

Federal Communications Commission

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

In the Matter of	)	
	)	
911 Fee Diversion	)	PS Docket No. 20-291
	)	
New and Emerging Technologies 911	)	PS Docket No. 09-14
Improvement Act of 2008	)	

ERRATUM

Released: August 12, 2021

By the Chief, Public Safety and Homeland Security Bureau, and the Office of the Managing Director:

On June 25, 2021, the Commission released a *Report and Order*, FCC 21-80, in the above captioned proceeding. To conform to the publishing conventions of the National Archives and Records Administration's Office of the Federal Register, this Erratum replaces **Appendix A** of the *Report and Order*. See new **Appendix A** attached.

FEDERAL COMMUNICATIONS COMMISSION

Lisa M. Fowlkes  
Chief, Public Safety and Homeland Security Bureau

Mark Stephens  
Managing Director

**APPENDIX A**

**Final Rules**

For the reasons described in the preamble, the Federal Communications Commission amends 47 CFR part 9 as follows:

**PART 9 – 911 Requirements**

1. The authority citation for part 9 is revised to read as follows:

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a-1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

2. Add subpart I, consisting of §§ 9.21 through 9.26, to read as follows:

**Subpart I – 911 Fees**

Sec.

9.21 Applicability.

9.22 Definitions.

9.23 Designation of acceptable obligations or expenditures for purposes of the Consolidated Appropriations Act, 2021, Division FF, Title IX, section 902(c)(1)(C).

9.24 Petition regarding additional purposes and functions.

9.25 Participation in annual fee report data collection.

9.26 Advisory committee participation.

**§ 9.21 Applicability.**

The rules in this subpart apply to States or taxing jurisdictions that collect 911 fees or charges (as defined in this subpart) from commercial mobile services, IP-enabled voice services, and other emergency communications services.

**§ 9.22 Definitions.**

For purposes of this subpart, the terms in this section have the following meanings set forth in this section. Furthermore, where the Commission uses the term “acceptable” in this subpart, it is for purposes of the Consolidated Appropriations Act, 2021, Pub. L. 116-260, Division FF, Title IX, section 902(c)(1)(C).

*911 fee or charge.* A fee or charge applicable to commercial mobile services, IP-enabled voice services, or other emergency communications services specifically designated by a State or taxing jurisdiction for the support or implementation of 911 services. A 911 fee or charge shall also include a fee or charge designated for the support of public safety, emergency services, or similar purposes if the purposes or allowable uses of such fee or charge include the support or implementation of 911 services.

*Diversion.* The obligation or expenditure of a 911 fee or charge for a purpose or function other than the purposes and functions designated by the Commission as acceptable pursuant to § 9.23. Diversion also includes distribution of 911 fees to a political subdivision that obligates or expends such fees for a purpose or function other than those designated as acceptable by the Commission pursuant to § 9.23.

*Other emergency communications services.* The provision of emergency information to a public safety answering point via wire or radio communications, and may include 911 and E911 service.

*State.* Any of the several States, the District of Columbia, or any territory or possession of the United States.

*State or taxing jurisdiction.* A State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*).

**§ 9.23 Designation of acceptable obligations or expenditures for purposes of the Consolidated Appropriations Act, 2021, Division FF, Title IX, section 902(c)(1)(C).**

- (a) Acceptable purposes and functions for the obligation or expenditure of 911 fees or charges for purposes of section 902 are limited to:
  - (1) Support and implementation of 911 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and
  - (2) Operational expenses of public safety answering points within such State or taxing jurisdiction.
- (b) Examples of acceptable purposes and functions include, but are not limited to, the following, provided that the State or taxing jurisdiction can adequately document that it has obligated or spent the fees or charges in question for these purposes and functions:
  - (1) PSAP operating costs, including lease, purchase, maintenance, replacement, and upgrade of customer premises equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility and including NG911, cybersecurity, pre-arrival instructions, and emergency notification systems (ENS). PSAP operating costs include technological innovation that supports 911;
  - (2) PSAP personnel costs, including telecommunicators' salaries and training;
  - (3) PSAP administration, including costs for administration of 911 services and travel expenses associated with the provision of 911 services;
  - (4) Integrating public safety/first responder dispatch and 911 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 911 and public safety dispatch operations; and
  - (5) Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.
- (c) Examples of purposes and functions that are not acceptable for the obligation or expenditure of 911 fees or charges for purposes of section 902 include, but are not limited to, the following:
  - (1) Transfer of 911 fees into a State or other jurisdiction's general fund or other fund for non-911 purposes;
  - (2) Equipment or infrastructure for constructing or expanding non-public safety communications networks (e.g., commercial cellular networks); and
  - (3) Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities that does not directly support providing 911 services.
- (d) If a State or taxing jurisdiction collects fees or charges designated for "public safety," "emergency services," or similar purposes that include the support or implementation of 911 services, the obligation or expenditure of such fees or charges shall not constitute diversion provided that the State or taxing jurisdiction:

- (1) Specifies the amount or percentage of such fees or charges that is dedicated to 911 services;
- (2) Ensures that the 911 portion of such fees or charges is segregated and not commingled with any other funds; and
- (3) Obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section.

**§ 9.24 Petition regarding additional purposes and functions.**

- (a) A State or taxing jurisdiction may petition the Commission for a determination that an obligation or expenditure of 911 fees or charges for a purpose or function other than the purposes or functions designated as acceptable in § 9.23 should be treated as an acceptable purpose or function. Such a petition must meet the requirements applicable to a petition for declaratory ruling under § 1.2 of this chapter.
- (b) The Commission shall grant the petition if the State or taxing jurisdiction provides sufficient documentation to demonstrate that the purpose or function:
  - (1) Supports public safety answering point functions or operations; or
  - (2) Has a direct impact on the ability of a public safety answering point to:
    - (i) Receive or respond to 911 calls; or
    - (ii) Dispatch emergency responders.

**§ 9.25 Participation in annual fee report data collection.**

- (a) If a State or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such State or taxing jurisdiction shall provide the information requested by the Commission to prepare the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999, as amended (47 U.S.C. 615a-1(f)(2)).
- (b) Each State or taxing jurisdiction subject to paragraph (a) of this section must file the information requested by the Commission and in the form specified by the Public Safety and Homeland Security Bureau.
- (c) Paragraph (b) of this section contains information collection and recordkeeping requirements. Compliance will not be required until after approval by the Office of Management and Budget. The Commission will publish a document in the Federal Register announcing that compliance date and revising this paragraph accordingly.

**§ 9.26 Advisory committee participation.**

Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission in the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999, as amended (47 U.S.C. 615a-1(f)(2)), as engaging in diversion of 911 fees or charges shall be ineligible to participate or send a representative to serve on any advisory committee established by the Commission.