



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

June 21, 2018

Mike O’Rielly
Commissioner
Federal Communications Commission
445 12th Street
SW Washington, DC 205554

Håfa Adai Mr. O’Rielly,

This letter is in response to your letter received by my office dated June 20.

First and foremost, please accept my apologies for this untimely response. It is not a standard practice of this administration to ignore our federal partners and we are rectifying issues locally to ensure this does not happen again.

Below you will see information with regards to your letter and please rest assured that a more detailed response is forthcoming from the Guam Fire Department (GFD).

The purpose of the Wireless Communications and Public Safety Act of 1999 is absolutely being met. We are aware that nationwide there is a push for next generation of E911 system and Guam is currently in the midst of the local procurement process.

With respect to the questioned collection, transfer, and expenditure of E911 fees, federal law [48 U.S.C. § 615a-1(f)] grants to states and territories the authority to impose and collect the E911 fee, provided that the fee is expended in support of 911 and E911 services “as specified in the provision of State or local law adopting the fee or charge.” In accordance with this federal authority, Guam enacted a law [12 G.C.A. § 12304] that created a special fund for the deposit of any fees collected. The fees deposited into the special fund are to be used for costs associated with the E911 reporting system and are not subject to transfer or spending without prior appropriation.

Subsequently last year on September 16, 2017, the Guam Legislature enacted a budget bill which authorized the appropriation of monies contained in special funds even though the appropriation was not related to the purposes of the fund: “Notwithstanding any provision of law, all appropriations from special funds contained in this act, which are not in conformance with the statutory uses of said funds, shall be authorized for use in FY2018.” [Guam Public Law 34-42:XIII(22)].



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By enacting this provision of law, it was the intent of the Guam Legislature to permit for the release of funds determined to be unspent or excess (i.e. "lapsed funds") so that those monies could be used for other appropriations prior to impending end of FY2018 on September 30, 2018.

In the case of the E911 special fund, the monies that were not transferred to the GFD represented unspent funds that had either lapsed or were otherwise unappropriated. Because the federal law at 48 U.S.C. § 615a-1(f) states that fees collected shall be used "as specified" in the local law adopting the fee, and because in turn, Guam Public Law 34-42:XIII(2) explicitly authorized the appropriation of special funds such as the one the E911 fees were deposited into notwithstanding that the appropriation is "not in conformance with the statutory uses of said funds," Guam respectfully submits that the transfer of fees was made within the parameters of both federal and local Guam law.

Moreover, there is no evidence that the transfer of fees has caused any disruption of emergency response services. On the contrary, support for emergency response has improved over the years.

Indeed, since the start of my administration in 2011, emergency response has been prioritized, and the Guam Fire Department has thrived:

- We increased the number of working ambulances from 1 or 2 working ambulances to 13.
- We increased the amount of fire trucks from 5 to 13; ensuring that each fire station has a fire truck, which has not been the case for many years.
- The Guam Fire Department is rightsizing after years without promotions and new recruits to backfill natural attrition that left the department with vacancies in critical leadership positions.
- Salaries for firefighters are more competitive today than 7 years ago – which helps with recruitment and retention.

It is a verifiable fact that Guam's emergency support and response has vastly improved in the last 7 years. This administration has, and will continue to, ensure that E911 and emergency responders continue to serve the people of Guam as they deserve.

Senseramente,



Eddie Baza Calvo

Governor of Guam