



PUBLIC NOTICE

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January 8, 2016

**FCC SEEKS PUBLIC COMMENT ON SEVENTH ANNUAL REPORT TO CONGRESS ON
STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND
CHARGES**

PS Docket No. 09-14

Comments Due: February 8, 2016
Reply Comments Due: March 9, 2016

The Federal Communications Commission (Commission) today releases to the public its Seventh Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (Report). The Commission submits the Report to Congress annually pursuant to the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), which requires that the Commission report whether 911 fees and charges collected by the states, the District of Columbia, U.S. territories, and Indian territories (states and other reporting entities) are being used for any purpose other than to support 911 and Enhanced 911 (E911) services. By this public notice, the Commission formally solicits public comment on the Report and the information provided to the Commission by states and other reporting entities.

The Report covers the collection and distribution of 911 and Enhanced 911 fees and charges for the calendar year ending December 31, 2014, and was submitted to Congress on December 31, 2015.¹ The Report also contains more detailed state-by-state information than prior annual reports on the number and type of 911 calls, the number of Public Safety Answering Points (PSAPs) and telecommunicators, expenditure of funds for Next Generation 911 (NG911) services, deployment of Emergency Services IP Networks (ESInets) and text-to-911 service, establishment of programs to support PSAP cybersecurity, and the extent of state-level oversight and auditing of collection and use of 911 fees. Forty-eight states, the District of Columbia, American Samoa, the Navajo Nation, and three Bureau of Indian Affairs (BIA) offices responded to this year's expanded data request.²

With respect to the diversion of 911 fees, the Report finds that eight states reported diverting or transferring a portion of collected 911 fees and charges for non-911 related purposes in 2014. We seek comment on the sufficiency and accuracy of the reported information, including additional information concerning the specific impact, if any, that such diversion has had on the provision of 911 service in those

¹ A copy of the Report can be found on the Commission's website at <https://www.fcc.gov/general/911-fee-reports>.

² Information submitted by the states and other reporting entities can be viewed at <https://www.fcc.gov/general/7th-annual-911-fee-report-state-filings>.

states. We also seek comment on whether there have been any other instances of fee diversion by states or local jurisdictions not identified in the Report, including counties or other jurisdictions in states that have local or hybrid fee collection programs.

We seek comment on whether expenditure of 911 fees on NG911-related programs as documented in the Report is effectively contributing to implementation of NG911 services and infrastructure. Similarly, in states or counties that have deployed text-to-911 service, to what extent have collected 911 fees been used to support the deployment of that service? We also seek comment on whether 911 fees are being effectively used by state, local, and tribal jurisdictions to implement cybersecurity best practices within PSAPs as well as adherence to the National Institute of Standards and Technology Cybersecurity Framework.

We seek comment on the role of oversight and auditing in ensuring that collected 911 fees are used according to state and local requirements. The Report finds that while almost every reporting jurisdiction collects 911 fees from in-state subscribers, many states lack authority to audit service providers to verify that the collected fees accurately reflect the number of in-state subscribers served by the provider. We seek comment on whether additional efforts are needed to ensure that state and local entities have the authority to monitor and audit 911 fee collections.

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS"). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, S.W., CY-A257, Washington, D.C., 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For additional information on this proceeding, contact Timothy May, Policy & Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-1463 or timothy.may@fcc.gov.

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