

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *911 Fee Diversion*, PS Docket No. 20-291; *New and Emerging Technologies 911 Improvement Act of 2008*, PS Docket No. 09-14.

There is no question that consumers expect states to use 9-1-1 fees only for purposes directly related to the building and operating of 9-1-1 systems and not for filling state coffers, stealing the money and diverting funds toward other projects and programs unrelated to essential 9-1-1 services. No matter how meritorious that other spending may be in a few limited cases, we all know the fungible nature of state taxes and fees means that these state diverters could otherwise cut spending elsewhere or raise taxes to meet their funding needs for their non-9-1-1 programs. What is unconscionable, even shameful, is that certain states hide behind labels like “public safety” to dupe consumers and shortchange 9-1-1 call centers. Yet, despite public reprimands and cajoling, these states simply refuse to change their diverting ways, and, unfortunately, the preliminary review of calendar year 2019 data suggests that four states are likely to remain unapologetically on the list: New Jersey, New York, Rhode Island, and Nevada. In New York, I heard firsthand how local property taxes had to be increased at the county level to pay for 9-1-1 call answering centers to make up for the huge shortfalls in funds that were supposed to be sent by the New York State government. Similar stories can be told of the other states.

Despite these few remaining outliers, it is worth noting that the vast majority of states have taken steps over the last decade to rectify their behavior and remove their names from this odious list. While we have had some success shrinking the number of diverters, more work remains. This undertaking has been one of my top priorities during my time at the Commission, and I thank the Chairman and dedicated staff for finalizing today’s Notice of Inquiry (NOI), which is an effort to explore every creative idea and tactic the Commission can use under its *existing* authority to end these diversions once and for all. Diverters are already statutorily barred from receiving federal NextGen911 grants, and I expect that Congress may need to provide even stronger statutory tools for the Commission to finally address the remaining diverters and prevent this horrendous practice in the future.

In any case, I am heartened by the overwhelming support for reform shown in Congress, as recently as last week, and throughout the Commission, and I am hopeful that today’s NOI will continue the positive momentum needed to finish the project and reduce the number of diverters to zero. I also want to thank Chairman Pai and Commissioner Rosenworcel for joining me on this crusade over the years, and Chief Lisa Fowlkes and Deputy Chief David Furth of PSHSB, along with all of the members of their team, for the hard work that goes into the annual report and for supporting the broader effort to rein in rogue states. Thank you all.

I approve.