grant fund administered by the Kansas Secretary of Administration and a \$.25 fee was remitted to the LCPA for distribution to individual PSAP jurisdictions. Statutes in existence prior to 2012 provided criteria for allowable uses of those funds.

Beginning in 2012, all 911 fees collected by service providers are remitted to the LCPA at the state level and are then distributed to PSAPs based upon the criteria set out in KSA 12-5374. Those 911 fees may only be expended for the allowable uses set out in KSA 12-5375.

The Act also provides for specific allowable uses of 911 state grant funds in KSA 12-5368.

- 4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing**

enforcement or other corrective actions taken in connection with such oversight, for the annual period ending December 31, 2011.

Each PSAP jurisdiction has the authority to expend the 911 funds remitted to it by the LCPA in accordance with the restrictions imposed by the applicable Kansas statutes. The 911 Coordinating Council has the authority to award 911 state grant funds in accordance with the allowable uses in the statute. Oversight procedures in place to evaluate whether 911 funds were expended for allowable uses include the annual financial reporting by PSAPs to the 911 Coordinating Council in which PSAPs document the types of expenditures made with 911 funds, and a review process by the Council to review expenditures for compliance with the allowable uses in statute. The 911 Act also provides for a process to initiate a penalty to PSAPs for inappropriate use of 911 funds. The review of reported 2011 expenditures by PSAPs revealed a predominantly appropriate use of 911 funds. A small dollar amount of expenditures by several PSAPs needed further explanation and these expenditures are currently under review by the Council. If those expenditures are found to be inappropriate, action will include education on the requirements of the law and recommended reimbursements to local 911 funds.

- 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.**

As stated above, review of reported 911 expenditures by PSAPs in 2011 support that 911 funds have been spent for intended and allowable purposes set out under the authorizing statutes, and the few questioned uses of small expenditures are undergoing review to determine compliance. As a matter of policy and practice, 911 funds have not been diverted to uses not authorized by law.

- 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.**

As a matter of law and of practice, 911 funds may not be used for purposes not allowed in statutes and are to be used solely for the implementation and provision of 911 service in Kansas. The amount of 911 expenditures reported by PSAPs for 2011 that are undergoing Council review for determination of allowable use are very minimal in dollar amount and were directly associated with the operation of PSAPs.

- 7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 or E911 services or enhancements of such services.**

The 911 Coordinating Council has established guidance upon the usage of 911 monies by local jurisdictions and published that guidance on its web site at www.kansas911.org. Such guidance builds upon the allowable uses set out in the 911 Act and generally states that 911 funds may be used for equipment, software, GIS databases, network services, technical support services, hardware and software

maintenance, PSAP staff training, telecommunications services, radio and data systems, Computer Aided Dispatch systems, and other equipment and services that have a direct relationship to a PSAP receiving, processing and transmitting a 911 call to emergency responders. 911 funds support the provision of 911 related services by the 118 PSAPs in the State of Kansas and are not made available to other programs or organizations that are not involved in the delivery of 911 related services.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures for funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your State has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

The 911 Act of 2011 does provide authorization for the expenditure of 911 funds for the implementation of Next Generation 911 services. 911 fees were not expended upon Next Generation 911 programs in 2011.

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

We have no other comments concerning our funding mechanisms for 911 and E911.

The above responses were prepared by Walter Way, Chair of the 911 Coordinating Council that was established under the Kansas 911 Act. Questions concerning this response may be directed to Mr. Way either by e-mail at wway@jocogov.org or by mail to: Kansas Association of Counties, 300 SW 8th Avenue, Topeka, Kansas 66603.

Sincerely,



Walter Way, Chair



Steven L. Beshear
Governor

OFFICE OF THE GOVERNOR
KENTUCKY OFFICE OF HOMELAND SECURITY
Office of the 911 Coordinator/
CMRS Board

Joe Barrows
Executive Director

200 Mero Street
Frankfort, Kentucky 40601
502-564-3911 Fax 502-696-5295
cmrsboard.ky.gov

July 30, 2012

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

Re: Fourth Annual Information Collection

Dear Mr. Turetsky,

This letter is in response to the Fourth Annual Collection of Information mandated by the 2008 BET 911 Act as it relates to 911 funds and the uses of those funds in the Commonwealth of Kentucky.

This response was prepared by the Office of the State 911 Coordinator and is numbered to correspond to the nine numerical requests for information in your letter.

- 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).**

Kentucky statutory law provides that local governments (cities or counties) may by local ordinance provide for landline 911 and E911 services and provides options on how to raise revenues to pay for the service. Most local governments opt for a set 911 landline fee to be collected by the phone company which provides local service to that community as an addition to the customer's regular phone bill. No minimum or maximum amount is specified. Kentucky has 120 counties. All but ten have adopted a local landline fee, ranging from a low of 32¢ to a high of \$4.50. Most range from \$1.50 to \$2.50 per month. One county uses a percentage of the phone bill; another has a property tax rate for 911 service. See--KRS 65.760.

There is an emerging interest at the local government level to explore new ways to raise revenue for 911 services. This interest is occurring because of the decrease in the number of landline phones and the corresponding decrease in local derived from 911 landline fees. Total decrease in landlines may be as much as 25% (from 2.4 million to 1.8 million) in the last decade.

The 'interest' has included eliminating the landline 911 fee and replacing it with a fee collected on utility bills (water or electric) or property tax.

In KRS 65.7621 et seq. the legislature established a state 911 fund administered by the Kentucky CMRS Board in response to the FCC Order No. 94-102, which requires wireless 911 service to be available. The fund is fueled by a 911 surcharge on each CMRS connection (cell phone) in the state. The statute currently provides for a fixed surcharge of 70¢ per "postpaid" connection per month and a choice of methods for calculating the surcharge for "prepaid" connections.

Recent data shows that the options for prepaid providers to calculate the fees results in a disparity in the level of support per device between postpaid (at \$.70 per device per month) and prepaid (average of \$.39 per device per month). This is an unintended consequence of the 2006 amendments to our statutes which created the 'prepaid' options. It 'short changes' 911 funding from wireless fees to the state by an estimated \$3.5 million annually.

2.) The amount of fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.

Local landline fees are not currently required to be reported to a central authority in terms of the total amount raised in each county. A recent survey (not yet completed) suggests that the total raised statewide through local landline fees is roughly \$32 million.

The state 911 fee per CMRS connection per month generated in round numbers \$24.5 million in calendar year 2011. The amount collected has leveled off in the last three fiscal years, after steadily increasing each of the first ten years, suggesting a cell phone market nearing saturation. See—KRS 65.762.

3.) 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.

Funds raised locally by landline fees are appropriated and accounted for through the local government's fiscal process. There is broad statutory language in KRS 65.760 (3) that directs that all revenues "shall be expended solely for the establishment, operation and maintenance of a 911 emergency communications system."

The state 911 wireless fee is collected by all phone companies providing wireless service either by adding the 70¢ fee to a customer's monthly bill (postpaid customers) or by using other statutory options available to calculate amounts due from "prepaid" connections.

The funds collected from wireless providers are remitted to KY's CMRS Board monthly. The Board on a quarterly basis sends out roughly 69% of the funds directly to "certified" PSAPs via a formula that is half "pro rata" (every PSAP gets the same) and half "volume" (PSAPs in jurisdictions with more cell phones get more money). An additional 10% of the CMRS fund is used to provide grants that are also directed back to the local PSAPs.

The balance of the funds are divided--- a.) Carriers retain 1.5% for "collecting" the fee b.) 2.5% of the balance goes to the Board's administrative account and c.) about 17% is placed in a statutory mandated "Cost Recovery" program which reimburses carriers for verified costs associated with developing and maintaining Phase II wireless system.

As to the CMRS funds, there are "written criteria regarding allowable uses of the collected funds" See KRS 65.7631(3) and for more specificity see the regulation in 202 KAR 6:090--- **Permitted Uses by PSAPs for CMRS Funds**.

In general the money must be spent only for 911 purposes inside the 911 facility.

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

The local government which established basic landline 911 and E911 has the authority to approve the expenditure of funds raised through the landline fee established locally through their budget process.

Many local communities have established local 911 authorities or advisory boards to coordinate and manage the provision of 911 service. By memorandum of agreements they may have some authority to recommend or approve expenditures.

The CMRS Board has no statutory oversight authority as to local landline funds. Annual County audits of all funds are done under the auspices of the State Auditor of Public Accounts, but the CMRS Board has no knowledge as to whether the audit includes detailed review of the use of local 911 funds.

For CMRS funds the Board has direct authority of the expenditures of grant funds and, as mentioned above, has the authority to promulgate regulations which describe specific allowable expenditures for those funds that are sent by formula to "certified" PSAPs.

The Board is required by statute to acquire the services of an independent auditor to, among other things, audit the PSAPs that receive CMRS funds to determine if funds were expended only for permissible purposes. The Board requires that corrective action be taken for any audit finding that CMRS funds were expended for an impermissible purpose. There are 116 certified PSAPs; not all are audited each year. The audit process randomly selects about one-third of the PSAPs a year for audit.

- 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.**

All funds collected by the CMRS Board have been made for the purpose designated by the funding mechanism and other-wise used for the implementation or support of 911 and E911. Though subject to the ultimate authority of the legislature in the budgeting process, the CMRS legislation in KRS 65.7627 states emphatically that “moneys in the CMRS fund shall not be the property of the Commonwealth and shall not be subject to appropriation by the General Assembly. Moneys deposited or to be deposited in to the CMRS fund shall not: (1) be loaned to the commonwealth or to any instrumentality or agency thereof; (2) be subject to transfer to the commonwealth or any agency or instrumentality thereof, except for purposes specifically authorized by KRS 65.7621 to 65.7640; or (3) be expended for any other purpose other than a purpose authorized by KRS 65.7621 to 65.7643.”

- 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.**

The CMRS Board has no statutory oversight authority as to local landline funds. Annual County audits of all funds are done under the auspices of the State Auditor of Public Accounts, but the CMRS Board has no knowledge as to whether the audit includes detailed review of the use of local 911 funds.

No CMRS funds were used for purposes other than purposes related to 911 or E911 implementation support as provided in KRS 65.7621 et seq.

- 7.) **A statement identifying with specificity all activities, programs and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs and organizations support 911 or E911 services or enhancement of such services.**

The expenditure of funds collected for 911 or E911 purposes by the Kentucky CMRS Board is controlled by a statutory formula.

The “organizations” which receive the greatest share of funds are the local PSAPs which have been ‘certified’ by the Board as meeting the statutory and regulatory standards required to receive (and appropriately deliver) a wireless 911 call. Roughly 70% of the \$25 million collected annually is sent directly back to PSAPs which use it to pay for day to day operational costs—including payments to vendors of service of equipment, personnel costs and more as prescribed in regulation. These “organizations” are the guts of 911 service, answering the public’s 911 calls and dispatching the appropriate responder. Certified PSAPs include all 16 state police posts throughout the state.

Roughly 17% of wireless funds expended by the Board go to Carriers for a mandated “cost recovery” program which allows companies to be reimbursed for approved invoices related to their costs for providing equipment used to deliver 911 calls.

A 2.5 % portion of funds collected from the states wireless 911 fees goes to pay the CMRS Board ‘administrative budget’. (Board members are not compensated but reimbursed for their expenses). These amounts pay for staff (3) salaries and basic office expenses. They are also used for ‘contracts’ for 1) statewide mapping, 2) geo-audits of local PSAPs (quality assurance) 3) legal services. The Board has instituted lawsuits to collect ‘unremitted fees’ from providers of prepaid services and has judgments totaling over \$5.5 million (on appeal) and 4) consulting services for the development of and migration to a statewide ESI Network (Next Generation 911).

8.) A statement regarding whether your State classified expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 program.

KRS 65.7625 requires the State Administrator of the CMRS Board to “coordinate and assist in the implementation in advancements of new technology in the operation of emergency telecommunication in the state.” That statute along with KRS 65.7629, “Powers and Duties of the Board,” has been interpreted by the Board to allow expenditure of funds on Next Generation 911 elements without the specific use of “Next Generation 911” in statutory language.

The Board has spent money on developing a State 911 plan that contemplates migrating to a NG911 delivery system; development of an NG911 ESINetwork, and Applications and Appliances. Requests for Proposals, Proof of Concepts exercises related directly to ‘networking connections,’ hosting and remoting and transferability of 911 calls –all NG911 elements.

Expenditures have totaled about one million dollars.

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

Once the CMRS Board and wireless 911 were up and operating the system existed in a relatively low key and "status quo" mode for a few years (2004-2009). With both state and local budgets being extremely tight, with revenues from CMRS 911 fees leveling off due to cell phone saturation, with aging equipment at PSAPs and new demands emerging from the move to NG911 there exists now, just below the surface, an increasing pressure regarding 911 resources which will ultimately negatively impact the stability of 911 systems. There are often differences between landline and wireless fees; a large segment of wireless service (prepaid) may not pay a 911 fee at all or may do so at a level that is not equivalent to the "post paid" fee. Finally, new communications methods may not be supporting the system at all. Resources and efforts should be focused on ensuring that all devices capable of initiating a 911 call contribute to the support of the system and at an equivalent and adequate level of support.

Research had confirmed that of the three sources of funding 911 in Kentucky –local revenue from 911 landline fees; state revenue from 911 wireless fees and local 'general funds' spent for 911 services, the smallest contribution comes from "wireless" and equals only about 20% of the cost.

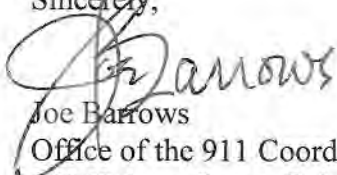
In Kentucky the largest contribution to payment for 911 service is coming from local government's general funds', with landline fees, though shrinking, contributing the next largest amount.

Since 75% of 911 calls now are initiated by cell phones, the case can be made that the cell phones are not paying their share of the cost.

In addition to this information the Office of the State 911 coordinator provides responses to the annual federal survey conducted by the Nation 11 Resource Center.

Please let us know if we can be of additional service.

Sincerely,



Joe Barrows
Office of the 911 Coordinator
125 Holmes Street, Suite 310
Frankfort, KY 40601
(502)564-3911
www.cmrsboard.ky.gov



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

THOMAS L. WELCH
CHAIRMAN

DAVID P. LITTELL
MARK VANNOY
COMMISSIONERS

KAREN GERAGHTY
ADMINISTRATIVE DIRECTOR

July 11, 2012

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

Ref: PS Docket No. 09 -14

Dear Ms. Dortch,

Please find below the responses for the State of Maine in compliance with the NET 9-1-1.

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

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

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

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.

An E9-1-1 surcharge of .45 per line/per month is levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service customers, interconnected voice over Internet protocol service customers and semipublic coin and public access lines. The surcharge may not be imposed on more than 25 lines or numbers per customer billing account, except that this limitation does not apply to prepaid wireless telephone services. Additionally, the surcharge is applied to prepaid wireless transactions at point of sale.

For the annual period ending December 31, 2011, \$8,416,235 of surcharge was collected.

3. 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.

The Emergency Services Communications Bureau was established to implement and manage E9-1-1. The funds are not made available to localities as they are all used to support a statewide system. See MRSA Title 25 §2926.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight for the annual period ending December 31, 2011.

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

There have been no enforcement or other corrective actions undertaken in connection with such oversight for the annual reporting period ending December 31, 2011.

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.

For the year ending December 31, 2011, all E9-1-1 funds collected were made available or used for the purposes designated by the funding mechanism.

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.

In accordance with P.L. 2009 Chapter 213 and P.L. 2009 571, \$24,568 was transferred from the E9-1-1 Fund to the General Fund as part of personnel service reduction initiatives.

It is not known what the exact uses of the funds were once transferred to the General Fund.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The State of Maine has a statewide E9-1-1 system. The Emergency Services Communication Bureau administers the program, which includes a contract for E9-1-1 Services. This contract provides for a single end-to-end E9-1-1 system that serves every municipality and Indian Reservation in the state. It includes network, database services, CPE at each of the 26 municipal, state or county PSAPs, and 24 x 7 support and maintenance. There is no funding that flows through to the PSAPs or to municipalities, counties or state agencies for other purposes.

For calendar year 2011, funds were expended for the following activities:

- *Administrative expenses of the Emergency Services Communication Bureau*
- *Statewide Contract for E9-1-1 Services*
- *Quality Assurance Program*
- *E9-1-1 Community Addressing and Mapping Support*
- *Training for E9-1-1 Call Takers and Dispatchers*
- *Emergency Medical Dispatch training and administrative costs*
- *Reimbursement of telephone companies for ALI data base provisioning*

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state as expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Although the statute does not expressly permit expenditures of funds for Next Generation 9-1-1, it has not been challenged. We plan to clarify the issue in the upcoming legislative session. No funds were expended on Next Generation 9-1-1 programs in the annual period ending December 31, 2011.

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

None at this time.

Sincerely,



Karen Geraghty
Administrative Director



Department of Public Safety and Correctional Services

Emergency Number Systems Board

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

STATE OF MARYLAND

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ANTHONY MYERS
CHAIR

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EXECUTIVE DIRECTOR

JUMARY WEST
FISCAL COORDINATOR

SCOTT ROPER
TRAINING COORDINATOR

July 10, 2012

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

FILED ELECTRONICALLY – JULY 10, 2012

Re: Letter from David S. Turetsky, Chief - Public Safety and Homeland Security Bureau: Information Collection Mandated by The New and Emerging Technologies Improvement Act Of 2008 (PS Docket No. 09-14) (OMB Control Number 3060-1122)

Dear Ms. Dortch:

Maryland is pleased to provide the following information in response to the Federal Communication Commission's letter (received June 13, 2012) to Governor Martin O'Malley regarding the data collection mandated by The New and Emerging Technologies Improvement Act Of 2008 (NET 911 Act). For ease of review, the responses track the order and numbering established in the original correspondence.

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

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

- 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, 2011.

Response: The Maryland Public Safety Article (§1-310 & §1-311) establishes two funding streams to support 911 and E911 (collectively referred to as E911). The first is the State “911 Fee”, which is \$0.25 per subscriber per month. The second is the County “Additional Fee” in an amount determined by each county, through local ordinance, up to a legislative maximum of \$0.75 per bill per month. All Maryland counties and Baltimore City currently have local ordinances establishing the “Additional Fee” at \$0.75. Telephone companies, wireless carriers, and other 911 accessible service providers, collect and remit monthly both fees (collectively known as the 911 Surcharge) to the State Comptroller for deposit into the 911 Trust Fund. The total amount of 911 fees remitted to Maryland in calendar year 2011 is **\$52,099,600.54**.

- 3) 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: Quarterly, the County “Additional Fee” portion is distributed to each county prorated in accordance with the level of fees collected in each jurisdiction (*Public Safety Article §1-309*). Annually, the Secretary of the Department of Public Safety and Correctional Services is required to submit a budget appropriation from the 911 Trust Fund in an amount sufficient to carry out the purposes of the enabling legislation, pay administrative costs, and reimburse counties for the cost of enhancing their E911 systems (*Public Safety Article §1-309*). Through this budget appropriation process, the State “911 Fee” is distributed from the 911 Trust Fund to the Maryland counties at the discretion of the Emergency Number Systems Board in response to county E911 enhancement requests.

Maryland has established written criteria identifying the allowable uses of funds collected. Money collected from the State “911 Fee” may be used to reimburse counties for the cost of enhancing Maryland’s E911 system through payment to third party contractors (*Public Safety Article §1-308*). COMAR (12.11.03.12) further defines equipment qualifying for funding or reimbursement. Money distributed quarterly to the counties from the collection of the County “Additional Fee” may be spent on the installation, enhancement, maintenance, and operation of a county or multi-county E911 system. Maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years (*Public Safety Article §1-312*).

- 4) 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 and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Response: Maryland established the seventeen (17) member Emergency Number Systems Board (*Public Safety Article §1-305 & §1-306*) to work cooperatively with the counties to provide an effective and efficient Maryland E911 system through the administration of the 911 Trust Fund revenues. **The Emergency Number Systems Board is the entity that has the authority to approve expenditures from the 911 Trust Fund.**

The Emergency Number Systems Board provides for an annual audit of each county's expenditures for the maintenance and operation of the county's E911 system (*Public Safety Article §1-312*). The amount of the county "Additional Fee" may not exceed a level necessary to cover the total eligible maintenance and operational costs of the county (*Public Safety Article §1-311*). **The 2011 audits demonstrate that all counties are in compliance with this requirement.**

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

To ensure compliance with statutory requirements, the Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates Public Safety Article, Title 1 - Section 3 or a regulation of the Board (*Public Safety Article §1-309*). **No enforcement or other corrective actions were undertaken during calendar year 2011.**

- 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.

Response: Maryland has expended or obligated all funds collected in 2011 from both portions of the Maryland 911 Surcharge to be available or used for the purposes designated by the Public Safety Article to support or enhance Maryland's E911 system.

- 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.

Response: No funds collected in 2011 for 911 or E911 purposes have been made available or used for any other purpose other than the one designated by the Public Safety Article or used for purposes unrelated to 911 or E911 implementation or support.

- 7) A statement identifying with specificity all the activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs and organizations support 911 and E911 services or enhancements of such services.

Response: The purpose of Maryland's 9-1-1 Trust Fund is to reimburse counties for the cost of enhancing a 9-1-1 system (*Public Safety Article §1-308*). It is the responsibility of the Emergency Number Systems Board to thoroughly review funding requests received from Maryland's Counties to ensure that expenditures will enhance 9-1-1 services (*Public Safety Article §1-306*).

During calendar year 2011, the Emergency Number Systems Board provided funding to each Maryland County and Baltimore City for the purpose of enhancing 9-1-1 systems and operations in the State.

- 8) A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on next generation 911 programs.

Response: The Emergency Number Systems Board continues to examine and monitor national standards surrounding the development of Next Generation 9-1-1 (NG911) system elements that would capture the benefits of expanding mobile and data communications technologies, as well as continuing to provide or enhance existing 9-1-1 functionality. The Board currently provides funding to replace/upgrade public safety answering point (PSAP) E911 phone systems to be IP ready or enabled to receive NG911 related data once national standards have been established.

Legislation was passed during the Maryland 2012 Legislative Session that codified a Next Generation 911 definition within the Public Safety Article §1-301 and added "establishing planning guidelines for deployment of NG911 service" to the Board's responsibilities (*Public Safety Article §1-306*).

The Board obligated or expended \$ **8,026,666.32** on NG911 enabled or ready phone systems and NG911 enhanced logging recorders for Maryland Primary and Secondary PSAPs.

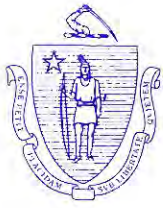
Should you have any questions, please do not hesitate to contact me at 410-585-3019.

Sincerely,

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

Gordon Deans, Executive Director
Emergency Number Systems Board

cc: The Honorable Martin O'Malley – Governor of the State of Maryland
John P. McDonough – Maryland Secretary of State
Gary D. Maynard – Secretary, Maryland Department of Public Safety and Correctional Services
Douglas R. M. Nazarian – Chairman, Maryland Public Service Commission
Catherine Motz – Deputy Chief of Staff, Office of the Governor
G. Lawrence Franklin – Deputy Secretary, Maryland Department of Public Safety and Correctional Services
Brian Weeks – Special Assistant to the Deputy Chief of Staff, Office of the Governor
Anthony Myers – Chairman, Maryland Emergency Number Systems Board



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT

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www.mass.gov/e911



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MARY ELIZABETH HEFFERNAN
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

July 26, 2012

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

RE: PS Docket No. 09-14; OMB Control Number 3060-1122; Fourth Annual 911 Fee
Information Collection Mandated by the New and Emerging Technologies Improvement
Act of 2008

Dear Ms. Dortch:

I am the Executive Director of the Massachusetts State 911 Department ("Department"), and on behalf of the Department, I am submitting this information as requested in Public Notice OMB Control Number 3060-1122.

- 1) **The Commonwealth of Massachusetts has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation.** Massachusetts General Laws ("M.G.L.") Chapter 6A, Section 18H(a) imposes a surcharge on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system. M.G.L. Chapter 6A, Section 18H(d) states as follows: "The surcharge revenues shall be expended for the administration and programs of the department including, but not limited to, salaries, enhanced 911 training programs, enhanced 911 public education programs, the creation of PSAP customer premises equipment for, and maintenance of, primary and regional PSAPs, the programs mandated by section 18B and sections 14A and 15E of chapter 166, and for the implementation and administration of enhanced 911 service in the commonwealth."
- 2) **The current amount of the surcharge imposed is 75 cents per month per line on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system. The total amount remitted to the Department pursuant to the assessed surcharges, for the annual period ending December 31, 2011 was \$73,408,835.** This 75 cent surcharge has been imposed on users of wireline, wireless, prepaid wireless, VoIP and IP-enabled services. The breakdown of surcharge

funds remitted is as follows: wireline: \$ 21,143,853; wireless: \$ 45,259,307; pre-paid wireless: \$ 2,380,236; and VoIP: \$ 4,625,439.

- 3) **Funds collected are made available to communities in Massachusetts for network, database and CPE; PSAP personnel; PSAP facilities; PSAP CAD and technology; dispatcher training; and PSAP supplies. These funds are made available to the communities by the Department directly purchasing, installing and maintaining enhanced 911 customer premises equipment used by communities at local and regional PSAPs and through the Department developing and administering grant programs to assist PSAPs and regional emergency communications centers in providing enhanced 911 service and fostering the development of regional PSAPs, regional secondary PSAPs and regional emergency communications centers.** M.G.L. Chapter 6A, Section 18B(f) states as follows: “The department shall disburse funds from the Enhanced 911 Fund for prudently-incurred expenses associated with: the lease, purchase, upgrade or modification of primary and regional PSAP customer premises equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (i) and any other grant approved by the department associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth.” The Department has established written guidelines for all grants administered under the authority of M.G.L. Chapter 6A, Section 18B (i) that allow communities to apply directly to the Department to receive grant funding for 911 related activities specified in that section. These guidelines may be found on the Department’s website at www.mass.gov/e911.
- 4) **The Massachusetts State 911 Department, the Massachusetts State 911 Commission (“Commission”), and the Department of Telecommunications and Cable are the entities that have the authority to approve the expenditure of funds collected for 911 or E911 purposes within Massachusetts.** As referenced above, M.G.L. Chapter 6A, Section 18B(f) explicitly authorizes the Department to disburse funds from the Enhanced 911 Fund for specific E911 purposes (described above). M.G.L. Chapter 6A, Section 18B(b) reserves specific approval authority of grant distribution formulas and major contracts for the Commission which is made up of eight (8) state public safety and disability agency heads and eleven (11) members appointed by the Governor representing various 911 related constituencies. M.G.L. Chapter 6A, Section 18B(b) states as follows: “The commission shall review and approve by a majority vote of those members present all formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B, and all major contracts that the department proposes to enter

into for enhanced 911 services.” Additionally, M.G.L. Chapter 6A, Section 18B grants the Department of Telecommunications and Cable certain approval authority over expenditures of 911 related funds by the Department.

- 5) **All funds collected for E911 purposes have been made available or used for the implementation or support of 911 or E911.** The enabling language for the Enhanced 911 Fund explicitly requires E911 surcharge funds and any additional E911 related funds collected in Massachusetts to be used only for E911 support and implementation purposes. M.G.L. Chapter 10, Section 35 JJ(a) states as follows: “There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Enhanced 911 Fund. There shall be credited to such fund all revenues received by the commonwealth from: surcharges imposed under section 18H of chapter 6A; appropriations; gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; revenue derived from the investment of amounts credited to the fund; and any federal funds made available for emergency telecommunication services. The fund shall be used solely for the purposes described in sections 18A to 18J, inclusive, of said chapter 6A.”
- 6) **No funds collected for 911 or E911 purposes have been made available or used for any purposes other than ones designated by the statutory funding mechanism or used for any purposes otherwise unrelated to 911 or E911 implementation or support in the Commonwealth of Massachusetts.**
- 7) **Funds collected have been made available for the following activities, programs, and organizations: communities in Massachusetts for network, database and CPE; PSAP personnel; PSAP facilities; PSAP CAD and technology; dispatcher training; training materials and PSAP equipment. These funds have been made available to the communities by the Department directly purchasing, installing and maintaining enhanced 911 customer premises equipment used by communities at local and regional PSAPs and through the Department developing and administering grant programs to assist PSAPs and regional emergency communications centers in providing enhanced 911 service and fostering the development of regional PSAPs, regional secondary PSAPs and regional emergency communications centers. Funds collected have also been expended for the Department’s training and public education programs, for Department’s disability access programs, and for administrative costs required to support all programs. These activities, programs, and organizations support 911 and E911 services by providing funding for PSAPs to meet the minimum training and certification requirements for E911 telecommunicators, including emergency medical dispatch requirements, and are used for the support of 911.**
- 8) **The Commonwealth of Massachusetts classifies expenditures on Next 911 Generation as within the scope of permissible expenditures of funds for 911 or E911 purposes. Funds have been expended for Next Generation 911 programs, and funds in the amount of \$ 241,498 have been expended in the annual period ending**

December 31, 2011 on Next Generation 911 programs. M.G.L. Chapter 6A, Section 18A defines “Next generation 911” as “an enhanced 911 system that incorporates the handling of all 911 calls and messages, including those using IP-enabled services or other advanced communications technologies in the infrastructure of the 911 system itself.” M.G.L. Chapter 6A, Section 18B(h) states, in part, as follows: “The department shall review and assess new communications technologies that may include, but are not limited to, wireless, video, broadband, and IP-based applications that may serve as the next generation 911 technology platforms, consistent with FCC decisions and federal law.” M.G.L. Chapter 6A, Section 18D(c) provides, in part, as follows: “The department shall develop and maintain a statewide plan for the implementation and maintenance of enhanced 911 service consistent with federal law and regulation, including next generation 911 and IP-enabled 911 services and, if the technological and operational capability and financial feasibility exists, the routing of 911 wireless calls to primary and regional PSAPs.” The expenditures for the annual period ending December 31, 2011 on Next Generation 911 programs relate to funding for the Department’s Next Generation 911 consultant to assist with the implementation of the Next Generation 911 project. The Department is also coordinating in the efforts to develop, design, and implement a high speed fiber optic network in Western and parts of Central Massachusetts to ensure that the needs of the State 911 Department and its PSAPs are addressed and incorporated in the overall development and design of the fiber optic network. This network will prepare the PSAPs for transition to Next Generation 911 and will allow for more effective and efficient management of system updates, recordings, and overall system maintenance and monitoring. The Department is also funding additional dedicated resources for MassGIS, a department within the Commonwealth’s Information Technology Division, to provide updated, synchronized mapping data and information needed to support the Department as it prepares for the implementation of Next Generation 911.

- 9) **Other Comments:** The Department appreciates this opportunity to comment and wishes to inform the Public Safety and Homeland Security Bureau that we most strongly support the NET 911 Act’s requirements that fees or charges collected for support or implementation of 911 or enhanced 911 services be obligated or expended only in support of 911 and enhanced 911 services or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. The Department strongly urges the Federal Communications Commission and Congress to continue to maintain such requirement. Guaranteeing that 911 related funds collected by states or other applicable political subdivisions be solely and exclusively dedicated to 911 support and enhancement is crucial to ensure adequate 911 services are available to all citizens and such a requirement is becoming even more critical in today’s declining economy that is impacting the ability of state and local governments to provide services along with the simultaneous rapid changes and evolution of technology used by wireless telecommunications and IP-based devices that consumers are more frequently using to attempt to contact 911 in their time of need.

If you have any questions regarding this filing, please feel free to contact me at 508-821-7215 or by email at frank.pozniak@state.ma.us.

Thank you very much.

Sincerely,



Frank Pozniak
Executive Director

cc: Curtis Wood, Undersecretary for Forensic Sciences and Technology,
Massachusetts Executive Office of Public Safety and Security
Karlen Reed, Director, Competition Division, Massachusetts Department of
Telecommunications and Cable
Kerri DeYoung, Counsel, Competition Division, Massachusetts Department of
Telecommunications and Cable



Emergency Communication Networks

445 Minnesota Street • Suite 137 • Saint Paul, Minnesota 55101-5137

Phone: 651.201.7550 • Fax: 651.296.2665 • TTY: 651.282.6555

www.ecn.state.mn.us

February 7, 2012

VIA ELECTRONIC DELIVERY

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

RE: Annual 911 Fee Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Ms. Dortch:

Please accept this report as the state of Minnesota's response to the Annual 911 Fee Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008. Responses to the requested information are set forth below.

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

Response: Minnesota has established a funding mechanism to support the implementation and operations of 911 and E911 services throughout the state under Minn. Stat. §403.11, Subdivision 1. A monthly 911 fee was imposed on all wire-line telecommunication carriers for each telephone line, or the trunked equivalent, capable of accessing the 911 network in 1987. In 1994, the fee was extended to wireless telecommunication carriers and in 2005, the statute was amended to clarify its application to packet-based telecommunication service providers.

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Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire Marshal

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

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges for the annual period ending December 31, 2010. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Response: Minn. Stat. § 403.11, Subdivision 1(c) provides for a 911 fee of not less than eight cents nor more than 85 cents through June 30, 2010 for each customer access line or other basic access service. The Commissioner of Public Safety is authorized to establish the 911 fee within the statutory limits with the approval of the Commissioner of Management and Budget. The current 911 fee of 80 cents per access line (wired and wireless) was first established in August of 2010. The total amount collected in calendar year 2011 is \$61,940,811. Minn. Stat. §403.11, Subd. 1(b) requires collected fees to be deposited and maintained in the 911 emergency telecommunication service account, which is a special revenue account from which all authorized expenditures are made and year end balances are carried forward from year to year.

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

- Minn. Stat. §403.025, Subd. 7 requires the Statewide 911 Program to contract for and provide the 911 telecommunication network elements (911 from wire-line switching offices, 911 routing and selective routing services, automatic location identification database) for counties and other governmental agencies operating Public Safety Answering Points (PSAP) within Minnesota and Minn. Stat. §403.11, Subd. 3 provides for the payment of those costs.
- Minn. Stat. §403.025, Subd. 7 also requires the Statewide 911 Program to contract for 911 routing and network elements with wireless carriers and for the payment of those costs under Minn. Stat. §403.11, Subd.3.
- Minn. Stat. §403.113, Subd. 2 requires a portion of the available funds to be distributed directly to state, local and tribal PSAP's. Minn. Stat. §403.113, Subd. 3 defines the purposes funds distributed to state, local and tribal PSAP's may be used.
- Minn. Stat. §403.11, 403.113 and 403.30 provide for the use of funds by the Statewide 911 Program from the 911 emergency telecommunication service account to provide resources for localities, as follows:
 - Costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunication services;
 - Costs to operate the Division of Emergency Communication Networks;
 - Grants to provide assistance to counties for the improvement of local emergency telecommunication services;

- To implement, operate, maintain, enhance and expand enhanced 911 services; and
- To pay debt services upon revenue bonds authorized under Minn. Stat. §403.32 and 403.275 to provide the backbone for the statewide public safety radio communication system.

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

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

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

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

Response: All funds collected for 911 or E911 purposes have been made available and used for purposes designated by Minn. Stat. Chapter 403. The total expenses for Minnesota's 2011 fiscal year (July 1, 2010 through June 30, 2011) were \$58,654,182.

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

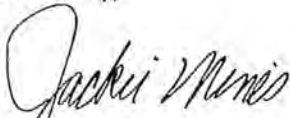
Response: None of the 911 funds collected for 911 or E911 purposes have been used for any purposes other than the purposes designated by Minn. Stat. Chapter 403.

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

Response: The state of Minnesota is in the process of modernizing Minnesota's 911 infrastructure by replacing the ageing analog 911 infrastructure with a digital platform that will improve interoperability and allow for PSAPs to transfer 911 calls, maps, photos, caller location information and other pertinent data statewide. The Next Generation 911 (NG911) project began in FY 2010-2011 and take approximately three to four years to complete.

We hope you find this report informative. A link to the Minnesota Statutes governing 911 can be found at <https://dps.mn.gov/divisions/ecn/programs/911>. Should you have any questions or require additional information, please feel free to contact me at (651) 201-7550 or Jackie.Mines@state.mn.us.

Sincerely,

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

Jackie Mines, Director
Emergency Communication Networks



STATE OF MISSISSIPPI
PHIL BRYANT, GOVERNOR

MISSISSIPPI EMERGENCY MANAGEMENT AGENCY

ROBERT R. LATHAM, JR.
EXECUTIVE DIRECTOR

July 25, 2012

David S. Turetsky
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Report to the Federal Communications Commission

Dear Chief Turetsky:

Pursuant to the New and Emerging Technologies 911 Improvement Act of 2008 and Public Notice DA 12-908 dated June 8, 2012, OMB Control Number 3060-1122, the following report is submitted on behalf of the State of Mississippi.

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 purpose of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism). **The State of Mississippi has established a funding mechanism designated for or imposed for the purpose of 911 or E911 support or implementation as established in MS Code of 1972 Chapter 5 Sections 19-5-313, 19-5-333, and 19-5-357.**
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, 2011. **According to MS Code of 1972 Chapter 5 Section 19-5-313, the board of supervisors may levy an emergency telephone service charge in an amount not to exceed one (1) dollar per residential telephone subscriber line, one (1) dollar per VoIP subscriber account, or two (2) dollars per commercial telephone subscriber line per month. According to MS Code of 1972 Chapter 5 Section 19-5-333, the rate of service charge is one (1) dollar per CMRS (Commercial Mobile Radio Service) connection per month. According to MS Code of 1972 Chapter 5 Section 19-5-357, five cents (.05) shall be placed on each**

subscriber service line within the State of MS (both private and commercial) to fund 911 training. The total amount collected for the annual period ending December 31, 2011 for the State of MS is 60,813,014.22.

3. 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. **According to MS Code of 1972 Chapter 5 Section 19-5-313, the amounts collected by the service supplier attributable to any emergency telephone service charge shall be due to the county treasury monthly. According to MS Code of 1972 Chapter 5 Section 19-3-333, thirty (30) percent of the funds are to be used to defray administrative expenses and the remaining seventy (70) percent shall be distributed based on the number of CMRS connections in a given zip code. According to MS Code of 1972 Chapter 5 Section 19-5-357, the amounts collected by the service supplier attributable to the minimum standards telephone service charge shall be deposited monthly into a special fund hereby created in the State Treasury and are made available to the local entities for funding of public safety Telecommunicator training. The allowable uses of collected funds are also outlined in the established written criteria of MS Code of 1972 Chapter 5 Sections 19-5-313, 19-3-333, and 19-5-357.**
4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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 mechanisms, or otherwise used to implement or support 911 or E911; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011. **According the MS Code of 1972 Chapter 5 Section 19-5-313, the local board of supervisors provide oversight for 911 funding procedures regarding funding received. According to MS Code of 1972 Chapter 5 Section 19-5-333, the Commercial Mobile Radio Service (CMRS) Board distributes funds based on a distribution formula. According to MS Code of 1972 Chapter 5 Section 19-5-357, the MS Board of Emergency Telecommunicators Standards and Training (BETST) is authorized to reimburse any expenses relates to training to the designated agency or department. Corrective actions pertaining to the enforcement of or corrective actions taken in funding oversight will be found in the by-laws of the individual boards listed above.**
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 mechanisms, or otherwise used for the implementation or support of 911 or E911. **All funds collected for 911 or E911 purposes have been made available or used for the purpose designated by the funding mechanism or the implementation or support of 911 or E911 to the local entities.**
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 unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used. **There are no other allowable uses by the State of MS for funds collected for 911 or E911 purposes than outlined by MS Code of 1972.**

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services. **According the MS Code of 1972 Chapter 5 Section 19-5-313, the local board of supervisors are obligated to expend funding received to enhance local 911 services through the purchase of equipment. According to MS Code of 1972 Chapter 5 Section 19-5-333, the Commercial Mobile Radio Service (CMRS) Board distribute funds back to the local entities for the enhancement of local 911 services. According to MS Code of 1972 Chapter 5 Section 19-5-357, the MS Board of Emergency Telecommunicators Standards and Training (BETST) reimburse both local and State entities for telecommunicator training to enhance 911 services.**
8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs. **According the MS Code of 1972 Chapter 5 Section 19-5-313, the local board of supervisors determine permissible expenditures regarding 911 funding received. According to MS Code of 1972 Chapter 5 Section 19-5-333, the Commercial Mobile Radio Service (CMRS) Board distribute funds back to the local entities for local board of supervisors' determination of permissible expenditures. According to MS Code of 1972 Chapter 5 Section 19-5-357, the MS Board of Emergency Telecommunicators Standards and Training (BETST) permissible expenses are limited to telecommunicator training.**
9. Any other comments you wish to provide regarding the applicable funding mechanism for 911 or E911. **None.**

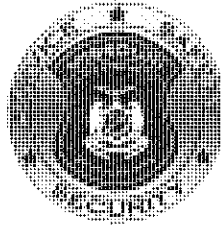
Sincerely,



Robert R. Latham, Jr.
Executive Director

JEREMIAH W. (JAY) NIXON
Governor

JERRY LEE
Director



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<http://www.dps.mo.gov>

STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR

July 23, 2012

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

Dear Chief Barnett:

In response to your correspondence to Governor Nixon concerning the collection of information required by the New and Emerging Technologies 911 Improvement Act of 2008, the state of Missouri offers the following responses:

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

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

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

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

The remaining forty-two counties have established a funding mechanism authorized by § 190.335, RSMo, which states in part:

In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax The sales tax

may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax.....

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.

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

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

The funds allowed by Section 190.335, RSMo, are:

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

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

Response: See answer to No. 2 above.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine the collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

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

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

1. *Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county.*

2. *Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The governing body shall appoint eleven persons to the board. Such powers shall include, but not be limited to:*

Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected:

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

1. *....the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts , ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.*
2. *Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum.*
3. *Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years.*

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

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.

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

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.

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

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancement of such services.

Response: The state of Missouri does not collect funds for the implementation and support of 911 or E911 services. All funds are imposed and collected by the local political subdivision. The state law establishes criteria regarding the allowable uses of the funds by local authorities. Section 190.305, RSMo.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Response: In 2009, Missouri was awarded a grant exclusively for 911 centers from the Department of Transportation for \$1,694,889.24. This grant requires the local 911 center to match federal funds with a 50% match. Below is the summary and guidelines of the grant which closes on September 25, 2012.

E-911 Grant

Summary and Guidelines

The ENHANCE-911 Act was enacted to improve, enhance and promote the nation's homeland security, public safety, and citizen activated emergency response capabilities. This will be accomplished through the use of enhanced 911 services to further upgrade Public Safety Answering Point (PSAP) capabilities and related functions in receiving E-911 calls; and to support the construction and operation of ubiquitous and reliable citizen-activated systems.

These grant funds can be used for training and for the acquisition and deployment of hardware and software that enables the migration of Enhanced 911 services to an Internet IP-enabled emergency network and for achieving 911 Phase II compliance as defined by the Federal Communications Commission. As specified by the ENHANCED 911 Act, grant recipients must provide a 50% match for any grant award.

Match Requirement: There is a 50% local match requirement.

Eligible Applicants: Public Safety Answering Points (PSAPs) within the state of Missouri.

Eligible Cost Categories: All funds expended must fall within one of the three identified "Cost Categories" identified below:

- Hardware and Software
- Training
- Consulting Services

Allowable Projects:

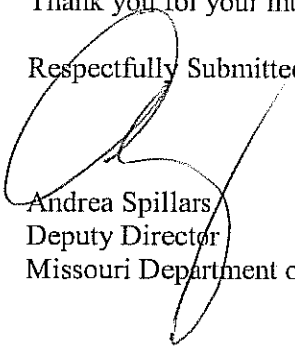
This grant opportunity is limited to projects pertaining to Mapping Systems, Phase II Systems, Computer Aided Dispatch Systems (CAD), IP Voice Recorders and Internet Protocol Local Area Network Systems (IP LAN Systems).

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

Response: None

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

Respectfully Submitted,



Andrea Spillars
Deputy Director
Missouri Department of Public Safety

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

July 19, 2012

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

Re: PS DOCKET NO. 09-14 - Fourth Annual Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Sir or Madam:

Pursuant to the FCC Public Notice DA12-908, released June 8, 2012 the State of Montana is filing the following information:

FCC Request #1

A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET911 Act, has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E9-1-1 support or implementation (including a citation to the legal authority for such mechanism).

Response

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

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

FCC Request #2

The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E9-1-1 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.

Response

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

The total amount collected for the calendar year ending December 31, 2011 was \$13,626,940.38.

FCC Request #3

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

DOA makes quarterly distributions of the entire basic and enhanced 9-1-1 accounts on a per capita basis. Distribution of the wireless 9-1-1 account provides for a 'small county sunset' provision that divides such that 84% is distributed to all counties on a per capita basis. The remaining 16% is divided evenly to counties with 1% or less of the population. This provision will sunset in 2015. After the provision sunsets the entire wireless account will be distributed based on per capita basis.

Cite: Montana Code Annotated Title 10, Chapter 4, Part 3 (MCA 10-4-302; 10-4-311; 10-4-313)
http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

Cite: Montana Code Annotated Title 10, Chapter 4, Part 2 (MCA 10-4-201)
http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #4

A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 or E9-1-1 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 9-1-1 or E9-1-1; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for annual period ending December 31, 2011.

Response

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

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

Monitoring is performed to verify that actual expenditures have been approved. For the annual period ending December 31, 2011, the State of Montana completed 18 PSAP expenditure reviews. Findings letters were issued and all discrepancies or exceptions have been corrected. Failure to obtain approvals for expenditures on a consistent basis could result in 9-1-1 funds being withheld. During this report period there were no funds withheld.

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

FCC Request #5

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

Response

All fees are deposited in four separate special revenue accounts. Legislation passed in the 2009 legislative session clarifies existing statute and ensures that all 9-1-1 fees are deposited in 9-1-1 special revenue accounts to be distributed to the local 9-1-1 jurisdictions; wireless service providers for cost recovery and fund the State 9-1-1 Program Office.

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

FCC Request #6

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

Response

The State of Montana has not used funds collected for 9-1-1 or E9-1-1 for purposes unrelated to implementation, support or operation of 9-1-1 programs.

FCC Request #7

A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 9-1-1 or E911 purposes and how these activities, programs, and organizations support 9-1-1 and E911 services or enhancements of such services.

Response

The State of Montana currently distributes 9-1-1 funds to 53 Montana PSAPs for expenditures according to the approved Funding Guidelines.

The Wireless Service Provider account is distributed by the State to wireless providers seeking cost recovery of E9-1-1 in their services in accordance with FCC Orders. The Wireless Service Provider fund has been used as a match for the "Ensuring Needed Help Arrives Near Callers Employing 9-1-1 (ENHANCE 9-1-1) Act of 2004. Eligible funding matches included Operational and Training Manuals for all Montana PSAPs and an Assessment of Needs, Recommendations and Procurement for the Next Generation Emergency Services IP Network (ESINet).

FCC Request #8

A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 9-1-1 or E911 purposes, whether your State has expended such funds on Next Generation 9-1-1 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 9-1-1 programs.

Response

The State of Montana does not separate Next Generation 9-1-1 funding for 9-1-1 purposes. The current 9-1-1 network is Internet Protocol (IP) to enable migration to Next Generation or ESINet. Other

FCC Docket 09-14
Montana
Page four

expenditures must be able to integrate or interface with Next Generations systems to prevent fork lifting equipment to deploy 9-1-1. Even though many of the features and functionalities of the NG system are not operational each purchase is required to have the ability to meet the NENA I3 standards.

FCC Request #9

Any other comments you may wish to provide regarding the applicable funding mechanism for 9-1-1 and E911.

Sincerely,

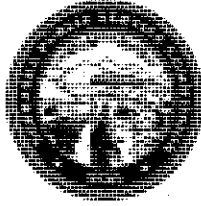
A handwritten signature in blue ink, appearing to read "B. Schweitzer", with a stylized, elongated flourish at the end.

BRIAN SCHWEITZER
Governor

Nebraska Public Service Commission

COMMISSIONERS:

ANNE C. BOYLE
ROD JOHNSON
FRANK E. LANDIS
TIM SCHRAM
GERALD L. VAP



300 The Atrium, 1200 N Street, Lincoln, NE 68508
Post Office Box 94927, Lincoln, NE 68509-4927
Website: www.psc.state.ne.us
Phone: (402) 471-3101
Fax: (402) 471-0254

NEBRASKA CONSUMER HOTLINE:
1-800-526-0017

EXECUTIVE DIRECTOR:

MICHAEL G. HYBL

July 24, 2012

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

RE: PC Docket No. 09-14

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

Dear Mr. Turetsky:

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 black ink that reads "Rod Johnson". The signature is stylized, with the first letters of the first and last names being large and prominent.

Rod Johnson
Chairman

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

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

COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION

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

July 24, 2012

The following information is provided in response to the public notice issued on or about June 8, 2012 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 \$.50.¹ 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."²

¹ Neb. Rev. Stat. § 86-435(1) and (2).

² 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.³ A lower cap of \$.50 is set for any users of wireless service whose primary place of use is Douglas County.⁴ Additionally, special provisions are in place to address users of prepaid wireless service and prepaid wireless carriers.⁵ The wireless surcharge is collected at the point of sale for all prepaid wireless 911 services, collected by the state Department of Revenue and remitted to the Commission.⁶ Currently, the wireless surcharge is set at \$.50.⁷

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 was previously provided⁸

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, 2011.

During 2011, \$8,012,693.70 was remitted to the Enhanced Wireless 911 Fund through the imposition of the \$.50 wireless 911 surcharge. The Commission receives

³ Neb. Rev. Stat. § 86-457(1).

⁴ Neb. Rev. Stat. § 86-457(2).

⁵ LB [1091] (2011).

⁶ LB [1091] (2011).

⁷ *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).*

⁸ *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).*

annual reports regarding the amount of landline surcharges collected and remitted by local exchange carriers to local governing bodies. During the 2011 calendar year, \$6,795,726.69 was remitted to local governing bodies in Nebraska through the landline 911 surcharge.

3. 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.

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 inter-local 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 inter-local agreement.

With the implementation of the new permanent funding mechanism in July 2010, the Commission is allocating certain amounts of funding to Public Safety Answering Points (PSAPs) and wireless service providers on a monthly basis. The Commission receives annual funding requests from PSAPs and wireless carriers annually that are reviewed by Commission staff. Applications for equipment funding from PSAPs are received throughout the year and reviewed by Commission staff and the Advisory Board. The Commission votes to approve or deny any funding requests. Payments are made to local exchange carriers on behalf of PSAPs for telecommunications services necessary for the provision of enhanced wireless 911. Payments are also made directly to wireless service providers for costs incurred for the provision of enhanced wireless

911 services. Annually, PSAPs and wireless service providers are required to provide documentation to demonstrate that all funds are used for eligible wireless 911 expenses.

Wireless service providers 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 are reviewed by the Commission and Advisory Board. One application for grant funding was approved by the Commission on March 27, 2012 in the amount of \$616,540. Additionally, PSAPs continue to submit funding requests related to equipment and software purchases and upgrades to ensure that it meets certain requirements.

4. 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

As previously stated, the Nebraska Public Service Commission has the authority to expend funds collected through the enhanced wireless 911 surcharge. All PSAPs and wireless service providers are required to comply with annual auditing requirements for the use of funds. 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.

No enforcement or other corrective action has been taken against the Commission. The Commission is in the process of completing the annual audit of PSAP and wireless service providers for the funding year 2010-2011 which covers the period of June 2010 to June 2011. All corrections have been handled administratively.

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.

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 2011 all funds collected were expended for appropriate purposes pursuant to the Enhanced Wireless 911 Services Act.

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.

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 2011 \$7,755,156 was paid to or on behalf of wireless carriers and PSAPs for the provision of enhanced wireless 911 services and an additional \$311,180 was used to cover the expenses of administering the Fund. Such administrative expenses are specifically authorized by state statute. The change to the collection and remittance of enhanced wireless 911 surcharges from prepaid services at the point of sale will take effect January 1, 2013. After such time, LB 1091 [2011] allows the retailer and the state Department of Revenue to withhold a percentage of the amount collected for purposes of administering the collection and remittance of the surcharges.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

All wireless enhanced 911 funds collected by the Commission are paid to or on behalf of PSAPs and wireless service providers for the provision of enhanced wireless 911 service.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

The Enhanced Wireless 911 Services Act does not contain any classifications or references to Next Generation 911 and the Commission has not expended any funds related to Next Generation 911. The Commission has a docket open to investigate the requirements, costs and impact of the implementation of Next Generation 911 in Nebraska relating to the provision of Enhanced Wireless 911 Service.⁹ 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.

⁹ See Docket No. 911-045/PI-166.

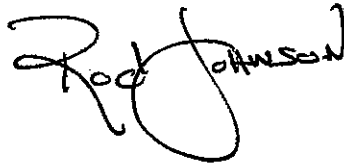
9. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

We have no further comments.

Respectfully Submitted,

The Nebraska Public Service Commission

By:

A handwritten signature in black ink, appearing to read "Rod Johnson". The signature is stylized with a large, looping "R" and "J".

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

Brian Sandoval
Governor



Chris Perry
Director

Christopher B. Smith
Chief

**Division of Emergency Management
Homeland Security**

2478 Fairview Drive
Carson City, Nevada 89701

Telephone (775) 687-0300 • Fax (775) 687-0322 • <http://dem.state.nv.us/>

November 5, 2012

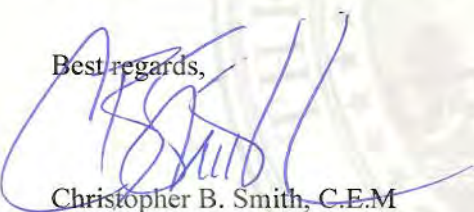
Federal Communications Commission
Attn: Michael Wilhelm
445 12th St., S.W.
Washington, D.C. 20554

Dear Mr. Wilhelm:

My staff and I gathered the information mandated by the New and Emerging Technologies Improvement Act of 2008, and mailed it to the above address on Tuesday, October 30th, 2012.

I am following up to verify that you received the information, and if you have any questions. If you do have questions, please contact Chris Molnar, assistant to the Chief of the Nevada Division of Emergency Management, at 775-687-0300 or email her at cmolnar@dps.state.nv.us.

Best regards,


Christopher B. Smith, C.E.M.

cc: Lucas Foletta – Senior Advisor, Governor Brian Sandavol

kj



October 29, 2012

Nevada Department of Public Safety
Division of Emergency Management Homeland Security
Attn: Mr. Christopher Smith, C.E.M.
2478 Fairview Drive
Carson City, NV 89701

RE: Fourth Annual Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008

Dear Mr. Smith,

The following information pertains to the information you requested in your letter dated September 7, 2012. Please note that this letter was not received until September 25th, 2012; thus an extension was requested and granted by Ms. Chris Molnar.

Information "Detailing the Status" for Elko County in Connection with 911/E911 Services and fulfilling the obligations under Section 6(f)(2) of the NET 911 Act:

1. Elko County has not established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation. Elko County does not have an E911 program.
2. No fees have been charged, imposed or implemented.
3. No funds are collected.
4. No entity has the authority to approve the expenditures of funds at this time.
5. No funds are collected.
6. No funds are collected.
7. No funds are collected.
8. No funds are collected.

This document is being transmitted via e-mail to cmolnar@dps.state.nv.us.

Should you have any questions, please contact Annette Kerr at the Elko County Sheriff's Office at 775.777.2517 or e-mail at akerr@elkocountynv.net.

Sincerely,

Clair Morris
Emergency Manager/Undersheriff

Chris Molnar

From: George Molnar
Sent: Thursday, November 01, 2012 9:50 AM
To: Chris Molnar
Subject: Fwd: FCC 4th Annual Information Collection

I sure hope I sent this to you!

George J Molnar, MS, CHPP
Nevada Statewide Interoperability Coordinator

Office: (702) 486-4498
Cell: (702) 767-5420

Begin forwarded message:

From: Charles Sparke <clsnvdem@att.net>
Subject: Re: FW: FCC 4th Annual Information Collection
Date: September 21, 2012 12:12:59 PM PDT
To: George Molnar <gmolnar@dps.state.nv.us>

It was a scramble, but here are Pershing County's responses:

1. Yes per NRS 244A.7641-7 and PC Ordinance 3.52.10-100.
- 2a. Fees Imposed: 1)local exchange access - .25 per month per line; 2)trunk line access 2.50 per line per month; 3) mobile line access .25 per month per number.
- 2b. Fees collected Jan - Dec 2011: \$9,162.43
3. Funds collected and distributed per laws cited in answer #1. Can only be used per criteria listed in PC Ord 3.52.090.
4. Per laws cited in answer #1.
5. Are available and being held for use - haven't been used yet.
6. Can only be used for 911 purposes per PC Ord 3.52.090 - haven't been used yet.
7. Only for the Pershing County Sheriff's Office 911 system. (Only 911 system within the County).
8. State level answer. I didn't see where it is addressed in the NRS available online and it is not addressed in the PC Ord 3.52.
9. No other comments.



BOARD OF COMMISSIONERS

1594 Esmeralda Avenue, Minden, Nevada 89423

Steve Mokrohisky
COUNTY MANAGER
775-782-9821

COMMISSIONERS:
Lee Bonner, CHAIRMAN
Nancy McDermid, VICE-CHAIR
Michael A. Olson
Doug Johnson
Greg Lynn

September 20, 2012

Nevada Department of Public Safety
Division of Emergency Management Homeland Security
2478 Fairview Dr
Carson City NV 89701

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

To Whom It May Concern:

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

Douglas County, NV established a surcharge through the adoption of County Ordinance 2007-1212 in accordance with Nevada Revised Statutes 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 truck lines.

The total amount of fees collected for the annual period ending December 31, 2011 is \$107,363.25. Expenditures began as of October 7, 2009.

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

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

Received & Inspected

NOV 05 2012

FCC Mail Room

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

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Mokrohisky', written in a cursive style.

Steve Mokrohisky
County Manager

Chris Molnar

From: Ron Damele [rdamele@eurekanv.org]
Sent: Friday, September 21, 2012 9:48 AM
To: Chris Molnar
Subject: RE: Fourth annual information collection

Yes!

From: Chris Molnar [mailto:cmolnar@dps.state.nv.us]
Sent: Friday, September 21, 2012 8:44 AM
To: Ron Damele
Subject: RE: Fourth annual information collection

I have your letter from last year. Would it be ok to submit it again for 2012?

****CONFIDENTIALITY NOTICE****

This email is intended only for the person(s) indicated. The email may contain information that is privileged, confidential, law enforcement, or otherwise exempt from disclosure under applicable law. If you are not the addressee, or it appears from the context or otherwise that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

Chris Molnar
Executive Assistant, Chief's Office
Division of Emergency Management
Nevada Office of Homeland Security
2478 Fairview Dr.
Carson City, NV 89701
775-687-0394
Fax: 687-0322

From: Ron Damele [mailto:rdamele@eurekanv.org]
Sent: Friday, September 21, 2012 8:29 AM
To: Chris Molnar
Subject: RE: Fourth annual information collection

Good Morning,

Please be advised that Eureka County **does not** collect fee's to support our 911 system.

Thank you.

Ron

From: Chris Molnar [mailto:cmolnar@dps.state.nv.us]
Sent: Monday, September 17, 2012 3:06 PM
To: rdamele@eurekanv.org
Subject: Fourth annual information collection

Good afternoon:

Please find 2 attachments to this email. The first attachment is a letter from NDEM Chief Chris Smith. The second attachment is a letter to Governor Sandoval, from the FCC, requesting you complete the mandated information.

OFFICE OF
Eureka County Public Works

Administrative Bldg.
701 South Main Street
P.O. Box 714 • Eureka, Nevada 89316

Phone: (775) 237-5372
Fax: (775) 237-5708
www.co.eureka.nv.us

May 18, 2011

Nevada Department of Public Safety
Division of Emergency Management
Attn: Chris Molnar
2478 Fairview Dr.
Carson City, NV 89701

Reference: Response to New and Emerging Technologies Improvement Act of 2008

Dear Ms. Molnar,

Pursuant to your request included herein is Eureka County's response to the seven questions outlined in the above referenced letter.

1. Eureka County funds its 911 system with general fund money.
2. I am not aware of any fees or assessments collected for or on behalf of Eureka County.
3. I am not aware of any funds collected for or on behalf of Eureka County.
4. This question appears to be only applicable to the State of Nevada.
5. I am not aware of any funds collected for or on behalf of Eureka County.
6. I am not aware of any funds collected for or on behalf of Eureka County.
7. None.

Please contact me directly with any questions.

Regards,



Ronald Damele
Public Works Director

SHO-PAI EMERGENCY MGMT.
1935 FIRE LANE
NEVADA HIGHWAY 225
P.O. Box 219
OWYHEE, NV 89832
(775) 757-2473



Received & Inspected
NOV 05 2012
FCC Mail Room

September 20, 2012

Chris Smith, Nevada Dept. of Emergency Management

Dear Sir:

The attached report is in compliance with your request for information regarding the Shoshone Paiute Tribes 911 collection and distribution of fees as required by the 911 Improvement Act of 2008. You will find that our collection is done through our telephone service provider, CenturyLink.

I have also included the print outs from our finance and budget for the calendar year 2011. Please let me know if you have any questions, thank you.

Thank you,

Brent L. Hunter
Emergency Manager
Shoshone Paiute Tribes

**Shoshone Paiute Tribes
911 Emergency Services Fee
Collection & Distribution Report
January 1, 2011 through December 31, 2011**

History:

Originally, the Shoshone Paiute Tribal residents of Duck Valley were being charged \$1 per phone subscriber line, per month by CenturyTel (now CenturyLink) by Owyhee County, Idaho. It seems Owyhee County (adjacent to Duck Valley, on the Idaho side) Emergency Services were taxing Duck Valley for their services, which they don't, and never did, provide the tribe. SPT has our own emergency services (law enforcement, fire and EMS). After confirmation of these charges, Owyhee County reimbursed the tribe the funding that was owed.

Authorization:

After receiving the reimbursement, an account (emergency response center account) was set up within tribal finance for the fees. The ordinance that supports tribal emergency management is Ordinance No 2003-SP0-02 which establishes the creation of the tribal emergency response commission (TERC), purpose, membership, and enforcement / compliance among other things. The authority to collect 911 revenues comes from Resolution Number 2006-SPR-010 stating that CenturyTel (currently CenturyLink) assess a 911 tax for the local subscribers for assistance from local emergency services. Furthermore, stating that the TERC will use the collected revenues for the support and services provided under Ordinance No. 2003-SP0-02.

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Collection Method

As stated earlier, the tribe has submitted the approved resolution to CenturyLink to collect \$1 per line per month through the community members' monthly telephone bill. They send a check every other month.

911 Revenue Usage

As approved by the attached ordinance, resolution and approved budget, the revenues go directly into the Emergency Response Center budget account. The other revenue that funds the account is local housing authority protection revenue and the fire fund account transfers (Fire Program revenue from wildland fire).

All the funding then pays for the following:

- ☿ Mortgage and Interest payments on the Emergency Response Center (Fire Station & EMS)*
- ☿ Dues & Subscriptions (local radio ads)*
- ☿ Insurance (building and contents)*
- ☿ Purchase of bay heaters*
- ☿ Repairs & Maintenance (building)*
- ☿ Utilities (propane, water and electric)*
- ☿ Indirect (administrative fee)*

As you can see from the budget, our 911 collection is just a small percentage of the revenues.

Account Detail 1/01/2011 to 12/31/2011

Account	Account Description	Date	Post Type	Source	Reference	Description	Debit	Credit
9800 000 4500	ERC-Tribal Rev	1/31/2011	Actual	C/R	911 TAX DEC 2010	CENTURYLINK 911 SURCHARGE FOR DECEMBER 2010 CK# 3161724		481.33
9800 000 4500	ERC-Tribal Rev	3/2/2011	Actual	C/R	911 SURCHARGE	CENTURYLINK 911 SURCHARGE TAX FOR JANUARY 2011 - CK.NO. 3209713	386.50	
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9800 000 4500	ERC-Tribal Rev	9/27/2011	Actual	C/R	911 TAX SURCH	CENTURYLINK 911 TAX SURCHARGE FOR AUG 2011 CK#3498718	429.58	
9800 000 4500	ERC-Tribal Rev Total						0.00	3,965.05
9800 000 4800	ERC-911 Tax Revenue	11/1/2011	Actual	C/R	911 TAX SEPT	CENTURYLINK 911 TAX SURCHARGE FOR SEPT 2011 CK#3552974	384.06	
9800 000 4800	ERC-911 Tax Revenue	11/29/2011	Actual	C/R	911 TAX SURCHARGE	CENTURYLINK 911 TAX SURCHARGE CK 0003591742	372.22	
9800 000 4800	ERC-911 Tax Revenue	12/30/2011	Actual	C/R	911 TAX SURCHARGE	CENTURYLINK CK 0003638445	432.58	
9800 000 4800	ERC-911 Tax Revenue Total						0.00	1,188.86

FY 2011 EMERGENCY RESPONSE CENTER BUDGET JUSTIFICATION

Revenue to support the Fire Station is received from the DVHA for fire protection and supplemented by a 911 tax on telephone usage. The Fire Fund also contributes to meet all unfunded line items.

REVENUES

DVHA FIRE PROTECTION	\$17,550
FIRE FUND OPS TRANSFER	\$31,656
<u>911 / CENTURYLINK REVENUES</u>	<u>\$5,154</u>
TOTAL	\$54,360

EXPENSES

Capital Lease

<u>Item</u>	<u>Price</u>
Principal Mortgage Payment	\$3,700
	<u>Total</u>
	\$3,700

Dues and Subscriptions

<u>Item</u>	<u>Price</u>
Misc.	\$101
	<u>Total</u>
	\$101

Insurance General

<u>Item</u>	<u>Price</u>
Building Content	\$500
	<u>Total</u>
	\$500

Repairs and Maintenance – Building

<u>Item</u>	<u>Price</u>
Black Canyon bay heaters	\$3500
	<u>Total</u>
	\$3,500

Repairs and Maintenance –Equipment

<u>Item</u>	<u>Price</u>
Misc	\$360
	<u>Total</u>
	\$360

Utilities

<u>Items</u>	<u>Price</u>
V-1 Propane	
Raft River	
Water & Sanitation	\$23,554
	<u>Total</u>
	\$23,554

Indirect

@ 29.99%.....\$9,945

TOTAL **\$54,360**



Received & Inspected

NOV 05 2012

FCC Troy Tanner
Chief of Police

September 25, 2012

Division of Emergency Management Homeland Security
Attn: Christopher B. Smith
2478 Fairview Dr
Carson City, Nevada 89701

RE: The Fourth Annual Information Collection Mandated By the New and Emerging
Technologies Improvement Act of 2008

To whom it may concern:

Section 6(f)(2) items 1-9 pertaining to the collection of 911 and E911 fees.

We, the City of Mesquite do not currently collect any 911 or E911 fees.

We are possibly looking at enacting a 911 surcharge in the near future to the citizens of
Mesquite.

Respectfully,



Troy Tanner
Chief of Police

695 Mayan Circle
Mesquite, Nevada 89027
Phone: 702-346-5262
Fax: 702-346-5537

WEST WENDOVER FIRE DEPARTMENT

City of West Wendover

P. O. Box 3226

935 West Wendover Blvd

West Wendover Nevada 89883

Ph 775-664-2274 Fax 775-664-2809

jknudtson@westwendovercity.com



09/26/2012

Christopher B Smith

Re: Information on the Technologies Improvement Act of 2008

Our City of West Wendover has a 911 system for our central dispatch. We receive no funding from any other source than our Cities funds to operate and maintain this system. However our local phone system, Frontier, does have a .50c charge on every bill but tells us that since we do not have E-911 we are not able to have that money, we do not know where the money goes to.

Since the City collects no funds for our 911 system I cannot answer any of your questions.

Sincerely

A handwritten signature in blue ink, which appears to read "Jeff Knudtson", is written over the word "Sincerely".

Chief Jeff Knudtson EMGT Dir.



CARSON CITY FIRE DEPARTMENT

"Service with Pride. Commitment. Compassion"

September 28, 2012

Received & Inspected

NOV 05 2012

FCC Mail Room

Christopher B. Smith, Director
Nevada Division of Emergency Management
2478 Fairview Drive
Carson City, NV 89701

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

Dear Mr. Smith:

This letter is in response to your request for information regarding collection of information mandated by the New and Emerging Technologies Improvement Act of 2008 to be submitted to the Federal Communications Commission. The information contained in this report is for Carson City, a consolidated municipality and combined city/county.

I have restated each of the topic areas for which information has been requested and then provided the responses.

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 mechanism for the collection of fees is established in Nevada Revised Statutes 244A.7641 through 244A.7647 and by Carson City Municipal Code Chapter 4.05.

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, 2011.*

The fees charged through this authorization are twenty-five cents (\$0.25) per month per individual line or two dollars and fifty cents (\$2.50) per month per line for trunk lines. The fees collected in calendar year 2011 were \$220,624.83.

3. *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.*

The funds are collected by our local government and are not distributed to any other local government or "localities." The criteria for allowable uses for the fund are controlled by Nevada Revised Statutes 244A.7641 through 244A.7647 and by Carson City Municipal Code Chapter 4.05.

4. *A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.*

Any local government in the state can use the funds generated within its local government provided it follows the criteria established in Nevada Revised Statutes 244A.7641 through 244A.7647. The oversight for expenditures in Carson City is ultimately the local governing body—the Carson City Board of Supervisors. The Board of Supervisors has established an advisory committee that reviews expenditures, develops a 911 Surcharge Master Plan, and approves the expenditure of collected funds based upon the approved plan. No enforcement or other corrective actions have been undertaken in connection with this oversight as none were necessary.

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.*

The funds collected through this process have only been used for purposes authorized by statute and local ordinance.

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.*

No funds were used for purposes other than those purposes established by statute or local ordinance.

7. *A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.*

The funds collected within Carson City are, by ordinance and state law, strictly for the use of Carson City. No other organizations received funding through the fees collected. Carson City used the money collected to directly support 911 operations in the City's Public Safety Answering Point (PSAP) by upgrading the 911 phone system used to process 9-1-1 calls.

8. *A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.*

Next generation 911 charges would be eligible under our state law and local ordinances. Carson City has not expended funds directly on next generation 911 systems or services, although the funds that have been expended for the latest 911 software are partially forward compatible to next generation systems.

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

No other comments.

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

Sincerely,



R. Stacey Giomi
Fire Chief - Emergency Management Director

Att.

cc: Larry Werner, City Manager
911 Surcharge Advisory Committee Members
Karin Mracek, Communications Manager

NOV 05 2012

FCC Mail Room

The Commission has collected annual data and reported to Congress pursuant to the NET 911 Act each of the past three years.⁴ For this fourth annual data collection, the Commission has revised its data request to include an expanded set of questions regarding how states and other reporting jurisdictions spend collected fees and how they determine what activities, programs, and organizations can qualify as being "in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services," pursuant to the statutory requirements.⁵ The Commission sought public comment regarding these changes to its data collection on November 8, 2011.⁶ Thereafter, the Office of Management and Budget (OMB) authorized the amended information collection.⁷

Pursuant to that OMB authorization, the Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

CNLV City Council Res #1309 in 1984 to put on ballot as property tax override which was approved.

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.

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, 2011.

\$217,887.17

Collected by Clark County as property tax and forwarded to CNLV.

3. 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.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing

services, or enhancements of such services, as specified in the provision of State or local law adopted the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services." NET 911 Act at §6(f)(1).

⁴ The Commission released reports in 2009, 2010 and 2011. These reports can be found on the Commission's website at <http://www.fcc.gov/encyclopedia/9-1-1-and-e9-1-1-services>.

⁵ NET 911 Act at §6(f)(2).

⁶ See Public Safety and Homeland Security Seeks Comment on Information Collection and Recommendations to Congress Regarding State 911/E911 Fees and Expenditures, Public Notice, Docket No. 09-14 (rel. Nov. 8, 2011). Commenters supported the expanded data collection. See, e.g., NENA Comments at 1; CTIA Comments at 1.

⁷ Letter from Kevin F. Neyland, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, OMB Control Number 3060-1122 (May 17, 2012).

This is really a State question; one we cannot answer. It inquires about oversight and enforcement provisions that the State has in place to ensure proper usage of the funds. Internally, CNLV utilizes a special revenue fund to ensure that these funds are kept separate, and are used for only their legally mandated purpose.



BOARD OF COMMISSIONERS

1594 Esmeralda Avenue, Minden, Nevada 89423

Steve Mokrohisky
COUNTY MANAGER
775-782-9821

COMMISSIONERS:
Lee Bonner, CHAIRMAN
Nancy McDermid, VICE-CHAIR
Michael A. Olson
Doug Johnson
Greg Lynn

September 20, 2012

Nevada Department of Public Safety
Division of Emergency Management Homeland Security
2478 Fairview Dr
Carson City NV 89701

Received & Inspected

NOV 05 2012

FCC Mail Room

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

To Whom It May Concern:

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

Douglas County, NV established a surcharge through the adoption of County Ordinance 2007-1212 in accordance with Nevada Revised Statutes 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 truck lines.

The total amount of fees collected for the annual period ending December 31, 2011 is \$107,363.25. Expenditures began as of October 7, 2009.

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

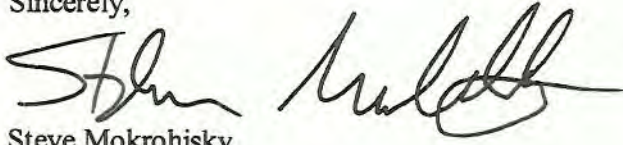
The Douglas County, NV 911 Surcharge Advisory Committee is a local advisory committee established by County Ordinance 2007-1212 to develop and oversee a five year master plan and make recommendations to the Douglas County Board of County Commissioners on the expenditure of 911 surcharge funds.

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

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Mokrohisky', written in a cursive style.

Steve Mokrohisky
County Manager

Chris Molnar

From: Ron Damele [rdamele@eurekanv.org]
Sent: Friday, September 21, 2012 9:48 AM
To: Chris Molnar
Subject: RE: Fourth annual information collection

Yes!

From: Chris Molnar [mailto:cmolnar@dps.state.nv.us]
Sent: Friday, September 21, 2012 8:44 AM
To: Ron Damele
Subject: RE: Fourth annual information collection

I have your letter from last year. Would it be ok to submit it again for 2012?

****CONFIDENTIALITY NOTICE****

This email is intended only for the person(s) indicated. The email may contain information that is privileged, confidential, law enforcement, or otherwise exempt from disclosure under applicable law. If you are not the addressee, or it appears from the context or otherwise that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

Chris Molnar
Executive Assistant, Chief's Office
Division of Emergency Management
Nevada Office of Homeland Security
2478 Fairview Dr.
Carson City, NV 89701
775-687-0394
Fax: 687-0322

From: Ron Damele [mailto:rdamele@eurekanv.org]
Sent: Friday, September 21, 2012 8:29 AM
To: Chris Molnar
Subject: RE: Fourth annual information collection

Good Morning,

Please be advised that Eureka County **does not** collect fee's to support our 911 system.

Thank you.

Ron

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Sent: Monday, September 17, 2012 3:06 PM
To: rdamele@eurekanv.org
Subject: Fourth annual information collection

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OFFICE OF
Eureka County Public Works

Administrative Bldg.
701 South Main Street
P.O. Box 714 • Eureka, Nevada 89316

Phone: (775) 237-5372
Fax: (775) 237-5708
www.co.eureka.nv.us

May 18, 2011

Nevada Department of Public Safety
Division of Emergency Management
Attn: Chris Molnar
2478 Fairview Dr.
Carson City, NV 89701

Reference: Response to New and Emerging Technologies Improvement Act of 2008

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Please contact me directly with any questions.

Regards,



Ronald Damele
Public Works Director

SHO-PAI EMERGENCY MGMT.
1935 FIRE LANE
NEVADA HIGHWAY 225
P.O. Box 219
OWYHEE, NV 89832
(775) 757-2473



Received & Inspected
NOV 05 2012
FCC Mail Room

September 20, 2012

Chris Smith, Nevada Dept. of Emergency Management

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Brent L. Hunter
Emergency Manager
Shoshone Paiute Tribes

**Shoshone Paiute Tribes
911 Emergency Services Fee
Collection & Distribution Report
January 1, 2011 through December 31, 2011**

History:

Originally, the Shoshone Paiute Tribal residents of Duck Valley were being charged \$1 per phone subscriber line, per month by CenturyTel (now CenturyLink) by Owyhee County, Idaho. It seems Owyhee County (adjacent to Duck Valley, on the Idaho side) Emergency Services were taxing Duck Valley for their services, which they don't, and never did, provide the tribe. SPT has our own emergency services (law enforcement, fire and EMS). After confirmation of these charges, Owyhee County reimbursed the tribe the funding that was owed.

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- ⌚ Purchase of bay heaters*
- ⌚ Repairs & Maintenance (building)*
- ⌚ Utilities (propane, water and electric)*
- ⌚ Indirect (administrative fee)*

As you can see from the budget, our 911 collection is just a small percentage of the revenues.

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9800 000 4500	ERC-Tribal Rev	7/27/2011	Actual	C/R	TAX SURCHARGE	CENTURYLINK TAX SURCHARGE 911 FOR JUN 2011 CK#3427510	461.58	
9800 000 4500	ERC-Tribal Rev	8/30/2011	Actual	C/R	SURCHARGE TAX	CENTURYLINK SURCHARGE TAX 911 FOR JUL 2011 CK#3463482	453.47	
9800 000 4500	ERC-Tribal Rev	9/27/2011	Actual	C/R	911 TAX SURCH	CENTURYLINK 911 TAX SURCHARGE FOR AUG 2011 CK#3498718	429.58	
9800 000 4500	ERC-Tribal Rev Total						0.00	3,965.05
9800 000 4800	ERC-911 Tax Revenue	11/1/2011	Actual	C/R	911 TAX SEPT	CENTURYLINK 911 TAX SURCHARGE FOR SEPT 2011 CK#3552974	384.06	
9800 000 4800	ERC-911 Tax Revenue	11/29/2011	Actual	C/R	911 TAX SURCHARGE	CENTURYLINK 911 TAX SURCHARGE CK 0003591742	372.22	
9800 000 4800	ERC-911 Tax Revenue	12/30/2011	Actual	C/R	911 TAX SURCHARGE	CENTURYLINK CK 0003638445	432.58	
9800 000 4800	ERC-911 Tax Revenue Total						0.00	1,188.86

FY 2011 EMERGENCY RESPONSE CENTER BUDGET JUSTIFICATION

Revenue to support the Fire Station is received from the DVHA for fire protection and supplemented by a 911 tax on telephone usage. The Fire Fund also contributes to meet all unfunded line items.

REVENUES

DVHA FIRE PROTECTION	\$17,550
FIRE FUND OPS TRANSFER	\$31,656
<u>911 / CENTURYLINK REVENUES</u>	<u>\$5,154</u>
TOTAL	\$54,360

EXPENSES

Capital Lease

<u>Item</u>	<u>Price</u>
Principal Mortgage Payment	\$3,700
	<u>Total</u>
	\$3,700

Dues and Subscriptions

<u>Item</u>	<u>Price</u>
Misc.	\$101
	<u>Total</u>
	\$101

Insurance General

<u>Item</u>	<u>Price</u>
Building Content	\$500
	<u>Total</u>
	\$500

Repairs and Maintenance – Building

<u>Item</u>	<u>Price</u>
Black Canyon bay heaters	\$3500
	<u>Total</u>
	\$3,500

Repairs and Maintenance –Equipment

<u>Item</u>	<u>Price</u>
Misc	\$360
	<u>Total</u>
	\$360

Utilities

<u>Items</u>	<u>Price</u>
V-1 Propane	
Raft River	
Water & Sanitation	\$23,554
	<u>Total</u>
	\$23,554

Indirect

@ 29.99%.....\$9,945

TOTAL **\$54,360**



Received & Inspected

NOV 05 2012

FCC Troy Tanner
Chief of Police

September 25, 2012

Division of Emergency Management Homeland Security
Attn: Christopher B. Smith
2478 Fairview Dr
Carson City, Nevada 89701

RE: The Fourth Annual Information Collection Mandated By the New and Emerging
Technologies Improvement Act of 2008


To whom it may concern:

Section 6(f)(2) items 1-9 pertaining to the collection of 911 and E911 fees.

We, the City of Mesquite do not currently collect any 911 or E911 fees.

We are possibly looking at enacting a 911 surcharge in the near future to the citizens of
Mesquite.

Respectfully,



Troy Tanner
Chief of Police

695 Mayan Circle
Mesquite, Nevada 89027
Phone: 702-346-5262
Fax: 702-346-5537

WEST WENDOVER FIRE DEPARTMENT

City of West Wendover

P. O. Box 3226

935 West Wendover Blvd

West Wendover Nevada 89883

Ph 775-664-2274 Fax 775-664-2809

jknudtson@westwendovercity.com



09/26/2012

Christopher B Smith

Re: Information on the Technologies Improvement Act of 2008

Our City of West Wendover has a 911 system for our central dispatch. We receive no funding from any other source than our Cities funds to operate and maintain this system. However our local phone system, Frontier, does have a .50c charge on every bill but tells us that since we do not have E-911 we are not able to have that money, we do not know where the money goes to.

Since the City collects no funds for our 911 system I cannot answer any of your questions.

Sincerely,

A handwritten signature in blue ink, which appears to read "Jeff Knudtson". The signature is fluid and cursive, written over a light blue horizontal line.

Chief Jeff Knudtson EMGT Dir.



CARSON CITY FIRE DEPARTMENT

"Service with Pride. Commitment. Compassion"

September 28, 2012

Received & Inspected

NOV 05 2012

FCC Mail Room

Christopher B. Smith, Director
Nevada Division of Emergency Management
2478 Fairview Drive
Carson City, NV 89701

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

Dear Mr. Smith:

This letter is in response to your request for information regarding collection of information mandated by the New and Emerging Technologies Improvement Act of 2008 to be submitted to the Federal Communications Commission. The information contained in this report is for Carson City, a consolidated municipality and combined city/county.

I have restated each of the topic areas for which information has been requested and then provided the responses.

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 mechanism for the collection of fees is established in Nevada Revised Statutes 244A.7641 through 244A.7647 and by Carson City Municipal Code Chapter 4.05.

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, 2011.*

The fees charged through this authorization are twenty-five cents (\$0.25) per month per individual line or two dollars and fifty cents (\$2.50) per month per line for trunk lines. The fees collected in calendar year 2011 were \$220,624.83.

3. *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.*

The funds are collected by our local government and are not distributed to any other local government or "localities." The criteria for allowable uses for the fund are controlled by Nevada Revised Statutes 244A.7641 through 244A.7647 and by Carson City Municipal Code Chapter 4.05.

4. *A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.*

Any local government in the state can use the funds generated within its local government provided it follows the criteria established in Nevada Revised Statutes 244A.7641 through 244A.7647. The oversight for expenditures in Carson City is ultimately the local governing body—the Carson City Board of Supervisors. The Board of Supervisors has established an advisory committee that reviews expenditures, develops a 911 Surcharge Master Plan, and approves the expenditure of collected funds based upon the approved plan. No enforcement or other corrective actions have been undertaken in connection with this oversight as none were necessary.

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.*

The funds collected through this process have only been used for purposes authorized by statute and local ordinance.

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.*

No funds were used for purposes other than those purposes established by statute or local ordinance.

7. *A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.*

The funds collected within Carson City are, by ordinance and state law, strictly for the use of Carson City. No other organizations received funding through the fees collected. Carson City used the money collected to directly support 911 operations in the City's Public Safety Answering Point (PSAP) by upgrading the 911 phone system used to process 9-1-1 calls.

8. *A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.*

Next generation 911 charges would be eligible under our state law and local ordinances. Carson City has not expended funds directly on next generation 911 systems or services, although the funds that have been expended for the latest 911 software are partially forward compatible to next generation systems.

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

No other comments.

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

Sincerely,



R. Stacey Giomi
Fire Chief - Emergency Management Director

Att.

cc: Larry Werner, City Manager
911 Surcharge Advisory Committee Members
Karin Mracek, Communications Manager

NOV 05 2012

The Commission has collected annual data and reported to Congress pursuant to the NET 911 Act each of the past three years.⁴ For this fourth annual data collection, the Commission has revised its data request to include an expanded set of questions regarding how states and other reporting jurisdictions spend collected fees and how they determine what activities, programs, and organizations can qualify as being "in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services," pursuant to the statutory requirements.⁵ The Commission sought public comment regarding these changes to its data collection on November 8, 2011.⁶ Thereafter, the Office of Management and Budget (OMB) authorized the amended information collection.⁷

Pursuant to that OMB authorization, the Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

CNLV City Council Res #1309 in 1984 to put on ballot as property tax override which was approved.

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.

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, 2011.

\$217,887.17

Collected by Clark County as property tax and forwarded to CNLV.

3. 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.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing

services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services." NET 911 Act at §6(f)(1).

⁴ The Commission released reports in 2009, 2010 and 2011. These reports can be found on the Commission's website at <http://www.fcc.gov/encyclopedia/9-1-1-and-e9-1-1-services>.

⁵ NET 911 Act at §6(f)(2).

⁶ See Public Safety and Homeland Security Seeks Comment on Information Collection and Recommendations to Congress Regarding State 911/E911 Fees and Expenditures, Public Notice, Docket No. 09-14 (rel. Nov. 8, 2011). Commenters supported the expanded data collection. See, NENA Comments at 1; CTIA Comments at 1.

⁷ Letter from Kevin F. Neyland, Deputy Administrator, Office of Information and Regulatory Affairs, of Management and Budget, OMB Control Number 3060-1122 (May 17, 2012).

This is really a State question; one we cannot answer. It inquires about oversight and enforcement provisions that the State has in place to ensure proper usage of the funds. Internally, CNLV utilizes a special revenue fund to ensure that these funds are kept separate, and are used for only their legally mandated purpose.

Funds have been used only for purposes designated by funding mechanism.

enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

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.

None. Funds were used only for allowed purposes.

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.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

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

Consistent with Section 6(f) of the NET 911 Act, we request that you report the information identified in this letter with respect to fees and charges collected in connection with the implementation and support of 911 or E911 services within your state, including any political subdivision thereof, Indian tribe and/or village and regional corporation serving any region established pursuant to the Alaska Native Claims Settlement Act that otherwise lie within their state boundaries.⁸ In addition, consistent with the definition of "State" set out in 47 U.S.C. 153(40), the Commission will collect this information from states as well as the District of Columbia, and the inhabited U.S. Territories and Possessions.

As described in the attached FCC Public Notice, information submitted pursuant to this information collection should be submitted in the NET 911 electronic drop box located at <https://esupport.fcc.gov/actonline>, and should be submitted no later than **July 31, 2012**. Filed information must include verification and signature by an official identified in the filing. The information filing should be submitted on an official (letterhead) document of the signatory's agency which is then uploaded to the electronic drop box by attaching an electronic copy of the document and hitting "send." Filers may also fax or mail a copy of the signed document to the Secretary of the FCC as specified in the FCC's Public Notice, DA 12 - 908, and should reference **PS Docket No. 09-14**.

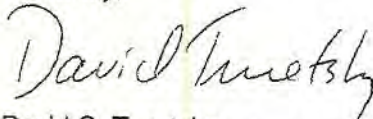
⁸ See NET 911 Act, Section 6(f)(1).

7) In January 2012 the Communications Division installed a new 911 system. This included a telephony system, recording system and reporting system. Prior to that date, I cannot tell you what the 911 funds were being spent on.

8) Although I do classify NextGen 911 to fall within the scope, we have not been afforded the opportunity to expend any monies regarding Next Gen 911 programs.

Thank you for your cooperation with this important undertaking. Should you have any questions, please contact Mr. Thomas J. Beers of my staff at (202) 418-0952 or tom.beers@fcc.gov.

Sincerely,

A handwritten signature in dark ink, reading "David Turetsky". The signature is fluid and cursive, with the first name "David" and last name "Turetsky" clearly legible.

David S. Turetsky
Chief, Public Safety and Homeland Security Bureau



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

The Honorable Brian Sandoval
Governor
State of Nevada
State Capitol
101 North Carson Street
Carson City, Nevada 89701

Re: Fourth Annual Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008; Response Due No Later than July 31, 2012.

Dear Governor Sandoval:

The New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act) became law on July 23, 2008, requiring Internet Protocol (IP) enabled voice service providers to provide 911 and enhanced 911 (E911) services, and requiring various regulatory undertakings by the Federal Communications Commission (Commission).¹ Section 6(f)(2) of the NET 911 Act requires the Commission to report to Congress annually regarding the collection and expenditure of fees or charges established by the states or other jurisdictions in connection with 911/E911 services.² The Commission must therefore obtain information "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified."³

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

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

³ *Id.* at §6(f)(1). Section 6(f)(1) affirms the ability of "[a] State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended ..." to collect fees or charges "[applicable] to commercial mobile services or IP-enabled voice services ... for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1

Chris Molnar

From: Joeii Nicole Thibodeaux [nicole.thibodeaux@hotmail.com]
Sent: Thursday, October 11, 2012 11:57 AM
To: Chris Molnar
Subject: FCC

Chris,

I wasn't sure if anyone had responded to the letter you emailed us on September 17, 2012 regarding the FCC. Our county does not have charges or fees related to our 911 system according to Sheriff Elgan.

Thank you,

Nicole Thibodeaux
TAC
Esmeralda County Sheriff's Office
Goldfield, NV 89013

Chris Molnar

From: George Molnar
Sent: Saturday, October 20, 2012 11:58 AM
To: Chris Molnar
Subject: e911 Washoe Tribe

Not sure if I sent this earlier...

George J Molnar
Nevada Statewide Interoperability Coordinator

Office: (702) 486-4498
Cell: (702) 767-5420

Begin forwarded message:

From: Marie Barry <marie.barry@washoetribe.us>
Subject: Follow up from call this morning
Date: September 24, 2012 12:48:19 PM PDT
To: "gmolnar@dps.state.nv.us" <gmolnar@dps.state.nv.us>

Hi George,

Just wanted to follow up from our conversation this morning you were going to resend the memo sent on 9/17/12. We currently pay fees to Douglas Dispatch for the 911 Service according to our police captain.

Marie Barry, Environmental Program Director
Washoe Tribe of Nevada & California
919 Highway 395 South, Gardnerville, NV 89410
Phone: 775.265.8682 Cell: 775.720.3850
Fax: 775.265.3211
Email: Marie.Barry@washoetribe.us

 Please consider the environment before printing this e-mail

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Chris Molnar

From: George Molnar
Sent: Saturday, October 20, 2012 8:06 AM
To: Chris Molnar
Subject: Clark County 911 Info

Here you go!

George J Molnar
Nevada Statewide Interoperability Coordinator

Office: (702) 486-4498
Cell: (702) 767-5420

The Las Vegas Metropolitan Police Department (LVMPD) maintains the Public Safety Answering Point (PSAP) for the City of Las Vegas and the Unincorporated Clark County, Nevada. As such we handle all 911 calls for police, fire, or medical.

FY 12-13 budget of \$23,621,8089

237 employees assigned

1,092,686; 911 calls

718,186; 311 calls

1,135,330 ; PBX calls

- 1) Other than regular allocation through the operating budget we receive a levy of .005 on assessed property values.
- 2) Assessed rate is .005. FY 11-12 revenue was \$2,074,899
- 3) The assessed is collected by Clark county and then transferred to LVMPD
- 4) LVMPD budgets and manages the property tax revenue collected by this levy
- 5) Yes
- 6) None
- 7) LVMPD
- 8) No
- 9) None

Raymond J. Flynn
Assistant Sheriff
Las Vegas Metropolitan Police Department
400 Martin Luther King Blvd.
Las Vegas, NV 89106
(702) 828-3499 Office
(702) 828-4339 Fax
r2201f@lvmpd.com



LINCOLN COUNTY SHERIFF'S OFFICE

KERRY D. LEE
Sheriff
klee@lcsso-nv.org

Pioche Main Station
P.O. Box 570
225 Justice Way
Pioche, NV 89043

775-962-5151
Fax: 775-962-5384



GARY L. DAVIS
Captain
gldavis@lcsso-nv.org

Alamo Substation
P.O. Box 390
121 Joshua Tree St
Alamo, NV 89001

775-725-3800
Fax: 775-725-3629

September 24, 2012

Attn: Chris Molnar

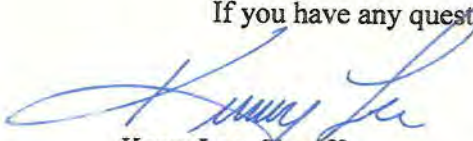
Re: 911 info

Chris;

I was contacted by the Lincoln County Emergency Manager today in reference to your letter date September 17th, 2012 concerning fees collected for E911.

Lincoln County has set up the mechanism to collect fees for E911 but has not enacted it as of yet. Lincoln County does not have any funding set aside for E911 nor has it collected any as of this date. I do intend on pushing this funding issue this year as I feel that our E911 system is in dire need of upgrading and funding.

If you have any questions feel free to call my office at (775)962-5151


Kerry Lee, Sheriff
Lincoln County Sheriff's Office

Chris Molnar

From: T.C. Knight [tknight@mineralcountynv.org]
Sent: Friday, September 21, 2012 3:21 PM
To: Chris Molnar
Subject: RE: Fourth annual information collection

At this time Mineral County has not yet begun collection of any monies. We have established our 911 committee and hope to begin collecting this year and we will fulfill reporting requirements for the next year. Please let me know if you have any further questions or concerns.

Thank you,

T.C. Knight, Fire Chief
Mineral County Fire Department
418 Mineral Way
Hawthorne, NV. 89415
Ph: 775-945-2497
fax: 775-945-8465
firechief@mineralcountynv.org

Joe Curtis
Chairman



**STOREY COUNTY
EMERGENCY MANAGEMENT**

P.O. Box 7
141 North C Street
Virginia City, Nevada 89440
Telephone (775) 847-0986 • Fax (775) 847-1105

Received & Inspected

NOV 05 2012

FCC Mail Room

September 25, 2012

Christopher Smith, Chief
Nevada Division of Emergency Management/Homeland Security
2478 Fairview Drive
Carson City, NV 89701

RE: FCC Information Collection

Dear Mr. Smith:

Please allow this letter to serve as documentation that Storey County **does not** have a funding mechanism in place to impose fees on 911 and E911 services.

If you need any further information, please contact me at your convenience.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Cherie M. Nevin".

Cherie Nevin
Assistant Director

Chris Molnar

From: Sandy Munns [munnss@reno.gov]
Sent: Wednesday, September 26, 2012 1:28 PM
To: Chris Molnar
Cc: Chris B. Smith
Subject: 4th Annual Information Collection (FCC)

Hi Chris (and Chief Smith),

I am in receipt of your letter dated 9/17/12 (with deadline of 9/22/12), regarding the FCC's request for information mandated by the New and Emerging Technologies Improvement Act of 2008. This issue is in regards to the Emergency 911 system we utilize in the Reno/Sparks/Washoe County area, and is managed by a regional oversight group. The individual responsible for the financial issues is Cory Casazza with Washoe County. They City's IT director and I have forwarded this request to him, and you should be receiving his response in the very near future.

I hope this is sufficient response from the City of Reno. If you need anything else, please let me know.

Thanks, and have a great day.
Sandy

Wm. T. "Sandy" Munns, CFO
Division Chief, Emergency Management
City of Reno Fire Department
Cell: (775) 287-9079
Office: (775) 334-2328

"Be a yardstick of quality. Some people aren't used to an environment where excellence is expected."

—Steve Jobs

Founder and CEO of Apple



"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

September 26, 2012

Federal Communications Commission
445 12th 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:

- (1) 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)
- (2) 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.

For calendar year 2011, January 1, 2011 through December 31, 2011, Washoe County collected a total E911 surcharge remittance amount of \$1,604,363.57.

- (3) The State of Nevada has established written criteria regarding the allowable uses of the collected funds and Washoe County posts 911 Advisory Committee meetings agendas, with meetings open to the public as recorded on the Washoe County Technology Services website:
<http://www.co.washoe.nv.us/technology/911.htm>.

Received & Inspected

NOV 05 2012

FCC Mail Room

- NRS 244A.7641 - NRS 244A.777 Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergency.

(4-6) NRS 244A.7645 Identifies the authority to approve expenditure of funds

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 700,000, 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 45,000 or more but less than 700,000, 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 45,000, 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 45,000 or more but less than 700,000 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 45,000 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; 2011, 1124)

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 NRS 244A.7641 - NRS 244A.7777 and Washoe County code 65.400-65.460. Washoe County Commissioners, Audit Division, Comptroller, Finance, Manager, Purchasing, Technology Services and the public (during publically attended and announced meetings), oversee expenditures.

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. Audits indicate that no funds collected for Washoe County E911 were, or are now used, for any other purpose than intended in NRS 244A.7641 - NRS 244A.7777 therefore no corrective action has been implemented.

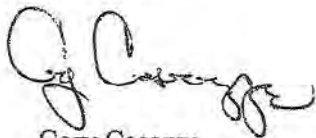
(7) Washoe County 911 funds are used to provide 911 call taking equipment, software and services to benefit Washoe County's three primary Public Safety Answering Points (PSAPs): Washoe County, the City of Reno and the City of Sparks, one secondary (PSAP), the Regional Emergency Medical Services Authority (REMSA) and provide reverse 911 technology through the Regional Emergency Operations Center of Washoe County..

(8) The 911 Advisory Committee and Washoe County Commissioners classify expenditures of Next Generation 911 permissible by Nevada Revised Statutes: NRS 244A.7641 - NRS 244A.7777.

Washoe County implemented the first phase of Next Generation 911 by contracting with Intrado Inc. for set-up and hosted 911 Next Generation Administration. This moved our 911 system from analog to PRI per Washoe County Board of Commissioner approval of "RFP2712-10 E911 Next Gen" May 25, 2010. On 7/13/2010, Washoe County issued a purchase order to Intrado Inc. to provide Next Generation 911 services for a period of five years. For calendar year 2011, January 1, 2011 through December 31, 2011, Washoe County spent a total of \$33,205.00 on Next Generation 911 implementation through Intrado Inc. \$845,000 was encumbered with Intrado Inc. for the same calendar year.

(9) Washoe County progressed to a hosted Next Generation 911 system to stabilize yearly costs associated with repair and maintenance of the system. In the future, it may become necessary to ask the State legislature to allow an increase of the surcharge to support this system and take Washoe County to the second phase of Next Generation 911 that would include acceptance of video calls.

Sincerely,



Cory Casazza
Chief Information Management Officer
(1) Attachment

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 700,000 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](#); [2011, 1122](#))

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 700,000, 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 45,000 or more but less than 700,000, 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 45,000, 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 45,000 or more but less than 700,000 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 45,000 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](#); [2011, 1124](#))

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 700,000 or more; boundaries of district; delegation of operation of system to metropolitan police department.

1. The board in any county whose population is 700,000 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; [2011, 1125](#))

NRS 244A.768 Creation of taxing district in county whose population is less than 700,000; boundaries of district; delegation of operation of system to metropolitan police department.

1. The board in any county whose population is less than 700,000 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; [2011, 1125](#))

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)

CHAPTER 65 - SAFETY AND DISASTER SERVICES

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

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CHAPTER 65 - SAFETY AND DISASTER SERVICES Page 65-19

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

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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.

[S1, 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.

[S8, Ord. No. 941; A Ord. No. 1107]



Lander County Sheriff's Office

Ron Unger, Sheriff

September 26, 2012

Received & Inspected

NOV 05 2012

FCC Mail Room

Christopher Smith, C.E.M.
Nevada Department of Public Safety
DEM, DHS
2478 Fairview Drive
Carson City, Nevada 89701

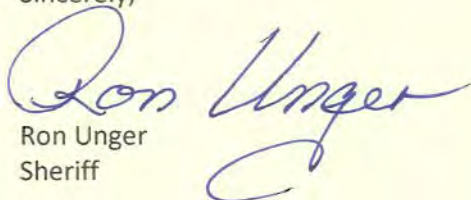
RE: FCC Mandate

Christopher,

Lander County does not currently, nor do they intend to establish a funding mechanism designated for or imposed for the purposes of 911 or E911 support and implementation.

Please contact me if you have any questions or I may be of further assistance.

Sincerely,


Ron Unger
Sheriff



Received & Inspected

JUL 31 2012

FCC Mail Room

State of New Jersey

CHRIS CHRISTIE
Governor

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

KIM GUADAGNO
Lt. Governor

E. STEVEN EMANUEL
Chief Information Officer

July 26, 2012

Office of the Secretary
Federal Communications Commission
445 12th 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 FCC:

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. David S. Turetsky, Chief, Public Safety and Homeland Security Bureau, and FCC Public Notice DA 12-908, dated June 8, 2012. This information outlines the status of collections and expenditures of the fees established in connection with E911 services for calendar year 2011. Chief Turetsky's letter requests specific information to the following eight 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:

0

- 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); the cost of operating the 9-1-1 Commission created pursuant to section 2 of P.L.1989, c. 3 (C.52:17C-2);
- 5) 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;
- 6) 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 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, 2011.

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 2011 was \$127 million.

3) 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:

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 (FY2013), the State anticipates that revenue from the 9-1-1 System & Emergency Response Fee will generate \$125 million. Of that amount there was no funding made available to county and local PSAPs.

4) A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Response:

Through the annual 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.

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.

Response:

As allowed by the enabling legislation, funds have been made available or used for the purposes designated by the funding mechanism. Nearly 11% 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 (~\$112M) are used to support emergency response activities, including Homeland Security and State Police, consistent with the fee's enabling legislation.

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.

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 specific departmental programs and activities outlined below.

7) A statement identifying all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

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 specific departmental programs and activities outlined below.

The estimated revenue from the mobile telecommunications service and telephone exchange service fee in fiscal 2013 totals \$125 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 Law and Public Safety	(000)
Emergency Operations Center, Operating	2,157

Hamilton TechPlex Maintenance	1,616
Office of Homeland Security and Preparedness	3,695
Rural Section Policing	53,398
Urban Search and Rescue	1,000
Division of State Police – Remaining Operating Budget	234,858
Department of Military and Veterans’ Affairs	
Military Services – National Guard Support Services	3,672
Department of Treasury	
Office of Emergency Telecommunications Service (OETS)	900
Statewide 911 Emergency Telephone System	12,372

Total, State Appropriations 313,668

8) A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Response:

Expenditures on Next Generation 9-1-1 would be permissible; however, no funds have been expended in the annual period ending December 31, 2011.

Sincerely,



Gloria J. Broeker
Chief Operating Officer
New Jersey Office of Information Technology

Cc: OMB

SUSANA MARTINEZ
GOVERNOR
THOMAS E. CLIFFORD, Ph.D.
CABINET SECRETARY



RYAN GLEASON
DIRECTOR
SAM OJINAGA
DEPUTY DIRECTOR

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ Suite 201 ♦ Santa Fe, NM 87501
PHONE (505) 827-8051 ♦ FAX (505) 827-4948

July 30, 2012

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

Re: Response to the 2012 Request for Information Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Admiral Barnett:

Here are New Mexico's responses to the questions in your June 2012 letter to Governor Martinez.

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, 2011.

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, 2011 was \$13,424,002.43.

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

Response:

The surcharge is collected in accordance with the Tax Administration Act and deposited into the Enhanced 911 fund administered by the Local Government Division of the 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.

4. 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Response:

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) identifies the Local Government Division of the 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 E911 program managers, the state E911 program director and the Local Government Division director. Prior approval from the Board of Finance is required for equipment or system purchases. Local Public Safety Answering Points (PSAPs) submit their requests along with detailed price quotes to the E911 program managers who review all requests and recommend, if appropriate, approval to the E911 program director, Local Government Division deputy director and Local Government Division director. Requests are then presented to the Board of Finance for final approval.

There has been no enforcement or other corrective actions undertaken in connection with such oversight of the annual reporting period ending December 31, 2011.

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 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 E911 service.

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.

Response:

No funding is used for purposes other than E911.

7. A Statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Response:

The State of New Mexico E911 Program funds a statewide E911 system comprised of network, GIS, database, E911 equipment, maintenance, and both GIS and PSAP training. All funding provided to local governments in calendar year 2011 falls into one of the above categories. All funds were used in compliance with Rule and Statute and were used to improve and enhance the New Mexico E911 system through equipment and network upgrades, modernization, and training.

8. A Statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether you State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Response:

The New Mexico E911 Program classifies Next Generation E911 expenses within the scope of permissible expenditures of funds for 911 or E911 purposes. During the annual period ending December 31, 2011, the New Mexico E911 Program expended a total of \$491,338.66 on Next Generation, broken into categories:

- Next Generation Consulting, \$1,549.98;
- Next Generation Security (NG-SEC) compliant security assessment and plan development, \$103,749.09; and
- Purchase and installation of NG-SEC compliant firewalls and routers, \$386,042.59.

9. 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 Sam Ojinaga at (505) 827-8073 or sam.ojinaga@state.nm.us.

Sincerely,



Ryan Gleason
Director
Local Government Division
Department of Finance and Administration

cc: Governor Susana Martinez
Keith Gardner, Office of the Governor
Thomas E. Clifford, Ph.D., Cabinet Secretary
Sam Ojinaga, Deputy Division Director
Bill Range, Assistant Bureau Chief - E911



**NEW YORK STATE
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES**

Andrew M. Cuomo, Governor

Jerome M. Hauer, Commissioner

August 14, 2012

Received & Inspected

AUG 27 2012

FCC Mail Room

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

Dear Mr. Turetsky:

This letter is New York's response to your letter to Governor Cuomo concerning the Annual Information Collection pursuant to New and Emerging Technologies Improvement Act of 2008. Information is provided in accordance with the topic areas requested.

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

(a). The first mechanism is established at the State level through section 186-f of NYS Tax Law. 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 97QQ of the State Finance Law.

(b). The second and third funding mechanisms are established at the local level through Article 6 of the NYS County Law. Sections 303 and 308 of Article 6 authorize the City of New York and all other NYS counties 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 (PSCS) and two local 911/E911 surcharges.

(a). The State PSCS is currently set in statute at \$1.20 (Tax Law Section 186-f). In calendar year 2011, \$194,787,113 was collected.

(b). County Law provides that NYS counties may also 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. New York City (NYC) is authorized to impose a surcharge of up to one dollar for this purpose. The imposition of this surcharge is at the localities' discretion.

(ii) Sections 308-a through 308-v authorize NYC and all other NYS counties 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 the localities' discretion.

Credible estimates or reports of the local revenues collected through surcharges authorized in County Law are not available.

3. Section 186-f of the Tax Law specifies the allowable uses of funds generated from the PSCS. This section provides that:

- Not less than \$9 million annually shall be disbursed in support of the Local Enhanced Wireless 911 Program, which assists counties in financing the operations of 911 dispatch centers;
- Funds shall 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;
- Up to \$75 million may be allocated annually to aid local governments in designing, constructing, and operating a wireless communications network(s) that will provide interoperable communications solutions to first responders across the state. A Request-for-Applications (RFA) was issued and DHSES has announced awards of these funds totaling \$20 million in December 2011. We are currently processing claims from awarded counties.

4. 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 funds allocated for the Local Enhanced Wireless 911 program, the New York State Division of Homeland Security & Emergency Services (DHSES), in consultation with the NYS Interoperable and Emergency Communication Board (formerly the

NYS E911 Board), reviews municipal expenditures related to E-911 service initiatives and authorizes reimbursement of the same. The Local Enhanced Wireless 911 program is administered by DHSES and reimburses designated county dispatch centers who receive wireless 911 calls for operational costs related to wireless 911 services.

For the past several years, the NYS Interoperable and Emergency Communication Board has also administered a bond-financed, \$100 million dollar grant program for county dispatch centers to upgrade their 911 facilities and equipment. This grant program provided financial assistance to these centers to receive and dispatch wireless 911 calls at a "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 Interoperable and Emergency Communication 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 by the imposition of the monthly land line surcharge (one dollar in NYC and thirty-five cents in other counties), 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 (other than NYC) 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 administration and expenditure of funds generated by NYC's 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.”

5. To the best of our knowledge, State funds collected through the funding mechanism that generates revenues for 911 or E-911 purposes -- Section 186-f of the NYS Tax Law-- have been used or made available for each of the specific purposes designated in that funding mechanism. With respect to funds generated through local or county-based E-911 surcharges, we do not currently possess the relevant information at the State level to validate that all such funds have made available and used for their designated purposes, although we assume such is the case.

6. In State Fiscal Year 2011-12, \$22.8 million was transferred from the balance of the State Wireless Telephone Emergency Account, to the state's General Fund. The transfer of these funds was authorized by statute and did not affect the ability of the State to reimburse municipalities for approved E-911 expenditures or otherwise support its several E-911 programs.

7. In addition to the responses indicated in response 3, funds generated from the PSCS are allocated to:

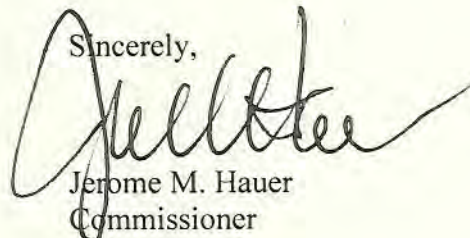
- An allocation of \$25,500,000 is made to the New York State Police; and
- Services and expenses that support the operations and mission of the Division of Homeland Security and Emergency Services.

8. At this time, the State of New York does not differentiate between 911 and Next Generation 911 expenditures. Based upon the language in existing statute, we believe that 911, E-911 and Next Generation 911 would be within scope

9. To the best of our knowledge, New York is the first and only state that allocates collected funds towards non-match grants to NYS counties in order to help them improve their ability for first responders to communicate with each other and create a network of regional partnerships and systems that include State agencies.

This State support to counties is available through the Statewide Interoperable Communications Grant program. All counties are eligible to apply to this competitive grant program.

I hope this information proves helpful.

Sincerely,

Jerome M. Hauer
Commissioner



**State of North Carolina
Office of Information Technology Services**

**Beverly Eaves Perdue
Governor**

**Jonathan Womer
State Chief Information Officer**

July 31, 2012

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

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

Dear Ms. Dortch,

David S. Turetsky, 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-46. Administration of the 911 Fund is governed by the N.C. 911 Board. N.C.G.S. §62A-41, -44 The Board's enabling legislation expressly incorporate the FCC Order (94-102, 1 December 1997) and subsequent modifications.

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. For the period January – December 2011, the Board set the fee at \$.60. N.C.G.S. §62A-43

A legislative moratorium on collection of such fees from or by prepaid CMRS providers extends through June 30, 2013. The 911 Board received \$ 71,761,198 for the 2011 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)

The 911 Board may allocate up to 2% of the fees received from the Voice communication providers for the administrative expenses of the Board. For the calendar year 2012, the 911 Board set its administrative fee at 1%. 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, 2011, the percentage was set at 20%. 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, 2011 the percentage designation was set at 80%. 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)

2. Funds are distributed monthly to all Primary PSAPs based on the average of their reported eligible expenditures for the previous five (5) years. Funds received in excess of the "base" amount may be distributed to Primary PSAPs on a per capita basis or be placed in the PSAP Grant Account. N.C.G.S. §62A-46(b)

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, database provisioning, addressing, nonrecurring costs of establishing a 911 system, dispatch equipment located exclusively within a building where a PSAP is located excluding transmitters & antennae and training for 911 personnel. N.C.G.S. §62A-46(c)

4. The North Carolina 911 Board has been designated as the entity to receive 911 fees collected, to 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 911 Board staff available to assist Primary PSAPs. As of 31 December 2011, there were 128 Primary PSAPs in North Carolina. The 911 Board conducts an annual Revenue/Expenditure Report for 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)

5. Effective July 1, 2011, the North Carolina 911 Board instituted a new PSAP funding model as mention in paragraph 3 above. The previous funding mechanism allowed an accumulation of 911 funds by local jurisdictions exceeding 911 expenditures. Session Law 2010-158, effective July 1, 2010, allowed local jurisdictions to use 50% of the existing local Emergency telephone System Fund on June 30, 2010 for public safety needs. Such uses were not subject to the same oversight as distributions from the 911 Board, therefore the Board lacks specific information regarding the expenditures and uses of the "50% funds". PSAPs were given until June 30, 2012 to complete these public safety need expenditures.

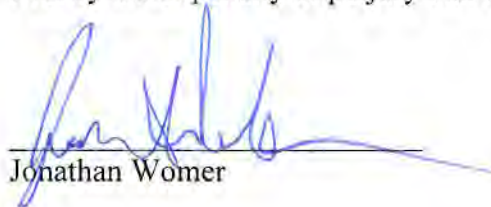
For the reporting period of calendar year 2011, only funds distributed before July 1, 2010 could be used for "public safety needs" but could be expended in 2011. All funds received by the 911

Board and distributed to Primary PSAPs under the new funding model have been made available and used for the authorized purposes of implementing or supporting of 911 or E911.

6. Except as mentioned above all funds collected for 911 or E911 purposes were used for 911 or E911 or in support as designated by statutory requirement.
7. For the calendar year 2011, funds collected for 911 or E911 were spent on the following programs, activities and organizations supporting 911 and E911 services:
 - a) 128 Primary PSAPs, primary PSAPs being defined in North Carolina as the first point of reception of a 911 call by a public safety answering point. N.C.G.S. §62A-40(16)
 - b) 8 Commercial Mobile Radio Service Providers (CMRS) who provide E911 services to the 128 Primary PSAPs and request cost recovery for actual costs incurred to provide E911 services. N.C.G.S. §62A-45(a)
 - c) Provided funding for a total of 6 911 grants: 2 for consolidation of PSAPs, 2 for creating a backup center for the Primary PSAP, and 2 for Primary PSAP equipment enhancement. N.C.G.S. §62A-47(b)
 - d) Provided funding for recurring statewide project of providing orthography images for ¼ of the state in support of Primary PSAP Geographic Information Systems (GIS) databases. Each year ¼ of the state will be updated so that in a four year cycle, all statewide imagery will be updated. N.C.G.S. §62A-47(d)
 - e) Provided funding for electronic call analysis program for 128 Primary PSAPs to have the ability to provide statewide detailed E911 call data. N.C.G.S. §62A-47(d)
8. Expenditures for Next Generation 911 are permissible expenditures based on North Carolina statutes N.C.G.S. §62A-46(c). For the calendar year 2011, no funds were reported as expenditures for Next Generation 911 programs.

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 July 31, 2012.



Jonathan Womer

Fourth Annual (2012) Information Collection Mandated by the New and Emergency Technologies Improvement Act of 2008 (NET 911 Act)

Background: On January 26, 2009, the FCC received authorization from OMB to implement a data collection program to facilitate Section 6(f)(2) of the NET 911 Act which requires a report to Congress annually regarding the “*collection and expenditure of fees or charges established by the states or other jurisdictions in connection with 911/E911 services.*” Each state is annually requested to provide the following information pursuant to this authorization (North Dakota’s 2011 responses in **bold**):

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 purpose of 911 or E911 support or implementation (Including a citation to the legal authority for such mechanism). **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. Four of North Dakota’s 53 counties began assessing a fee of \$1.50 per device per month in 2011, one assesses a fee of \$1.30, and the rest remain at \$1.00.**
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, 2010. **North Dakota is required by statute to collect detailed jurisdiction-level 911 fee and expenditure information each odd-numbered calendar year and a more general, statewide analysis is completed each even-numbered year. For the annual period ending December 31, 2011, the total collected by all jurisdictions was \$9,506,000. 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 that 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 what is not allowable under the statutory limitation.

3. 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. **As noted in “2” above, the State Legislature has created a statutory body, the Emergency Services Communications Coordinating Committee (ESC3), 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 on the revenues and expenditures related to this fee, and the Committee then reviews the reports against the guidelines and compiles the information for presentation to the Legislature.**
4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911. **The reports received and compiled by the Emergency Services Communications Coordinating Committee since the implementation of the guidelines in January 2008 have indicated that all funds generated by this fee have been expended for purposes allowed under the statute and guidelines.**
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. **All funds generated by the fee authorized by 57-40.6 have been used or made available for purposes allowed by statute and the expenditure guidelines.**
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. **No funds generated by the fee authorized by 57-40.6 have been used or made available for purposes other than the ones allowed by statute and the expenditure guidelines.**
7. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and e911. **No additional comments**



Public Utilities Commission

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Cheryl Roberto
Steven D. Lesser
Andre T. Porter
Lynn Slaby

July 31, 2012

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

Re: PS Docket No. 09-14

Ms. Dortch:

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 614-728-2855 with any clarifying questions which may arise.

Sincerely,

A handwritten signature in cursive script that reads "Marianne Townsend".

Marianne Townsend
Chief, Telecommunications &
Interim Ohio E9-1-1 Coordinator
Public Utilities Commission of Ohio
614-728-2855
Marianne.Townsend@puc.state.oh.us

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

Wireline 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, 2011.

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.

Company	Nonrecurring Charge	Recurring Charge	Billing Unit Defined
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 \$ in wireless surcharge fees were remitted to the Ohio 9-1-1 Service Program by wireless service providers in calendar year 2011. 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

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. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

See answer to number 6. Above and in accordance with 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>

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation

911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

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>

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

Recently, the Ohio 129th General Assembly passed Amended Sub. H.B. 509. A provision in this law creates the Statewide Emergency Services Internet Protocol Network Steering Committee to advise the state on the implementation, operation, and maintenance of a statewide emergency services internet protocol network to support state and local government next-generation 9-1-1 and the dispatch of emergency service providers. The Bill may be obtained at:

http://www.legislature.state.oh.us/bills.cfm?ID=129_HB_509



STATE OF OKLAHOMA
DEPARTMENT OF PUBLIC SAFETY

October 19, 2012

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20002

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

Dear Ms. Dortch:

On behalf of the Governor of Oklahoma, Mary Fallin, the following is the information requested by Mr. Michael Wilhelm, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau on September 10, 2012. The respondent for this information is Mr. Gene Thaxton, Oklahoma's E911 Coordinator to the Federal Communications Commission (FCC). The following is a recitation of the question followed by Oklahoma's response.

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 9-1-1 Act has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E911 support implementation (including a citation to the legal authority for such mechanism).

Response:

Oklahoma has no statewide assessed 9-1-1 fees. All fees for 9-1-1 implementation or operations are assessed by local governments.

The state has established 3 separate fees to fund 9-1-1 implementation and operations. In 63 O.S. (2001) sections 2811-2821, cities or counties or combined boards are authorized to enact a wireline fee which may vary from between 0 and 15% of the base telephone rate depending on when the fee was enacted and the amount set by the governing body. The fee can be changed annually.

Title 63 O.S. (2001) sections 2841-2846 allows counties to submit for vote a wireless fee assessed on pre-paid and post paid wireless users. The wireless fee is set at 50 cents per month per cellular telephone.

Title 63 O.S. (2001) sections 2851-2853 allows cities, counties or combined boards to assess a VoIP fee of 50 cents per month per VoIP user.

2. The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E911 services, and the total amount collected pursuant to the assessed fee or charges, for the annual period ending December 31, 2011.

Response:

Oklahoma has no centralized point for fee collection or remission. Wireline fees range from 0 to 15 % of the base telephone rate that existed at the time that the fee was enacted. The fee may be altered each year by the governing body of the jurisdiction that assessed the fee. Wireless and VoIP fees are 50 cents per user per month.

Wireline and VOIP fees are remitted to the jurisdiction that assessed the fee. Wireless fees are remitted to the regional planning commission covering the county that assessed the fee. The regional planning commission then remits to the jurisdiction that is the primary place of use for the cellular telephone user according to information provided by the wireless company to the regional planning commission annually.

3. 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:

Because the fees are assessed and remitted locally, it is impossible to determine the total amount collected for each fee on a statewide basis.

Each statute limits how the fee is to be used. The wireline statute (63 O.S. (2001) sec. 2814) authorizes a wireline fee "for the operation of an emergency telephone service," and provides that "the governing body shall account for all disbursements from the account and shall not allow the funds to be transferred to another account not specifically established for the operation of the emergency telephone system."

The wireless fee statute (63 O.S. (2001) sec. 2843.1) limits the use of the fee "to provide for processing nine-one-one emergency wireless calls," and for "services related to nine-one-one emergency wireless telephone services, including automatic number identification and automatic location information services." Wireless fees are remitted by carriers to the regional planning district which is authorized to distribute money to each public agency "that has sent a written request for installation, maintenance and operation of an emergency wireless telephone service (63 O.S.(2001) sec. 2843.1)."

The VoIP fee may be used for "the operation of enhanced 9-1-1 emergency services which includes the provision of 9-1-1 calls received from interconnected Voice over Internet Protocol (VoIP) service users." 63 O.S. (2001) sec. 2853.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 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 9-1-1; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Response:

Each local government has authority to approve expenditure of 9-1-1 funds. In many instances local governments combine to form county-wide or regional 9-1-1 boards which share or may share equipment, personnel or services. In that case, the authority rests in the cooperative board pursuant to the terms of an Interlocal agreement.

The wireline fee is required to be reviewed annually by the governing body that assessed the fee. 63 O.S. (2001) sec. 2814(G). Wireless and VoIP fees are set at 50 cents per month by statute.

Each fee statute requires an annual audit of the funds which may be conducted in conjunction with the local government's annual audit.

5. A statement whether all the funds collected for 9-1-1 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 9-1-1 or E911.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no centralized 9-1-1 enforcement or reporting agency, the details of the actual use of the funds is unknown. Discussions concerning this issue are being conducted with Oklahoma's Legislative Leaders.

6. A statement identifying what amount of funds collected for 9-1-1 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 9-1-1 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 9-1-1 or E911 purposes were made available or used.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no 9-1-1 enforcement or reporting agency, it is unknown whether any local 9-1-1 fund have been used for purposes other than specified in the statutes.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collect for 9-1-1 or E911 purposes and how these activities, programs, and organizations support 9-1-1 and E911 services or enhancements of such services.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no 9-1-1 enforcement or reporting agency, it is unknown whether any local 9-1-1 fund have been used for purposes other than specified in the statutes.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 9-1-1 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no 9-1-1 enforcement or reporting agency, it is unknown whether any local 9-1-1 fund have been used for purposes other than specified in the statutes.

9. Any other comments you may wish to provide regarding the applicable funding mechanism for 9-1-1 and E911.

Response:

In 2005, Oklahoma created the Statewide 9-1-1 Advisory Board to assist in the implementation, operation and improvement of 9-1-1 service statewide. The Board is advisory only, it has no state funding or paid staff.

Should there be any questions concerning Oklahoma's response, please direct those to Mr. Gene Thaxton, gthaxton@dps.state.ok.us 405/425-2231.

Respectfully submitted,



Gene Thaxton

Oklahoma E911 Coordinator to the FCC

Cc: Governor Mary Fallin
Commissioner Michael Thompson



Oregon

John A. Kitzhaber, MD, Governor

Oregon Military Department Oregon Emergency Management

Mailing Address: PO Box 14370

Salem, OR 97309-5062

Phone: (503) 378-2911

Fax: (503) 373-7833

TTY: (503) 373-7857

July 6, 2012

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

Received & Inspected

JUL 16 2012

FCC Mail Room

Re: Annual Information Collection mandated by the New and Emerging Technologies Improvement Act of 2008; Response no later than July 31, 2012.

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

The State of Oregon under ORS 403.100 thru ORS 403.380 sets out the authority for Oregon 9-1-1 Program funding and expenditures.

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, 2010.

The State of Oregon under the authority of ORS 403.200 imposes a tax on each paying retail subscriber who has telecommunication services with access to 9-1-1 equal to 75 cents per month. For cellular, wireless or other radio common carrier the tax applies on a per instrument basis. The total annual amount of tax collected for calendar year ending December 31, 2010 was \$39,370,086.00. The Emergency Communications Account was established to receive these revenues under ORS 403.235 each quarter.

3) 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.

Under ORS 403.240:

From the Emergency Communications Account each quarter, the Oregon Department of Revenue is authorized administrative costs incurred for collection of the tax for the preceding quarter in an amount not to exceed one-half of one percent.

From the Emergency Communications Account each quarter the Oregon Office of Emergency Management is authorized administrative costs incurred during the quarter in carrying out the duties under ORS 305.823 and 403.105 to 403.250 in an amount not to exceed four percent.

From the Emergency Communications Account each quarter thirty five percent of the account balance is credited to the Enhanced 9-1-1 Subaccount.

From the Emergency Communications Account each quarter the remainder of the account balance under ORS 403.240(9) is distributed to the 240 cities and 36 counties in the state of Oregon. These amounts are to be passed through from the City or County to the governing authority of the 9-1-1 jurisdiction that serves that City or unincorporated areas of the County with 9-1-1 call taking.

The local governing authorities are limited to the expenditure of these funds by ORS 403.245 and Oregon Administrative Rules (OAR). However based upon annual reporting by these governing authorities to OEM as required by statute, the majority of these funds are used to pay personnel costs and no other opportunity to spend the monies for other PSAP related expenses is possible.

4) A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 or E9-1-1 purposes; a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 9-1-1; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Under ORS 403.165 the Oregon Legislature has designated the Oregon Office of Emergency Management as the state agency responsible for deploying E9-1-1 in Oregon and authority to spend 9-1-1 taxes collected and placed in the Enhanced Subaccount for E9-1-1 services.

OEM has only the authority to spend these monies in order to provide the "backbone" for E9-1-1 service, statewide, border to border. Such as paying for the Frame Relay Network, paying for all circuit charges to bring all E9-1-1 calls from the providers Central Office to the correct designated PSAP. This also includes all CPE equipment needed in the PSAP to receive that E9-1-1 call. All other expenses in the PSAP such as for Dispatching are funded by local money such as dispatch fees or contract costs or local General Fund resources.

The State 9-1-1 Program under the Oregon Office of Emergency Management is responsible for oversight of the distribution of funds collected for E9-1-1 services in the State. The State 9-1-1 Program approves all expenditures from the Enhanced 9-1-1 Subaccount and provides interpretation of the Oregon laws and rules that govern the use

of 9-1-1 funds distributed to the 9-1-1 jurisdictions. Every local government in the State of Oregon that makes use of public funds, including 9-1-1 taxes, are required to be audited annually by an outside auditing firm. These audits are then submitted to the Oregon Secretary of State's office.

As OEM has no statutory authority to provide auditing as to specific expenditures of the 9-1-1 tax distributed to the local 9-1-1 jurisdictions, we count on the annual audits for such oversight as well as the annual reporting to our office.

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

All funds collected by the State of Oregon, 9-1-1 Excise Tax have been expended for the purposes of supporting and funding E9-1-1 service in the State. E9-1-1 is fully implemented throughout the State of Oregon.

Note:

The State of Oregon 2009 Legislature deleted statutory language providing that any interest gained on the 9-1-1 Tax was required to be placed in the Emergency Communications Account.

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

No 9-1-1 Excise Tax funds were used for any other purpose.

7) A statement identifying with specificity all activities, programs and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collect for 9-1-1 or E9-1-1 purposes and how these activities, programs and organizations support 9-1-1 and E9-1-1 services or enhancements of such services.

The Oregon Office of Emergency Management, 9-1-1 Program has sole authority of expenditures for 9-1-1 related expenses from the Enhanced Subaccount of the Emergency Communications Account.

The governing authorities of the 9-1-1 jurisdictions in the State who received a share of the 9-1-1 Tax based upon population are authorized to spend these monies for:

403.245 Use or investment of moneys. (1) Except as provided in subsection (2) of this section and rules adopted under ORS 403.120 (1)(a), moneys received under ORS 403.240 (9) may be used only to pay for planning, installation, maintenance, operation and improvement of a 9-1-1 emergency reporting system as

it relates to getting the call from the member of the public to the primary public safety answering point and in transmitting the information from the primary public safety answering point to the secondary public safety answering point or responding police, fire, medical or other emergency unit by telephone, radio or computerized means.

(2) Moneys not then being used may be invested by a city or county. The income from the investments must be used for the purposes described in subsection (1) of this section. [Formerly 401.814]

No other entity or organization has authority to receive 9-1-1 tax or to make use of it in any other way.

8) A statement regarding whether your State classifies expenditures on Next Generation 9-1-1 as within the scope of permissible expenditures of funds for 9-1-1 or E9-1-1 purposes, whether your State has expended such funds on Next Generation 9-1-1 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 9-1-1 programs.

Although we have not specifically requested DOJ legal opinion as of this date, we believe that expenditure for NG9-1-1 is authorized by state statute. As state statute requires that ANI / ALI is provided with each call, essentially Enhanced 9-1-1, this will be to the same level that will be provided by NG9-1-1 only on an IP network versus on a Legacy Frame Relay Network. This is the only difference between E9-1-1 and NG9-1-1 for the time being.

In calendar year 2011, OEM expended \$295,078.00 in 9-1-1 funds for the purpose of obtaining a statewide PSAP consolidation report from an outside vendor as required by Legislative mandate. Although this was a consolidation report, much of the report centered on the opportunities and abilities to improve consolidation based upon NG9-1-1 and much information was provided about NG9-1-1.

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

No further comments.

Sincerely,



Mark Tennyson,
Director, Technology & Response Section
Oregon Office of Emergency Management
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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

July 31, 2012

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

RE: PS Docket No. 09-14

Dear Ms. Dortch:

I am writing in response to your letter dated June 8, 2012 to Governor Corbett, which has been referred to the Pennsylvania Emergency Management Agency (PEMA) for review and response. In your letter you have requested Pennsylvania's response to the Initial Information Collection mandated by the NET 911 Act.

As the Director of PEMA, I also serve as Chairman of the Pennsylvania E-911 Emergency Services Advisory Committee. Enclosed you will find Pennsylvania's response to the nine specific areas of requested information.

Should you have any questions or concerns, please feel free to contact Mr. Jonathan Hansen, Director, 9-1-1 Office, at 717-651-2288 or via email at jhansen@pa.gov.

Sincerely,

A handwritten signature in black ink that reads "Glenn M. Cannon".

Glenn M. Cannon, Esq.
Director, PA Emergency Management Agency

Enclosure

cc: The Honorable E. Christopher Abruzzo, Deputy Chief of Staff, Office of the Governor

Pennsylvania's Response to the Initial Information Collection Mandated by the NET 911 Act:

- 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 Commonwealth of Pennsylvania has established mechanisms for funding 911 through landline, wireless and VoIP services.

The contribution rate for wireline services is defined in Chapter 53, Emergency Telephone Service, of Title 35 of the Pennsylvania Consolidated Statutes, 35 Pa.C.S.A. § 5307.

The collection and disbursement of the wireline contribution rate is established at 35 Pa.C.S.A. § 5307.

Legal authority for the Wireless E9-1-1 Emergency Services Fund and corresponding wireless surcharge is found at 35 Pa.C.S.A. § 5311.4.

The VoIP service customer 911 fee is established in 35 Pa.C.S.A. § 5311.14.

Starting July 1, 2011, the Commonwealth began collecting the prepaid wireless E9-1-1 surcharge established in 35 Pa.C.S.A. § 5311.4(b.1).

- 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, 2011.**

For the annual period ending December 31, 2011*:

Wireline revenue reported by PSAPs: \$63,995,252

VoIP fee collected: \$17,399,788

Wireless Surcharge*: \$110,902,419

*The Commonwealth of Pennsylvania operates on a fiscal year that begins on July 1 and ends on June 30. Because the Commonwealth collects and disburses wireless funds, the most recent and complete total that Pennsylvania can provide for the wireless surcharges is the total from the Commonwealth's FY 2010-2011.

3. 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.

Pennsylvania has three different fee structures for the collection of 911 funds from wireline services, wireless services, and VoIP services.

The wireline contribution rate is collected based on the class of a particular county. Counties of the first through second class A may impose a monthly contribution rate in an amount, not to exceed \$1 per line, on each local exchange access line. Counties of the third through fifth class may impose monthly contribution rates in an amount, not to exceed \$1.25 per line, on each local exchange access line. Counties of the sixth through eighth class may impose a monthly contribution rate in an amount, not to exceed \$1.50 per line, on each local exchange access line.

The wireless E-911 surcharge is a \$1.00 monthly fee paid by Wireless service customers for each device that provides wireless service for which that customer is billed by a wireless provider for wireless service or receives prepaid wireless telephone service from a wireless provider. Such fee shall be collected apart from and in addition to any fee levied by the wireless provider in whole or in part for the provision of 911 services.

The VoIP service customer 911 fee is \$1.00 per month for each telephone number or successor dialing protocol assigned by a VoIP provider to a VoIP service customer number that has outbound calling capability.

Wireline, Wireless, and VoIP 911 funds are made available to localities in different ways. The wireline contribution rate is collected by the service supplier providing local exchange telephone service within the county and then forwarded monthly or quarterly to the county treasurer where the money is placed in a restricted account. On a quarterly basis, the county treasurer pays to a municipality, which operates a 911 system, a sum of money not less than that contributed by the telephone subscribers of that municipality to the county 911 system less administrative costs (35 Pa.C.S.A. §§ 5307 (a) & (d)). Wireless 911 fees are collected by the wireless service provider and remitted to the State Treasurer on a monthly or quarterly basis for deposit into the Wireless E-911 Emergency Services Fund. The manner of payment and auditing of expenditures is outlined in 35 Pa.C.S.A. § 5311.5(c)-(e):

(c) Manner of payment.--Each PSAP and wireless provider shall submit to the agency each year, not later than 120 days before the first day of the agency's fiscal year, the eligible costs it expects to incur for wireless E-911 service during the next fiscal year of the agency. The submission may include eligible costs that the PSAP or wireless provider has already incurred for wireless E-911 service at the time of the submission. The agency shall review the submission, ensure that the costs are eligible for payment from the fund, and notify the submitting PSAP or wireless provider, not later than 30 days before the first day of the agency's fiscal year, of the eligible costs.

The agency shall pay to each PSAP and wireless provider, from the fund, the amount of the submitted costs the agency determined to be eligible, whether or not the costs have been incurred at or before the time of payment and whether or not the costs, if already incurred, were incurred prior to the effective date of this section. Payment shall be made in four equal payments during the first month of each quarter of the agency's fiscal year as follows:

(1) The agency shall first pay the costs approved for each PSAP that are payable in the quarter.

(2) Following the payment of approved costs to a PSAP for Phase I deployment of wireless E-911 service, as set forth in the FCC E-911 Order, but only after the PSAP has issued its request to wireless providers to furnish Phase I wireless E-911 service pursuant to the FCC E-911 Order, the agency shall pay the approved costs of wireless providers that are payable in the quarter to provide the requested wireless E-911 service to that PSAP.

(3) Following the payment of approved costs to a PSAP for Phase II deployment of wireless E-911 service, as set forth in the FCC E-911 Order, but only after the PSAP has issued its request to wireless providers to furnish Phase II wireless E-911 service pursuant to the FCC E-911 Order, the agency shall pay the approved costs of wireless providers that are payable in the quarter to provide the requested wireless E-911 service to that PSAP.

(4) In any quarter of the agency's fiscal year, all costs specified in section 5311.4(a)(1) that are approved by the agency for payment to PSAPs or wireless providers shall be paid before any other costs payable pursuant to this chapter are paid to any PSAP or wireless provider. In the first quarter of the agency's fiscal year, the agency shall determine whether payments to PSAPs and wireless providers during the preceding fiscal year exceeded or were less than the eligible costs incurred by each PSAP and wireless provider submitting costs during the fiscal year. Each PSAP and wireless provider shall provide verification of such costs as required by the agency. Any overpayment shall be refunded to the agency or, with the agency's approval, may be used to pay agency-approved costs the PSAP or wireless provider submitted for the current fiscal year of the agency. The amount of any underpayment will be paid to the PSAP or wireless provider in accordance with this subsection and subsection (d) within the current fiscal year. The agency shall reconsider a determination of eligible costs pursuant to this subsection upon request by a submitting PSAP or wireless provider and shall provide a procedure for such reconsideration.

(d) Pro rata sharing of fund amounts.--(1) If the total amount of money in the fund in any quarter is insufficient to pay for both agency-approved PSAP costs and agency-approved wireless provider costs which are payable in the quarter under subsection (c) for both Phase I deployment and Phase II deployment of wireless E-911 service, as set forth in the FCC E-911 Order, then payments from the fund for that quarter shall be made as follows:

(i) The agency-approved Phase I deployment costs of a PSAP and those wireless providers to which the PSAP has issued its request for Phase I wireless E-911 service shall be paid before any agency-approved costs for Phase II deployment are paid.

(ii) If, notwithstanding subparagraph (i), the total amount of moneys in the fund in the quarter is insufficient to pay all Phase I deployment costs of both PSAPs and wireless providers which are payable in the quarter, then each requesting PSAP and each requesting wireless provider shall receive, for payment of Phase I deployment costs, a pro rata share of the total amount of moneys in the fund in the quarter.

(iii) If the total amount of moneys in the fund in the quarter is insufficient to pay all agency-approved Phase II deployment costs of both PSAPs and wireless providers which are payable in the quarter, then each requesting PSAP and each requesting wireless provider shall receive, for payment of Phase II deployment costs, a pro rata share of the total moneys in the fund which are available in the quarter for payment of Phase II deployment costs.

(2) For any PSAP or wireless provider, pro rata shares shall be computed based upon the total dollar amount of money available in the fund for payment of Phase I or Phase II deployment costs, whichever is applicable, multiplied by the ratio of:

(i) the total dollar amount of agency approved but unpaid costs of that PSAP or wireless provider for Phase I or Phase II deployment, whichever is applicable; to

(ii) the total dollar amount of all agency approved but unpaid costs.

(3) Any remaining unpaid agency-approved PSAP costs or wireless provider costs shall be carried forward for payment during the next fiscal quarter. Such carry forward process shall continue each fiscal quarter until all agency-approved PSAP costs and wireless provider costs have been paid. Pro rata and other payments under this subsection, including, but not limited to, payments of costs which are carried forward for payment in subsequent fiscal quarters, shall also be subject to all provisions and requirements of subsection (c) except for subsection (c)(1).

(e) Triennial financial audit.--The agency shall require a triennial financial audit of each PSAP's use of the disbursements it has received from the fund and of a wireless provider's collection, deduction, retention, remittance and use of the amounts collected by the wireless provider under the wireless E-911 surcharge or the disbursements it received from the fund. These triennial financial audits shall be consistent with guidelines established by the agency, and the cost of each audit shall be paid from the fund.

VoIP 911 fees are collected and made available to counties in two different ways based on the choice of the provider. This is explained in 35 Pa.C.S.A. §§ 5311.14(a) - (f):

(a) VOIP SERVICE CUSTOMER 911 CONTRIBUTION.--

(1) Each VoIP provider or telecommunications carrier shall collect a \$1 fee per month for each telephone number or successor dialing protocol assigned by a VoIP provider to a VoIP service customer number that has outbound calling capability. The following apply:

(i) The fee, minus the actual uncollectibles experienced by the VoIP provider, shall be remitted:

(A) quarterly; or

(B) at the option of the provider or telecommunications carrier, monthly.

(ii) The remittance shall be made as follows:

(A) Except as set forth in clause (B), to the county treasurer.

(B) In a home rule county, as follows:

(I) To the county official responsible for the collection and disbursement of funds.

(II) At the option of the remitter, to the State Treasurer. Election of the option shall be by regulations established by the agency, which shall include appropriate notification to the affected counties of the exercise of this option.

(iii) The fee shall be stated separately in the VoIP service customer's paper or electronic billing, and the fee shall be collected apart from and in addition to any fee levied by the VoIP provider in whole or in part for the provision of 911 services or E-911 services.

(2) In the case of VoIP service customers purchasing multiple dial tone telephone access lines from a VoIP provider, the following multipliers shall be applied to determine the contribution rate of each customer:

(i) For the first 25 lines, each line shall be billed at the approved contribution rate.

(ii) For lines 26 through 100, each line shall be billed at 75% of the approved contribution rate.

(iii) For lines 101 through 250, each line shall be billed at 50% of the approved contribution rate.

(iv) For lines 251 through 500, each line shall be billed at 20% of the approved contribution rate.

(v) For lines 501 or more, each line shall be billed at 17.2% of the approved contribution rate.

(3) If a VoIP provider receives a partial payment for a monthly bill from a VoIP service customer, the VoIP provider:

(i) may first apply the payment against the amount the VoIP service customer owes the VoIP provider; and

(ii) shall then remit to the county or the State Treasurer the lesser amount resulting from the application of the payment.

(4) The fees collected and remitted under this subsection shall not:

(i) be subject to taxes or charges levied by the Commonwealth or a political subdivision; nor

(ii) be considered revenue of the VoIP provider for any purpose.

(5) As reimbursement for administrative costs to cover its expenses of billing, collecting and remitting the fees during the reporting period, the VoIP provider is allowed to retain for reimbursement up to the following percentages of the total fees collected under this subsection:

(i) If remittance is made to the county, 2%.

(ii) If remittance is made to the State Treasurer, 1%.

(6) To the extent that a VoIP provider obtains connections to the public switched telephone network from a telecommunications carrier, that telecommunications carrier shall not be required to assess or make contributions to any 911 or E-911 fund in connection with the customers or the telephone numbers for which the VoIP provider is responsible for collecting and making contributions under this section. If, however, the telecommunications carrier is, by agreement with the VoIP provider, required to make 911 or E-911 contributions on behalf of the VoIP provider customer, the VoIP provider shall not be responsible for collecting and making contributions under this section.

(b) REPORTING BY VOIP PROVIDERS.--

(1) With each remittance under subsection (a), a VoIP provider and telecommunications carrier shall supply the following information to the individual receiving the remittance and to the agency the total fees collected under subsection (a)(1) from its VoIP service customers during the reporting period. If the telecommunications carrier has remitted the fees to the county or the agency pursuant to an agreement with the VoIP provider, the VoIP provider shall provide notification of the reporting agreement along with the telecommunications carrier's name and 911 or E-911 account number.

(2) A VoIP provider and telecommunications carrier shall provide the county or, if remitting to the State Treasurer, the agency with requested information, including the primary place of use of each interconnected VoIP service customer, in order to discharge its obligations under this section. The information shall be in writing.

This paragraph includes the collection and deposit of the VoIP fee and its administration of the fund.

(B.1) CONFIDENTIALITY.-- Information supplied by VoIP providers under this section shall remain confidential, and release of the information shall be governed by section 5311.7 (relating to public disclosure and confidentiality of information).

(c) COLLECTION ENFORCEMENT.-- A VoIP provider has no obligation to take legal action to enforce the collection of a fee imposed under this section.

(d) DEPOSIT OF REMITTED FEES.-- The individual who receives fees remitted under this section shall deposit receipts into the restricted account established under section 5307(c)(relating to collection and disbursement of contribution).

(e) ESTABLISHMENT OF FUND.-- There is hereby established in the State Treasury a non lapsing restricted interest-bearing account to be known as the VoIP 911 Emergency Services Fund. The fund shall consist of the fees remitted to the State Treasurer under this section.

(f) DISTRIBUTION OF FEES.-- Moneys in the VoIP 911 Emergency Services Fund established and the interest it accrues are appropriated on a continuing basis to the agency to be disbursed by the agency. The agency shall make quarterly disbursements from the account to each county by March 31, June 30, September 30, and December 31, in an amount equal to the amount of fees collected from VoIP service customers located in that county. The disbursements are for the purpose of assisting counties with the implementation of an agency approved plan adopted under section 5305 (relating to county plan). The agency may retain up to 1% of the fees for costs incurred in administering this subsection.

The Commonwealth has established written criteria regarding the allowable uses of funds collected for 911 purposes.

The allowable uses of funds from the wireline contribution rate are outlined in 35 Pa.C.S.A. § 5308 and in regulations regarding eligible costs that can be found at 4 Pa. Code § 120b.106.

The Pennsylvania Emergency Management Agency ("the Agency") issued regulations regarding eligible costs that can be found at 4 Pa. Code § 120b.106.

The allowable uses for the funds from the Wireless E-911 Emergency Service Fund are outlined at 35 Pa.C.S.A. §§ 5311.4 (a) and (d).

Disbursements from the wireless fund are limited by certain criteria found in 35 Pa.C.S.A. § 5311.5(b).

Pursuant to 35 Pa.C.S.A § 5311.14(f), VoIP 911 fees are to be used for the purpose of assisting counties with the implementation of an Agency-approved plan adopted under section 5305.

4. **A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.**

The Pennsylvania Emergency Management Agency has the authority to approve the expenditures of funds collected for the exclusive direct provisioning of E-911 services.

Triennial Plans. Counties must submit a triennial plan for Agency approval every three years. These plans must be in conformance with legislation and regulations in order for the county to establish and collect the contribution rate within the county. The contribution rate is established to cover the nonrecurring and recurring costs of a 911 system. In order to justify the requested contribution rate, a county must report the reimbursable expenses included in the contribution rate, nonrecurring and recurring. The expenses are to be summarized in a form with detailed schedules attached, when necessary, to explain and justify the items summarized on the form. The triennial plans require that counties submit copies of contracts, agreements or receipts for equipment, services or other recurring or nonrecurring costs eligible for reimbursement.

Annual Report. Additionally, 35 Pa.C.S.A § 5308(c) mandates the Agency to adopt procedures to assure that the total amount collected from the 911 wireline contribution rate is expended only for the nonrecurring costs, costs for mobile communications equipment, maintenance and operation of a county 911 system. The Agency issued regulations establishing an annual report that counties must submit in order to review county spending:

4 Pa. Code § 120b.112. Reports. For counties where a 911 system has been established, a report shall be submitted to the Agency annually detailing the status of 911 systems. The report shall be on a form provided by the agency and shall include information including the contribution rate, progress reports, installation schedules, installation expenses, anticipated 911 system changes, other system related costs, and other information deemed necessary by the Agency. The report will be for the current calendar year and shall be forwarded to the Agency by December 1, of the current year.

Wireline contributions are deposited by the county treasurer into an interest bearing restricted account used solely for the purpose of nonrecurring and recurring charges billed for the 911 system and to make quarterly payments to municipalities that operate a 911 system based on the contributions of the telephone subscribers of that municipality. The Agency requires a triennial audit of each county's collection and disbursement of contribution rate funds and expenditures for the nonrecurring costs, training, costs for mobile communications equipment, maintenance, and operation of 911 systems. Counties are required to file two copies of the audit report with the Agency within 90 days of the applicable fiscal year.

Pennsylvania legislation provides VoIP providers the option to remit funds to the county or to the Agency, however, the Agency acts only as a pass through and the administration of VoIP funds is governed by the wireline legislation cited above. Therefore, the use and availability of VoIP funds is monitored using the same wireline contribution rate oversight procedures outlined above.

Wireless funds have different oversight procedures in Pennsylvania. Under 35 Pa.C.S.A § 5311.5(c) each PSAP and wireless provider shall submit to the Agency each year, not later than 120 days before the first day of the Agency's fiscal year, the eligible costs it expects to incur for wireless E-911 service during the next fiscal year of the Agency. The submission may include eligible costs that the PSAP or wireless provider has already incurred for wireless E-911 service at the time of the submission. The Agency shall review the submission, ensure that the costs are eligible for payment from the fund, and notify the submitting PSAP or wireless provider, not later than 30 days before the first day of the Agency's fiscal year, of the eligible costs. Each PSAP and wireless provider has to provide verification of such costs as required by the Agency.

A triennial financial audit is conducted by the counties of each PSAP's use of the disbursements received from the wireless fund and of a wireless provider's collection, deduction, retention, remittance, and use of the amounts collected by the wireless provider under the wireless E-911 surcharge or the disbursements it received from the wireless fund.

A reconciliation of wireless funds is conducted by the Agency annually. In the first quarter of the Agency's fiscal year, the Agency determines whether payments to PSAPs and wireless providers during the preceding fiscal year exceeded or were less than the eligible costs incurred by each PSAP and wireless provider submitting costs during the fiscal year. Each PSAP and wireless provider is required to provide verification of these costs. Any overpayment is refunded to the Agency or, with the Agency's approval, may be used to pay Agency-approved costs the PSAP or wireless provider submitted for the current fiscal year of the Agency.

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.**

All wireless funds collected by the Commonwealth are made available for the exclusive direct provision of E-911 services, according to the statutory language cited above. The Agency conducts an annual reconciliation of wireless funds to ensure the proper use of the funds. Wireline and VoIP funds are made available for the exclusive direct provision of E-911 services outlined in the statutory language. Counties are responsible for reporting the use of the funds to the state annually and filing a financial audit with the Agency triennially. Both wireline and wireless providers are authorized by statute to retain up to two percent of collected fees as a reimbursement for administrative costs. Additionally, PEMA is also authorized to retain up to two percent of the annual wireless and prepaid surcharge proceeds, and up to one percent of the annual VoIP surcharge proceeds to pay for agency expenses directly related to administering the wireless E-911 provisions.

6. **A statement indentifying 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.**

At no time did the Commonwealth of Pennsylvania make wireless, wireline, or VoIP 911 funds available for any purposes other than those purposes allowed by cited statute.

7. **A statement indentifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancement or such services.**

By statute, operation of Primary PSAPs in Pennsylvania is a responsibility of the counties and cities (if they so choose) within the commonwealth. All wireless, wireline, and VoIP funding in Pennsylvania is directed to the counties and cities responsible for the provision of E911 service, and is to be used for the exclusive direct provision of E-911 services as outlined in the statutory language. The political subdivisions that receive wireless, wireline, and VoIP funding in Pennsylvania are listed below:

- Adams County
- Allegheny County
- Armstrong County
- Beaver County
- Bedford County
- Berks County
- Blair County
- Bradford County
- Bucks County
- Butler County
- Cambria County
- Cameron County
- Carbon County
- Centre County
- Chester County
- City of Allentown
- City of Bethlehem
- Clarion County
- Clearfield County
- Clinton County
- Columbia County
- Crawford County
- Cumberland County
- Dauphin County
- Delaware County
- Elk County
- Erie County
- Fayette County
- Forest County
- Franklin County
- Fulton County
- Greene County
- Huntingdon County
- Indiana County
- Jefferson County
- Juniata County
- Lackawanna County
- Lancaster County
- Lawrence County
- Lebanon County
- Lehigh County
- Luzerne County
- Lycoming County
- McKean County
- Mercer County
- Mifflin County
- Monroe County
- Montgomery County
- Montour County
- Northampton County
- Northumberland County
- Perry County
- Philadelphia County
- Pike County
- Potter County
- Schuylkill County
- Snyder County
- Somerset County
- Sullivan County
- Susquehanna County
- Tioga County
- Union County
- Venango County
- Warren County
- Washington County
- Wayne County
- Westmoreland County
- Wyoming County
- York County

8. **A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011, on Next Generation 911 programs.**

Next Generation 9-1-1 expenditures are classified as permissible expenditures of funds for 911 or E911 purposes. For State Fiscal Year 2011-12, the Commonwealth of Pennsylvania disbursed \$652,626.36 in wireless surcharge revenue to PSAPs for Next Generation 9-1-1 needs assessments. In addition, the Commonwealth expended \$567,207.00 for statewide Next Generation 9-1-1 planning, as well as the development of functional and operational guidelines for uniform deployment of Emergency Services IP-based networks (ESInets) throughout the state. These networks will make up the backbone of the statewide Next Generation 9-1-1 system in Pennsylvania.

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

The cost to deliver 9-1-1 service in Pennsylvania outstrips existing 9-1-1 fund revenue streams. For the most recent annual reporting period (CY 2011), Pennsylvania PSAPs reported expenses exceeded 9-1-1 revenue by \$80.2 million. This fiscal challenge was exacerbated by the September 30, 2009, expiration of the ENHANCE 911 Act of 2004 (the Act). While successful in its application to secure \$2.4 million of the \$41 million of the Act funds appropriated by Congress, Pennsylvania's deployment of its Next Generation solution is dependent upon its allocated share of the Act's original \$1.25 billion appropriation authorization. The Act's original grant funding is critically important to the Commonwealth's plan to advance the technological capability of its 9-1-1 system to support Next Generation 9-1-1 and should be reauthorized.

GOBIERNO DE PUERTO RICO
JUNTA DE GOBIERNO DEL SERVICIO 9-1-1



MANUEL GONZÁLEZ AZCÚN
DIRECTOR EJECUTIVO

Via e-mail: fcc@bcpiweb.com
 Fax Filers: (202) 418-2824

July 24, 2012

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

Dear Ms. Dortch:

As requested by the Federal Communications Commission letter dated April 26, 2011 and mandated by the New and Emerging Technologies Improvement Act of 2008 (NET 911 Act), the 9-1-1 Service Governing Board of Puerto Rico (Board) is providing the following information pursuant to Section 6(f)(2) of said Act.

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

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

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

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www.e911.pr.gov

Aprobada por la Comisión Estatal de Elecciones
 NÚM. CEE-SA-12-6788

monthly charges to be billed. The 9-1-1 emergency calls shall not bring about individual charges for the use of telephone facilities for such purpose.

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

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

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

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

Página 3 de 3

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

- (b) The Board has established the Regulations for Billing and Collections from the Subscribers for 9-1-1 Service (Regulation No. 6203) to govern the process of collecting these charges, the deposit of collections, remittance and delivery of the 9-1-1 funds to the 9-1-1 Government Board from the telephone companies subscribers. Telephone companies must supply the telephone numbers of subscribers and their physical addresses or locations of these to the Board, in case of cellular, as required by law through the Federal Communications Commission, or any other entity with authority and competence, according to the provisions, agreements, technology and other requirements of the Board, welfare and to safeguard the public interest.
- (c) The deposit of the collections of the telephone companies will be made in the Board's account in the Government Development Bank for Puerto Rico in a period of not more (30) days from collection.
- (d) ...
- (e) ...
- (f) The monthly charge per subscriber will be:
 - (1) Fifty cents (\$0.50) a month for residential, nonprofit and religious organization subscribers.
 - (2) Fifty cents (\$0.50) a month for each cellular telephone subscriber.
 - (3) One dollar (\$1.00) a month for commercial, professional and government subscribers.
 - (4) These charges will apply to any other line of communication interconnected to a telephone system that can generate and receive phone calls, according to the above categories.
- 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services is fifty cents (\$0.50) a month for residential, nonprofit and religious organizations subscribers per main telephone line; one dollar (\$1.00) a month for commercial, professional and government subscribers per main telephone line. The total amount collected for the annual period ending December 31, 2011 is \$21,367,260.
- 3. **Article 6 of the 9-1-1 Calls Act – Distribution and use of the funds collected for charges to telephone subscribers and Resolution 016, 2009-10** establishes how the funds are collected, distributed and made available to the public safety agencies (Those agencies whose

services are offered through the use of the 9-1-1 emergency telephone number, including, specifically the Police of Puerto Rico, the Medical Emergencies of Puerto Rico, the Puerto Rico Fire Department, the Commonwealth Emergency Management and Disaster Administration Agency and the Department of the Family. Also included are the Medical Emergency Programs of 39 Municipal Governments and for the administration of said agency.

Resolution 016, 2009-10 amended the established limits for the distribution of the funds collected from charges to telephone subscribers to be as follows:

(1) Billing cost and collection of charges by the telephone companies:	0.50%
(2) Reserve for contingencies:	6.5%
(3) Reserve for expansion of services and replacement of equipment and systems:	5.0%
(4) Board administration and joint operating expenses of public safety agencies, including the 9-1-1 call-receiving centers:	38.0%
(5) Individual expenses typical of security agencies in responding to calls via 9-1-1. This item shall be distributed among the public safety agencies in proportion to the number of calls handled by each one, except when the Board members, by consensus, authorize exceptions in order to resolve special needs of one or more agencies:	50.0%

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


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

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5. All the funds collected from telephone subscribers have been collected and deposited to the Boards account in the Puerto Rico Development Bank. The funds have been distributed as mandated by Resolution 016, 2009-10. The distribution of funds to the Participating Agencies has been paid annually in two installments. The Board administration and operating expenses administration have been defrayed by the 38% of the funds collected.
6. All the funds collected from telephone subscribers have been available and used for the intended purposes mandated by the "911 Calls Act" and the 9-1-1 Government Boards Bylaws.

We are having problems with identifying and corroborating the number of either telephone or cellular lines that actually exist. This is because we must rely on what the telephone companies inform us. We need an independent source of corroboration but when we seek the information from government regulatory agencies they inform us that the information is confidential.

Sincerely,



Manuel González Azcuy
Executive Director

PO BOX 270200 SAN JUAN PUERTO RICO 00927-0200
TELÉFONO (787) 273-3001
FAX (787) 792-0061
e-mail correspondencia@911.pr.gov
www.911.pr.gov

Aprobado por la Comisión Estatal de Elecciones
NÚM. CEE-SA-12-6788

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
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COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics

Bobby M. Bowers
DIRECTOR

803-734-3793

July 18, 2012

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

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

Dear Mr. Turetsky,

Your letter and request to Governor Nikki Haley has been referred to me for response. Included
in the response to your nine questions is a copy of the South Carolina law referenced in our narrative
responses.

If you should have further questions or need further information, please feel free to call me at
(803)734-3793 or email me at bobby.bowers@ors.sc.gov.

Sincerely,

Bobby Bowers
Director of Office of Research and Statistics
911 Coordinator

BMB/dm

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

The State of South Carolina has established a mechanism to fund E911 services. Section 23-47-40 of the S.C. Code of Laws governs landlines and Section 23-47-50 governs wireless. Landline based funding is administered by local governments. Wireless based funding is administered by the Office of Research & Statistics of the South Carolina Budget & Control Board.

SECTION 23-47-40. System funding.

(A) The local government is authorized to adopt an ordinance to impose a monthly 911 charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 charge must be uniform and may not vary according to the type of local exchange access facility used. The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) Funding must be used only to pay for the following enumerated items:

(1) the lease, purchase, lease-purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and data base provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;

(2) the rates associated with the service supplier's 911 service and other suppliers recurring charges;

(3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the data base of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;

(4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;

(5) items necessary to meet the standards outlined in this chapter, specifically in Section 23-47-20(C);

(6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;

(7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) Funding must not be used for:

(1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;

(2) hiring or compensating dispatchers or call takers other than initial and in-service training;

(3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;

(4) consultants or consultant fees for studies of implementation;

(5) aerial photography.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.

SECTION 23-47-50. Subscriber Billing.

(F) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier. A monthly CMRS 911 charge is levied for each CMRS connection for which there is a mobile identification number containing an area code assigned to South Carolina by the North American Numbering Plan Administrator. The amount

of the levy must be approved annually by the board at a level not to exceed the average monthly telephone (local exchange access facility) 911 charges paid in South Carolina. The board and the committee may calculate the CMRS 911 charge based upon a review of one or more months during the year preceding the calculation of telephone (local exchange access facility) charges paid in South Carolina. The CMRS 911 charge must have uniform application and must be imposed throughout the State; however, trunks or service lines used to supply service to CMRS providers shall not be subject to a CMRS 911 levy. On or before the twentieth day of the second month succeeding each monthly collection of the CMRS 911 charges, every CMRS provider shall file with the Department of Revenue a return under oath, in a form prescribed by the department, showing the total amount of fees collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall place the collected fees on deposit with the State Treasurer. The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a fund separate and apart from the general fund to be expended as provided in Section 23-47-65.

(G)(1) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

(2) A 911 charge, including a CMRS 911 charge, shall be added to the billing by the service supplier to the service subscriber and may be stated separately.

(3) A billed subscriber shall be liable for any 911 charge, including a CMRS 911 charge, imposed under this chapter until it has been paid to the service supplier.

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, 2010.

The landline fees are collected at the local level by each of the 46 counties and 4 municipalities. Those fees range from \$0.30 to a maximum of \$1.00 per subscriber per month.

The wireless 911 surcharge fee in South Carolina for 2011 was \$0.63 per subscriber per month. The State of South Carolina collected \$22,215,747.81 in Wireless 911 fees in the 2011 calendar year.

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.

Political subdivisions are authorized by state law to impose a monthly 911 charge ultimately paid by local telephone subscribers who are served by the 911 communications facility within the respective political subdivision's jurisdiction. The level of charge that may be imposed upon a subscriber is limited by statute. The service provider collects the charge on behalf of the political subdivision and remits it, net of an administrative fee, directly to the political subdivision, which must maintain the funds in a separate restricted fund. State law requires monies in the fund to be used only for the 911 system and specifically prohibits certain uses.

46 counties and 4 municipalities receive a quarterly distribution of a portion of the wireless surcharge based on total wireless call volume for that time period, which must be used specifically for 911 or E911 purposes. An additional amount of the wireless surcharge is available for reimbursement to these counties and municipalities for upgrading, acquiring, maintaining, programming, and installing necessary data, hardware and software to comply with certain FCC requirements.

SECTION 23-47-50. Subscriber Billing.

(F) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier. A monthly CMRS 911 charge is

levied for each CMRS connection for which there is a mobile identification number containing an area code assigned to South Carolina by the North American Numbering Plan Administrator. The amount of the levy must be approved annually by the board at a level not to exceed the average monthly telephone (local exchange access facility) 911 charges paid in South Carolina. The board and the committee may calculate the CMRS 911 charge based upon a review of one or more months during the year preceding the calculation of telephone (local exchange access facility) charges paid in South Carolina. The CMRS 911 charge must have uniform application and must be imposed throughout the State; however, trunks or service lines used to supply service to CMRS providers shall not be subject to a CMRS 911 levy. On or before the twentieth day of the second month succeeding each monthly collection of the CMRS 911 charges, every CMRS provider shall file with the Department of Revenue a return under oath, in a form prescribed by the department, showing the total amount of fees collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall place the collected fees on deposit with the State Treasurer. The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a fund separate and apart from the general fund to be expended as provided in Section 23-47-65.

(G)(1) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

(2) A 911 charge, including a CMRS 911 charge, shall be added to the billing by the service supplier to the service subscriber and may be stated separately.

(3) A billed subscriber shall be liable for any 911 charge, including a CMRS 911 charge, imposed under this chapter until it has been paid to the service supplier.

SECTION 23-47-40. System funding.

(A) The local government is authorized to adopt an ordinance to impose a monthly 911 charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 charge must be uniform and may not vary according to the type of local exchange access facility used.

The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) Funding must be used only to pay for the following enumerated items:

(1) the lease, purchase, lease-purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and data base provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;

(2) the rates associated with the service supplier's 911 service and other suppliers recurring charges;

(3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the data base of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;

(4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;

(5) items necessary to meet the standards outlined in this chapter, specifically in Section 23-47-20(C);

(6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;

(7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) Funding must not be used for:

(1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;

(2) hiring or compensating dispatchers or call takers other than initial and in-service training;

(3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;

(4) consultants or consultant fees for studies of implementation;

(5) aerial photography.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.

SECTION 23-47-65. CMRS Emergency Telephone Advisory Committee created; responsibilities of committee and State Budget and Control Board

(C) The responsibilities of the board with respect to CMRS emergency telephone services are to:

(1) direct the State Treasurer in the management and disbursement of the funds in and from an interest-bearing account in the following manner:

(a) hold and distribute not more than thirty-nine and eight-tenths percent of the total monthly revenues in the interest-bearing account to PSAP administrators based on CMRS 911 call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty-eight and two-tenths percent of the total monthly revenues in the interest-bearing account solely for the purposes of complying with applicable requirements of FCC Docket Number 94-102. These funds may be utilized by the PSAP and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with the FCC requirements: upgrading, acquiring, maintaining, programming, and installing necessary data, hardware, and software. Invoices detailing specific expenses for these purposes must be presented to the board in connection with any request for reimbursement, and the request must be approved by the board, upon recommendation of the committee. Any invoices presented to the board for reimbursements of costs not described by this section may be approved only by a unanimous vote of the committee, but in no event shall reimbursement be made for costs unrelated to compliance with applicable requirements of FCC Docket Number 94-102;

(c) hold and distribute not more than two percent of the total monthly revenues in the interest-bearing account to compensate the independent auditor provided for herein and for expenses which the board is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the board in fulfilling its responsibilities under this act;

(2) with the State Treasurer, prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and submit annual reports outlining monies disbursed for operations of the board;

(3) retain an independent, private auditor, as provided in the Consolidated Procurement Code, for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the board by CMRS providers or PSAP's, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23-47-50(f) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4 of Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

(4) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the board's discretion.

The board may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAP's or CMRS providers for compliance with applicable requirements of FCC Docket Number 94-10;

- (5) convene the committee and consult with it concerning the performance of the responsibilities assigned to the board and to the committee in this chapter, and the development and maintenance of the state's CMRS emergency telephone services and system;
- (6) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it.

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.

The Budget and Control Board, a state agency, is charged with directing the State Treasurer in the management and disbursement of funds collected pursuant to a statewide monthly wireless 911 charge levied on each wireless connection. The Board approves disbursement of 39.2% of the funds based on wireless 911 call volume and 58.2% as reimbursement to wireless service providers and 24 hour 911 communications facilities. The Board verifies wireless call volume reports received from 46 counties and 4 municipalities and reimbursement requests are reviewed by the Board for compliance with state law which limits reimbursement to expenditures for the purpose of complying with applicable requirements of FCC Docket Number 94-102 (upgrading, acquiring, maintaining, programming, and installing necessary data, hardware, and software to comply with the FCC requirements). The Board approves the requests, upon recommendation of an advisory committee described in Section 23-45-65(A)(1). Any invoices presented to the Board for reimbursements of costs not described by this section may be approved only by a unanimous vote of the committee, but in no event shall reimbursement be made for costs unrelated to compliance with applicable requirements of FCC Docket Number 94-102. The Board may use the remaining 2% for auditing, administrative, legal or other support services to assist the Board in fulfilling its responsibilities under this act.

SECTION 23-47-65. CMRS Emergency Telephone Advisory Committee created; responsibilities of committee and State Budget and Control Board.

(A)(1) The CMRS Emergency Telephone Services Advisory Committee is created to assist the board in carrying out its responsibilities in implementing a wireless enhanced 911 system consistent with FCC Docket Number 94-102. The committee must be appointed by the Governor and shall consist of: the Director of the State Chief Information Officer Division, Budget and Control Board, ex officio; two employees of CMRS providers licensed to do business in the State; two 911 system employees; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State; and one consumer. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee.

(2) All committee members, except the ex officio members, must be appointed for a three-year term by the Governor. Committee members may be appointed to one subsequent term.

(3) In the event a vacancy arises, it must be filled for the remainder of the term in the manner of the original appointment. A partial term does not count toward the term limits; however, service for three-fourths or more of a term constitutes service for a term.

(4) Any committee member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the committee; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

(5) The committee shall establish its own procedures with respect to the selection of officers, quorum, place, and conduct of meetings.

(B) The responsibilities of the committee with respect to CMRS emergency telephone services are to:

(1) advise the board on technical issues regarding the implementation of a wireless E 911 system, especially matters concerning appropriate systems and equipment to be acquired by CMRS providers and PSAP's to assure the compatibility of the systems and equipment and the ability of the systems and equipment to comply with the requirements of FCC Docket Number 94-102;

(2) recommend systems and equipment for which reimbursement may be allowed to CMRS providers and PSAP's under the provisions of this chapter, which are compatible with each other as needed for the public's safety, and will not result in wasteful spending on inappropriate or redundant technology.

(C) The responsibilities of the board with respect to CMRS emergency telephone services are to:

(1) direct the State Treasurer in the management and disbursement of the funds in and from an interest-bearing account in the following manner:

(a) hold and distribute not more than thirty-nine and eight-tenths percent of the total monthly revenues in the interest-bearing account to PSAP administrators based on CMRS 911 call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty-eight and two-tenths percent of the total monthly revenues in the interest-bearing account solely for the purposes of complying with applicable requirements of FCC Docket Number 94-102. These funds may be utilized by the PSAP and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with the FCC requirements: upgrading, acquiring, maintaining, programming, and installing necessary data, hardware, and software. Invoices detailing specific expenses for these purposes must be presented to the board in connection with any request for reimbursement, and the request must be approved by the board, upon recommendation of the committee. Any invoices presented to the board for reimbursements of costs not described by this section may be approved only by a unanimous vote of the committee, but in no event shall reimbursement be made for costs unrelated to compliance with applicable requirements of FCC Docket Number 94-102;

(c) hold and distribute not more than two percent of the total monthly revenues in the interest-bearing account to compensate the independent auditor provided for herein and for expenses which the board is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the board in fulfilling its responsibilities under this act;

(2) with the State Treasurer, prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and submit annual reports outlining monies disbursed for operations of the board;

(3) retain an independent, private auditor, as provided in the Consolidated Procurement Code, for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the board by CMRS providers or PSAP's, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23-47-50(f) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4 of Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

(4) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the board's discretion.

The board may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAP's or CMRS providers for compliance with applicable requirements of FCC Docket Number 94-10;

(5) convene the committee and consult with it concerning the performance of the responsibilities assigned to the board and to the committee in this chapter, and the development and maintenance of the state's CMRS emergency telephone services and system;

(6) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it.

(D) The board and committee must:

(1) annually calculate the average 911 charge as provided in Section 23-47-50(F);

(2) take appropriate measures to maintain the confidentiality of the proprietary information described in Section 23-47-65(C)(1)(e). This information may be disclosed to board and committee members only in the event a dispute arises with respect to the board's and committee's discharge of their responsibilities under Section 23-47-65(B)(2) which necessitates such disclosure. The information shall also be exempt from disclosure pursuant to Chapter 4 of Title 30. Members of the board may not disclose the information to any third parties, including their employers;

(3) take appropriate measures to see that all CMRS service suppliers comply with the requirements of Section 23-47-50(F).

(E) CMRS providers are entitled to retain two percent of the fees collected as reimbursement for collection and handling of the CMRS 911 charge.

(F) On August 1, 2004, the committee's existence terminates and all its duties and powers devolve to the board, except that the committee may continue to exist and function upon adoption by the General Assembly of a joint resolution extending its existence past August 1, 2004

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.

Landline based fees are administered by qualifying entities (all 46 counties and 4 municipalities). Section 23-47-40 sets forth the permissible uses of such funds.

All wireless based funds collected by the State of South Carolina for 911 or E911 purposes have been distributed and/or made available for the purposes statutorily designated.

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.

911 or E911 funds managed at the state level have not been available for any purpose other than the maintenance, enhancement or furthering of 911 services in the State of South Carolina as prescribed by statute. State law prohibits any other use by political subdivisions.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 Services or enhancements of such services.

The State of South Carolina disbursed \$19,484,565.68 to PSAPS and CMRS providers. The State of South Carolina reimbursed 41 jurisdictional PSAPs a total of \$6,618,073.26 for the purchasing of 911 equipment, hardware and software and recurring charges associated with such equipment. An additional \$8,918,052.09 was distributed to the PSAPs based on each jurisdiction's total wireless 911 call volume. Finally, \$3,948,440.33 was distributed to 7 CMRS providers for 911 equipment dedicated to providing wireless 911 service. The PSAPs and CMRS providers benefit from the reimbursements by providing them a means to upgrade and purchase new equipment to provide the best possible 911 service throughout the State of South Carolina.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Next Generation 911 does fall within the scope of permissible expenditures of funds for 911 or E911 services. The State of South Carolina has expended funds to PSAPs for equipment that is Next Generation "ready", however, there are no PSAPs that are entirely Next Generation. CMRS providers are not Next Generation so at best the PSAPs can only be Next Generation "ready". The State of South Carolina will continue to reimburse PSAPs for their 911 equipment purchases and upgrades that qualify for reimbursement, Next Generation equipment included. For this reason, the amount expended solely for Next Generation 911 programs cannot be determined.

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

None.



STATE 9-1-1 COORDINATION BOARD

DEPARTMENT OF PUBLIC SAFETY

118 WEST CAPITOL AVENUE

PIERRE, SD 57501

PHONE: 605-773-3178

FAX: 605-773-3018

Chairperson:

Ted Ruffedt, Jr.
Dakota Chapter
NENA

Vice Chairperson:

Marlene Haines
South Dakota
Chapter APCO

Board Members:

Doug Barthel
South Dakota Police
Chiefs Association

Kelly Serr

South Dakota
Sheriffs Association

Jeff Carmon

South Dakota
Service Provider

Dennis Falken

SD Association of
County Commissioners

Jody Sawvell

South Dakota
Service Provider

Lou Sebert

South Dakota
Municipal League

Gary Jaeger

SD Association of
County Commissioners

Tracy Turbak

South Dakota
Municipal League

Craig Price

SD Department of
Public Safety

Ron Goldschmidt

Ex-Officio for
Wireless Industry

State 9-1-1 Coordinator

Shawnie Rechtenbaugh
SD Department of
Public Safety

July 27, 2012

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

Re: **PS Docket No. 09-14**
Information Collection Mandated By
The New and Emerging Technologies (NET)
Improvement Act of 2008

Dear Ms. Dortch,

My office received a copy of the letter directed to Governor Dennis Daugaard from James Arden Barnett, Jr., Chief of the Public Safety and Homeland Security Bureau, requesting specific information relating to the Commission's obligations under Section 6(f)(2) of the NET 911 Act.

Attached hereto is South Dakota's response to each specific information request.

We request that a copy of the final report compiled for Congress be sent to us for our records at the address shown above.

Please contact me for any clarification on South Dakota's information.

Sincerely,

Shawnie Rechtenbaugh
State 9-1-1 Coordinator

cc: Governor Dennis Daugaard
Trevor Jones, Secretary – Department of Public Safety
Ted Ruffedt, Jr., Chairperson – 9-1-1 Coordination Board

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

In the Matter of:)	
)	
Information Collection)	
Mandated By The New and Emerging)	PS Docket No. 09-14
Technologies Improvement Act of 2008)	
By The State of South Dakota)	

**Comments and Answers of the
State of South Dakota**

Introduction

The information provided herein is consistent with Section 101 of the New and Emerging Technologies 911 Improvement Act of 2008 {hereinafter "NET 911 Act"} which became law on July 23, 2008.

Section 101 of the NET 911 Act requires the Federal Communications Commission {hereinafter "Commission"} to collect information regarding any fees collected by the states or other jurisdictions in connection with 911/E911 services, specifically, information "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified."

Pursuant to OMB authorization, and a written request prepared and delivered to the Office of the Governor of South Dakota, the Tribal Government of each South Dakota Native American Reservation and copied to the South Dakota Secretary of State, the South Dakota Public Utilities Chairperson, and the South Dakota 911 Coordinator, the following responses are offered by the State of South Dakota.

Specific Information Requests and Answers

1. *A statement as to whether or not the 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).*

South Dakota requires that any service user⁽¹⁾ in the state be liable for the applicable 911 emergency surcharge pursuant to

(1) SDCL 34-45-1(18) defines service user as any person who purchases telecommunications service, wireless telecommunications service, prepaid wireless telecommunications service, or interconnected Voice over Internet Protocol service in this state.

SDCL 34-45-4.⁽²⁾ Any telecommunications service provider, wireless telecommunications service provider, or Interconnected Voice over Internet Protocol service provider shall collect and remit to the governing body⁽³⁾ the applicable 911 emergency surcharge which shall be stated separately in any billing statement, invoice or receipt.

All prepaid wireless telecommunications service providers shall remit the applicable 911 emergency surcharge for each active prepaid wireless telecommunications service user account in the state to the South Dakota 911 Coordination Fund. The prepaid wireless telecommunications service provider may seek reimbursement from their service user through whatever means are available to the provider.

2. *The amount of fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.*

SDCL 34-45-4 permits certain governing bodies to assess a monthly uniform charge in an amount not to exceed seventy-five cents per service user line. State law, therefore, permits governing bodies to establish a surcharge amount up to the maximum permitted by 34-45-4. With the exception of prepaid wireless service fees, which are collected by the State of South Dakota and not the counties, all other 911/E911 surcharges are collected and disbursed by local governing bodies.

The total amount collected for the period ending December 31, 2011, is approximately \$8.2 million. This figure is based on financial reports provided by the counties which have not been audited as of the dates of this submission. The exact amount of surcharge collections for calendar year 2011 will not be known until an audit of all 66 counties is conducted.

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.*

The authority to approve the expenditure of funds collected for 911 or E911 purposes rests with the governing entity receiving such surcharge monies.

Written criteria regarding allowable uses of the funds can be found in Chapter 50:02:04 of South Dakota Administrative Rules. This chapter contains administrative rules for public safety answering points.

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- (2) SDCL 34-45-4 defines the monthly uniform charge and use of proceeds. "...the governing body may assess a monthly uniform charge in an amount not to exceed seventy-five cents per service user line..."
 - (3) SDCL 34-45-1(5) defines a governing body as "...the board of county commissioners of a county or the city council or other governing body of a county or municipality or the board of directors of a special district..."

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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.*

The South Dakota 9-1-1 Coordination Board ("Board") has the statutory authority in 34-45-20(6) to collect information such as that outlined by this request. Moreover, pursuant to administrative rule, all counties/municipalities that collect the 911 surcharge must report annually to the Board regarding revenues and expenditures of the 911 surcharge.

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

The South Dakota 9-1-1 Coordination Board, in conjunction with the Department of Legislative Audit review the expenditures of each entity that collects the 9-1-1 surcharge. SDCL 34-45-4 outlines the use of the 9-1-1 surcharge as being restricted to the implementation and support of the 9-1-1 system.

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.*

The State of South Dakota did not expend any funds collected for 911 or E911 for purposes other than the ones designated by the funding mechanism or otherwise allowable pursuant to state law. Additionally, the state is not aware of any political subdivisions expending 911 or E911 funds for purposes unrelated to 911 or E911 implementation or support.

7. *A statement identifying with specificity all activities, programs, and organizations for whose benefit the state, or political subdivision thereof, has obligated or expended funds collected for 911 or D911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.*

SDCL 34-45-18 established the South Dakota 911 Coordination Board. The 911 Coordination Board is charged with, among other things, setting the allowable expenditures of the 911 emergency surcharge proceeds

collected pursuant to 34-45-4. SDCL 34-45-4 states that "Any prepaid wireless telecommunications service provider shall remit the 911 emergency surcharge for each active prepaid wireless telecommunication service user account to the South Dakota 911 coordination fund. The proceeds of the South Dakota 911 coordination fund are continuously appropriated for reimbursement of allowable nonrecurring and recurring costs of 911 service and operating expenses of the board." To distribute the proceeds collected in the 911 coordination fund, the Board created a grant program to provide financial assistance to PSAPs that need help in funding non-recurring costs necessary to achieve or maintain compliance with the standards set out in Administrative Rules of South Dakota related to General Operational Standards, Call Taking Standards, Communication with Field Units, Facilities and Equipment, and Technical Standards.

8. *A statement regarding whether the state classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether the state has expended such funds on Next Generation 911 programs, and if so, how much the state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.*

The 911 Coordination Board is working to move 911 in South Dakota to a Next Generation 911 system. SDCL 34-45-20 outlines the Board duties, which includes, "(2) Develop plans for the implementation for a uniform statewide 911 system covering the entire state or so much as is practicable;" and "(4) Develop criteria and minimum standards for operating and financing public safety answering points or systems." During 2011 the Board did not expend funds on Next Generation 911 programs, but the board has plans to develop and release a NG911 Request for Proposals in latter 2012 or 2013.

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

None at this time.

Summary

Should you need further information or clarification of the facts presented herein, please contact me or our South Dakota 9-1-1 Coordinator, Shawnie Rechtenbaugh, at the address shown below.

Respectfully Submitted,

SOUTH DAKOTA 9-1-1 COORDINATION BOARD

A handwritten signature in black ink, reading "Ted Ruffedt, Jr." in a cursive style.

Ted Ruffedt, Jr.
Chairperson
South Dakota 9-1-1 Coordination Board
118 West Capitol Avenue
Pierre SD 57501

July 27, 2012



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

RANDY PORTER
CHAIRMAN

LYNN QUESTELL
EXECUTIVE DIRECTOR

July 30, 2012

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

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

Dear Ms. Dortch:

Please accept this report as the State of Tennessee's response to the Public Safety and Homeland Security Bureau's recent request for information needed to fulfill the Federal Communications Commission's (FCC) obligations under Section 6(f)(2) of the New and Emerging Technologies Improvement Act of 2008 (NET 911 Act). Specific responses are set forth below each request for information.

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

Response: Tennessee has established two distinct funding mechanisms for 911 support and implementation. Tennessee law authorized 911 service charges on wireline¹ telecommunications service in 1984 and on cell phone² service in 1998. In 2006, the latter was expanded to include all non-wireline telecommunications service capable of connecting "a user dialing or entering the digits 911 to a PSAP" (911 call center).³

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

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

³ Tenn. Code Ann. § 108(a)(vi); Tenn. Code Ann. § 7-86-103(11) defines non-wireline service as "any service provided by any person, corporation or entity, other than a service supplier as defined in this part, that connects a user dialing or entering the digits 911 to a PSAP [public safety answering point], including, but not limited to, commercial mobile radio service and IP-enabled services."

The emergency communications fee on landlines is collected locally by each of Tennessee's 100 Emergency Communications Districts (ECDs),⁴ which provide or facilitate 911 service across the State of Tennessee. The Tennessee Emergency Communications Board (TECB or Board) collects 911 fees on non-wireline communication services.

Wireline 911 funding mechanism: Tenn. Code Ann. § 7-86-108(a)(1)(A) authorizes ECD boards of directors to levy an emergency telephone service charge in an amount not to exceed sixty-five cents (\$.65) per month for residential classification service users, and not to exceed two dollars (\$2.00) per month for business classification users, "to be used to fund the 911 emergency telephone service."⁵ The 911 fee is remitted to each ECD every two (2) months by the wireline telecommunications service providers operating within each ECD's boundaries.⁶ An ECD may seek a public referendum or request the TECB to increase the 911 service charge on landlines in the ECD's service area up to the statutory maximum not to exceed one dollar fifty cents (\$1.50) for residential classification service users and three dollars (\$3.00) for business classification service users.⁷

Non-wireline 911 funding mechanism: In 1998, after the FCC issued orders relating to wireless 911 service, the Tennessee General Assembly enacted Part 3 of Title 7, Chapter 86, which authorized the creation of the TECB for the purpose of conforming to FCC orders on implementing enhanced 911 service, establishing emergency communications for all citizens of the State and assisting ECDs in the areas of management, operations and accountability.⁸ The TECB was funded pursuant to Tenn. Code Ann. § 7-86-108(a)(1)(B)(i)(a), which authorizes the imposition and collection of a monthly 911 service charge on the users and subscribers of wireless telecommunications service.⁹ The law designates the TECB to set the 911 fee at a flat, statewide rate not to exceed the maximum business landline fee (\$3.00), subject to ratification by a joint resolution of the General Assembly.¹⁰ The TECB set the current fee at \$1.00 per user or subscriber per month in 1998. The fee is collected by non-wireline telecommunications service providers and remitted to the Board every two (2) months.¹¹ The 911 emergency communications fund is designated for the purposes of funding the operational and administrative expenses of the Board,¹² the implementation, operation, maintenance and enhancement of statewide wireless 911 and E911 service¹³ and deployment of 911 service for emerging communications technologies.¹⁴

During the 2010 session, the General Assembly amended the law governing collection of 911 fees on users and subscribers of prepaid non-wireline telecommunications service. The amendment imposes a statewide prepaid wireless emergency telephone service charge

⁴ Tenn. Code Ann. §§ 7-86-108(a)(1)(A); 7-86-110(a).

⁵ Tenn. Code Ann. § 7-86-108(a)(1)(A).

⁶ Tenn. Code Ann. § 7-86-110(a) (also authorizing providers to retain up to 3% of the collections as an administrative fee).

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

⁸ Tenn. Code Ann. §§ 7-86-306(a)(11), 7-86-302(a). In April 2005, Tennessee became the third state to achieve Phase II readiness statewide.

⁹ In 2006, the law was amended to impose the 911 fee on non-wireline telecommunications service.

¹⁰ Tenn. Code Ann. § 7-86-108(a)(1)(B)(i)(a).

¹¹ Tenn. Code Ann. § 7-86-108(a)(1)(B)(ii)(a) (also authorizing providers to retain up to 3% of the collections as an administrative fee).

¹² Tenn. Code Ann. § 7-86-303(d).

¹³ Tenn. Code Ann. § 7-86-303(d)(3)(A).

¹⁴ Tenn. Code Ann. § 7-86-306(a)(8).

of fifty-three cents (53¢) on each retail transaction involving the purchase of prepaid wireless telecommunications, except for "minimal amounts" which may be exempted from the fee at the seller's discretion. The new law designates as minimal an amount of service denominated as ten (10) minutes or less, or five dollars (\$5) or less.

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, 2011.

Response: The TECB collects an emergency telephone service charge of \$1.00 per month on users and subscribers of non-wireline phone service for the implementation and support of 911 service. For calendar year 2011, the total amount collected was approximately \$58,492,513.¹⁵

Tennessee law authorizes ECDs to collect 911 fees on local landlines. Below are the ECD landline 911 rates that were in effect on December 31, 2011:

Emergency Communications District	Residential Rate	Business Rate	Emergency Communications District	Residential Rate	Business Rate
Anderson	\$0.65	\$2.00	Lake	\$0.65	\$2.00
Clinton City	\$0.65	\$2.00	Lauderdale	\$1.25	\$2.25
Oak Ridge City	\$1.50	\$3.00	Lawrence	\$1.50	\$3.00
Bedford	\$1.50	\$3.00	Lewis	\$0.65	\$2.00
Benton	\$0.65	\$2.00	Lincoln	\$0.65	\$2.00
Bledsoe	\$1.50	\$3.00	Loudon	\$0.65	\$2.00
Blount	\$1.15	\$2.45	Macon	\$1.50	\$3.00
Bradley	\$1.50	\$3.00	Madison	\$0.45	\$1.64
Campbell	\$1.50	\$3.00	Marion	\$0.65	\$2.00
LaFollette City	\$1.50	\$3.00	Marshall	\$1.50	\$3.00
Cannon	\$1.50	\$3.00	Maury	\$1.50	\$3.00
Carroll	\$0.65	\$2.00	McMinn	\$0.65	\$2.00
Carter	\$1.50	\$3.00	McNairy	\$1.15	\$2.50
Cheatham	\$1.15	\$2.50	Meigs	\$1.50	\$3.00
Chester	\$0.65	\$2.00	Monroe	\$0.65	\$2.00
Claiborne	\$1.50	\$3.00	Montgomery	\$1.50	\$3.00
Clay	\$1.50	\$3.00	Moore	\$0.65	\$2.00
Cocke	\$1.15	\$2.50	Morgan	\$1.50	\$3.00
Coffee	\$0.55	\$1.75	Oblon	\$1.50	\$3.00
Crockett	\$0.65	\$2.00	Overton-		
Cumberland	\$1.40	\$2.75	Pickett	\$1.50	\$3.00
Davidson	\$0.65	\$2.00	Perry	\$1.50	\$3.00
Decatur	\$0.65	\$2.00	Polk	\$0.65	\$2.00
DeKalb	\$1.50	\$3.00	Putnam	\$0.65	\$1.66
Dickson	\$0.55	\$1.65	Rhea	\$1.50	\$3.00
			Roane	\$1.50	\$3.00

¹⁵ The state operates on a cash basis except when it closes its fiscal year on June 30. These are the TECB recorded collections for the calendar year ended December 31, 2011.

Dyer	\$0.55	\$1.67	Robertson	\$1.50	\$3.00
Fayette	\$1.50	\$3.00	Rutherford	\$0.50	\$1.52
Fentress	\$0.65	\$2.00	Scott	\$0.65	\$2.00
Franklin	\$0.65	\$2.00	Sequatchie	\$1.50	\$3.00
Gibson	\$1.50	\$3.00	Sevier	\$0.55	\$1.67
Giles	\$1.50	\$3.00	Shelby	\$0.65	\$2.00
Grainger	\$1.50	\$3.00	Smith	\$0.65	\$2.00
Greene	\$1.50	\$3.00	Stewart	\$1.00	\$2.50
Grundy	\$1.50	\$3.00	Sullivan	\$1.50	\$3.00
Hamblen	\$1.25	\$2.75	Bristol City	\$0.65	\$2.00
Hamilton	\$1.50	\$3.00	Kingsport City	\$0.65	\$1.65
Hancock	\$1.50	\$3.00	Sumner	\$0.65	\$2.00
Hardeman	\$0.65	\$2.00	Tipton	\$1.50	\$3.00
Hardin	\$1.00	\$2.50	Trousdale	\$0.65	\$2.00
Hawkins	\$1.50	\$3.00	Unicoi	\$1.50	\$3.00
Haywood	\$0.65	\$2.00	Union	\$1.50	\$3.00
Henderson	\$0.65	\$2.00	Van Buren	\$1.50	\$3.00
Henry	\$0.65	\$2.00	Warren	\$1.50	\$3.00
Hickman	\$0.65	\$2.00	Washington	\$1.50	\$3.00
Houston	\$1.50	\$3.00	Wayne	\$1.00	\$2.50
Humphreys	\$1.50	\$3.00	Weakley	\$0.65	\$2.00
Jackson	\$1.50	\$3.00	White	\$1.50	\$3.00
Jefferson	\$1.00	\$3.00	Williamson	\$0.64	\$2.00
Johnson	\$1.50	\$3.00	Brentwood City	\$1.50	\$3.00
Knox	\$1.50	\$3.00	Wilson	\$0.55	\$1.67

The amount of 911 fees received by each of Tennessee's 100 ECDs derived from landline fees is not provided to TECB except as supplemental data included in annual fiscal year audits of individual ECDs. Reported total landline collections for fiscal year 2010 were \$39,356,368 and \$36,005,368 for 2011.¹⁶

3. 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:

Funding Programs:

The 911 service charge on non-wireline telecommunications service is used to fulfill the TECB's statutory mandates of establishing emergency communications for all citizens of the state and assisting the state's 100 ECDs in the areas of management, operations and accountability.¹⁷ By law, the TECB distributes twenty-five percent (25%) of the revenue generated by the monthly service charge on users and subscribers of non-wireline telephone

¹⁶ The amount of 911 fee collections for landline reported for FY2011 is a mixture of cash and accrual bases.

¹⁷ Tenn. Code Ann. § 7-86-302(a).

service to the ECDs, based on the proportion of the population of each district to that of the State.¹⁸ The funds are distributed every two months.

The TECB also provides a number of non-statutory funding programs, described below, for the ECDs. All told, about 83% of the TECB's current expenditures are distributed directly to the ECDs; the remaining funds are used in support of statewide 911 programs.

The TECB created a recurring operational funding (ROF) program in 2006 in part to address the disproportionality of the strictly population based distribution required by Tennessee law.¹⁹ In 2010, this program was expanded from \$14 million to \$21.6 million (using funds previously allocated for carrier cost recovery²⁰) to address decreasing local collections from landline 911 fees. Under the ROF program, each district receives \$80,000 annually as an acknowledgement of the basic costs intrinsic to providing 911 service without regard to the size of the ECD. The remainder of the \$21.6 million (\$13.6 million) is divided among the districts based on seven (7) population groups. A set amount is allocated to each group based on the average audited cost ratios of each of the population groups, determined from an analysis of audited financial statements from the 2004-2005 fiscal year. In figuring this calculation, all personnel costs, including salaries and benefits, were excluded in order to assure more equal treatment between districts that dispatch and those that do not.²¹ Each ECD in each of the seven (7) population groups receives the same dollar amount. The population groups receive the following annual distributions, updated to reflect the new population counts from the 2010 census, which may be used in the operation of the districts for all purposes permitted under the TECB Revenue Standards:

Population Groups (2010 Census):	Annual distribution to each ECD (per population group):
Under 15,000	\$124,182
15,000 – 29,999	\$142,860
30,000 – 49,999	\$167,214
50,000 - 74,999	\$188,916
75,000 - 99,999	\$265,860
100,000 - 199,999	\$345,150
over 300,000	\$1,269,936

In 2010, the TECB initiated a program to provide over \$2 million annually to ECDs for dispatcher training. The Board also offers \$10,000 annually to each ECD for GIS mapping maintenance.

During its June 2011 meeting, the TECB voted to direct all revenue it receives from non-wireline telecommunications providers other than cell phone carriers to a funding program

¹⁸ Tenn. Code Ann. § 7-86-303(d)(1).

¹⁹ In 2006, the four most populous districts received over 33% of the total annual revenue from the 25% distribution.

²⁰ The TECB decreased carrier cost recovery support from 100% to 5%. Carrier cost recovery had been mandated by the FCC, but that requirement was rescinded.

²¹ Under Tennessee law, 911 does not include dispatching. 911 is defined as the technology and service necessary to connect a 911 caller to a PSAP. The function of dispatching emergency responders existed long before 911 was implemented and was always a responsibility of local government. Dispatching is a permissible expenditure under the TECB Revenue Standards.

to incentivize ECDs to upgrade and maintain their GIS mapping systems, including eliminating gaps and overlaps in ESN (emergency service number) boundaries. A uniform GIS Mapping System incorporating standards established by the National Emergency Number Association (NENA) is essential to Tennessee's NG911 project because GIS maps will ultimately be used for call routing, once wireline service is incorporated into the NG911 infrastructure. ECDs must satisfy certain milestones to qualify for the funding, which will be distributed in three payments annually.

In addition to recurring funding programs, the TECB offers ECDs non-recurring (one-time) funding and reimbursements for the purchase of essential equipment and other items up to the following amounts:

- \$50,000 for Geographic Information System ("GIS") Mapping Systems
- \$40,000 for Controllers
- \$150,000 for Essential Equipment
- \$5,000 for Master Clocks
- \$150,000 to each ECD that Consolidates (to a maximum of 3 ECDs)
- \$1,000 to Train Dispatcher Trainers
- \$100,000 to Cover Uninsured Catastrophic Event Losses

During its February 2010 meeting, the TECB voted to make \$25 million available to ECDs for equipment to connect to the IP platform the state is deploying to modernize Tennessee's 911 infrastructure (Next Generation 911 Project). The funding plan provides each ECD with a base amount of \$120,000 plus an additional amount determined by the district's population.

In addition to funding generated within the State of Tennessee, the U.S. Department of Transportation awarded the TECB a 911 grant of almost \$1.5 million in September 2009. The funding will be used to install routers needed to deploy the NG911 project.

Criteria for Allowable Uses

Tenn. Code Ann. § 7-86-102(d) requires that each ECD use funds received from all sources "exclusively in the operation of the emergency communications district." Consistent with that mandate, the TECB has established 911 Revenue Standards pursuant to Tenn. Code Ann. § 7-86-306, as criteria regarding acceptable uses of revenue for the ECDs. These criteria can be found at <http://www.tennessee.gov/commerce/911/>.

ECDs are subject to annual audits to assure compliance with the Revenue Standards and generally accepted auditing standards. The auditing manual may be accessed at:

<http://www.comptroller1.state.tn.us/repository/ca/mg/tneecdmanual2008.pdf>

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

Response:

Entities with authority to approve expenditure of funds: Both the TECB and the Boards of Directors of Tennessee's 100 ECDs are authorized to approve the expenditure of funds collected for 911 and E911 purposes so long as the expenditures are consistent with Tennessee law and the TECB Revenue Standards. The ECDs in Tennessee are listed above in the response to question 2 in the table listing local 911 fees on landlines.

Oversight procedures impacting the TECB: The TECB's expenditures and all its other activities are subject to audit by the Office of the Comptroller of the Treasury. In addition, Tennessee law requires the TECB to submit an annual report on its activities, the status of statewide implementation of wireless and enhanced 911 service, compliance with the FCC's orders, the status and level of the 911 charge and the status, level and solvency of the 911 fund to the Governor, Speakers of the General Assembly and the Finance, Ways and Means Committees of the Tennessee Senate and the House of Representatives.²²

Oversight procedures impacting ECDs: Expenditures by Boards of Directors of each of Tennessee's ECDs are subject to audit annually. The audit process is supervised by the Office of the Comptroller of the Treasury, which approves each audit and may conduct investigations on its own initiative.²³ In addition, the TECB conducts on-site ECD monitoring annually to assure compliance with operating, technical and revenue standards. To qualify for TECB reimbursement programs, ECD expenditures for essential equipment and NG911 equipment must meet TECB technical specifications and are subject to the review and approval of the TECB Chairman, Executive Director and our technical consultant.

Enforcement: The law authorizes the TECB to withhold distributions of the non-wireline 911 service charge from ECDs that are operating in or fail to correct specific violations of the law including, but not limited to, the failure to submit an annual budget or audit, operating contrary to the open meetings act, or failing to comply with the emergency communications law.²⁴ The TECB may also withhold such distribution upon a finding that an ECD is not taking sufficient actions or acting in good faith to establish, maintain or advance wireline or wireless E-911 service.²⁵

During the annual period ending December 31, 2011, there were no circumstances requiring TECB enforcement actions.

The Office of the Comptroller of the Treasury is currently conducting an investigation of expenditures by the Bedford County Emergency Communications District.

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.

Response: All of the funds collected from the users and subscribers of non-wireline telecommunications service by the TECB for 911 or E911 purposes have either been made

²² Tenn. Code Ann. §§ 7-86-108(a)(1)(B) and 7-86-315.

²³ Tenn. Code Ann. § 7-86-113.

²⁴ Tenn. Code Ann. § 7-86-108(f).

²⁵ *Id.*

available or will be used for the purposes designated by the funding mechanism for implementation or support of 911 and E911. The TECB has purposefully accumulated reserves to fund the NG911 project to convert Tennessee's aging 911 infrastructure from analog to digital. That project is well underway and proceeding as planned.

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.

Response: During the last year, none of the funds collected from the users and subscribers of non-wireline telecommunications service by the TECB for 911 or E911 purposes have been made available or used for purposes other than those designated by the State's funding mechanism or for implementation or support of 911 and E911.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Response: During the last year, the Tennessee Emergency Communications Board distributed approximately 83 % of the revenue it collected to the State's 100 emergency communications districts which are listed the response to question 2 in the table on local 911 fees on landlines. As noted above in the response to question 3, the TECB is statutorily mandated to distribute 25% of the revenue it collects from the 911 fees to the districts. It also distributes over \$25 million annually to the ECDs as part of the Recurring Operational Funding Program, for dispatcher training and GIS mapping maintenance. A list of 911 equipment for which the TECB provides reimbursements to the ECDs is also included in the response to question 3. Approximately 12% of collected revenue was paid to, or made on behalf of ECDs, to reimburse for carrier-related charges.

In addition to the ECDs, the TECB has expended 911 funds this year to:

- L.R. Kimball & Assoc.-- technical consulting for 911 and NG911
- AT&T -- the NG911 Core Infrastructure
- Telecommunications Systems, Inc. -- NG911 management services
- OIR/GIS -- GIS services needed for the NG911 project
- C-Spire Wireless and Sprint PCS -- Wireless Carrier Cost Recovery:
- AT&T, CenturyLink, Frontier, and Intrado: ALI trunking payments for ECDs

Less than 1% of collections was paid to telecommunications carriers in cost recovery to reimburse their expenditures to implement, operate, maintain or enhance wireless 911 service in Tennessee.

Approximately 5% of the Board's revenue was expended on agency administrative costs -- salaries, benefits, rent and the like.

All payments by the TECB are for operations, equipment, infrastructure, trunking, routing, engineering, administration and planning, either in support of existing 911 service or as part of the NG911 project to upgrade Tennessee's 911 infrastructure.

ECDs are independent statutory municipalities under Tennessee law.²⁶ The law authorizes them to expend funds derived from the 911 fees they receive from the TECB and collect directly from landline service providers.²⁷ A comprehensive list of the activities, programs, and organizations receiving funds or obligations from each of the State's 100 ECDs over the last year does not exist; however, Tennessee law and the TECB Revenue Standards mandate that all funds received by ECDs be used exclusively in the operation of the district, which would be to support or enhance 911 service.²⁸ Annual audits are conducted to assure compliance.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

Response: Pursuant to Tenn. Code Ann. § 7-86-306(a)(8), the TECB has the authority to "administer the deployment of 911 service for emerging communications technologies, including, but not limited to, IP-enabled service, that are capable of connecting users dialing or entering the digits 911 to public safety answering points" This law assures that Tennessee classifies TECB expenditures on the NG911 project as within the scope of permissible expenditures of funds for 911 purposes. The TECB has expended \$4,357,580 in calendar year 2011 to ECDs, AT&T, OIR, and TCS for deployment of the NG911 project. The deployment stage is projected to be complete in 2014.

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

Response: Through its conservative stewardship of the 911 fund, the TECB has prepared for the financial challenges associated with its NG911 project to modernize Tennessee's aging 911 infrastructure, converting it from analog to digital. NG911 will improve interoperability and increase the ease of communication between emergency communications districts, improving the ability to transfer 911 calls, photos, caller location information and other data statewide. The TECB projects non-recurring build out costs of approximately \$30 million over the next five years and recurring operational costs of up to \$16.5 million annually.

NG911 is being deployed over a private, secure Multiprotocol Label Switching (MPLS) network called "NetTN" managed by the State of Tennessee's Office of Information Resources (OIR). AT&T was the successful bidder on OIR's contract. The TECB also solicited bids for 911 management of the NG911 network. TeleCommunications, Inc. (TCS), the successful bidder, is assuring that this IP network is aligned with public safety operators' needs throughout Tennessee and will support call routing, location validation, and data delivery services. TCS is also managing Network Operations Center (NOC) functions and project and process management. Deployment of the core is complete and deployment of the non-wireline infrastructure is well underway. Wireless carriers and 911 call centers are being connected to the core at this time. Standards established by the National Emergency Number Association being integrated into the system by AT&T, TCS,

²⁶ Tenn. Code Ann. § 7-86-106.

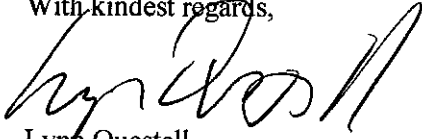
²⁷ Tenn. Code Ann. § 7-86-201(d).

²⁸ *Id.*

and the TECB's technical, operational and dispatcher training standards, reimbursement and technical assistance the law authorizes the TECB to provide to the ECDs.²⁹

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

With kindest regards,



Lynn Questell
Executive Director
Tennessee Emergency Communications Board
500 James Robertson Parkway
Davy Crockett Tower
Nashville, Tennessee 37243-0582

Cc/ TECB
 The Hon. Bill Haslam, Governor
 Julie McPeak, Commissioner, Department of Commerce and Insurance

²⁹ See Tenn. Code Ann. §§ 7-86-205, 7-86-306(a)(9) through (11).



COMMISSION ON STATE EMERGENCY COMMUNICATIONS
THE AUTHORITY ON EMERGENCY COMMUNICATIONS IN TEXAS

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

July 31, 2012

(Via Electronic Filing Only)

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

Attn: Public Safety and Homeland Security Bureau

Re: State of Texas 2011 Response to Information Collection Mandated by the New and
Emerging Technologies Improvement Act of 2008; PS Docket No. 09-14

On behalf of the State of Texas, the Texas Commission on State Emergency Communications (“CSEC”)¹ through its undersigned General Counsel respectfully submits this response to the Federal Communications Commission’s (“FCC”) June 8, 2012, Public Notice.

9-1-1 service in Texas is administered at the state, county, and local level by three types of independent entities. CSEC oversees the state 9-1-1 program, which is implemented by Texas’ 24 Regional Planning Commissions (“RPCs”) who provide 9-1-1 service to approximately two-thirds of the geographic area of Texas and one-third of its population. The remainder of the state’s 9-1-1 service is provided by 51 Emergency Communication Districts (“ECDs”), each serving a specific geographic area. There are two types of ECDs: One is comprised of public agencies or groups of public agencies acting jointly “that provided 9-1-1 service before September 1, 1987, or that had voted or contracted before that date to provide that service.”² These 27 ECDs are referred to as Municipal ECDs because they were created at the municipal level, with the exception of the Dallas County Sheriff’s Office.³ Municipal ECDs are primarily located in the Dallas area. The second type is comprised of 24 ECDs created at the county level pursuant to Texas Health and Safety Code Chapter 772.⁴ These 772 ECDs provide 9-1-1 service to approximately 53% of the state’s population, including the major population areas of in Harris (Houston), Bexar (San Antonio), and Tarrant (Ft. Worth) counties. The State of Texas’ response is provided on behalf of all three types of 9-1-1 administrative entities.⁵

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

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

³ The Dallas County Sheriff’s provides 9-1-1 service to the unincorporated portions of Dallas County.

⁴ Tex. Health & Safety Code Ann. § 771.001(3)(B).

⁵ Responses to the FCC’s Public Notice from the Municipal ECDs were provided by each ECD. Responses from the 772 ECDs were collected and provided by the Texas 9-1-1 Alliance. The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of all the 772 ECDs.

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

RESPONSE: Texas has three statutory 9-1-1 funding mechanisms: Wireline 9-1-1 fee, Wireless 9-1-1 fee (including prepaid wireless), and a 9-1-1 Equalization Surcharge. Wireline 9-1-1 fees are authorized by Texas Health and Safety Code Ann. §§ 771.071, 772.114, 772.214, 772.314, 772.403 and via municipal ordinances.⁶ By statute, wireline 9-1-1 fees may only be imposed on a “local exchange access line” as that term is defined by CSEC rule.⁷ CSEC’s definition includes voice service provided via interconnected Voice over Internet Protocol.⁸ The wireless 9-1-1 fee is a statewide fee authorized by Texas Health and Safety Code § 771.0711. The prepaid wireless 9-1-1 fee, which went into effect on June 1, 2010, is a statewide fee collected at the point of each retail sale of prepaid wireless telecommunications service and is authorized by Texas Health and Safety Code § 771.0712. The 9-1-1 equalization surcharge is also a statewide fee and is authorized by Texas Health and Safety Code § 771.072.

FCC REQUEST 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, 2011.

RESPONSE:

- The wireline 9-1-1 fee for the state 9-1-1 program is imposed on each local exchange access line at a rate set by CSEC not to exceed \$.50 per month.⁹ The current fee is \$.50 per month.
- Wireline 9-1-1 fees of the 51 ECDs are set by each ECD for its program service area. Current residential wireline fees vary in amount from \$0.20 to \$1.20 per month, per local exchange access line. Business wireline fees vary from \$0.46 to \$2.93 per access line, up to a 100 line maximum in most ECD program service areas.¹⁰ ECDs also impose a wireline fee on business trunks ranging from \$0.50 to \$4.47.
- The statewide wireless 9-1-1 fee is imposed on each “wireless telecommunications connection”¹¹ and collected in an amount equal to \$.50 per month.¹²
- The statewide prepaid wireless 9-1-1 fee is imposed at the rate of two percent (2%) of the

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

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

⁸ 1 Tex. Admin. Code Part 12, Chapter 255, § 255.4 (Comm’n on State Emergency Communications).

⁹ Tex. Health & Safety Code Ann. § 771.071.

¹⁰ Three Municipal ECDs in the Dallas area set their wireline fee as a percentage of charges ranging from 6% to 8%.

¹¹ Tex. Health & Safety Code Ann. § 771.001(13).

¹² *Id.* at § 771.0711(b).

purchase price of each prepaid wireless telecommunications service in accordance with rules adopted by the Texas Comptroller of Public Accounts (“Texas Comptroller”).¹³

- The statewide equalization surcharge is assessed at the rate of 1% of the charges for intrastate long-distance.¹⁴

Statewide fees are collected from customers by service providers and remitted to the Texas Comptroller, as is the wireline fee for the state 9-1-1 program. ECD wireline fees are collected and remitted by service providers directly to each ECD. Reported collections of 9-1-1 fees for the 2011 calendar year are as follows:

	Wireline 9-1-1 Fees	Wireless 9-1-1 Fees	Prepaid Wireless 9-1-1 Fees	9-1-1 Equalization Surcharge	Total
State of Texas ¹⁵		\$105,108,000	\$17,007,564 ¹⁶	\$20,816,222	\$142,931,786
State 9-1-1 Program	\$15,960,286				\$15,960,286
772 ECDs	\$35,091,875				\$35,091,875
Municipal ECDs ¹⁷	\$15,218,151				\$15,218,151
TOTALS	\$66,270,312	\$105,108,000	\$17,007,564	\$20,816,222	\$209,202,098

FCC REQUEST 3: 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: As previously stated, 9-1-1 service in Texas is provided via the state program

¹³ § 771.0712; 34 Tex. Admin. Code Part 1, Chapter 3, §§ 3.344 and 3.1271.

¹⁴ § 771.072(b). In 2011 the Texas Legislature revised the equalization surcharge to be a fixed rate set by CSEC and imposed on each local exchange access line and wireless telecommunications connection, other than those associated with prepaid wireless service. CSEC set the new surcharge rate at \$0.06 per access line and telecommunications connection. The new rate went into effect on March 1, 2012.

¹⁵ The wireless fee, prepaid wireless fee, and equalization surcharge are statewide fees that are remitted by service providers to the Texas Comptroller. Each month, CSEC distributes to the ECDs their pro-rata share of remitted wireless and prepaid wireless fees. On a quarterly basis, CSEC allocates to the RPCs their pro-rata share of appropriated wireline, wireless, and prepaid wireless fees. Appropriated equalization surcharge is used by CSEC to fund the state’s poison control program and to supplement those RPCs whose allocated wireline/wireless/prepaid wireless fees are insufficient to fund 9-1-1 service.

¹⁶ Per Comptroller rule (effective October 21, 2010), collected prepaid wireless 9-1-1 fees are only required to be remitted each calendar quarter.

¹⁷ At the time of filing, CSEC had not received a response to the FCC’s Public Notice from the Aransas Pass Municipal ECD.

administered by CSEC and implemented through the state's 24 RPCs or at the county/municipal level by one of the state's 51 ECDs.

Funding of the state 9-1-1 program is provided for by the Texas Legislature via a biennial appropriation to CSEC from collected wireline, wireless, prepaid wireless, and equalization surcharge fees remitted to the Texas Comptroller and deposited into dedicated accounts. Funds in the state program's dedicated wireline/wireless/prepaid wireless fee account may be appropriated to CSEC only for "planning, development, provision, or enhancement of the effectiveness of 9-1-1 service or for contracts with [RPCs] for 9-1-1 service."¹⁸ More specifically, appropriated wireline 9-1-1 fees within the state 9-1-1 program area are allocated by CSEC to RPCs "for use in providing 9-1-1 services as provided by contracts executed under Section 771.078,"¹⁹ Appropriated wireless fees "may be used only for services related to 9-1-1 service."²⁰ The RPCs pay 9-1-1 service expenses directly to service providers and make grant funds available through Interlocal Agreements to public agencies within each RPC's region to provide 9-1-1 service.

Equalization surcharge fees are appropriated to CSEC by the Texas Legislature and allocated by CSEC to "fund approved plans of regional planning commissions and regional poison control centers [under § 777.009]"²¹ and to carry out its duties under this chapter."²² There are six regional poison control centers (RPCCs) that comprise the Texas Poison Control Network. CSEC administers the poison control program in a manner similar to that of the state 9-1-1 program by providing grants to fund CSEC-approved strategic plans of the RPCCs. Surcharge may also be appropriated to fund the state emergency medical dispatch program²³ and "fund county and regional emergency medical services, designated trauma facilities, and trauma care systems."²⁴

ECDs impose, collect and make available wireline 9-1-1 fees at the local level in accordance with Health and Safety Code Chapter 772 or via their local governing bodies and ordinances--depending upon the type of ECD. Wireline 9-1-1 fees collected within the areas of 772 ECDs are accounted for in the ECDs' annual budget and can only be expended for 9-1-1 purposes as expressly provided by the applicable law in Chapter 772.²⁵ The use of wireline 9-1-1 fees collected by Municipal ECDs is prescribed by applicable laws or ordinances for expending funds

¹⁸ Tex. Health & Safety Code Ann. § 771.079(c).

¹⁹ § 771.071(f).

²⁰ § 771.0711(c).

²¹ CSEC administers the Texas Poison Control Program via approved strategic plans and grants to six host medical institutions located throughout Texas.

²² § 771.072(f).

²³ § 771.106.

²⁴ § 771.072(g) (quotation from § 773.122 regarding Emergency Medical Services).

²⁵ §§ 772.114, 772.214, and 772.314; Texas Att'y Gen Op. No. JC-410.

in accordance with city and county budgets.²⁶ On a monthly basis, CSEC distributes to each ECD its pro-rata share of the total statewide wireless and prepaid wireless fees remitted to the Texas Comptroller based on the ECD's population to the population of the state.²⁷ ECDs allocate their proportion of wireless and prepaid fees to their local governing bodies in the same manner as wireline 9-1-1 fees. Wireless 9-1-1 fees, regardless of the 9-1-1 entity in receipt thereof, "may be used only for services related to 9-1-1 service."²⁸

FCC REQUEST 4: A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.

RESPONSE: Approval of expenditures of 9-1-1 funds is provided by CSEC with respect to the state 9-1-1 program and poison control program. Such approvals must be in accordance with state law and legislative directives limiting the uses of such funds, and be consistent with CSEC-approved strategic plans and contracts by and between CSEC and the RPCs and the RPCCs. Oversight is provided by CSEC through compliance monitoring of its RPC and RPCC stakeholders in accordance with CSEC rules, program policy statements, and its contracts with stakeholders. Additionally, each RPC and RPCC is subject to audit by the Texas state auditor and pursuant to state law and contracts executed with CSEC. For the 2011 calendar year, no enforcement or corrective actions were necessary regarding the expenditure of 9-1-1 funds with respect to either the 9-1-1 or poison control programs.

Regarding local administration of 9-1-1 service, the 772 ECDs are governed by a Board of Managers ("Board") comprised of representatives from each of the governmental jurisdictions participating in the ECD. The Board has the statutory authority under Texas Health and Safety Code Chapter 772 to determine allowable 9-1-1 expenses in accordance with its annual budget. Allowable expenses for such ECDs "include all costs attributable to designing a 9-1-1 system and to all equipment and personnel necessary to establish and operate a public safety answering point and other related answering points that the board considers necessary."²⁹ 772 ECDs are also required to have their director submit a sworn statement on all money received and disbursed and have an independent financial audit.³⁰ Funds collected for 9-1-1 purposes can only be spent for activities, programs, and organizations that are reasonably beneficial and/or

²⁶ Tex. Local Gov. Code, Chapter 102 (city budgets); Tex. Local Gov. Code, Chapter 111 (county budgets). *See also e.g.*, City of University Park Code of Ordinance 1.1102; City of Lancaster Ordinance, Chapter 1, Article 1.400, Sec. 1.402; City of Hutchins, Ordinance No. 692, Sec. 1., Art. 11.801.

²⁷ § 771.0711(c).

²⁸ § 771.0711(c).

²⁹ §§ 772.117, 772.217, and 772.317.

³⁰ §§ 772.109, 772.209, and 772.309.

support 9-1-1 services or enhancements in accordance thereto. Oversight procedures reflect the normal operation of a 772 ECD. For the 2011 calendar year, no corrective actions were necessary regarding the expenditure of 9-1-1 funds by a 772 ECD.

Municipal ECDs' budgets, and audits thereof, are subject to applicable municipal ordinances and/or Texas Local Government Code Chapters 102 (budgets) and 103 (audit of finances). The sole county Municipal ECD—the Dallas County Sheriff's Office—is subject to Texas Local Government Code, Chapters 111 (budget) and 112 (financial accounting). Oversight procedures reflect the normal operation of a Municipal ECD. In most instances, budgets are approved by the city council and oversight is provided by city or other officials. For example, the City of Coppell's Director of Finance reviews 9-1-1 expenditures on a monthly basis to determine if all purchases are in compliance. In Highland Park, the Town Finance Director works with the Communication Manager to document 9-1-1 related receipts and expenditure. For the 2011 calendar year, no corrective actions were necessary regarding the expenditure of 9-1-1 funds by a Municipal ECD.

FCC REQUEST 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.

RESPONSE: On behalf of the RPCs and ECDs, CSEC affirms that all 9-1-1 funds have been made available and/or used solely for the purposes designated by the applicable funding mechanism in accordance with applicable laws.

FCC REQUEST 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.

RESPONSE: On behalf of the RPCs and ECDs, CSEC affirms that no 9-1-1 funds have been made available or used for purposes other than those designated by the applicable funding mechanism or used for purposes unrelated to 9-1-1 or E911.

FCC REQUEST 7: A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

RESPONSE:

State Administered Activities, Programs, and Organizations:

Activities:

STATEWIDE 9-1-1 SERVICE: Planning, development, provision, or enhancement of 9-1-1 service.

POISON CONTROL SERVICES: Maintain high quality telephone poison referral and related service, including community programs and assistance, in Texas.

9-1-1 PROGRAM ADMINISTRATION: Provide for the timely and cost effective coordination and support of statewide 9-1-1 service by CSEC, including regulatory proceedings, contract management and monitoring, and requirements contained in Health and Safety Code § 771.051.

POISON PROGRAM MANAGEMENT: Provide for the timely and cost effective coordination and support by CSEC of the Texas Poison Control Network and service providers, including monitoring, administration of the telecommunications network operations, and the operations of Texas' six regional poison control centers call-center operations.

EMERGENCY MEDICAL DISPATCH: Support the regional emergency medical dispatch resource center program.

EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM: Support the emergent, unexpected needs of approved licensed providers of emergency medical services (EMS), registered first responder organizations, or licensed hospitals.

Programs:

9-1-1 NETWORK OPERATIONS, EQUIPMENT REPLACEMENT AND NG 9-1-1 IMPLEMENTATION: CSEC contracts with RPCs or on their behalf for the efficient operation of the state 9-1-1 emergency telecommunications system; provides the RPCs with contract authorization and funding for the replacement of equipment supporting Public Safety Answering Points (PSAPs) participating in the state's 9-1-1 program; and provides for the planning, development, transition and implementation of a statewide Next Generation 9-1-1 (NG9-1-1) system to improve the effectiveness and efficiency of 9-1-1 service.

This program supports 9-1-1 service emergency communications and public health and safety by providing the network, equipment, database and administration necessary to provide 9-1-1 telecommunications service.

REGIONAL POISON CONTROL CENTER OPERATIONS AND TEXAS POISON CONTROL NETWORK OPERATIONS: CSEC contracts with the state's six regional poison control centers (RPCCs) for the operation and maintenance of the state poison control centers. Citizens calling 1-800-222-1222 or a 9-1-1 call transferred from a PSAP receive medical information to treat a possible poison interaction before emergency medical services are required to be dispatched. CSEC also contracts and funds the telecommunications services necessary to operate and maintain the poison control telecommunications network, including network, equipment and software to facilitate call delivery and treatment.

This program supports an enhancement to 9-1-1 emergency communications and public health and safety by providing the network, equipment, databases, administration and staffing to provide poison control service to the public, first responders and health care facilities.

EMERGENCY MEDICAL DISPATCH RESOURCE CENTER: The purpose of this program is to serve as a resource to provide pre-arrival instructions that may be accessed by selected PSAPs that are not adequately staffed or funded to provide those services. (Health and Safety Code 771.102) PSAPs subscribe to EMD services provided by the resource center.

This program supports 9-1-1 emergency communications and public health and safety with a resource for pre-arrival instructions when 9-1-1 calls originate from persons in remote or inaccessible areas to which the dispatch of emergency service providers may be difficult or take a long period of time.

EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM: The purpose of the emergency medical services and trauma care system is to provide for the prompt and efficient transportation of sick and injured patients, after stabilization, and to encourage public access to that transportation in each area of the state.³¹ Equalization surcharge is used to fund the system, in connection with an effort to provide coordination with the appropriate trauma service area, the cost of supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services.³²

This program supports an enhancement to 9-1-1 emergency communications and public health and safety by enhancing the communications systems and response of local emergency medical service responders.

Organizations:

REGIONAL PLANNING COMMISSIONS: Established under Chapter 391, Local Government Code. Political subdivisions with whom CSEC is required to contract for the provision of 9-1-1 service. RPCs purchase goods and services that provision 9-1-1 service to public safety answering points with state appropriated funds that are granted by CSEC.

REGIONAL POISON CONTROL CENTERS: Health and Safety Code Chapter 777 designates six regional centers for poison control in Texas. RPCCs provide 24-hour toll-free referral and information service for the public and health care professionals and provide community programs and assistance on poison prevention. Each PSAP in the state of Texas is required to have direct access to at least one RPCC.

UNIVERSITY OF TEXAS MEDICAL BRANCH - GALVESTON: Money in the dedicated 9-1-1 services fee account and other state funds are appropriated to the University of Texas Medical Branch at

³¹ § 773.002.

³² § 773.112(a) – (c).

Galveston (UTMB-Galveston) to fund emergency medical dispatch. Funds are appropriated by the Texas Legislature directly to UTMB-Galveston, which in turn contracts with the Montgomery County Hospital District to operate and maintain the emergency medical dispatch center that provides services, on a subscription basis, to the PSAPs in Texas.

BUREAU OF EMERGENCY MANAGEMENT, TEXAS DEPARTMENT OF STATE HEALTH SERVICES:

Funds in the equalization surcharge dedicated account are appropriated by the Texas Legislature directly to the Texas Department of State Health Services, and authorized to be used for the provision and coordination of regional trauma services, which may include the cost of supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services.

772 ECDS:

The 772 ECD expenditures include ongoing contracts or expenses for Selective Routing, Automatic Location Identification, Customer Premises Equipment, Geographic Information Systems and Mapping, NG9-1-1 transition migration, IP and/or wireless networks, security, legal, regulatory, advocacy, accounting, auditing, emergency notification, training, employer/employee related amounts, and memberships or conferences that support 9-1-1 services and/or enhancements and sponsored by organizations such as the National Emergency Number Association, the Texas Emergency Number Association, and the ATIS Emergency Services Interconnection Task Force (ESIF).

Municipal ECDS:

Municipal ECD expenditures are substantially used to purchase, install, maintain 9-1-1 equipment; and staff and operate PSAPs, including personnel salaries, training of call-takers, dues and subscriptions to professional organizations which enhance the development to of 9-1-1 service. Additionally, 9-1-1 funds are used to pay for 9-1-1 network and 9-1-1 database maintenance costs, and reimbursing service providers costs incurred in providing 9-1-1 service. Funds are also used for location services, public education, emergency warning sirens/systems, emergency medical dispatch training and certification, and general support of a Municipal ECDs 9-1-1 division.

FCC REQUEST 8: A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

RESPONSE: The state 9-1-1 program, all of the twenty-four 772 ECDs, and a majority of responding Municipal ECDs classify NG911 expenditures as within the scope of permissible expenditures of 9-1-1 funds. For the 2011 calendar year the amounts expended on NG911 are as follows:

Statewide Program: Three RPCs spent a total of \$3,544,058 in 9-1-1 funds on NG911

related to their participation in the federal grant awarded to Texas in the amount of \$5,390,760.71.³³ The funds were specifically used in 9-1-1 Network and 9-1-1 Database maintenance.

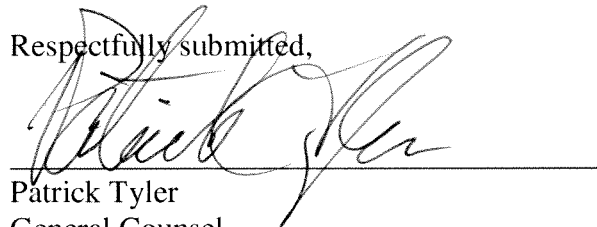
772 ECDs: The 772 ECD expenditures for NG9-1-1 services during 2011 expenditures or portions of expenditures reasonably considered as supporting transition, matching, and/or migration to NG9-1-1 program expenditures towards future fully functioning NG9-1-1 services were \$21,457,588.83.

Municipal ECDs: The Municipal ECD expenditures for the annual period ending December 31, 2011 on NG9-1-1 were \$373,731.08. During 2011 the Highland Park ECD had an expenditure of \$368,231.08 for the purchase of NG9-1-1 customer premise equipment, specifically an Intrado-Positron, Inc. "Viper" system. The City of Dallas expended \$5,500 for calendar year of 2011 to create an interface to the 9-1-1 PBX switch that will allow for receipt of NG9-1-1 calls. Dallas anticipates fully implementing NG9-1-1 programs and services in the next 2 to 3 years.

FCC REQUEST 9: Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

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

Respectfully submitted,



Patrick Tyler
General Counsel

Enc: Patrick Tyler Verification

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

³³ Grant awarded by the National Highway Traffic Safety Administration and National Telecommunications Information Administration under the *Ensuring Needed Help Arrives Near Callers Employing 911* (ENHANCE 911) Act of 2004 (Pub. L. 108-494, codified at 47 U.S.C. 942).

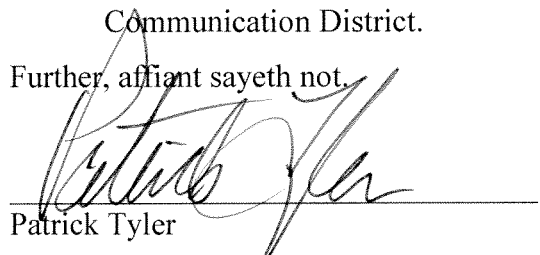
VERIFICATION OF PATRICK TYLER

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


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

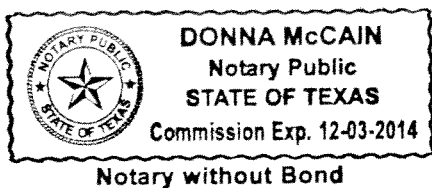
My name is Patrick Tyler. I am over the age of 21 years and I am fully competent to make this verification. I have been the Commission on State Emergency Communications' General Counsel since January 2005. I declare under penalty of perjury under the laws of the State of Texas that I have read the above response to the Federal Communications Commission's Public Notice and I know it is true of either my own knowledge or based on the official representations made by an Emergency Communication District.

Further, affiant sayeth not.


Patrick Tyler

SUBSCRIBED AND SWORN to before me on this the 31 day of July, 2012.


Notary Public in and for the State of Texas
My commission expires:





Utah 911 Committee

Gary R Herbert
Governor

Jeremy Raymond
Chair

State of Utah

Response to FCC Information Collection Mandated by NET 911 Act
[PS DOCKET NO. 09-14]

Introduction

This document represents the response of the State of Utah to the Federal Communications Commission (FCC) Information Collection Mandated by NET 911 Act [PS Docket No. 09-14] which the FCC is required to collect in order to compile “information regarding any fees collected by the states or other jurisdictions in connection with 911/E911 services, specifically, information “detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified”.

This response was formulated by the Utah 911 Committee, which was codified in the 2004 Legislative session via Utah Code Ann. § 53-10-601 to “...*review and make recommendations...on...technical, administrative, fiscal, and operational issues for the implementation of a unified statewide wireless and land-based E-911 emergency system...*”

The Utah 911 Committee is a multi-agency, multi-jurisdictional working group that represents the interests of 911 throughout the state. Originally established to help Public Safety Access Points (PSAP)s meet FCC 911 Phase II location technology, the committee is now working towards new standards for the development and management of 911 and Next Generation 911 (NG-911) technologies and operations within our 30+ public safety answering points statewide.

Response

1. Funding Mechanism for 911 or E-911

There are two collection vehicles for 911 funds within the state of Utah. Local government agencies can collect 911 revenues from telephone surcharges up to \$0.61/month/line. An additional \$0.08 surcharge is distributed to the Utah 911 Committee for distribution to PSAPs via an established grant process.

- a) The local government \$0.61 fee is outlined in Utah Code Ann. § 69-2-5.
- b) The statewide \$0.08 fee directed to the Utah 911 Committee is outlined in Utah Code Ann. § 69-2-5.6

Via Utah Code Ann. § 53-10-603 the State of Utah created a restricted account within the General Fund known as the "Statewide Unified E-911 Emergency Service Account," consisting of:

- a) proceeds from the fee imposed in Utah Code Ann. § 69-2-5.6
- b) money appropriated or otherwise made available by the Legislature; and
- c) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, persons, or corporations.

2. Fees and the Total Collected in Calendar Year 2011

The total amount of fees collected for calendar year 2011 is as follows:

Statewide \$0.08 charge:	\$	2,692,393
Local Government \$0.61:	\$	20,377,914
Total	\$	23,070,307

3. Criteria for and Availability of Collected Funds to Localities

The Utah State Tax Commission collects the fees on each local exchange service switched access line and each revenue producing radio communications access line that is subject to an emergency services telecommunications charge levied by a county, city, or town under Utah Code Ann. § 69-2-5 or 69-2-5.5. Upon the collection of qualifying telecommunications charge revenues, the Tax Commission transmits the amount of qualifying telecommunications charge revenues to an original recipient political subdivision. "Original recipient political subdivision" means a county, city, or town to which the commission makes an original distribution.

The allowable use of collected 911 funds are outlined in Utah Code Ann. § 69-2-5(4)(b).

4. Authority to Approve or Provide Oversight of 911 Funds

For the local government collection (up to \$0.61), the governing body of each PSAP is responsible for maintaining compliance with the statute. There is no separate oversight committee designated to ensure compliance on a statewide basis.

For the statewide collection of the E-911 \$0.08 surcharge, the Utah 911 Committee provides oversight to ensure the collected revenues are expended appropriate to Utah Code Ann. § 69-2-5.

There was no known enforcement or corrective actions taken in Utah relative to improper spending of collected 911 revenues during calendar year 2011.

5. Collected Funds Available for Designated Use

All funds collected for 911 or E-911 have been made available for the purposes designated by the funding mechanism.

6. Funds Used for Other than Designated Use

No funds collected for 911 or E-911 were made available or used for any purpose other than those designated by the funding mechanism.

7. 911 Activities, Programs, and Organizations benefitted by Collected Funds

A geographic representation of PSAPs that have received grants, and the total amount of grants for each PSAP awarded by the Utah 911 Committee is available at:

http://www.e911.utah.gov/docsfile/PSAP_GrantsBB_11x17_Dec15.pdf

There is no central state mechanism for collecting information on specific expenditures of 911 funds by local government PSAPs. As outlined in Utah Code Ann. § 69-2-3 *"The governing authority of any public agency may establish a 911 emergency telephone service to provide service to any part or all of the territory lying within the geographical area of such public agency..."*

Some examples of known purchases include:

- 911 phone equipment
- Maintenance on 911 phone equipment
- Mapping hardware and software
- Remote and or Emergency Operations Center (EOC) 911 dispatch positions
- Funding for 911 call takers
- Network and/or 911 trunk charges

8. Statement on Next Generation 911

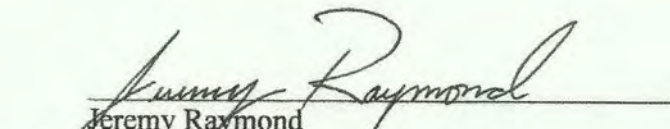
Expenditures on Next Generation 911 equipment are not only permissible within the scope of State Code, but advisable. The Utah 911 Committee has recently supported a joint grant request from several PSAPs on a shared NG-911 technology platform. Though the current cost of Next Generation 911 technology may seem to negate immediate cost savings, the higher level of interoperability between PSAPs is an immediate advantage, and since multiple PSAPs can share a common platform, cost savings will occur as the number of participating PSAPs connect to the new shared platforms rather than continuing to purchase their own stand-alone systems.

For the last several years, purchased and upgraded 911 systems within Utah have been capable of integrating with Next Generation 911 technology. The vendor community has already embraced the vision of what NG-911 can offer.

With no specific definition of NG-911, and with no mechanism to collect or catalog local government PSAP 911 expenditures, it is not currently possible to list 2011 expenditures on NG-911 technology. For example, do we categorize as 'NG-911' equipment that is 'NG-911 capable' but is not deployed as such?

Submittal

This document was reviewed and unanimously approved by the Utah 911 Committee in regular meeting on July 19, 2012.



Jeremy Raymond

Utah 911 Committee Chairman

Uintah County Fire Marshal/ Emergency Management Director



State of Vermont
Enhanced 9-1-1 Board
100 State Street
Montpelier, VT 05620-6501
e911-info@state.vt.us

[phone] 802-828-4911
[fax] 802-828-4109
[tty] 802-828-5779
[VT only] 800-342-4911

June 29, 2012

Honorable David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC.

PS Docket No. 09-14
Submitted Electronically

This is in response to the letter addressed to Vermont Governor Peter Shumlin re: the Fourth Annual Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008.

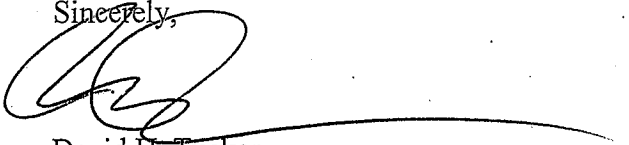
- 1) The State of Vermont collects fees from certain retail telecom customers in the state under the authority of state statute Title 30, Chapter 88 Universal Telecommunications Service (hereafter Universal Service Fund or USF). Funds collected through this mechanism support the Vermont telecommunications relay service, the Vermont lifeline program, the statewide 9-1-1 program and may also be used to reduce the cost to service customers of basic telecommunications in high-cost areas.
- 2) The USF rate is established on an annual basis, in an amount not to exceed 2% assessed on certain retail telecommunications services sold to subscribers with a Vermont address. The "rate year" for purposes of the USF is September through August of the following year, hence, for calendar year 2011 a rate of 1.35% was charged for the months of January through August, after which the fee was raised to 1.60%. For calendar year 2011, the USF revenues collected for purposes of funding 9-1-1 services in Vermont totaled \$4,993,132.09.
- 3) All programs funded by the USF are managed at the state level only and receipts are not distributed to localities in Vermont. The 9-1-1 program funds twenty-six (26) call taker "seats" in the eight Public Safety Answering Points (PSAPs), in the amount of \$45,000 per seat. The number of seats funded in each PSAP is based on the expected call volume for the geographic area served by each PSAP.
- 4) The USF rate is set based on the budgets for the programs it funds as passed by the Legislature and signed into law by the Governor in the session immediately preceding the

annual setting of the rate. No USF monies were used for any purpose other than those described under law, and all such programs are subject to annual audit under the state's single audit process. There was no enforcement or corrective action taken during calendar year 2011.

- 5) All funds appropriated for the state 9-1-1 program were used only for that program.
- 6) There were no funds diverted for any purpose other than those identified and authorized under statute as described above.
- 7) Funds appropriated for 911 services in Vermont support the statewide hosted 9-1-1 system provided by Intrado, additional telecom circuits used as part of the 911 program, Enhanced 9-1-1 Board staff who develop and manage GIS and Mapping solutions used as part of the program, other staff who work in support of the 911 program, including training, information technology, database and administrative staff, and to pay a stipend to each of the eight Public Safety Answering Points (PSAPs) to partially offset the cost of 26 call taker seats distributed throughout the eight PSAPs.
- 8) The state has and continues to allow expenditures under the 9-1-1 program for Next Generation 911 services and such funds have been and will continue to be used to support the statewide Next Generation system that was implemented in May, 2011. For calendar year 2011, the state expended \$1,410,466.07 for purposes of implementing and supporting the Next Generation system that was launched in May, 2011.
- 9) Like many other states, the reduction in land line usage, and to some extent the increasing use of pre-paid wireless services, which are not currently subject to the universal service fee, has created pressure on the USF to maintain its ability to fund the programs authorized under statute. Vermont is preparing a report on the USF to more fully inform policy and legislative leaders on the advisability of requiring pre-paid wireless providers to pay into the USF.

Should the Commission have additional questions, they may be directed to the Executive Director of the Enhanced 9-1-1 Board.

Sincerely,



David H. Tucker
Executive Director
Enhanced 9-1-1 Board
100 State Street, Montpelier, Vermont 05620
802-828-4911

Cc: Governor Shumlin



COMMONWEALTH of VIRGINIA

Virginia E-911 Services Board

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

Terry D. Mayo
Board Administrative
Assistant
(804) 416-6197

Michael M. Cline
Chairman
VDEM

John W. Knapp, Jr.
Vice-Chairman
Verizon

David A. Von Moll
Treasurer
Comptroller

Linda W. Cage
Mecklenburg County

J.D. Diggs
York County

Danny Garrison
Richmond Ambulance
Authority

Tracy Hanger
City of Hampton

Lt. Colonel Robert Kemmler
Virginia State Police

Robert Layman
AT & T

Chief Ron Mastin
Fairfax County

Chris McIntosh
Office of the Governor
Advisor

Chief Doug Middleton
Henrico County

Sam Nixon
VITA

Pat B. Shumate
Roanoke County

Mickey Sims
Buggs Island Telephone

Denise B. Smith
Charles City County

July 24, 2012

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

Dear Sir:

I am receipt of your letter requesting information identified in the FCC's Public Notice, DA 12-908. This annual collection of information is mandated by the New and Emerging Technologies Act of 2008 (NET 911 Act). The specific information requested is provided to you in the same sequential format outlined in your letter. If you should have any questions regarding the information provided, or need any further assistance, please do not hesitate to contact me. Thanks for your continued leadership.

Sincerely,

Dorothy A. Spears-Dean, Ph.D.
PSC Coordinator
Virginia Information Technologies Agency

1. The Commonwealth of Virginia has established a funding mechanism for the support and implementation of wireless E-911. The state E-911 surcharge on wireless telephone service is imposed pursuant to *Code of Va.* § 56-484.12, et. seq.
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.12>.
2. The state wireless E-911 surcharge is a monthly fee of \$0.75. Each CMRS provider and CMRS Reseller collects a wireless surcharge from each of its customers whose place of primary use is within the Commonwealth. In addition, a \$0.50 prepaid wireless E-911 charge shall be collected per retail transaction by the dealer from the end user with respect to each retail transaction occurring in the Commonwealth.

The total amount collected pursuant to the assessed surcharge for the annual period ending December 31, 2011 is \$54,079,486.54.

3. A payment equal to all wireless E-911 surcharges is remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, deposits all remitted wireless E-911 surcharges into the state treasury. These moneys are then deposited into the Wireless E-911 Fund (the Fund), a special nonreverting fund created in the state treasury. The collected wireless surcharge funds are made available to the localities pursuant to *Code of Va.* § 56-484.17
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.17>. The distribution of wireless E-911 funding is as follows:

- Beginning July 1, 2012, 60 percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to any audit performed by the Board.
- Using 30 percent of the Wireless E-911 Fund, the Board shall provide full payment to CMRS providers of all wireless E-911 CMRS costs.
- The remaining 10 percent of the Fund and any remaining funds for the previous fiscal year from the 30 percent for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and a payment schedule; however, the grants must be to the benefit of wireless E-911.

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

4. The Virginia E-911 Services Board (the Board) is the entity within the Commonwealth of Virginia that has the authority to approve the expenditures of funds collected for wireless E-911 purposes. Pursuant to *Code of Va.* § 56-484.14
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.14>, the Board can "collect,

distribute, and withhold moneys from the Wireless E-911 Fund”. At the end of each fiscal year, on a schedule adopted by the Board, the Board audits the wireless grant funding received by all recipients to ensure that it was utilized in accordance with the grant requirements. In addition, the Auditor of Public Accounts annually audits the Wireless E-911 Fund.

5. All funds collected for wireless E-911 purposes have been used for the implementation and support of wireless E-911. However, in addition to the funding distribution mentioned above, wireless moneys are utilized for two other purposes that support wireless E-911. First, pursuant to Item 407 of the current biennial budget (<http://lis.virginia.gov/cgi-bin/legp604.exe?111+bud+21-407>), wireless E-911 funding is provided to the Virginia State Police for related costs incurred for answering wireless 911 telephone calls. Secondly, pursuant to *Code of Va.* § 2.2-2031 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2031>), the operating expenses, administrative costs, and salaries of the employees of the Division of Public Safety Communications are paid from the Wireless E-911 Fund.
6. Item 67.20 of the current biennial budget for the Commonwealth of Virginia (<http://lis.virginia.gov/cgi-bin/legp604.exe?111+bud+21-67.20>), wireless E-911 funds will be used to support sheriff’s 911 dispatchers. In both fiscal years, it is budgeted that \$8M will be transferred from the Wireless E-911 Fund to the Compensation Board for this purpose. In the Commonwealth of Virginia, the Appropriations Act supersedes *Code* for the period of time the budget is in effect. Although the support of sheriffs’ dispatchers is not specifically mentioned in the funding mechanism established in *Code*, the purpose is directly related to supporting E-911.
7. In addition to providing wireless E-911 funding to localities and CMRS providers , 10 percent of the Wireless E-911 Fund goes to support the PSAP Grant Program. The PSAP Grant Program is a multi-million dollar grant program administered by the Virginia E-911 Services Board. The primary purpose of this program is to financially assist Virginia primary PSAPs with the purchase of equipment and services that support the continuity and enhancement of wireless E-911. Within this program, there are three programmatic areas:
 - PSAP Education Program
 - Continuity and Consolidation Program
 - Enhancement Program.

The purpose of the Education Program is to provide 911 specific group education and training opportunities within the Commonwealth. The purpose of the Continuity and Consolidation Program is to provide funding to PSAPs for consolidations and projects designed to replace or upgrade wireless E-911 equipment and services that are out of service, without vendor support, technically outdated, or can no longer perform at an established minimum functional standard to sustain an acceptable level of service to the public. The purpose of the Enhancement Program is to provide funding for projects designed to strengthen, broaden or increase the current wireless E-911 operations through equipment, PSAP staff development, or service beyond that PSAP’s current capabilities, including Next Generation 911. Since the inception of the PSAP Grant Program in 2007, over \$40M in grant awards have been distributed to Virginia PSAPs.

8. Expenditures on Next Generation 911 are within the scope of permissible expenditures of funds for 911 or E-911 purposes. The Commonwealth has expended \$2,155,818 on Next Generation 911 to support regional technology pilots in the annual period ending December 31, 2011.
9. In March, the Virginia E-911 Services Board accepted *Virginia's Next Generation 9-1-1 Implementation Plan* <http://www.vita.virginia.gov/isp/default.aspx?id=14864>. This Plan is intended to be a guide for Virginia's 911 leaders and government officials who will be responsible for insuring that the necessary actions are taken to transition the current 911 system to a statewide Next Generation 911 system. The long-term goal for Virginia's Next Generation 911 system is an investment in a shared infrastructure, which will be comprised of 911, and other emergency services entities that can leverage an overall cohesive and reliable system and derive the benefits of an IP-based infrastructure.



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

July 25, 2012

David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20544-0001

Dear Mr. Turetsky:

Thank you for your recent letter to Governor Chris Gregoire requesting information on the collection and distribution of fees and charges related to Enhanced 911 services in Washington State, PS Docket 09-14. In response, the attached document was prepared by the Washington State Enhanced 911 Office, Washington Military Department, and also submitted electronically.

Washington State has a long-standing positive working relationship with the Commission on 911 issues. Thank you for the continued interest in and support to 911 and public safety concerns.

The point of contact for the State of Washington is Robert Ezelle, Washington State Enhanced 911 Program Administrator, at 253-512-7468 or robert.ezelle@mil.wa.gov.

Sincerely,

Timothy J. Lowenberg, Major General
The Adjutant General
Washington Military Department

Attachment





STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

MS: TA-20 Building 20
Camp Murray, Washington 98430-5122
Phone: (253) 512-7000 • FAX: (253) 512-7200

Before the
Federal Communications Commission
Washington, D.C. 20554
July 31, 2012

In the Matter of)	
NET911 Act)	
)	
Initial Information Collection Mandated By the)	PS Docket No. 09-14
NET 911 Act of 2008)	

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

Washington State is proud of our 911 accomplishments over the years and is currently moving forward with Next Generation 911 technology to implement Phase III of a six phase implementation project to upgrade the state-wide 911 system to an end to end IP capable system that will be able to receive and send text messages, digital pictures as well as other enhancements.

In answering your questions derived from provisions of the NET 911 Act, it is valuable to establish some background for the Enhanced 911 Program in Washington State. The program was authorized in 1991 with the voter approval of Referendum 42. That act modified existing local taxing authority and established the obligation of counties to assure that Enhanced 911 (E911) service was available, established a statewide program to support the counties, and permitted both a local and statewide taxing authority to support the implementation and operation of Enhanced 911. Modifications of the legislation since that time, have extended the tax to wireless, implemented requirements for private telephone system integration to the 911 system, and changed the role of the state program to attain efficiencies by acquiring network and database services for all counties. 911 services to Tribal Governments are included in the county obligation to assure E911 availability. Information provided is current as of December 31, 2011. The state Legislature revised the E911 statute effective January 1, 2011, increasing the

County's maximum 911 fees to 70 cents per device per month and increasing the maximum statewide fee to 25 cents per device per month. Pertinent statutes and rules concerning controls on the use of the funds can be viewed on the Emergency Management web page at: http://www.emd.wa.gov/e911/e911_financial_support.shtml located under the policies and laws tab.

The following is provided as response to the Public Safety and Homeland Security Bureau's request for information:

- 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 legal authority for such mechanism).**

All counties are authorized by Revised Code of Washington 82.14B.030(i) to impose a county enhanced 911 excise tax on the use of switched access lines, radio access lines and voice over IP access lines.

- 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, 2011.**

As of December 31, 2011, 38 of 39 counties in Washington State had implemented the maximum 911 fee of 70¢ per month per subscriber for wireline, wireless and VoIP services (the remaining county collected a 50¢ per line fee during 2011, and implemented the 70¢ fee effective January 1st, 2012). The State also implemented the maximum statewide fee of 25¢ per month per subscriber for both wireline and wireless services. Both fees are authorized by Revised Code of Washington 82.14B.030(i). Total receipts for the period January 2011 to December 2011 were \$26,566,345.91 for the state fee and \$74,385,768.55 for the counties' fee.

- 3. 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.**

The State and County fees are collected by the carriers and are submitted to the Department of Revenue who then deposits them into the state and counties' Enhanced 911 accounts. The use of the fees is controlled by two mechanisms. The first is the limitations imposed by RCW 82.14B.020 and RCW 82.14B.050 that together permit a fairly broad utilization of the county tax. The second limiting factor is the requirement associated with counties receiving assistance from the State 911 Program. A definitive list of permitted uses for the funds has been directed by Washington Administrative

Code (WAC) 118-66 which requires the counties to spend their local collection on those items on the list before being eligible for state assistance, and also places limits on the amount that will be considered for reimbursement for many items. The funding collected from the 911 excise taxes is less than 36% of the total funding required to operate Enhanced 911 in Washington State. The remaining support comes from other local government sources.

4. **A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.**

Washington counties are given certain latitude in the use of the locally collected 911 funds to the degree that they must commit to expenditures in support of 911 equal to the amount that the tax generates. The rules promulgated by the state E911 Program for the use of county funds before being eligible for state assistance provides definitive control over the use of the funds in all 39 counties. A statement identifying the appropriate use of both the state and local funds needs to take into account both the restrictions and the latitude of the enabling statutes. For the 39 counties the state provides assistance to, it is absolutely clear that the excise taxes collected are used in direct support of E911 activities. The latitude provided the other counties permits them some discretion in the use of the funds, but it is clear that in each case the fiscal commitment of local government to E911 activities exceeds the local excise tax collection. During previous years, the control process the State E911 Program Office utilizes along with audit controls provided by the Office of the State Auditor have uncovered instances of use of E911 Funds for unauthorized purposes. These all were promptly remedied. There were no instances detected of unauthorized use of E911 funds in 2011. The control mechanisms for the expenditure of E911 Excise taxes are quite detailed and are clearly in support of the Legislative intent that the funds are spent as presented to the voters, solely to provide E911 services. The equivalency provisions in the statutes governing the use of the funds give local government some options on how to apply the funding, but make it clear that there is an obligation to support E911 not only to the degree that the tax is collected, but to the total permitted by the taxing authorization.

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.**

In 2011, all E911 excise taxes collected at the state and local level were used for the expressed support, implementation, and operation of the 911 system.

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.**

No E911 excise taxes collected at the state and local level were used for any purposes other than to operate and support the E911 system.

7. **A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.**

The Washington State E911 program reimburses counties for eligible expenses incurred in excess of tax revenues received. WAC 118-66-050 specifies the expenses for which the counties may seek reimbursement. In general terms these can be categorized as salaries, equipment, maintenance support, training, public education, professional development, and mapping/geographic information systems (GIS). Additionally, the state funds the following statewide services: ESInet and associated costs (less \$1 million funded by King County), TTY training, call receiver training, and interpretive services. The state supports the following programs, Public Education and Telecommunicator Emergency Response Team. It also supports the E911 Advisory Committee, chartered by RCW 38-52-530, and its subcommittees. All expenditures directly support E911 services.

8. **A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissive expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much you state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.**

Washington did not expend funds on Next Generation programs in 2011 other than operating costs for the ESInet.

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

The answers to your questions reflect calendar year 2011 and were drafted by Robert Ezelle, the State E911 Program Administrator, who can be reached at 253-512-7468 or via email at Robert.ezelle@mil.wa.gov

Respectfully submitted via electronic filing July 31, 2012,



Robert Ezelle

RCW 82.148.030

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

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

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

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

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

(5) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax imposed by subsection (3) of this section, based on a systematic cost and revenue

analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

RCW 82.148.050

Use of proceeds.

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

RCW 82.148.020

Definitions.

As used in this chapter:

- (1) "Emergency services communication system" means a multicounty ,countywide, or district wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.
- (2) "Enhanced 911 telephone system" means a public telephone system consisting of a network, database, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.
- (3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.
- (4) "Local Exchange Company" has the meaning ascribed to it in RCW 80.04.010.
- (5) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.
- (6) "Radio communications Service Company" has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and no facilities-based resellers.
- (7) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.
- (8) "Subscriber" means the retail purchaser of telephone service as telephone service is defined in RCW 82.16.010.
- (9) "Place of primary use" has the meaning ascribed to it in RCW 82.04.065.

WAC 118-66-050

Agency filings affecting this section

Eligible expenses.

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

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

(a) Statewide dialing items:

- (i) Switching office enabling;
- (ii) Automatic number identification (ANI);
- (iii) 9-1-1 voice network (B.01/P.01 grade of service level required);
- (iv) Traffic studies between switching offices and the selective router;
- (v) MSAG coordination and maintenance;
- (vi) AU/OMS service; and
- (vii) Reverse all search capability;

(b) Basic service items:

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

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

(a) Wireless Phase I E9-1-1 service components:

- (i) Phase I automatic location identification (All);
- (ii) Phase I address;
- (iii) Service control point Phase I capabilities;
- (iv) Phase I All data base;
- (v) Phase I MSAG coordination;
- (vi) Phase I interface to selective router;
- (vii) Phase I interface to all data base;
- (viii) Phase I testing;
- (ix) Phase I implementation plans;
- (x) Phase I implementation agreements;
- (xi) Pseudo-ANI (P-ANI);
- (xii) Phase I 9-1-1 voice network;
- (xiii) MSC Phase I software capabilities;
- (xiv) Traffic studies between the MSC and selective router; and
- (xv) Phase I all data circuits;

(b) Wireless E9-1-1 Phase II service components (including all Phase I components):

- (i) PSAP mapping;
- (ii) Phase II CAD system upgrades;
- (iii) Location determination technology;
- (iv) Phase II implementation plan;
- (v) Phase II testing;
- (vi) MSC Phase II software capabilities;
- (vii) Service control point Phase II capabilities; and
- (viii) Mobile positioning center.

(3) Expenses for the following components are shared with wireline and wireless enhanced 9-1-1 services and may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.148.030(3)) and from enhanced 9-1-1 account funds generated under the statewide wireless enhanced 9-1-1 excise tax (RCW 82.148.030(4)):

(a) Statewide dialing items:

- (i) Selective routing;

- (ii) Automatic location identification (All) data base;
- (iii) Traffic studies between selective router and PSAP;
- (iv) ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment;
- (v) ANI/ALI display equipment for primary PSAPs;
- (vi) That portion of a telephone system compatible with enhanced 9-1-1 that is used to answer 9-1-1 calls;
- (vii) TTY required for compliance with the American Disabilities Act (ADA); and
- (viii) County 9-1-1 coordinator duties;

(b) Basic service items:

- (i) Call detail recorder and/or printer;
- (ii) E9-1-1 mapping administration;
- (iii) Mapping display for call answering positions that are ANI/All equipped.
- (iv) Instant call check equipment (one per 9-1-1 call answering position);
- (v) Uninterruptible power supply (UPS) for PSAP enhanced 9-1-1 equipment;
- (vi) 9-1-1 management information system;
- (vii) Headsets for 9-1-1 call takers;
- (viii) 9-1-1 call receiver salaries and benefits;
- (ix) Language line service;
- (x) Call receiver training;
- (xi) Enhanced 9-1-1 document retention and destruction;
- (xii) 9-1-1 coordinator electronic mail;
- (xiii) Route diversity between selective router and PSAP; and
- (xiv) Alternate routing and/or night service

(c) Capital Items

- (i) Auxiliary generator to support 9-1-1 emergency telephone service for backup;
- (ii) Logging recorder for 9-1-1 call;
- (iii) Computer aided dispatch (CAD) system hardware and software; and
- (iv) Clock synchronizer.

RCW 38.52.540

Enhanced 911 account.

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.148.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system. for the implementation of wireless enhanced 911 statewide and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.148.030(3) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.148.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.148.030(4) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.148.030(2).

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

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

RCW 38.52.510

Statewide enhanced 911 services -Funding by counties.

By December 31, 1998, each county singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.148.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office, established by RCW 38.52.520, shall assist and facilitate enhanced 911 implementation throughout the state.



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT

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JIMMY J. GIANATO
DIRECTOR

August 22, 2012

David S. Turetsky, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Dear Mr. Turetsky:

On Behalf of Governor Earl Ray Tomblin, pursuant to your letter received on June 18, 2011 and in compliance with the New and Emerging Technologies 911 Improvement Act of 2008, I submit to you the following requested information on behalf of the State of West Virginia.

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

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

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

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

2. Based on information provided by the West Virginia Public Service Commission, the Commission received \$36,176,376.90 in calendar year 2011. Of that amount, \$1,091,997.69 was distributed to the West Virginia State Police to be used as described above, \$1,652,431.57 was distributed to The Division of Homeland Security and Emergency Management to be used for the continued expansion of the West Virginia Interoperable Radio System, \$916,666.63 to the West Virginia Public Service Commission for expansion of cell towers and the remaining \$32,515,281.01 was distributed to the Counties. These funds are distributed based on the following formula as defined in West Virginia Code §24-6-6b et seq. The difference in the amount collected and the amount dispersed is due to the schedule of payments by the commission. I am attaching to this document copies of both statutes that address 9-1-1 fees in our State. The method of collection and distribution is defined in law. The State does not have a system in place to identify all land-line fees dispersed directly to the Counties from the multiple providers we have.

The West Virginia Division of Homeland Security and Emergency Management expends the funds it receives from these fees as defined above. The West Virginia Statewide Interoperable Radio Network (SIRN) is an interoperable radio system that is utilized by all public safety agencies across the state. Most 9-1-1 centers either have or are in the process of migrating to this new system as it continues to be built out. Many use it as their primary means of dispatching first responders. During recent storms in West Virginia, this system provided much needed statewide communications capabilities as well as local communications at a very high reliability. All fifty five counties in West Virginia have been provided radios that connect them to the SIRN.

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

“The fee revenues may only be used solely and directly for the capital, installation, administration, operation and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the

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

4. The West Virginia Code further states:

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

All funds distributed to local county governments are subject to this review. In addition to this review, the West Virginia Public Service Commission establishes policies that relate to the use of funds collected and used by Public Safety Answering Points. Attachment A defines such usage. Funds to all State agencies that provide support to 9-1-1 are subject to compliance audits established by WV law and other federal audit requirements.

5. Based on information and statements provided to me, it is my opinion that the wireless fees allocated to the West Virginia Division of Homeland Security and Emergency Management have been spent according to state law and have been used to support 9-1-1 services in our State. Those funds have been used to provide upgrades and maintenance to the radio system that is utilized for public safety communications by 9-1-1 and the public safety agencies that support 9-1-1 across the state. The funds allocated to the West Virginia Public Service Commission have been spent to build cellular towers in areas where it would not have been otherwise feasible to do so without supplemental funding. All of these towers are designed and built with the requirement that they are available for use by our state and local responders for enhancing public safety communications and 9-1-1 service. These towers also

David S. Turetsky, Chief
Public Safety and Homeland Security Bureau
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provide facilities for cellular providers to use in areas that do not have cellular coverage, thus giving the public access to 9-1-1 via cellular phones. Funds provided to the West Virginia State Police have been spent to provide radios and other communications devices to West Virginia State Troopers to enable them to have communications with 9-1-1 centers in order for them to have the necessary communications with them in order to respond to their calls. Additionally, equipment has been purchased to support the continued build of the statewide communications infrastructure utilized by all public safety agencies. Additional funds received by the State Police have been used to support other programs that provide an indirect support to the 9-1-1 system in the form of NCIC connectivity and a mobile command vehicle that can be used to connect to 9-1-1 and emergency services during times of disaster and other operational activities.

6. I have not been made aware of any funds that have been distributed for uses other than those provided by law.
7. As outlined above, the 9-1-1 funds collected in the State of West Virginia are allocated by the County Commissions who either directly or through authority boards operate the local PSAPS. The other entities that receive funds are the West Virginia Division of Homeland Security and Emergency Management, the West Virginia State Police and the West Virginia Public Service Commission. The statutory use of funds allocated to them is described above.
8. Although West Virginia has not expended any funds to deploy Next Generation 911, it would be our position that the deployment of such system would be an eligible expenditure of these funds. Those funds would most likely be expended by local governments as they move forward with deployment of the system.
9. I have no further comments except those noted above.

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

Sincerely,



Jimmy Gianato
Director/Homeland Security Advisor

JG:ds

Attachment: 911 Fee Statues

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

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

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

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

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

27 the respecification year: *Provided, however*, That the fee may never be less than the amount set
28 in subsection (b) of this section: *Provided further*, That beginning on the first day of July, two

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

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

11
12 (1) Each county that does not have a 911 ordinance in effect as of the original effective date of
13 this section in the year one thousand nine hundred ninety-seven or has enacted a 911 ordinance
14 within the five years prior to the original effective date of this section in the year one thousand
15 nine hundred ninety-seven shall receive eight and one-half tenths of one percent of the fee
16 revenues received by the Public Service Commission: *Provided*, That after the effective date of
17 this section, in the year two thousand five, when two or more counties consolidate into one
18 county to provide government services, the consolidated county shall receive one percent of the
19 fee revenues received by the Public Service Commission for itself and for each county merged
20 into the consolidated county. Each county shall receive eight and one-half tenths of one percent
21 of the remainder of the fee revenues received by the Public Service Commission: *Provided*,
22 *however*, That after the effective date of this section, in the year two thousand five, when two or
23 more counties consolidate into one county to provide government services, the consolidated
24 county shall receive one percent of the fee revenues received by the Public Service Commission
25 for itself and for each county merged into the consolidated county. Then, from any moneys
26 remaining, each county shall receive a pro rata portion of that remainder based on that county's
27 population as determined in the most recent decennial census as a percentage of the state total
28 population. The Public Service Commission shall recalculate the county disbursement

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

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

9
10 (3) The Public Service Commission shall deposit the wireless enhanced 911 fee revenue for each
11 county which does not have an enhanced 911 ordinance in effect into an escrow account which it
12 has established for that county. Any county with an escrow account may, immediately upon
13 adopting an enhanced 911 ordinance, receive the moneys which have accumulated in the escrow
14 account for use as specified in subdivision (2) of this subsection: *Provided*, That a county that
15 adopts a 911 ordinance after the original effective date of this section in the year one thousand
16 nine hundred ninety-seven or has adopted a 911 ordinance within five years of the original
17 effective date of this section in the year one thousand nine hundred ninety-seven shall continue to
18 receive one percent of the total 911 fee revenue for a period of five years following the adoption
19 of the ordinance. Thereafter, each county shall receive that county's eight and one-half tenths of
20 one percent of the remaining fee revenue, plus that county's additional pro rata portion of the fee
21 revenues then remaining, based on that county's population as determined in the most recent
22 decennial census as a percentage of the state total population: *Provided, however*, That every five
23 years from the year one thousand nine hundred ninety-seven, all fee revenue residing in escrow
24 accounts shall be disbursed on the pro rata basis specified in subdivision (1) of this subsection,
25 except that data for counties without enhanced 911 ordinances in effect shall be omitted from the
26 calculation and all escrow accounts shall begin again with a zero balance.

27 (e) CMRS providers have the same rights and responsibilities as other telephone service
28

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

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

6
7 (g) From any funds distributed to a county pursuant to this section, a total of three percent shall
8 be set aside in a special fund to be used exclusively for the purchase of equipment that will
9 provide information regarding the x and y coordinates of persons who call an emergency
10 telephone system through a commercial mobile radio service: *Provided*, That upon purchase of
11 the necessary equipment, the special fund shall be dissolved and any surplus shall be used for
12 general operation of the emergency telephone system as may otherwise be provided by law.

13 (h) Notwithstanding anything to the contrary in this code, beginning the first day of July, two
14 thousand eight, prepaid wireless calling service is no longer subject to the wireless enhanced 911
15 fee.



Public Service Commission of Wisconsin

Phil Montgomery, Chairperson
Eric Callisto, Commissioner
Ellen Nowak, Commissioner

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

July 9, 2012

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

Re: **PS Docket No. 09-14**

Dear Secretary Dortch:

On behalf of Governor Scott Walker, the Public Service Commission of Wisconsin (PSCW) is responding to the U.S. Federal Communications Commission (FCC) Public Notice DA 12-908 that was issued to Governor Walker on June 8, 2012. In the notice, the FCC requested information for their fourth annual data collection mandated by the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act). As the State's wireline and wireless E911 service program administrator, the PSCW is able to properly address and provide the necessary input on the matters outlined in the FCC public notice.

The State of Wisconsin has adopted two distinct programs for the funding of wireline and wireless E911 services. For this reason, a response regarding each program is included for each of the following questions, where appropriate.

The following discussion addresses in detail each of the nine highlighted areas of interest contained in the FCC public notice.

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

Wireline E911:

State statute in Wisconsin provides a funding mechanism to reimburse local telecommunications exchange carriers solely for the telephone expenses incurred to implement and operate an enhanced 911 system. This state statute permits local carriers to collect a surcharge through the monthly telephone bill to recover those 911-related telephone network expenses. No portion of the wireline 911 surcharge is remitted to any local government or state agency. County and municipal governments that operate a

wireline Public Safety Answering Point (PSAP) fund all equipment, training and salary expenses of that PSAP through the county or municipal budget.

This surcharge is authorized through a contract between the county government and the participating telephone companies within that particular county.

See Wis. Stat. § 256.35(3).

Wireless E911:

Wisconsin has also adopted a funding mechanism to reimburse wireless providers and county governments for expenses incurred during a specified reimbursement period (September 3, 2003 to November 30, 2008) to implement and operate an enhanced wireless 911 emergency service system. The wireless surcharge was discontinued on July 1, 2008, and the wireless 911 Fund program expired on April 1, 2009. No funds were collected or disbursed from the wireless 911 Fund during 2011.

The statutory authority for the wireless 911 Fund is Wis. Stat. § 256.35(3m).

- 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, 2011.**

Wireline E911:

The local exchange carriers providing 911 services in a given county in Wisconsin enter into a service agreement, pursuant to Wis. Stats. §§ 256.35(3)(a)2 and 256.35(3)(b). One schedule in the service agreement identifies the network cost to be recovered. The 911 surcharge is set to recover the costs listed in that schedule. The only difference between this 911 surcharge and any other local telephone rate element is that the participating carriers' cost of providing 911 service in a given county is pooled, and a common surcharge rate is billed to each wireline access line in the county regardless of the interconnecting local carrier.

The total amount of 911 surcharge collection during 2011 is not available. The surcharge amount varies from county-to-county, based upon the cost of the 911 network and the number of billable access lines in the county. Although the surcharge rate applicable in each county is known, the number of billable access lines in each county is not. The local exchange carriers providing 911 services in a particular county collect and retain the surcharge collection. The amount of the surcharge collection, either for an individual county or for the state as a whole, is not reported, thus unknown.

Wireless E911:

The wireless 911 Fund program expired on April 1, 2009. No funds were collected or disbursed from the wireless 911 Fund during 2011.

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

Wireline E911:

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

Wireless E911:

The wireless 911 Fund program expired on April 1, 2009. No funds were collected or disbursed from the wireless 911 Fund during 2011.

- 4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; 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; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.**

Wireline E911:

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

See Wis. Stat. § 256.35(3)(b)3.

Wisconsin's statute on 911 services also requires that the local exchange carriers submit a 911 contract, or a subsequent amendment to a 911 contract, to the PSCW for review. The PSCW may disapprove the contract or amend the contract if it finds the contract is not compensatory, is excessive or is not in the public's interest.

See Wis. Stat. § 256.35(3)(i).

In 2011, there were four counties that filed 911 contracts with the PSCW. All four of these contracts were accepted as filed.

Wireless E911:

The wireless 911 Fund program expired on April 1, 2009. With the expiration of this program, Wisconsin has discontinued state review and audit of wireless 911 operations and expenditures. All of the counties that implemented a wireless E911 service (70 of 72 counties in Wisconsin) have continued to operate their respective systems using funds at the county level. Each county Board of Supervisors has the authority to obligate the county funds that are used to pay for the recurring expenses of a wireless 911 system.

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.**

Wireline E911:

All the funds collected through the wireline 911 surcharge have been used for the purpose of establishing and operating a telecommunications network dedicated to the 911 service. No portion of this surcharge has been made available to any local government or state agency. County and municipal governments operating a wireline PSAP have funded all equipment, training and salary expenses of that PSAP through the county or municipal budget.

See Wis. Stats. §§ 256.35(3)(a)2 and 256.35(3)(b).

Wireless E911:

The wireless 911 Fund program expired on April 1, 2009. No funds were collected or disbursed from the wireless 911 Fund during 2011. After December 1, 2008, county and municipal governments that operate a wireless PSAP have funded all equipment, training and salary expenses of that PSAP through the county or municipal budget.

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.**

Wireline E911:

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

Wireless E911:

The wireless 911 Fund program expired on April 1, 2009. No funds were collected or disbursed from the wireless 911 Fund during 2011.

During the period of time when the wireless 911 Fund program was in effect, the PSCW actually disbursed 91.57% (\$31,873,646 of \$34,808,239) of the total grant award approved for county grant applicants as reimbursement for 911-related expenses. The PSCW also disbursed 57.2% (\$30,145,704 of \$52,705,783) of the total grant award approved for wireless service providers. In sum, the PSCW disbursed 70.87% (\$62,019,350) of the total approved grant award for all applicants, which was 100% of the eligible 911-related expenses reported to the PSCW in the applicants' requests for reimbursement.

On June 30, 2009, the wireless E911 Fund was closed, and the fund's balance was transferred to the State's account for General Purpose Revenue (GPR) for further distribution pursuant to the State of Wisconsin 2009-11 Biennial Budget (2009 Wisconsin Act 28).

7. **A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 or E911 services or enhancements of such services.**

Wireline E911:

The entire amount of the wireline 911 surcharge is retained by the participating local exchange telecommunications carriers as compensation for the cost of providing the 911 telecommunications network. No portion of the wireline 911 surcharge has been made available to any state agency, county government, municipal government, or other activity, program or organization, either for 911-related purposes or for any other purpose. No other funds have been collected or expended for 911 service or E911 purposes during 2011.

Wireless E911:

The wireless 911 Fund program expired on April 1, 2009. No funds were collected or disbursed from the wireless 911 Fund during 2011.

- 8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.**

There has yet to be a county that has proposed to purchase and operate a Next Generation 911 service in Wisconsin. While it is thought that a county could contract with participating local exchange carriers to implement and operate the telecommunications network that supports a Next Generation 911 service using the existing wireline 911 surcharge funding mechanism, the PSCW has not had the occasion to consider or decide whether such a use of the wireline 911 surcharge is appropriate under the existing 911 state statute. No funds were expended on Next Generation 911 programs during 2011.

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

Wireline E911:

Currently, 71 of 72 counties in Wisconsin provide E911 service to its residents. One county, Iron County, has continued to use a basic 911 service due to the cost of the terminal equipment and associated salary and facilities expenses.

Wireless E911:

Currently, 70 of 72 counties in Wisconsin provide Phase II wireless E911 access to its residents. The two remaining counties (Iron and Taylor counties) both employ a basic wireless 911 service due to the cost of the equipment and facilities. In addition, it is the view of the counties that there is too little wireless service coverage within those counties to justify the expense.

If you have any additional questions or comments regarding this matter, please contact Dennis Klaila, Telecommunications Division, of the PSCW at (608) 267-9780 or at dennis.klaila@wisconsin.gov.

Marlene H. Dortch, Secretary, FCC

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The Public Service Commission of Wisconsin appreciates the opportunity to provide the FCC its input and analysis regarding the State's 911 and E911 services. Again, on behalf of Governor Walker, thank you for your consideration as we move our country and state forward.

Sincerely,

A handwritten signature in black ink, appearing to read "B. J. Rybarik", with a long, sweeping horizontal line extending to the right.

Brian J. Rybarik
Administrator
Telecommunications Division

cc: David S. Turetsky, Chief, Public Safety and Homeland Security Bureau, FCC
Scott Walker, Governor, State of Wisconsin
Douglas La Follette, Secretary, State of Wisconsin
Mike Huebsch, Secretary, Wisconsin Department of Administration
Phil Montgomery, Chairperson, Public Service Commission of Wisconsin

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MATTHEW H. MEAD
Governor

Office of Homeland Security

Telephone (307) 777-Home (4663)

Fax (307) 635-6017

5500 Bishop Boulevard, Cheyenne, Wyoming 82002

July 9, 2012

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

RE: Fourth Annual Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008; Response Due No Later than July 31, 2012

Dear Mr. Turetsky:

Your letter received June 14, 2012, addressed to Governor Mead, regarding the above referenced topic, has been submitted to this office for response. According to Title 16, Chapter 9 of the Wyoming State Statutes for the Emergency Telephone Service Act, Wyoming does not assign over-sight responsibility to a state- level agency for 911 services. We respectfully advise you to contact individual 911 entities in each county with your request for information. To assist you, we would like to suggest you contact Chief of Police Dale Stalder in Laramie, Wyoming. He can be reached at (307) 721-3547 and based on his long history as a regional communications center supervisor, we believe you will find him to be very knowledgeable and beneficial in your efforts.

Another individual you may wish to contact is Ms. Alyssa Watkins. She has recently attended meetings with the National Association of State 911 Administrators (NASNA) as Wyoming's representative. She can be reached at 307-732-8306 or www.tetonsheriff.org.

Sincerely,

Guy Cameron
Director

cc: Dale Stalder (copy of original letter)
Alyssa Watkins (copy of original letter)