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For immediate release

**STATEMENT OF COMMISSIONER MICHAEL O’RIELLY
ON LETTER TO STATES THAT FAILED TO SUBMIT DATA TO FCC ON
9-1-1 FEE DIVERSION
*LETTERS SENT TO NY, MO, OK, MT, PR, MP, GU***

WASHINGTON, February 20, 2018. – Commissioner O’Rielly sent letters today to the seven governors of states and territories that failed to report information to the Commission regarding its 9-1-1 fee diversion practices. The letter can be found below and [here](#). Commissioner O’Rielly had this to say:

“The Commission relies on states and territories to self-report whether and to what extent they divert 9-1-1 fees for other purposes. This information is then supplied to Congress, which has the important job of determining what policies may be needed to ensure that sufficient funds are provided for 9-1-1 services. Unfortunately, seven states and territories failed to provide the FCC with this needed information. Today’s letter calls on these states and territories to immediately rectify this issue. The diversion of 9-1-1 fees can lead to understaffed calling centers, longer wait times in an emergency, or the inability to upgrade to next generation systems. This is of critical significance to public safety, and simply ignoring the Commission’s inquiry can no longer be an option.”

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February 20, 2018

The Honorable Andrew Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

The Honorable Eric Greitens
Governor of Missouri
P.O. Box 720
Jefferson City, MO 65102

The Honorable Mary Fallin
Governor of Oklahoma
2300 N. Lincoln Blvd., Room 212
Oklahoma City, OK 73105

The Honorable Steve Bullock
Governor of Montana
PO Box 200801
Helena MT 59620-0801

The Honorable Ricardo Rosselló Nevares
Governor of the Commonwealth of Puerto Rico
Avenida Juan Ponce de León
San Juan, PR 00901

The Honorable Eddie Calvo
Governor of Guam
Executive Chamber, P.O. Box 2950
Agana, GU 96932

The Honorable Ralph Deleon Guerrero Torres
Governor of the Commonwealth of the
Northern Mariana Islands
Caller Box 10007
Saipan, MP 96950

Dear Governors:

On a daily basis, hundreds of thousands of Americans — many within the borders of your respective states or territories — rely on fully functional, responsive 9-1-1 emergency communications systems to seek help in times of need. These systems also play an integral role in preserving overall public safety, especially from threats to our nation's homeland. In order for these systems to serve the American people, sufficient funding must be available. To that end, the allocation of 9-1-1 collected fees must not be corrupted by governments diverting funding for other purposes, which ultimately undermines public confidence and the overall integrity of these systems. For these reasons and others, Congress charged the Federal Communications Commission (the FCC or Commission) with examining whether states and territories are using 9-1-1 fees collected from consumers solely for their intended purposes.

To facilitate our obligations, the Commission seeks information annually from states and territories, in response to specific questions, regarding 9-1-1 fee collection and allocation. Of particular importance in this inquiry is whether 9-1-1 fees are being diverted to other functions. The Commission uses this self-reported information to compile its annual report, with the last sent to Congress in December 2017 and made publicly available two weeks ago. Failure by a state or territory to appropriately

respond forces the Commission to provide an incomplete picture of 9-1-1 diversion activities.

Inexplicably, in many instances, officials under your leadership failed to respond to our last request for such information. At the very least, given the importance of this information, you should have been aware of the impending failure to respond. This suggests that addressing your 9-1-1 system or NG 9-1-1 capabilities is not as high of a priority for your state or territory as it should be. It is beyond disappointing, as it is hard to imagine what could be more important to the lives and well-being of your residents than a well-functioning 9-1-1 system. Moreover, many of your states and territories have seen the enormous benefits of and need for 9-1-1 services over the years because of terrorist-related activities and natural weather events, including hurricanes, tornadoes, and wildfires. Further, since your states and territories have either been a self-admitted diverter of 9-1-1 fees in the past or guilty of failing to respond to a previous inquiry, it can only be assumed that your state or territory diverted 9-1-1 fees for 2016. Neither of these outcomes is appropriate or acceptable.

Accordingly, I respectfully request that each of you remedy your failure to respond to the Commission's inquiry on 9-1-1 fee diversion. Moreover, at your earliest convenience, please provide the following information to the Commission:

1. Why did your state or territory fail to respond to the Commission's request for information regarding the collection and allocation of 911 fees for 2016?
2. What steps has your state or territory taken, if any, to rectify the failure to file and provide the FCC the information requested?
3. Using the Commission's standards and definition, does your state or territory divert 9-1-1 fees to other functions? If so, how much was diverted in 2016, and for what functions?

Congress has determined that this information is of critical importance to ensuring a healthy 9-1-1 system. The Commission can only analyze and provide such information if you stand as a willing partner with us in this endeavor. I look forward to working with you on this critical issue.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).