



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC

Mike O'Rielly
Commissioner

September 19, 2019

The Honorable Steve Sisolak
Governor
State of Nevada
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Governor Sisolak:

The Federal Communications Commission has been charged by Congress with helping to ensure the funding integrity of our nation's 9-1-1 system, particularly with respect to the fees paid by consumers to fund emergency networks within U.S. states and territories. To fulfill its responsibility, the FCC annually surveys states and territories to determine, in part, whether 9-1-1 fees collected by wireless providers and remitted to state and territorial governments actually go to their intended purpose, namely, preserving, operating, and improving 9-1-1 public safety networks. As part of its last report covering calendar year 2017, the Commission identified a total of seven states and territories, including Nevada, guilty of diverting these critical fees to other purposes. While you were not governor when Nevada authorized this diversion, it is a current and ongoing problem. Just this year, public safety officials emphatically objected to the misuse of Nevada's 9-1-1 accounts.¹ Accordingly, I find it necessary to reach out to you personally to determine whether you disavow the 9-1-1 fee diversion by Nevada, are committed to rectifying the misappropriation of that funding, and can commit that Nevada will take all requisite actions under your leadership to cease such practices.

According to various sources, in 2017, Nevada mandated uniformed law enforcement personnel to procure and wear body cameras. At the same time, it authorized individual county commissions to increase 9-1-1 fees by up to four times to recoup these new non-9-1-1 costs. The result of this statute is that Nevada is requiring wireless consumers to pay higher 9-1-1 fees under the guise of facilitating emergency communications, but the added funding is actually spent on purposes unrelated to the provision of 9-1-1 service.

At first glance, body cameras may seem to be tangentially related to 9-1-1, but, in fact, this expenditure amounts to a diversion of 9-1-1 funds and is inappropriate and unacceptable — both for practical reasons and under the law. Simply put, 9-1-1 fees should go solely to support 9-1-1 networks and directly related purposes — i.e., the costs associated with emergency call centers and call takers. Otherwise, one could seemingly justify using these funds for an endless number of potentially popular public safety expenditures, such as firearms and ammunition for law enforcement, fire trucks and ambulances, EMT supplies, hospital expansions, police pensions, and so on. If allowed to stand, there would be no practical limit on a state or territorial government's use of critical 9-1-1 fees, which would turn such accounts into

¹ See Open Letter from Mathew Grogan, 1ST Vice President, Nevada Chapter of the Association of Public-Safety Communications Officials, February 15, 2019.
https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=36516&fileDownloadName=SB%2025_Testimony%20in%20Opposition_Matthew%20Grogan%20Nevada%20Fee%20Diversification.pdf

The Honorable Steve Sisolak
September 19, 2019
Page 2

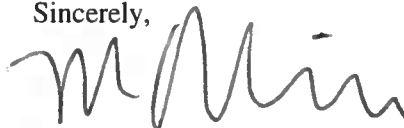
giant slush funds. In the case of Nevada, the state effectively imposed a clandestine, backdoor tax on its consumers by using the 9-1-1 consumer-paid fees to pay for body cameras.

Diversion of 9-1-1 fees also implicates federal law and policies that restrict 9-1-1 fees to their intended purpose. Both the New and Emerging Technologies 911 Improvement Act of 2008, which set the FCC's monitoring and reporting requirements, and the Middle Class Tax Relief and Job Creation Act of 2012, which was passed by Congress and signed into law by President Obama, reaffirm and codify federal policy against fee diversion by excluding states and territories that have engaged in 9-1-1 fee diversion from Federal grant monies for modernization and upgrading 9-1-1 systems. Because of its diversion of 9-1-1 fees, Nevada was ineligible for any of the \$109 million recently awarded by the Departments of Transportation and Commerce for 9-1-1 services. In other words, Nevada is missing out on valuable resources needed to upgrade to Next Generation 9-1-1 systems.

As Governor, you have the opportunity and responsibility to rectify the situation. Through your actions and your words, you can let it be known that you oppose the diversion of inflated 9-1-1 fees to unrelated purposes. Doing so will allow you to stand in solidarity with the thousands of public safety officials who rely on a sufficiently funded and uncompromised communications system to provide emergency services to those Nevadans in need. Moreover, you are in position to lead the effort to repeal the flawed 2017 decision that led to unnecessary increases in wireless 9-1-1 fees and demand that the legislature find other sources of funding to reimburse local counties for the cost of body cameras.

I look forward to your reply and hearing about your plans to end 9-1-1 fee diversion in Nevada once and for all.

Sincerely,

A handwritten signature in black ink, appearing to read "M. O'Rielly", with a stylized, cursive script.

Michael O'Rielly