



July 23, 2018

Hon. Michael O'Reilly, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Proposal for a State Bill to protect the funds of the Emergency Bureau 9-1-1

Dear Commissioner O'Reilly:

We hope you are well upon receipt of this letter.

As we discussed in our meeting in May 2018, our Union wants to ensure that 9-1-1 funds are used for their intended purposes. After the devastation of Hurricane María last year, it is clear how important is to have a well-funded and functioning 9-1-1 service ready to serve the citizens. This is also true, since while Congress delegated the express authority to State and Territories to organize and collect funds for the operation of the 9-1-1 service it also stated that funds must be used only for 9-1-1 or NG9-1-1 services. One example of this is the "New and Emerging Technologies 9-1-1 Improvement Act of 2008 or" NET 911 Improvement Act 2008 in which it reaffirms that the collections obtained from the services of 9-1-1 must be used solely and exclusively for these purposes.

In the past, 9-1-1 funds in Puerto Rico have not been used for the specific purposes that Congress intended. In 2013, \$12 million dollars were transferred to the general fund. This happened through the year 2014, 2015 and until 2016. Today, from \$10 – \$20 million are missing from the 9-1-1 funds. But this is not all. During the year 2017, 9-1-1 funds were subject to new laws that allow for the appropriation and use for other purposes not related to 9-1-1 calls. Article 15 of Law 3-2017, states that all 9-1-1 surpluses must be transferred to the general fund. Also, Article 4.01 of Law 26-2017, reinforced this requirement as part of the compliance with the first Fiscal Plan approved by both the Fiscal Oversight Management Board and Governor Ricardo Rosselló,

Further, in what has been mislabeled as an "effort" to fix the crumbling Public Safety crisis, the government signed Public Law 26-2017, known as the Public Safety Department Law. This law, eliminated the independence of the 9-1-1 Emergency Board, and merged it with a bigger and new centralized organization named the Department of Public Safety. For some, this might seem a good idea, but it didn't fix the loopholes that allow the Government to seize 9-1-1 funds and use them for other purposes. An example of this, is that Article 5.06 of Law 20-2017, allows for the Secretary of Public Safety to authorize the use of 9-1-1 funds for other issues not related to Next Gen 9-1-1 Services. Based on that law, on May 16, 2018, Secretary of Public Safety Hector Pesquera, ordered the 9-1-1 Bureau to acquire, with 9-1-1 funds, uniforms for the Medical Emergencies Bureau; 4 vehicles for the Forensic Sciences Bureau; 10 ambulances for the Medical Emergencies Bureau and 125 police motorcycles. In total, \$3,831,021 of 9-1-1 funds will be used for this-purposes.

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At the same time, 9-1-1 personnel have the lowest salary in comparison with any jurisdiction with the US; there is a personnel need; employees have no uniforms, chairs, desks, computer and other technologies are not reliable; trainings have been slashed; migration for NG9-1-1 has not been completed and no one has any idea on where we it is; not to mention that the facilities are not ready for a next hurricane season.

The administrative situation in 9-1-1 is so unstable that, for the first time in history, 9-1-1 did not present its corresponding report to the FCC, an indispensable requirement in federal law and necessary for the Congress of the United States to evaluate and assess the status of the emergency system. All this mishandling of funds in 9-1-1 and the constant violations of federal regulations and laws, has had the effect of increasing the response time. An analysis of the 9-1-1 system carried out by the internal 9-1-1 operators found that 40% of the cases channeled with municipal emergency systems are rejected by these. Duplicating the response time and delaying the attention to the citizenship which implies a risk to life and property.

For all the reasons mentioned above, we are presenting a proposal for a bill in Puerto Rico to protect the 9-1-1 funds, so we can guarantee our people a reliable agency. Citizens deserve an emergency system that is agile, reliable, transparent and, most importantly, that responds on time because life and property depend on it. It is our responsibility to correct all errors that have been committed during the past years with the handling of 9-1-1 funds that have greatly affected the service.

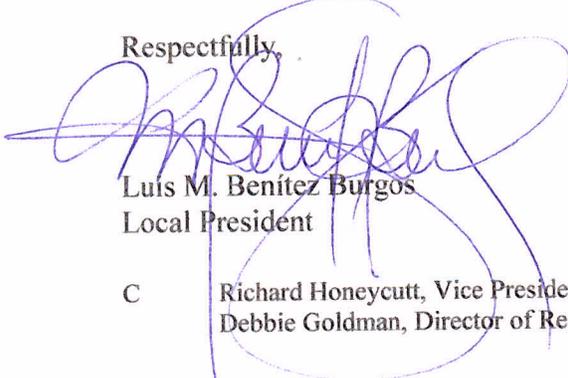
Before we present this bill to our State Legislature for the next term, that starts on August, we would like to have your support. With this legislation, we are aiming to ensure that:

1. 9-1-1 funds are used for such services and nothing more
2. Expressly prohibit the use of 9-1-1 funds to other uses not currently allowed by federal law and regulations.
3. There should not be any discretion for any Government official, to use 9-1-1 funds for purposes that are not allowed in Federal Law
4. Eliminate the 9-1-1 from the current Fiscal Plan and Law 26-2017, allowing the 9-1-1 to operate properly, in order to prepare not only for NG9-1-1 services, but to be able and ready to attend any emergency in Puerto Rico in a timely and fiscally responsible manner.
5. Eliminate any reference in current legislation, that will require or allow the 9-1-1 to transfer its funds to the general fund.

We are attaching both our Spanish and English Version of the draft bill. We are available to meet and discuss this bill in person and a letter showing your support will be really useful.

If you have any question, please feel free to reach out to us at 787-282-0714.

Respectfully,



Luis M. Benítez Burgos
Local President

C Richard Honeycutt, Vice President CWA District 3
Debbie Goldman, Director of Research CWA

Enclosures

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