

Appendix C

Copies of Responses

Alaska

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

In 2005, SLA 05, Chapter 55 amended Alaska Statutes 29.35.131 through AS 29.35.138 (enhanced 911 system) to allow a municipality, public municipal corporation, or a village to impose and increase a surcharge to provide E911 at public safety answering points from a local exchange telephone company or other qualified vendor. The Alaska Legislature's intent was to provide a sustained funding source for the technology necessary to respond to emergency calls and situations.

AS 29.35.131 – AS 29.35.137 applies to home rule and general law municipalities. Alaska statutes do not allow the imposition of surcharges where no E911 service is provided.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The surcharge is capped at \$2 per month per line, with provisions that permit surcharges in the E911 service area to go above that level with voter approval. Allocations are determined by the governing body and it's communities via a written agreement. Each year, the governing body of the municipality must review enhanced 911 surcharges to confirm whether the surcharge is meeting enhanced 911 system needs.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Based on available data, the total amount collected for calendar year 2012 was \$12,256,620.07

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

AS 29.35.131 specifies that a local exchange telephone company or wireless telephone company providing service in a municipality that has imposed an enhanced 911 surcharge shall bill each month and collect the surcharge from customers in the enhanced 911 service area.

A local exchange telephone company or wireless telephone company that has collected the enhanced 911 surcharge shall remit the amounts collected to the municipality no later than 60 days after the end of the month in which the amount was collected. From each remittance made in a timely manner under this subsection, the telephone company is entitled to deduct and retain the greater of one percent of the collected amount or \$150 as the cost of administration for collecting the enhanced 911 surcharge. In addition, a wireless telephone company is entitled to full recovery of the recurring and nonrecurring costs associated with implementation and operation of Phase I E911 service as allowed under Federal Communications Commission proceedings entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems".

AS 29.35.131 (i) specifies that revenues collected may be used for costs directly attributable to the establishment, maintenance, and operation of an E911 system:

- (1) the acquisition, implementation, and maintenance of public safety answering point equipment and 911 service features;
- (2) the acquisition, installation, and maintenance of other equipment, including call answering equipment, call transfer equipment, automatic number identification controllers and displays, automatic location identification controllers and displays, station instruments, 911 telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf, public safety answering point backup power systems, consoles, automatic call distributors, and hardware and software interfaces for computer-aided dispatch systems;
- (3) the salaries and associated expenses for 911 call takers for that portion of time spent taking and transferring 911 calls;

(4) training costs for public safety answering point call takers in the proper methods and techniques used in taking and transferring 911 calls;
(5) expenses required to develop and maintain all information necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the 911 call-taking and transferring function, including automatic location identification and automatic number identification databases.”

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Alaska Statute AS 29.35.131 require that:

Municipalities determine funds are made available and used for purposes allowed under AS 29.35.131 (i); The governing body of the municipality review E911 surcharges on an annual basis to confirm whether the surcharge is meeting enhanced 911 system needs;

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Oversight procedures via AS 29.35.131 require that:

Municipalities determine funds are made available and used for purposes allowed under AS 29.35.131 (i);

The governing body of the municipality review E911 surcharges on an annual basis to confirm whether the surcharge is meeting enhanced 911 system needs;

When imposing or changing an E911 surcharge, municipalities provide written notification to affected telephone customers explaining how the surcharge will be used; and

Before a borough may use revenue from an E911 surcharge, the borough and city must enter into an agreement to address the duties and responsibilities of each party. The Alaska Department of Public Safety (DPS) must be party to the agreement if DPS provides services to support their E911 system.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The Alaska Statewide 911 coordinator serves as an information conduit and coordinator for all matters related to provision of 9-1-1 services to the entire state, provides technical consulting assistance to state agencies, local governments, and non-commercial entities related to 9-1-1 issues and coordinates and facilitates efforts by telecommunication companies and others to correctly and optimally route 9-1-1 and other emergency calls to Public Safety Answering Points (PSAP's). The coordinator's job includes oversight and/or auditing of 911 surcharge spending by municipal governments. No corrective actions were needed for the annual period ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

The state has no indication that the funds collected in 2012 for 911 or E911 purposes have been made available or used for any other purpose other than the ones designated by AS 29.35.131.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Money collected through the 911 surcharge is remitted to local governing bodies and used to provide an enhanced 911 system at public safety answering points and may be used to purchase or lease the enhanced 911 equipment or service required to establish or maintain an enhanced 911 system at public safety answering points from a local exchange telephone company or other qualified vendor.

Alaska requires that services available through a 911 system shall include police,

fire fighting, and emergency ambulance services. Each public safety answering point shall notify their public safety agencies of calls for assistance in the governing body's area, and as appropriate, dispatches public safety services directly, or transfers 911 calls to appropriate public safety agencies.

In 2012 there were 145 city governments, 16 organized boroughs and 187 unorganized areas. Out of these 348 political subdivisions, approximately 10% collect a 911 surcharge. However, the vast majority of the state's population lives in areas where a surcharge is collected.

An enhanced 911 service area may be all of a city, all of a unified municipality, or all or part of the area within a borough and may include the extraterritorial jurisdiction of a municipality in accordance with AS 29.35.020. The governing body of a municipality shall review an enhanced 911 surcharge annually to determine whether the current level of the surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911 system needs. When a municipality imposes an enhanced 911 surcharge or the amount of the surcharge is changed, the municipality shall notify in writing the telephone customers subject to the surcharge and provide an explanation of what the surcharge will be used for.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	X

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

N/A

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Thank you for the opportunity to provide information about 911 and E911 funding in Alaska. If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,
John Rockwell
Alaska Statewide 911 Coordinator

Arizona

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

YES

If "yes," please include a citation to the legal authority for such mechanism.

The State of Arizona has had a dedicated funding mechanism to support 911 and Enhanced 911 (E911) since 1985. Written criteria is in place through the Arizona Administrative Code, R2-1-401 outlining requirements for funding eligibility to localities including political subdivisions, tribal nations and public/private public safety answering points. The dedicated funding mechanism is the Telecommunication Services Excise Tax established pursuant to A.R.S. § 42-5252 et seq. The statute levies a tax, of twenty cents per month, on every telecommunication provider for each activated wire (including VoIP) line service. The statute has been in place since July 1, 2008. The revenue generated from the Telecommunication Services Excise Tax is deposited into the Emergency Telecommunication Services Revolving Fund established pursuant to A.R.S. § 41-704.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

For the period ending December 31, 2012, the aforementioned tax, of twenty cents per month, was levied on every telecommunication provider for each activated wire-line (including VoIP) and wireless service account for the purpose of financing emergency telecommunication services.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount of tax collected and remitted to the State of Arizona for the period ending December 31, 2012, was \$16,445,301. The interest generated for the period ending December 31, 2012 was \$29,043.18.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Pursuant to A.R.S. § 41-704 the Director of the Arizona Department of Administration (ADOA) is required to: • Adopt rules and procedures for administering and disbursing monies deposited in the Emergency Telecommunication Services Revolving Fund; • Review and approve, at least quarterly, requests by political subdivisions for payment for operating emergency telecommunication service systems; • Biannually recommend to the Arizona

Legislature the amount of the Telecommunication Services Excise Tax that will be required to support the implementation of the State's 911 program; and, • Administer the Emergency Telecommunication Services Revolving Fund. The administration of the State's 911 program, including how the collected funds are made available to localities, written criteria regarding the allowable uses of the collected funds and procedures for the disbursement of funds, is governed by rules adopted by ADOA pursuant to the Arizona Administrative Code. These rules, which became effective on June 22, 1985, consist of Section R2-1-401 through R2-1-411 of the Arizona Administrative Code and are as follows: R2-1-401. Definitions; R2-1-402. Establishment of 911 Planning Committee; R2-1-403. Submission of Service Plan; R2-1-404. Certificate of Service Plan approval; R2-1-405. Resubmitting of a Service Plan; R2-1-406. Modification of an Approved Service Plan; R2-1-407. 911 System Design Standards; R2-1-408. 911 Operational Requirements; R2-1-409. Funding Eligibility; R2-1-410. Method of Reimbursement; and, R2-1-411. Allocation of Funds. The Director of ADOA has the authority to approve the expenditure of funds collected for 911 or E911 purposes. The State 911 Office annually reviews a budget for each political subdivision eligible for program funding. A detailed review of equipment, network and other approved costs is completed and funding approval is provided to the political subdivision. The State 911 Office is responsible for reviewing the accuracy of all invoices for eligible emergency telecommunication services and the payments rendered directly from the Emergency Telecommunication Services Revolving Fund for the implementation and support of 911 or E911 services. Pursuant to A.R.S. § 41-704, ninety-five percent of the revolving fund is identified for the explicit purpose of emergency telecommunications services including necessary or appropriate equipment or service for implementing and operating emergency telecommunication services through political subdivisions of the State. This includes monthly recurring costs of emergency telecommunication services like expenditures for capital, maintenance and operating purposes. In addition, the wireless carrier's costs associated with the provision, development, design, construction and maintenance of the wireless emergency telecommunications services is also included. ADOA is authorized to use up to two-thirds of the five percent deposited annually in the Emergency Telecommunication Services Revolving Fund for administrative costs. The remainder of the five percent may be allocated for local network management of contracts with Public Safety Answering Points for emergency telecommunication services.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Arizona Revised Statutes and the Arizona Administrative Code outline authority and oversight for the Emergency Telecommunication Services Revolving Fund. The Director of ADOA has the authority to approve the expenditure of funds collected.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The State 911 office reviews and approves proposals, reviews and processes for payment all community-approved invoices, forwards approved invoices for payment and determines that funds collected have been made available or used for the purposes designated by the funding mechanism. ADOA has also created a 911 Oversight Committee consisting of the ADOA Director, General Counsel, Budget Director, Legislative Liaison, Assistant Director

and 911 Administrator which meets quarterly to review revenue and expenditure reports, on-going projects, new projects under consideration and future spending decisions.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

No corrective actions were required for the annual period ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

YES

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No tax revenue collected through the Telecommunication Services Excise Tax during the annual period ending December 31, 2012 was used for any purposes other than for 911 or E911 implementation or support.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

There are 89 Public Safety Answering Points in Arizona that are eligible for E911 funding from the Emergency Telecommunication Services Excise Tax. During the annual period ending December 31, 2012, funds were expended for E911 equipment upgrades, E911 equipment maintenance and E911 network services, as well as for the wireless carriers' costs associated with the deployment and maintenance of Wireless E911 Phase II.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

YES

12. Has your state expended such funds on Next Generation 911 programs?

YES

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

No funds were expended in the annual period ending December 31, 2012.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

I have no additional comments to provide regarding the applicable funding mechanism for 911 and E911. On behalf of the State of Arizona, we appreciate the opportunity to assist the FCC with its efforts to comply with Section 6(f) (2) of the NET 911 Act. Should you have any questions, comments or concerns with the information contained within this correspondence, please do not hesitate to contact me at 602-542-1500 or Barbara Jaeger, the State 911 Administrator, at 602-542-0911.

Bureau of Indian Affairs – Eastern Regional Office



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Regional Director

David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Re: Annual Information Collection as Mandated by the New and Emerging
Technologies Improvement Act of 2008

Dear Mr. Turetsky:

The Eastern Region of the Bureau of Indian Affairs has queried all 28 Tribes located within our jurisdiction regarding the subject information. Our response is as follows:

1. No tribe subject to our jurisdiction has established a funding mechanism designated for or imposed for the purpose of 911 and E911 support or implementation.
2. Based on the answer to item 1, question is not applicable.
3. Based on the answer to item 1, question is not applicable.
4. Based on the answer to item 1, question is not applicable.
5. Based on the answer to item 1, question is not applicable.
6. Based on the answer to item 1, question is not applicable.
7. Based on the answer to item 1, question is not applicable.
8. Based on the answer to item 1, question is not applicable.
9. Based on the answer to item 1, question is not applicable.
10. Based on the answer to item 1, question is not applicable.
11. Based on the answer to item 1, question is not applicable.
12. Based on the answer to item 1, question is not applicable.
13. Based on the answer to item 1, question is not applicable.
14. All funding of 911 and E911 support for tribal reservations under our jurisdiction is either generated or provided by local non-tribal governmental agencies that provide the 911 service to the reservations.

If you have any additional questions, please contact Mr. Eric Wilcox, Management Analyst, of my staff at (615) 564-6712.

Sincerely,


ACTING Director, Eastern Region

Bureau of Indian Affairs – Pacific Regional Office



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

David S. Turetsky, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

AUG 28 2013

Dear Mr. Turetsky:

This letter transmits annual information from the Pacific Regional Office of the Bureau of Indian Affairs (BIA-PRO) that was requested in an undated letter recently received from the Federal Communications Commission (FCC). Below are our numbered responses:

1. BIA-PRO has not established such a funding mechanism. Please note that all federally-recognized tribes within the Region are sovereign nations with the authority to approve 911/E911 expenditures within their jurisdictions. Each tribal government needs be contacted individually by FCC regarding each tribe's particular 911/E911 system. The majority of tribes in our Region utilize their local county's emergency dispatch systems.
2. \$0
3. \$0
4. No such funds are being collected or are being made available by BIA-PRO.
5. Please refer to the statement #1, above.
6. Not applicable.
7. Not applicable.
8. No.
9. Not applicable.
10. Not applicable.
11. Not applicable.
12. Not applicable.
13. Not applicable.
14. None.

If you have any questions, please call Jay Hinshaw, Regional Continuity of Operations Coordinator, at (916) 978-6021, or John Rydzik, Chief, Division of Environmental and Cultural Resources Management and Safety (DECRMS), at (916) 978-6051.

Sincerely,

Regional Director

**TAKE PRIDE
IN AMERICA** 

Bureau of Indian Affairs – Rocky Mountain Regional Office



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rocky Mountain Regional Office
2021 4th Avenue N
Billings, Montana 59101



Received & Inspected

SEP 10 2013

FCC Mail Room

SEP 05 2013

IN REPLY REFER TO: Indian Services Code 360

David S. Turetsky
Chief, Public Safety and
Homeland Security Bureau of Indian Affairs
Federal Communications Commission
445 12th Street W
Washington, DC 20554

Dear Mr. Turetsky:

Your office requested annual information collection as Mandated by the New and Emerging Technologies Improvement Act of 2008. We sent your request for information to six Indian reservations in Montana and one Indian reservation in Wyoming to respond by email as stated in your correspondence.

The Rocky Mountain Regional office is providing you a negative response. The questions outlined in your correspondence, do not pertain to the Rocky Mountain Regional Office.

If you have any questions, contact my Indian Services staff at (406) 247-7964.

Sincerely,

A handwritten signature in blue ink that reads "Edward Pausin".

Regional Director



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The State of California has established a funding mechanism designated for the purpose of 9-1-1 implementation and ongoing support. The State of California, Revenue and Taxation Code, Section 41001 et seq., known as the Emergency Telephone Users Surcharge Act, provides the statutory authority and description of how funds are collected and distributed in support of 9-1-1.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The State of California, Revenue and Taxation Codes, Section 41030 requires that the surcharge rate shall not exceed three-quarters of one (1) percent and not less than one-half of one (1) percent. and Section 41020 requires it is imposed on amounts paid by every person in the state based on intrastate telephone communication service.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.



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Washington, D.C. 20554

The total amount collected for the 2012 calendar year ending December 31, 2012 was approximately \$82,126,695. For fiscal year 2011/2012, the total actual amount collected for the implementation and support of 9-1-1 and E9-1-1 services was \$83,312,803.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

State of California, Government Code 53100-53120 (Warren-911-Emergency Assistance Act) establishes the framework for allowable uses of collected funds.

The Public Safety Communications (PSC), California 9-1-1 Emergency Communications Branch (CA 9-1-1 Branch), State of California 9-1-1 Operations Manual, outlines the criteria and process by which qualifying local agency Public Safety Answering Points (PSAPs) can receive funding for their 9-1-1 telephone system and approved allowable uses.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

In accordance with State of California, Government Code 53100-53120 and Revenue and Taxation Code Section 41001 et seq., the PSC, CA 9-1-1 Branch has the authority to approve expenditures and oversight of funds collected for 9-1-1 purposes.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The State 911 Advisory Board advises the PSC, CA 9-1-1 Branch on 9-1-1 funding, policies, standards, among other matters outlined in State of California, Government Code 53100-53120.

All funds since the enactment of the NET 911 Act have been collected for the 9-1-1 system in California are used for the appropriate purposes as outlined in the State of California, 9-1-1 Operations Manual and relevant 9-1-1 services related to Government and Revenue and Taxation Codes.



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7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The PSC, California 9-1-1 Emergency Communications Branch (CA 9-1-1 Branch) continuously evaluates and approves all expenditures for 9-1-1 and E9-1-1 services in California.

The PSC, California 9-1-1 Emergency Communications Branch (CA 9-1-1 Branch) in 2012 proposed 7 policy changes with specific purposes to ensure all 9-1-1 and E9-1-1 operations in the state are in line with California Statute as defined in questions 1 and 4.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds collected for the 9-1-1 system in California have been used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 9-1-1 or E9-1-1 implementation or support.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Funds collected for 911 services are expended on (1) foreign language interpretation services for non-English speaking 9-1-1 callers, (2) 9-1-1 System and Services, (3) PSAP Training and Education, and (4) 9-1-1 Education Materials. Activities/services



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Washington, D.C. 20554

described in (1), (2), and (3) provide a funding mechanism to directly support 9-1-1 services to local agencies designated as a Public Safety Answering Point (PSAP). Activity (4) provides a funding mechanism for PSAPs to purchase and distribute 9-1-1 educational materials within their local community.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

For the annual period ending on December 31, 2012, California has expended a total of \$2,772,535 on Next Generation 911 pilot projects.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

The PSC, CA9-1-1 Emergency Communications Branch yearly evaluates the surcharge rate as described in question 2, and makes recommendation on the amount to be assessed for the following calendar year to ensure adequate funding for 9-1-1 in California is available.

Colorado

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

YES

If "yes," please include a citation to the legal authority for such mechanism.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

CRS § 29-11-102 and 102.5

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

9-1-1 fees are set locally, and range from 43¢ to \$1.50/month. Prepaid surcharges are 1.6% of retail sales of prepaid minutes, statewide.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Funds from landline, wireless, and Voice-over-Internet-Providers are remitted by carriers directly to local 9-1-1 Authorities. Prepaid surcharge revenues are collected by the Colorado Department of Revenue, then distributed to the local 9-1-1 Authorities using a formula based on wireless call volume. How funds are used by the local 9-1-1 Authority is governed by CRS § 29-11-104.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Local 9-1-1 Authorities have the authority to approve their own expenditures.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

CRS § 29-11-104 requires local 9-1-1 Authorities to meet the same auditing requirements as other local government entities.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The State is not aware of any use of 9-1-1 surcharge funds outside of that authorized by CRS § 29-11-104.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

YES

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

The State is unaware of any funds being made available or used for purposes other than those authorized by CRS § 29-11-104.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

There are 57 separate local 9-1-1 Authorities in the state, and each makes its own determination on which activities or programs to expend 9-1-1 surcharge funds.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

YES

12. Has your state expended such funds on Next Generation 911 programs?

NO

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The state does not expend 9-1-1 surcharge funds. Some local 9-1-1 Authorities have spent 9-1-1 surcharge funds on NG9-1-1 projects, but the total spent on such projects is not known.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

[NO RESPONSE]

Connecticut

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The State of Connecticut has established a funding mechanism for the purposes of E911 support and implementation, pursuant to Chapter 518a, Section 28-24 of the General Statutes of Connecticut (CGS).

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireless/Commercial Mobile Radio Service, Pre-paid flat rate (non-declining balances) and Voice over Internet Protocol subscriber rate \$0.67.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Calendar year revenue for 2012, raised via the 9-1-1 surcharge on wireline, wireless and VoIP lines was \$24,001,890.00.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

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E911 surcharge receipts are retained by the State in the “Enhanced 9-1-1 Telecommunications Fund” in accordance with CGS §28-30a(c). The Fund, and the interest it accrues, may be used solely to fund the expenses of the enhanced emergency 9-1-1 program. The E911 system is provided by the State to all PSAPs at no cost to the localities. The regulatory scheme adopted by the State in accordance with CGS §28-24(7)(c) also provides capital and operations subsidies to consolidated regional PSAPs and to municipal PSAPs serving population of 40,000 or more, as well as training and certification of all PSAP telecommunicators.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The entity within the State of Connecticut which has the authority to approve the expenditure of funds collected for 911 or E911 purposes is the Department of Emergency Services and Public Protection (DESPPP)¹ through its Division of Statewide Emergency Telecommunications (DSET). In accordance with CGS §28-29a, the Governor appoints the membership of the E 9-1-1 Commission, which advises DSET and the DESPP Commissioner on issues relating to the E911 system. Inasmuch as DSET is both the recipient of the E911 surcharge funds, and the only agency authorized by law to expend those funds, the State’s internal audit procedures are sufficient to ensure that E911 funds are being used for the purposes allowed. DSET’s operation is reviewed by the State 9-1-1 Commission, which convenes quarterly public meetings. In addition, the DSET budget is subjected to an annual review and rate-setting process by the Public Utilities Regulatory Authority (PURA)².

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

In Connecticut, while the Legislature sets the maximum surcharge rate per “line”, PURA holds the statutory authority to set the per-line surcharge rate for each fiscal year up to the aforementioned “cap.” PURA convenes the rate-making procedure annually, which includes reviews of the surcharge income received by DSET during the previous year, the subscriber count data received through PURA’s reporting process, and the actual expenditures in each of the DSET line items from the previous year. Public hearings are held to accept testimony from DSET, the carriers, and the public. PURA then sets

¹ The Department of Emergency Services and Public Protection is the successor agency to the Department of Public Safety, effective July 1, 2011.

² The Public Utilities Regulatory Authority is the successor agency to the Department of Public Utilities Control, which was effective July 1, 2011, when it became a division within the Department of Energy and Environmental Protection (DEEP).

the per-line rate to a level sufficient to realize the required income for the coming year, if the rate cap has room to allow that to happen.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Enforcement or other corrective actions were neither undertaken nor required with regard to budgetary oversight for the year ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

During 2012, DSET provided funds to or expended funds of behalf of the following activities, programs and organizations :

- a) Equipment Maintenance and Enhancements: Existing 9-1-1 equipment maintenance, address data updates and street centerline data updates.

- b) Subsidy funding to Regional PSAPs
- c) Subsidy funding for Cities with populations over 40,000
- d) Subsidy funding to support Coordinated Emergency Medical Dispatching services
- e) Transition grant funding to enable PSAP consolidation
- f) Network Costs: Including the cost of the E911 network and E911 database services, as well as installation and maintenance costs for the Public Safety Data Network (PSDN)³, and the emergency notification system (CTAlert)⁴.
- g) Training and Certification of Telecommunicators, including subsidy of local training efforts.
- h) Public Education.
- i) Capital expenditures to improve emergency communications, available to regional PSAPs and PSAPs serving municipalities of over 40,000 population.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

³ The Public Safety Data Network is a fiber-optic network connecting all PSAPs in Connecticut, installed for the purpose of enabling Next-Generation 911 (NG911).

⁴ The CTAlert system is a reverse notification system provided by OSET for the PSAPs to use to notify the public of emergencies or incidents requiring their attention or action.

The Division of Statewide Emergency Telecommunications does classify expenditures for Next Generation 911 programs as permissible expenses for the E911 surcharge fund, and we have expended such funds. Connecticut expended \$7.4 Million for the construction of the Public Safety Data Network on which Next Generation 911 will be carried, during the year ending December 31, 2012.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

The State of Connecticut believes that surcharges on every device that can access the 9-1-1 system is the proper way to fund the 9-1-1 system, since it is a narrowly-defined tax that is assessed only to the users of the service. As long as the statutes which prevent raiding of the segregated 9-1-1 funds continue to be observed, this would seem to be the fairest way to finance the system.

Delaware

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Delaware Code Title 16 Chapter 100 established the Enhanced 911 Emergency Service Board and their authority. Specifically Chapter 101 titled "Enhanced 911 Emergency Reporting System Fund" clearly establishes the funding mechanism and distribution of those funds to support the provisioning of E911 emergency reporting services.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Under Delaware Code Title 16 Chapter 101 Subsection 10103 defines the monthly surcharge fee of 60 cents across the board for any telecommunications device.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012 was \$7,623,391.53.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Delaware Code Title 16 Chapter 101 Subsection 10104 (b) describes how disbursements from the fund are distributed to the counties. Subsection (d) of this same section clearly defines allowable uses of those collected funds.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The Enhanced 911 Emergency Service Board has the authority to approve the expenditure of funds under Delaware Code Title 16; Section 100; Subsection 10005. This subsection defines the Board's makeup and authority. The Board employs a full-time administrator to oversee day-to-day operations. The governing statute requires the Board to perform an annual audit of the Fund by an independent auditor.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The Board employs a full-time administrator to oversee day-to-day operations. The governing statute requires the Board to perform an annual audit of the Fund by an independent auditor.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

To date, no enforcement or corrective action has been required as funds were solely used for delivery of 911 services.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for

the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

For the annual period ending December 31, 2012, there were no funds made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The revenue generated funds the entire 9-1-1 network and provisioning services statewide for both recurring and non-recurring costs to the Local Exchange Carrier (LEC). This encompasses all state, county and municipal based Public Safety Answering Points (PSAP). The New Castle County 9-1-1 Center, our largest center in the state, received new Customer Premise Equipment. They are now operational on the Positron Power Viper platform.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Through the course of 2012 the State of Delaware has invested over \$ 3.2 million on Next Generation 911 technology.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

We have noticed a decrease of almost \$0.5 million dollars from the previous year's 9-1-1 surcharge revenue.

District of Columbia

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

D.C. CODE § 34-1803

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireline, Wireless and VoIP (\$0.76), Centrex (\$0.62), PBX Trunks (\$4.96). A prepaid wireless E911 charge is 2.0% of the sales price per retail transaction occurring in the District.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

\$12,064,842

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

All E911 fund revenues are used by the Office of Unified Communications (OUC), the District of Columbia's Public Safety Answering Point (PSAP). There are no additional localities that use the funds as the OUC is the only PSAP in the District of Columbia. D.C. CODE § 34-1802(b) mandates that the Emergency and Non-Emergency Number

Telephone Calling Systems Fund (E911 Fund) be used solely to defray personnel and non-personnel costs incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system, and direct costs incurred by wireless carriers in providing wireless E911 service. Additionally, the E911 Fund is independently audited on an annual basis. The audit is presented to the Council's Committee on Public Safety and Justice, which has oversight of the OUC.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

All authority and operations of the E911 Fund are administered by the District of Columbia's Office of Unified Communications. The permissible types of expenditures are governed by statute (D.C. CODE § 34-1802(b).

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The E911 Fund is independently audited on an annual basis by District of Columbia's Office of the Chief Financial Officer. The audit is presented to the DC Council's Committee on Public Safety and Justice, which has oversight of the OUC.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

There was no enforcement or corrective actions taken in the annual period ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911

implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

None of the funds collected for 911 or E911 purposes were made available or used for any purposes other than those designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The District of Columbia Office of Unified Communications oversees and coordinates the following activities and programs for the benefit of the citizens and visitors to the District of Columbia:

- System maintenance: Radio system, CAD System, E911 Telephony system support
- Equipment purchase: radio purchase, computers, and servers
- System support: IT specialists supporting Radio, CAD, Telephony, and IT systems

The aforementioned activities and expenditures support and enhance the performance of the public safety radio network in the national capital region.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The Office of Unified Communications has expended less than \$5000.00 developing Next Generation 911 during the calendar year ending December 31, 2012.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Florida

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

E911 fees are collected as required by subsection 365.172(8), Florida Statutes, and deposited into the Emergency Communications Number E911 System Fund as required by section 365.173, Florida Statutes. Florida Statutes provides for segregation into two separate categories based on wireless and non-wireless service. Local governments may not levy the fee or any additional fee on providers or subscribers for the provision of E911 service per paragraph 365.172(8)(k), Florida Statutes. The state E911 fee is not assessed on Indian tribal areas and to our knowledge they do not have a separate fee collected by the service providers.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The rate of the fee, currently 50 cents, is capped and may not exceed 50 cents per month per each service identifier. It applies uniformly statewide. The rate of the non-wireless fee, currently 50 cents, is capped and may not exceed 50 cents per month per each service identifier. The non-wireless fee applies uniformly and is imposed throughout the state, except for three counties that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The E911 Board fee collections in Florida totaled \$108,896,142. The revenue received and deposited into the E911 trust fund by wireless service was \$65,352,787 and non-wireless service was \$43,543,355.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

E911 fee revenue is disbursed as required by section 365.173, Florida Statutes. The initial E911 allocation percentages were set by the legislature. The Florida E911 Board adjusts the allocation percentages per paragraph 365.172(8)(i) Florida Statutes, if necessary to assure full cost recovery or prevent over recovery of costs incurred in the provision of E911 service. Service providers collect the E911 fee from subscribers, retain a 1 percent administrative fee, and submit the remainder of collected fees to the E911 Board, which distributes the monies back to the 67 counties through monthly disbursements and E911 Board grant programs and to wireless service providers in response to sworn invoices for E911 service. Current wireless E911 fee revenue allocation percentages are: 71 percent distributed each month to counties for the purposes of providing E911 service (payments are based on the number of wireless subscribers in each county); 25 percent available for distribution to wireless service providers in response to sworn invoices for the actual costs incurred in providing E911 service; 3 percent used to provide assistance to rural counties for providing 911 or E911 service and 1 percent of the fund is retained by the E911 Board for administrative and operational purposes. Current non-wireless E911 fee revenue allocation percentages are: 97 percent distributed each month to counties for the purposes of providing E911 service (payments are based on the number of non-wireless subscribers in each county); 2 percent used to provide assistance to rural counties for providing 911 or E911 service; 1 percent of the fund is retained by the E911 Board for administrative and operational purposes. E911 statutory criteria established in section 365.173, Florida Statutes specify the allowable uses of the collected E911 funds. In addition, detailed authorized expenditures are in subsection 365.172(9), Florida Statutes.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The E911 Board, with oversight of the Department of Management Services, approves disbursements from the E911 trust fund to county governments, wireless service providers and the administrative costs for the E911 Board as required by section 365.173, Florida Statute. In accordance with section 365.171, Florida Statutes, the State E911 Plan and Rule 60FF-6.004(1), Florida Administrative Code, the Board of County Commissioners in each county is established as the responsible fiscal agent. The funds collected and interest earned are appropriated for E911 purposes by the county commissioners for the county 911 system and operations. Ultimate responsibility and authority within a county for the E911 System rests with the Board of County Commissioners.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Oversight is provided at different levels throughout the process: The E911 Board provides annual reports to the governor and the legislature on amounts collected and expended based on an independent accounting firm report, the purposes for which expenditures have been made, and the status of E911 service in this state. The Auditor General’s Office audits the fund to ensure that monies in the fund are being managed as required by statute. The Auditor General’s Office provides a report of the audit to the E911 Board and the Department of Management Services. Counties are required to establish a fund to be used exclusively for the receipt and expenditure of the revenues. The money collected and interest earned in the county’s E911 fund is appropriated for the statutory E911 purposes by the county commissioners and incorporated into the annual county budget. The county E911 funds are included within the financial audit performed as required by section 218.39, Florida Statutes. County E911 funds have been periodically audited by the Auditor General and the Department of Management Services Inspector General’s Office. In addition, the Florida Single Audit Act establishes state audit and accountability requirements for state financial assistance provided to the counties. The Florida Single Audit Act is codified in section 215.97, Florida Statutes.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

No known corrective measures or enforcement were required.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an “X” below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state’s general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

None. The legislative intent in paragraph 365.172(2)(e), Florida Statutes is to ensure that the fee established is used exclusively for recovery by wireless providers and by counties for costs associated with developing and maintaining E911 systems and networks in a manner that is competitively and technologically neutral as to all voice communications services providers. At the state level, no E911 fee

revenues and funds collected for 911 or E911 purposes have been used for any other purposes other than those designated in by sections 365.172 and 365.173, Florida Statutes. Actual county spending can only be attested to at the county level. Paragraph 365.172(9)(c), Florida Statutes prohibits county utilization of E911 funds for purposes other than E911 purposes. County expenditures information reported on the county fiscal basis (October 1, 2011 - September 30, 2012) statewide reported that the E911 fee revenue disbursed to counties only accounts for 46 percent of the actual counties' costs of allowable E911 fee expenditures.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Florida statute establishes and implements a comprehensive statewide emergency telecommunications number system that provides users of voice communications services within the state with rapid direct access to public safety agencies by accessing the telephone number 911. Florida statutes and the State E911 Plan and rules provide E911 fee revenue to counties to pay certain costs associated with their county and local jurisdiction public safety answering point E911 or 911 systems and to contract for E911 services including NG-911. E911 service includes the functions of database management, call taking, dispatching, location verification, and call transfer including specific authorized expenditures in paragraph 365.172(9)(b), Florida Statute. This system, the State E911 Plan including individual county 911 plans and E911 functions assure that the 911 systems are operational, being upgraded and maintained in all counties throughout Florida. E911 Board administration and operations costs and expenses incurred for the purposes of managing, administering, and overseeing the receipts and disbursements from the fund and other activities as defined in subsection 365.173(6), Florida Statute. Wireless service provider sworn invoices submitted to the board reimburse the actual costs incurred to provide 911 or E911 service, including the costs of complying with FCC orders and include costs and expenses incurred by wireless providers to design, purchase, lease, program, install, test, upgrade, operate, and maintain all necessary data, hardware, and software required to provide E911 service.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO

X	
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13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

County Expenditures for Next Generation 911 information is reported on the county fiscal basis (October 1, 2011 - September 30, 2012), which totaled \$ 6,371,318. Also the Department of Management Services worked on procurement development for a Statewide NG-911 (i3) routing system, the technical specifications work totaled \$354,627 in calendar year 2012. This was funded using an ENHANCED 911 Act Grant award with 50 percent federal funds and 50 percent state funds.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Information on Florida's funding mechanism, E911 Board information including the 2012 Annual Report, E911 Statutes links and information on Florida E911 systems is available at:http://www.dms.myflorida.com/suncom/public_safety_bureau/florida_e911.

Georgia

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Georgia Code 46-5-133.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

A landline 9-1-1 fee cannot exceed \$1.50 per month per telephone service under Georgia Code 46-5-134 (a)(1)(A). A post-paid wireless 9-1-1 fee cannot exceed \$1.00 per month per wireless telephone service for Phase I under Georgia Code 45-5-134 (2)(A); and \$1.50 per month per wireless telephone service for Phase II under Georgia Code 45-5-134 (2)(B). A pre-paid wireless 9-1-1 fee in the amount of \$0.75 per transaction may be imposed under Georgia Code 46-5-134.2 (b)(1).

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Landline and post-paid wireless 9-1-1 fees are collected by local governments providing 91-1 service. There is no central tracking mechanism in place to compile a total amount of fees imposed or collected by local governments.

The total amount collected in pre-paid wireless 9-1-1 fees by the State of Georgia Department of Revenue for the annual period ending December 31, 2012 will be forwarded as an addendum to this response as soon as such information is available.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable

uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Landline and post-paid wireless 9-1-1 fees are remitted directly to local governments by the service providers. Remittance of the landline fee to a local government is based on the location of the telephone service. Remittance of the post-paid wireless fee to a local government is based on the jurisdiction of the billing address.

Pre-paid wireless fees collected from retailers of pre-paid wireless service by the State of Georgia are distributed to local governments in accordance with Georgia Code 46-5-134.2(j).

Georgia Code 46-5-134(f) outlines allowable uses of all landline and wireless 9-1-1 fees.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Georgia Code 46-5-134(f) outlines allowable uses of all landline and wireless 9-1-1 fees. Individual local governing bodies approve the expenditure of funds within their control.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Georgia Code 46-5-134(M)(1) requires local governments collecting or expending any 9-1-1 charges or wireless enhanced 9-1-1 charges document the amount of funds collected and expended from such charges. Any local government collecting or expending 9-1-1 funds shall certify in their audit, as required under Georgia Code 36-81-7, that 9-1-1 funds were expended in compliance with the expenditure requirements of Georgia Code 46-5-134.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The Georgia Emergency Management Agency has no knowledge of enforcement or corrective actions undertaken in connection with oversight procedures for the annual period ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

Pre-paid wireless 9-1-1 fees collected by the State were distributed and continue to be distributed to local governments by the Georgia Department of Revenue in accordance with Georgia Code 46-5-134.2 for the purpose of local government use in accordance with Georgia Code Georgia Code 46-5-134(f).

The landline and post-paid wireless 9-1-1 fees are collected and expended by the local governments providing 9-1-1 service. Accounting for the use of these fees is done by the local government through their annual report to the Georgia Department of Audits. Any discrepancies in the use of these funds is addressed by the Department of Audits and corrected by the local governments. There are no known funds associated with any discovered uncorrected discrepancies with regards to those funds collected by and/or used by local governments.

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

There are no known instances in calendar year 2012 where funds collected for 9-1-1 purposes were made available or used for any purposes other than those designated within Georgia Code 46-5-134 and Georgia Code 46-5-134.2.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Georgia Code 46-5-134(f) provides that 9-1-1 funds may be used for:

In addition to cost recovery as provided in subsection (e) of this Code section, money from the Emergency Telephone System Fund shall be used only to pay for:

- (1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and data base provisioning; addressing; and

nonrecurring costs of establishing a 9-1-1 system;

(2) The rates associated with the service supplier's 9-1-1 service and other service supplier's recurring charges;

(3) The actual cost of salaries, including benefits, of employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and the actual cost of training such of those employees who work as dispatchers or who work as directors as that term is defined in Code Section 46-5-138.2;

(4) Office supplies of the public safety answering points used directly in providing emergency 9-1-1 system services;

(5) The cost of leasing or purchasing a building used as a public safety answering point. Moneys from the fund cannot be used for the construction or lease of an emergency 9-1-1 system building until the local government has completed its street addressing plan;

(6) The lease, purchase, or maintenance of computer hardware and software used at a public safety answering point, including computer-assisted dispatch systems;

(7) Supplies directly related to providing emergency 9-1-1 system services, including the cost of printing emergency 9-1-1 system public education materials; and

(8) The lease, purchase, or maintenance of logging recorders used at a public safety answering point to record telephone and radio traffic.

(9) The actual cost, according to generally accepted accounting principles, of insurance purchased by the local government to insure against the risks and liability in the operation and maintenance of the emergency 9-1-1 system on behalf of the local government or on behalf of employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such insurance is purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this division, the term 'cost of insurance' shall include, but shall not be limited to, any insurance premiums, unit fees, and broker fees paid for insurance obtained by the local government;

(10) The lease, purchase, or maintenance of a mobile communications vehicle and equipment, if the primary purpose and designation of such vehicle is to function as a backup 9-1-1 system center;

(11) The allocation of indirect costs associated with supporting the 9-1-1 system center and operations as identified and outlined in an indirect cost allocation plan approved by the local governing authority that is consistent with the costs allocated within the local government to both governmental and business-type activities;

(12) The lease, purchase, or maintenance of mobile public safety voice and data equipment, geo-targeted text messaging alert systems, or towers necessary to carry out the function of 9-1-1 system operations; and

(13) The lease, purchase, or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility that further the legislative

intent of providing the highest level of emergency response service on a local, regional, and state-wide basis, including equipment and associated hardware and software that supports the use of public safety wireless voice and data communication systems.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X (but not specifically as "Next Generation" expenditures)	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	X

The State of Georgia has not made fund expenditures specific to Next Generation 9-1-1 programs. While the lease, purchase or maintenance of public safety voice and data communications systems could be applicable to Next Generation 9-1-1 systems, there is not a centralized reporting mechanism for the political subdivisions to report this activity.

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

N/A

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

No further comments.

Please do not hesitate to contact Mr. Wayne Smith with the Georgia Emergency Management Agency / homeland Security at 404-635-7000 or wayne.smith@gema.ga.gov should there be any questions concerning this submission.



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

By Act 223, Session Laws of Hawaii 1993, codified at HRS §269-16.95, Hawaii facilitated the provision of statewide enhanced 911 emergency telephone service by permitting a public utility to recover the capital cost and associated operating expenses for the provision of a statewide enhanced 911 emergency telephone service through ratemaking procedures of the Hawaii Public Utilities Commission. HRS §269-16.95, provides that a public utility, providing local exchange telecommunications services may recover the capital cost and associated operating expenses of providing a statewide enhanced 911 emergency telephone service in the public switched telephone network, through a telephone line surcharge or its rate case, and requires the identification of the surcharge as a separated line item on the customer's bill.

By Act 159, Session Laws of Hawaii 2004, Hawaii established a monthly wireless enhanced 911 surcharge, which is imposed upon each commercial mobile radio service connection and amended in 2011 by Act 168 (11) to include VoIP. Act



Federal Communications Commission
Washington, D.C. 20554

159, codified at Chapter 138, Hawaii Revised Statutes ("HRS"), also provided for the establishment outside the state treasury of a special fund, to be known as the Enhanced 911 Fund ("Fund") that is administered by an Enhanced 911 Board ("Board"). (i.e., formerly known as the Wireless Enhanced 911 Fund and Wireless Enhanced 911 Board, respectively)

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The wireline carrier, Hawaiian Telcom, Inc., assess a monthly statewide 911 Emergency Service Surcharge of \$0.27 per telephone access line to pay for local enhanced 911 emergency services, pursuant to HRS § 269-16.95. The surcharge is tariffed under Hawaiian Telcom, Inc., P.U.C. Tariff 20, Section 9.5.

The current rate of surcharge collected under HRS § 138-4 is \$0.66 per month for each commercial mobile radio service and VoIP connection, except: (a) connections billed to federal, state, and county government entities; (b) prepaid connections; and (c) connections provided by the public utility providing telecommunications services and land line enhanced 911 services through HRS § 269-16.95.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amounts collected pursuant to the assessed fees and charges, for the annual period ending December 31, 2012, are approximately \$1,020,045 from the surcharge of \$0.27 per connection from wireline carriers, and \$9.0 million collected from the surcharge of \$0.66 per connection from wireless carriers, a combined total of \$10,020,045.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.



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The amounts collected by the Board are used to reimburse public safety answering points ("PSAPs") solely for their "Reasonable costs to lease, purchase, or maintain all necessary equipment, including computer hardware, software, and database provisioning, required by the public safety answering point to provide technical functionality for the wireless enhanced 911 service pursuant to the Federal Communications Commission order [issued in Docket No. 94-102 governing wireless enhanced 911 service]". [Section 138-5(a) HRS]

The Board reimburses PSAPs for capital, maintenance, and PSAP personnel education/conference expenses to provide wireless enhanced 911 services upon: (a) written requests submitted to the Board, in the form prescribed by the Board; (b) review by the Board's technical and finance committees to ensure necessity and prudence of expenditure and adequacy of moneys in the Fund; and (c) approval of a majority of the Board at a publicly noticed Board meeting.

The amounts collected by Hawaiian Telcom, Inc. are used for 911 and E911 services as set forth by the Hawaii Public Utilities Commission in its decision and order approving the Emergency Service Surcharge amount (i.e., Decision and Order No. 13950, filed June 9, 1995)

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The State of Hawaii has the authority to approve the expenditure of funds collected for E911 purposes. The State has delegated this responsibility to the Board, which consists of 13 members appointed by the Governor and confirmed by the legislature. The Board reviews and approves all expenditures for 911 and E911 purposes.

The Hawaii Public Utilities Commission provides oversight of the public utilities with respect to expenditure of funds collected pursuant to HRS 269-16.95 for the provision of enhanced 911 service.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.



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Washington, D.C. 20554

The Board provides oversight for the reimbursements that are paid to the PSAPs for wireless enhanced 911 services, which includes:

- a. Annual Wireless E911 Fiscal Strategic Budget Planning - all anticipated expenditures from the fund are reviewed for conformity with §138 and that the total fiscal year budget is within the ceiling imposed by the State Legislature before receiving final approval from the Board.
- b. Technical Committee - was formed by the Board to provide additional oversight to ensure that all reimbursements to the public safety answering points (PSAP) and wireless service providers (WSP) conform to the requirements set forth in §138-5 prior to receiving Board approval.
- c. Finance Committee - was formed by the Board to provide additional oversight of all cash receipts and disbursements and to assure that all requested expenditures are properly funded in accordance with the Annual Wireless E911 Strategic Plan Budget and Board policy and procedures prior to receiving Board approval.
- d. Communications Committee — was formed by the Board to provide policy recommendations and changes to or additions to current legislation or new legislation concerning the Board.
- e. Board Approved Internal Controls - This includes all procedures for the handling of cash receipts and disbursements.

- f. Monthly Cash Receipts and Disbursement Reporting - each month a detailed report of cash receipts and disbursements is reviewed at a public meeting with the Board and Finance Committee.
- g. Annual Financial Audit Report — a financial audit is performed by an independent CPA firm annually to determine whether the fund is being managed in accordance with §138-5. The Board may use the audit to determine whether the amount of the 9-1-1 surcharge assessed on each VoIP and commercial mobile radio service connection is required to be adjusted. The result of the audit is presented at the Board and Finance Committee meetings. The Board maintains the authority to perform a financial audit at any time it feels necessary.²
- h. Annual Financial Report to the Legislature - is submitted annually to the legislature and provides a detailed accounting of all receipts and disbursements for the fiscal year.³



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The Board must provide an annual written report to the Hawaii State Legislature detailing:

- a. The total aggregate surcharge collected by the State in the last fiscal year;
- b. The amount of disbursement from the Fund;
- c. The recipient of each disbursement and a description of the project for which the money was disbursed;
- d. The conditions, if any, placed by the Board on disbursements from the Fund;
- e. The planned expenditures from the Fund in the next fiscal year;
- f. The amount of any unexpected funds carried forward for the next fiscal year;
- g. A cost study to guide the legislature towards necessary adjustments to the Fund and the monthly surcharge; and
- h. A progress report of jurisdictional readiness for wireless E911 services, including public safety answering points, wireless providers, and wireline providers.

Additionally, the Hawaii State Legislature establishes the annual expenditure ceiling for the Board when it reviews the budget proposed by the Department of Accounting and General Services, since the Board is administratively attached to the department.

The Hawaii Public Utilities Commission provides oversight of funds collected pursuant to HRS 269-16-95, with reviews of the rates and surcharges conducted during rate cases before the Public Utilities Commission.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

There was no enforcement or corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.



Federal Communications Commission
Washington, D.C. 20554

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8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds collected for 911 or E911 were made available or used for other purposes.
--

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The Board approves disbursement of 9-1-1 funds to the county PSAP's for the operation, maintenance, and planning for emerging technologies to ensure the public has access to 9-1-1 in times of need.

CY 2012	Hawaii County PSAP	Kauai County PSAP	Maui County PSAP	Honolulu County PSAP	Total
Expenditures	\$ 1,270,775	597,656	2,324,626	4,551,055	\$ 8,744,112



Federal Communications Commission
Washington, D.C. 20554

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The Board has spent approximately \$3.3 million for the annual period ending December 31, 2012.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

The E911 Board formed a Legislative Investigative Committee for the purpose of considering legislative changes including:

- The ability to conduct audits of wireline, wireless, VoIP and all those who collect 911 fees.
- Assessment of a surcharge on prepaid mobile devices.
- A revision of the wireline provider's bill and keep \$0.27 assessment.

Idaho



August 23, 2013

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Washington, D.C. 20554

Re: Annual Information Collection Mandated by the New and Emerging
Technologies Improvement Act of 2008

Dear Mr. Turetsky:

In response to your letter addressed to Governor Otter, and the information requested in that letter, the Idaho Emergency Communications Commission (IECC) submits the following information.

Your correspondence requested:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Idaho Response:

Yes

In 1988 the Idaho Legislature passed the Emergency Communication Act, Title 31, Chapter 48 to authorize funding to support implementation of consolidated emergency communications systems through the governance of Idaho counties or by the creation of 9-1-1 service areas. All 9-1-1 fee collections are done at the county level with the exception of the five (5) cities that were providing 9-1-1 services prior to the enactment of the statute. These cities are given allocations by the counties in which they are located or collect fees directly from the providers.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Idaho Response:

Pursuant to Idaho Code 31-4803, a county must get voter approval to institute an emergency communications fee in an amount no greater than one dollar (\$1.00) per month per "telephone line". The Act has been amended in recent years to include assessing the fee on both wireless and Voice over Internet Protocol (VoIP) service and now uses the term "access line" to indicate that all technology that is able to provide dial tone to access 9-1-1 is mandated to collect the fee.

In 2008, the Idaho Legislature promulgated the implementation of an Enhanced Emergency Communications Grant Fee that was signed into law by the Governor and became Idaho Code §31-4819. This additional fee can be imposed by the boards of commissioners of Idaho counties in the amount of \$0.25 per month per access line to be contributed to the Enhanced Emergency Communications

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Vacant
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Grant Fund. The funds are distributed via a grant process governed by the IECC. Thirty-six Idaho counties have begun assessing the enhanced fee.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Idaho Response:

The total amount of fees collected by Idaho counties for the year ending December 31, 2012 was \$19,313,000.00.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Idaho response:

The authority to approve the expenditure of 9-1-1 funds in the State of Idaho is controlled at the county level by the boards of county commissioners or a joint powers board pursuant to Idaho Code §31-4809. The statute provides as follows:

“The county treasurer of each county or the administrator for a 9-1-1 service area in which an emergency communications system has been established pursuant to this chapter shall establish a fund to be designated the emergency communications fund in which all fees collected pursuant to this chapter shall be deposited and such fund shall be used exclusively for the purposes of this chapter.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Idaho response:

The moneys collected and the interest earned in this fund shall be appropriated by the county commissioners, or governing board, for expenses incurred by the emergency communications system as set forth in an annual budget prepared by the joint powers board, or in their absence, the county commissioners and incorporated into the annual county budget.”

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Idaho response:

The counties are mandated by statutes other than the Emergency Communications Act to perform annual audits on all county funds. The emergency communications funds or 9-1-1 funds are accounted for separately under an emergency communications fund but are included in the county audit process. A third party auditor conducts the annual audits for the counties at the

county level. The counties are governed by a wide array of state statutes and administrative rules in the process and content of the audits.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Idaho response:
None at the State level

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Idaho response:
Yes

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Idaho response:
All of the funds collected are mandated for use by counties in accordance with Idaho Code §31-4804(5). No audit-driven report has been received by the IECC indicative or conclusive of any misuse of funds and there is no knowledge of misuse.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E011 services or enhancements of such services.

Idaho response:
All funds are received at the local level. The only money received at the State level is thru the 25 cent grant fund. That fund is given back out in grants for PSPA's requesting funding to upgrade 911 hardware and software to make systems Next Generation ready.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Idaho response:
Yes

12. Has your state expended such funds on Next Generation 911 programs?

Idaho response:

No

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Idaho response:

None

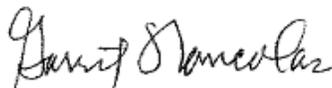
14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Idaho response:

The state and counties in Idaho enjoy a form of shared governance of authority and control over 9-1-1 related funding. A political climate of local control and independence is prevalent in our citizens and units of local government, and there are drastic differences in the state geography, resource availability, and population density. Since the IECC was created in 2004, the Commission has worked with local government and their state associations to find solutions to bring E9-1-1 services to the rural areas throughout Idaho. We believe that the Enhanced Emergency Communication Grant Fund we can be successful in making sure that all of our citizens are able to access the vital public safety services through 9-1-1 regardless of where they choose to live, work and recreate in our state. We also realize that without new funding through the NET 9-1-1 Act or other mechanisms even more stress will be added to a local and state economy and funding system that is already stretched to its limits. Movement to Next Generation 9-1-1 will be difficult if not impossible in the absence of additional appropriations.

Thank you for the opportunity to provide you information about 9-1-1 and E9-1-1 funding in Idaho. If the IECC or I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Garret Nancolas, Chairman
Idaho Emergency Communications Commission

Cc: Governor C.L. "Butch" Otter, State of Idaho

Illinois

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The State of Illinois has enacted three separate statutes which establish different funding mechanisms for wireline and wireless 911/E911 service.

Wireline:

The Emergency Telephone System Act, 50 ILCS 750/1 et seq., (hereafter "ETSA") authorizes units of local government (counties or municipalities) to hold referenda to establish emergency telephone system boards (hereafter "ETSBs") and impose wireline surcharges to fund the creation and operation of 911 systems. 50 ILCS 750/15.3. In the event a county or municipal referendum is passed and a surcharge imposed, the ETSB sets up its own 911 system, either alone or pursuant to an intergovernmental agreement with one or more other ETSBs. 50 ILCS 750/15.4. Each ETSB jurisdiction imposes and manages a separate wireline 911 surcharge for its system, the amount of which is set by the referendum described above. Id. Wireline surcharges in Illinois range from \$.30 to \$.50. The appropriate surcharge is collected by wireline telecommunication carriers serving in an ETSB's jurisdiction, and is then remitted directly to the ETSB by the carrier. 50 ILCS 750/15.3(g). Carriers are permitted to keep 3% of surcharge funds collected to defray administrative costs. Id.

Wireless:

The Wireless Emergency Telephone Safety Act, 50 ILCS 751/1 et seq., (hereafter "WETSA") established a state funding mechanism and surcharge for wireless 911 / E911 service. State statute imposes a wireless surcharge of \$.73, which is collected from wireless subscribers by wireless carriers throughout the state, excluding the City of Chicago. 50 ILCS 751/17. Wireless carriers remit surcharges thus collected to the Illinois Commerce Commission (hereafter "ICC"), which disburses wireless surcharge funds to the appropriate ETSBs, based on zip codes of wireless subscribers' billing addresses. The statute requires that the \$.73 surcharge be divided between two special funds in the

State Treasury. 50 ILCS 751/17(b). The Wireless Carrier Reimbursement Fund receives \$.1475 of each surcharge while the Wireless Service Emergency Fund receives \$.5825 of each surcharge. Id. Additionally up to \$.01 per surcharge can be used by the ICC to recover its administrative costs. Id.

The Wireless Carrier Reimbursement Fund was established to reimburse wireless carriers for any costs they have incurred (upon submission of sworn invoices) in complying with the applicable provisions of Federal Communication Commission's wireless 911/E911 service mandates. 50 ILCS 751/35. Additionally, under 50 ILCS 751/17, \$.01 per surcharge can be disbursed to the carriers to cover their administrative costs. Id.

The Wireless Service Emergency Fund was established to make monthly grants to the appropriate ETSBs based on zip codes of wireless subscribers' billing addresses. 50 ILCS 751/25

The sole governmental entity not subject to this surcharge regime is the City of Chicago, which is authorized by state statute to enact a municipal ordinance that imposes upon wireless subscribers a surcharge of up to \$2.50 per month, to be collected by carriers and remitted directly to the City. 50 ILCS 751/45. The City of Chicago has adopted a municipal ordinance imposing a surcharge in that full amount. Chicago Municipal Code § 7-50-020(A).

Prepaid Wireless:

On August 19, 2011, the State enacted the Prepaid Wireless 9-1-1 Surcharge Act, 50 ILCS 753/1 et seq, which, beginning January 1, 2012, requires imposition of a 1.5% point of sale charge for prepaid wireless transactions in Illinois, except for home rule municipalities with populations exceeding 500,000 (meaning in practical terms the City of Chicago alone). 50 ILCS 753/15(a). The City of Chicago is authorized to establish a surcharge of up to 7% per retail transaction. 50 ILCS 753/15(a-5). The City has enacted a municipal ordinance imposing a surcharge in that full amount. Chicago Municipal Code § 7-51-30(A). The funds realized from the 1.5% surcharge are collected from subscribers at the point of sale and deposited by the Illinois Department of Revenue into the Wireless Services Emergency Fund to be allocated to 9-1-1 systems in a prorated manner based upon zip codes of "post paid" wireless customers, and are to be used for 9-1-1 services. 50 ILCS 753/15(c). After certain technical corrections have been made to the statute, the surcharge funds allocated to the City of Chicago will be disbursed on an ongoing basis to the City by the Illinois Department of Revenue.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireline:

There are 201 authorized 911 systems in the State of Illinois today that are run by the local governmental authorities/ETSBs. As stated above, 911 systems are generally funded by surcharges established by local municipal or county referenda. However, the ETSB for each 911 jurisdiction is responsible for managing and making all critical decisions for its system design, maintenance and daily operations. 50 ILCS 750/15.4. Additionally, the sole responsibility of authorizing 911 expenditures lies with the ETSB in each jurisdiction. Id. Nothing in the ETSA grants the ICC authority to mandate, authorize or prohibit expenditures of surcharge funds by any ETSB. Furthermore, the ICC does not in the ordinary course receive information regarding wireline revenue or budgetary information from ETSBs and cannot provide specific information regarding the aggregate annual wireline surcharge collected by all ETSBs in the state.

Wireless:

As noted above, the State of Illinois requires postpaid wireless carriers to remit a surcharge of \$.73 per customer, per month, and prepaid wireless customers to pay a surcharge of 1.5% at the point of sale. Wireless carriers pass the postpaid cost on to their customers through an explicit surcharge on customers' bills. 50 ILCS 751/17. As further noted above, the City of Chicago is exempt from this requirement and maintains its own program; it is permitted to enact a municipal ordinance authorizing it to collect a surcharge of \$2.50 per connection, which as noted is assessed and collected independently of the state funds. Likewise, as noted above, the City is authorized to establish a surcharge of up to 7% on prepaid wireless purchases, 50 ILCS 753/15(a), (a-5), which it has done. Chicago Municipal Code § 7-51-30(A).

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

For calendar year 2012, the state collected approximately \$69.2 million through this surcharge, exclusive of that assessed in the City of Chicago. Of this amount, \$55.9 million was deposited into the Wireless Services Emergency Fund and \$13.1 million was deposited to the Wireless Carrier Reimbursement Fund. Additionally, during calendar year 2012 \$6.7 million in funds borrowed by the General Revenue Fund was repaid into the Wireless Carrier Reimbursement Fund.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Wireline:

The ETSA specifies that the wireline surcharge must be applied on each network connection and billed by the Local Exchange Carriers and VoIP providers who provide service in the local 9-1-1 jurisdiction's area. Once collected, the carriers are allowed to deduct 3% of the gross amount of the surcharge for administrative fees. The carriers are then obligated to remit the surcharge no later than 30 days after the surcharge is collected to the appropriate county or municipality which instituted the surcharge.

The ETSA also specifies what constitutes allowable expenditures of surcharge funds by 911 systems. These are described in Section 15.4(c) of ETSA, 50 ILCS 750/15.4(c), which, in general summary, limits uses of surcharge funds to: (1) the design of an emergency telephone system; (2) preparation of a Master Street Address Guide; (3) repayment of properly incurred advances; (4) charges for necessary equipment; nonrecurring charges to establish network connections; (5) payment for street signs necessary to system implementation; and (7) other necessary equipment and personnel specifically related to 911. The City of Chicago is authorized to use funds realized through surcharges for anti-terrorism purposes or emergency preparedness. 50 ILCS 750/15.4(c)(8).

Wireless:

As noted above, the wireless surcharge for the State of Illinois is \$.73 per wireless subscriber. Of the \$.73 postpaid wireless surcharge collected, \$.1475 goes to the Wireless Carrier Reimbursement Fund, from which wireless carriers are permitted to seek reimbursement for their 911 related expenses. Pursuant to statute, such funds can be used "to reimburse wireless carriers for all of their costs incurred in complying with the applicable provisions of Federal Communications Commission wireless enhanced 9-1-1 service mandates". 50 ILCS 751/35. As a general matter, in order to receive a reimbursement, the carriers are required under Section 729.510 of the Illinois Commerce Commission's Rules, 83 Ill. Adm. Code 729.510, to submit invoices detailing expenses and how they are related to providing 911 services.

The remaining \$.5825 of each postpaid surcharge, and the entire prepaid surcharge after administrative costs, are deposited into to the Wireless Services Emergency Fund. These funds are distributed on a monthly basis to authorized 911 governmental entities, typically ETSBs that provide wireless 911 services. The funds are to be used for "the design, implementation, operation, maintenance, or upgrade of wireless 911 or E911 emergency services and public safety answering points... [.]". 50 ILCS 751/20. The funds are disbursed to the proper entities by subscriber zip code; each entity owns a zip code, or a portion of a zip code, and receives the funds generated from that area, 50 ILCS 751/25. Additionally, up to \$.01 of the amount deposited into this fund can be used by the Illinois Commerce Commission to cover its administrative cost, see 50 ILCS 751/17 (b).

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5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The entities responsible for approving the expenditures of funds collected for 911 are the municipal or county ETSBs. There are 201 ETSBs/ local 911 authorities in the State of Illinois, which govern their individual 911 systems.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

As noted above, the Commission has no statutory authority to oversee ETSBs, which are units of local government.
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7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

As noted above, the Commission has no statutory authority to oversee ETSBs, which are units of local government.
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8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
	X

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Wireline:

As previously stated, the wireline surcharge funds are administered and expended by county or municipal ETSBs, but surcharge funds may only be used for purposes authorized by state law. Since the funds are controlled by county or municipal ETSBs, the ICC has no information regarding whether any local ETSB has diverted these funds for uses other than those for which they were intended by law.

Wireless:

During state fiscal year 2013 \$10 million was legislatively transferred out of the Wireless Services Emergency Fund. The state is not required to return those funds as was required during fiscal year 2011.

During state fiscal year 2011, as permitted by statute under 30 ILCS 105/5h, the State borrowed from the Wireless Carrier Reimbursement Fund on three occasions. It borrowed:

- \$1,114,000 on October 29, 2010. This was repaid in April of 2012.
- \$302,000 on December 1st, 2010. This was repaid in May of 2012.
- \$5,249,500 on March 21st, 2011. This was repaid in September of 2012.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

As noted above, the Commission has no statutory authority to oversee ETSBs, which are units of local government. Accordingly, the Commission has no information regarding this. No instances of use of funds for purposes not contemplated by Section 15.4(c) of ETSA have come to the Commission's attention.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
	Not currently, although the statutory framework to initiate a pilot program exists.

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	X

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

N/A

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

N/A



Federal Communications Commission
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Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

- 1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

IC 36-8-16.7-32 State of Indiana
 Monthly statewide 911 fee; initial fee; adjustments; additional fees prohibited; exemptions
 Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that:

- (1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and
- (2) provides for the proper development, operation, and maintenance of a statewide 911 system.

The amount of the initial fee assessed under this subsection is ninety cents (\$0.90).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:



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- (1) The fee may not be raised or lowered more than one (1) time in a calendar year.
- (2) The fee:
- (A) may not be raised by an amount that is less than or equal to ten cents (\$0.10) without review by the budget committee; and
- (B) may not be raised or lowered by an amount that is more than ten cents (\$0.10) without legislative approval.
- (c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.
- (d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.
- (e) A user is exempt from the fee if the user is any of the following:
- (1) The federal government or an agency of the federal government.
- (2) The state or an agency or instrumentality of the state.
- (3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.
- (4) A user that accesses communications service solely through a wireless data only service plan.
- As added by P.L.132-2012, SEC.20.
- IC 36-8-16.6-11
- Enhanced prepaid wireless charge; initial charge; increase; federal government exempt
- Sec. 11.(a) The board shall impose an enhanced prepaid wireless charge on each retail transaction that occurs after June 30, 2010. The amount of the initial charge imposed under this section may not exceed one-half (1/2) of the monthly wireless emergency enhanced 911fee assessed under IC 36-8-16.5-25.5 (before its repeal on July 1, 2012). The board shall increase the amount of the charge imposed under this section so that the amount of the charge imposed after June 30, 2012, under this section equals fifty cents (\$.50).
- (b) Subject to legislative approval, after the increase described in subsection (a) and after June 30, 2012, the board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7.
- (c) A consumer that is the federal government or an agency of the federal government



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is exempt from the enhanced prepaid wireless charge imposed under this section.

As added by P.L.113-2010, SEC 151. Amended by P.L. 132-2012, SEC. 15.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Prior to July 1, 2012 the fee for land line and VOIP services were established by the county fiscal body in compliance with IC 36-8-16 before it's repeal.

After July 1, 2012 the fee for land line, VOIP and contractual wireless devices was \$.90 cents per month. Prepaid fee is \$.50 cents per transaction, collected at the point of sale.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

NOTE: January 1st to June 30th financials are estimates reported by county government. Prior to July 1, 2012 wire line / VOIP financials were not reported to the state. The state began collecting all fees on July 1, 2012.

January 1 st to June 30 th Wire line/VOIP estimate	\$ 19,124,044.00
January 1 st to June 30 th Wireless	\$ 14,071,669.00
July 1 st to December 31 st All fees	\$ 36,320,086.65
Estimated Total	\$ 69,515,799.65

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Board's administration of fund; board's expenses; distribution to counties

Sec. 37. (a) Subject to subsection (b), the board shall administer the fund in the following manner:

- (1) In each state fiscal year, the board may retain the lesser of:



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(A) ten percent (10%) of the statewide 911 fees deposited in the fund in the previous state fiscal year; or

(B) the amount of fees deposited in the fund in the previous state fiscal year that would provide for the operating expenses of the statewide 911 system during the state fiscal year for which the fees are retained;

to pay the board's expenses in administering this chapter and to develop, operate, and maintain a statewide 911 system. The board may decrease the amount of fees retained by the board under this subdivision.

(2) After retaining the amount set forth in subdivision (1), the board shall distribute to the counties, in a manner determined by the board, the remainder of the statewide 911 fees in the fund. However, with respect to any state fiscal year beginning after June 30, 2012, the board shall first ensure a distribution to each county in an amount that is equal to the average annual amount distributed to all PSAPs in the county under IC 36-8-16 (before its repeal on July 1, 2012) and to the county under IC 36-8-16.5 (before its repeal on July 1, 2012) during the three (3) state fiscal years ending:

(A) June 30, 2009;

(B) June 30, 2010; and

(C) June 30, 2011;

increased by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the twelve (12) months preceding the state fiscal year for which the distribution is made.

(3) If any statewide 911 fees remain in the fund after the distributions ensured under subdivision (2), the board shall distribute the fees as follows:

(A) Ninety percent (90%) of the fees shall be distributed to the counties based upon each county's percentage of the state's population.

(B) Ten percent (10%) of the fees shall be distributed equally among the counties.

(b) The board may not distribute money in the fund in a manner that impairs the ability of the board to fulfill its management and administrative obligations under this chapter.

IC 36-8-16.7-38

Permitted uses of distribution by PSAPs; annual reports to board by PSAPs; state board of accounts annual audit of PSAP expenditures; review by board; reports to budget committee; county 911 funds

Sec. 38. (a) A PSAP may use a distribution from a county under this chapter only for the following:



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- (1) The lease, purchase, or maintenance of communications service equipment.
 - (2) Necessary system hardware and software and data base equipment.
 - (3) Personnel expenses, including wages, benefits, training, and continuing education, only to the extent reasonable and necessary for the provision and maintenance of:
 - (A) the statewide 911 system; or
 - (B) a wire line enhanced emergency telephone system funded under IC 36-8-16 (before its repeal on July 1, 2012).
 - (4) Operational costs, including costs associated with:
 - (A) utilities;
 - (B) maintenance;
 - (C) equipment designed to provide backup power or system redundancy, including generators; and
 - (D) call logging equipment.
 - (5) An emergency notification system that is approved by the board under section 40 of this chapter.
 - (6) Connectivity to the Indiana data and communications system (IDACS).
 - (7) Rates associated with communications service providers' enhanced emergency communications system network services.
 - (8) Mobile radio equipment used by first responders, other than radio equipment purchased under subdivision (9) as a result of the narrow banding requirements specified by the Federal Communications Commission.
 - (9) Up to fifty percent (50%) of the costs associated with the narrow banding or replacement of radios or other equipment as a result of the narrow banding requirements specified by the Federal Communications Commission.
- (b) A PSAP may not use a distribution from a county under this chapter for the following:
- (1) The construction, purchase, renovation, or furnishing of PSAP buildings.
 - (2) Vehicles.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Sec. 27. (a) The board may do the following to implement this chapter:



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- (1) Sue and be sued.
- (2) Adopt and alter an official seal.
- (3) Adopt and enforce bylaws and rules for:
 - (A) the conduct of board business; and
 - (B) the use of board services and facilities.
- (4) Subject to subsection (c), acquire, hold, use, and otherwise dispose of the board's income, revenues, funds, and money.
- (5) Subject to subsections (b) and (c), enter into contracts, including contracts:
 - (A) for professional services;
 - (B) for purchase of supplies or services; and
 - (C) to acquire office space.
- (6) Subject to subsection (c), hire staff.
- (7) Adopt rules under IC 4-22-2 to implement this chapter.
- (8) Develop, maintain, and update a statewide 911 plan.
- (9) Subject to subsection (c), administer the statewide 911 fund established by section 29 of this chapter.
- (10) Administer and distribute the statewide 911 fee in accordance with section 37 of this chapter.
- (11) Subject to subsection (c), administer statewide 911 grants in accordance with state and federal guidelines.
- (12) Obtain from each PSAP operating statistics and other performance measurements, including call statistics by category and emergency medical dispatching (EMD) certifications.
- (13) Take other necessary or convenient actions to implement this chapter that are not inconsistent with Indiana law.
 - (b) A contract for the purchase of communications service or equipment by the board must be awarded through an invitation for bids or a request for proposals as described in IC 5-22. The board shall enter into a cooperative agreement with the Indiana department of administration for the department to administer the board's purchases under this chapter using the department's purchasing agents.
 - (c) The board shall be considered a state agency for purposes of IC 5-14-3.5. Subject to IC 5-14-3.5-4, the following shall be posted to the Indiana transparency Internet web site in accordance with IC 5-14-3.5-2:
 - (1) Expenditures by the board, including expenditures for contracts, grants, and leases.



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(2) The balance of the statewide 911 fund established by section 29 of this chapter.

(3) A listing of the board's real and personal property that has a value of more than twenty thousand dollars (\$20,000).

The board shall cooperate with and provide information to the auditor of state as required by IC 5-14-3.5-8.

As added by P.L.132-2012, SEC.20.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

IC 36-8-16.7-30

Annual audit of fund by state board of accounts; annual review of 911 service by board; reports to budget committee

Sec. 30. (a) The state board of accounts shall audit the fund on an annual basis to determine whether the fund is being managed in accordance with this chapter. For each of the two (2) state fiscal years ending:

(A) June 30, 2013; and

(B) June 30, 2014;

the state board of accounts shall submit, not later than November 1 of each year during which the particular state fiscal year ends, a report of the audit required by this subsection to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

(b) On an annual basis, and in conjunction with the board's review under section 38(d) of this chapter of the state board of accounts' annual audit of PSAPs, the board shall review 911 service in Indiana, including the collection, disbursement, and use of the statewide 911 fee assessed under section 32 of this chapter. The purpose of the review is to ensure that the statewide 911 fee:

(1) does not exceed the amount reasonably necessary to provide adequate and efficient 911 service; and

(2) is used only for the purposes set forth in this chapter.

(c) For each of the two (2) calendar years ending:

(A) December 31, 2013; and

(B) December 31, 2014;

the board shall submit, not later than March 1 of the year immediately following the



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particular calendar year, a summary report of the board's findings under the review required by subsection (b) to the budget committee for the budget committee's review. A report submitted under this subsection must be in an electronic format under IC 5-14-6.
As added by P.L.132-2012, SEC.20.

IC 36-8-16.7-38

Permitted uses of distribution by PSAPs; annual reports to board by PSAPs; state board of accounts annual audit of PSAP expenditures; review by board; reports to budget committee; county 911 funds

(d) Beginning in 2013, the state board of accounts annually shall audit the expenditures of distributions under this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under this chapter.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

IC 36-8-16.7-38

Permitted uses of distribution by PSAPs; annual reports to board by PSAPs; state board of accounts annual audit of PSAP expenditures; review by board; reports to budget committee; county 911 funds

(d) Beginning in 2013, the state board of accounts annually shall audit the expenditures of distributions under this chapter made during the immediately preceding calendar year by each PSAP that receives distributions under this chapter. In conducting an audit under this subsection, the state board of accounts shall determine, in conjunction with the board, whether the expenditures made by each PSAP are in compliance with subsections (a) and (b). The board shall review and further audit any ineligible expenditure identified by the state board of accounts under this subsection or through any other

report. If the board verifies that the expenditure did not comply with this section, the board shall ensure that the fund is reimbursed in the dollar amount of the noncomplying expenditure from any source of funding, other than a fund described in subsection (f), that is available to the PSAP or to a unit in which the PSAP is located.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.



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YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

The Indiana State Board of Accounts is currently conducting field audits for calendar year 2012. As of the submission of this report, ISBA has not reported to the Statewide 911 Board any ineligible expense identified by IC 36-8-16 and IC 36-8-16.5 before their repeal, or for current IC 36-8-16.7, effective July 1, 2012.

The Statewide 911 Board which administers IC 36-8-16.7 has distributed and/or expended all fees collected in accordance with IC 36-8-16.7 since July 1, 2012.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Statewide 911 Board in accordance with IC 36-8-16.7 for the administration of the fund and operation of the State's public safety ESI-net for wireless 911 and E911.

Counties of Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, DeKalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, LaGrange, Lake, LaPorte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St-Joseph, Scott, Shelby, Spencer, Starke, Steuben,



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Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, Whitley.
Each of these counties are responsible for the operation of 911 and E911 services within their jurisdiction and for expended funds for their operations within IC 36-8-16.7-38.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Undetermined

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Legal entities within local, county and state government utilize other funds to support the operation of their Public Safety Answering Point (PSAP). Local government has to rely on other funding sources to fully fund their operation. City and County governments have the option of using property tax, local option income tax, EDIT tax, RACINO fees, etc. in their jurisdictions.

Iowa

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

34A.7 for wire line 34A.7A for wireless

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireless- \$0.65 Prepaid \$0.33 per retail transaction

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

\$17,638,694 from wireless
\$12,658,474 from wire line

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Wireless – Code of Iowa Chapter 34A.7a(2)(f)(2) – 46% of total surcharge collected per calendar quarter is allocated to the local E911 service boards based on call counts and square miles of service area.

Wireline surcharge may be used for recurring and non-recurring costs under Chapter 34A.2(e)

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Code of Iowa Chapter 34A.2A – the administrator of the homeland security and emergency management division of the department of public defense shall appoint an E911 program manager to administer the program in accordance with Code of Iowa Chapter 34A.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The program manager must submit a calendar quarter report of revenues and expenditures to the fiscal services division of the legislative services agency. The government oversight committee reviews the priorities of distribution of funds at least every two years. An annual report is submitted to the legislative government oversight committee advising the general assembly an accounting of the revenues and expenditures of the program. The E911 program is audited on an annual basis by the State Auditor's office.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

No enforcement or corrective actions were taken during the annual period ending December 31, 2012

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

The State of Iowa E911 has not used the wire line or wireless surcharge funds collected for any other purpose other than designated by the funding mechanism described in Code of Iowa Chapter 34A.7 and 34A.7A.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Wireless 911 surcharge funds were used as a match for the NHTSA E911 Grant. The NHTSA grant was utilized to begin development of a Next Generation 911 network for wireless 911 in the State of Iowa. Wireless funds were also used as a match for a PSIC grant to assist in the purchase of a mobile 911 unit to be used after a catastrophic event.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

We have expended \$4,194,330 during the annual period ending December 31, 2012 on the Next Generation 911 program.
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14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

--



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Yes

If "yes," please include a citation to the legal authority for such mechanism.

[K.S.A. 12-5362 et seq](#)

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

[K.S.A. 12-5369](#) establishes the current 911 fee at \$.53 per month per subscriber account of any exchange telecommunications service, wireless telecommunications service, VoIP service, or other service capable of contacting a PSAP. In addition to this fee, [K.S.a. 12-5371](#) establishes a fee on prepaid wireless transactions of 1.06% per retail transaction.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

A total of \$20,477,020.47 in assessed 911 fees was collected during calendar year 2012. Of this total amount, \$19,421,888.42 was remitted to the LCPA by the service providers, while a total of \$1,055,132.05 was collected on prepaid wireless service.



Federal Communications Commission
Washington, D.C. 20554

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

The collected funds are remitted by the service providers to the Local Collection Point Administrator (LCPA) which is a contract employee of the 9-1-1 Coordinating Council. The funds are then distributed by the LCPA to the individual PSAPs based on a funding formula established in K.S.A. 12-5374. This formula ensures that every PSAP within the state receives a minimum annual 911 fee disbursement of \$50,000. Written criteria of allowable use of 911 fee funds is established in K.S.A. 12-5375. This statute provides for the following approved uses of 911 fee monies: (1) Implementation of 911 services; (2) purchase of 911 equipment and upgrades; (3) maintenance and license fees for 911 equipment; (4) training of personnel; (5) monthly recurring charges billed by service suppliers; (6) installation, service establishment and nonrecurring start-up charges billed by the service supplier; (7) charges for capital improvements and equipment or other physical enhancements to the 911 system; or (8) the original acquisition and installation of road signs designed to aid in the delivery of emergency service. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase subscriber radio equipment.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

K.S.A. 12-5364 establishes the 911 Coordinating Council and tasks the Council with requiring annual reporting of 911 fee expenditures by the PSAPs and reviewing those expenditures to ensure that 911 fee funds are being spent in accordance with the legislation. The Coordinating Council provides guidance to the PSAPs on allowable and non-allowable expenditures.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The 911 Coordinating Council has developed an annual report form that details 911 fee fund revenue received and expenditures made by the PSAPs. These reports are reviewed by the Operations Committee of the Coordinating Council and any questionable expenditures are followed up with the PSAP. If an expenditure is deemed to be non-allowable, the PSAP is required to reimburse the 911 Fee Fund account for the expenditure.



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7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Of the \$12,621,526.21 expenditures reported, a total of twenty-one (21) expenditures were questioned. After follow up with the PSAP on these expenditures, ten were found to be legitimate expenditures, eight were reimbursed to the respective PSAP's 911 Fee Fund, and three are still pending resolution. The expenditures pending amount to a total of \$2,925.39.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Yes, as qualified by the response to Item #9 below.

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Once the three pending questioned expenditures are finalized and reimbursements are made if necessary, 100% of the 911 Fee funds will have been expended for allowable 911 or E911 purposes. No 911 Fee funds will have been expended outside of the allowable purposes.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

911 Fee funds were expended by the local PSAPs to telephone service providers, radio service providers, and equipment vendors for services and equipment to maintain E-911 service throughout the State of Kansas.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Yes



Federal Communications Commission
Washington, D.C. 20554

12. Has your state expended such funds on Next Generation 911 programs?

No

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

N/A

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Kentucky

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC’s Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission’s obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an “X” below the appropriate answer.

YES	NO
X	

If “yes,” please include a citation to the legal authority for such mechanism.

KRS 65.760 (local authority); KRS 65.7629 (state authority for 911 fee)

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Kentucky statutory law provides that local governments (cities or counties) may by local ordinance provide for landline 911 and E911 services and provides options on how to raise revenues to pay for the service. Most local governments opt for a set 911 landline fee to be collected by the phone company which provides local service to that community as an addition to the customer’s regular phone bill. No minimum or maximum amount is specified. Kentucky has 120 counties. All but ten have adopted a local landline fee, ranging from a low of 50¢ to a high of \$4.50. Most range from \$1.50 to \$2.50 per month. One county uses a percentage of the phone bill; another has a property tax rate for 911 service. See--KRS 65.760.

There is an emerging interest at the local government level to explore new ways to raise revenue for 911 services. This interest is occurring because of the decrease in the number of landline phones and the corresponding decrease in local derived from 911 landline fees. Total decrease in landlines may be as much as 25% (from 2.4 million to 1.8 million) is the last decade.

The 'interest' has included eliminating the landline 911 fee and replacing it with a fee collected on utility bills (water or electric) or property tax.

In KRS 65.7621 et seq. the legislature established a state 911 fund administered by the Kentucky CMRS Board in response to the FCC Order No. 94-102, which requires wireless 911 service to be available. The fund is fueled by a 911 surcharge on each CMRS connection (cell phone) in the state. The statute currently provides for a fixed surcharge of 70¢ per "postpaid" connection per month and a choice of methods for calculating the surcharge for "prepaid" connections.

Recent data shows that the options for prepaid providers to calculate the fees results in a disparity in the level of support per device between postpaid (at \$.70 per device per month) and prepaid (average of \$.39 per device per month). This is an unintended consequence of the 2006 amendments to our statutes which created the 'prepaid' options. It 'short changes' 911 funding from wireless fees to the state by an estimated \$3.5 million annually.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Local landline fees are not currently required to be reported to a central authority in terms of the total amount raised in each county. A recent survey suggests that the total raised statewide through local landline fees is roughly \$32 million.

The state 911 fee per CMRS connection per month generated in round numbers \$23.7 million in calendar year 2012. The amount collected has leveled off in the last three fiscal years, after steadily increasing each of the first ten years, suggesting a cell phone market nearing saturation.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Funds raised locally by landline fees are appropriated and accounted for through the local government's fiscal process. There is broad statutory language in KRS 65.760 (3) that directs that all revenues "shall be expended solely for the establishment, operation and maintenance of a 911 emergency communications system."

The state 911 wireless fee is collected by all phone companies providing wireless service either by adding the 70¢ fee to a customer's monthly bill (postpaid customers) or by using other statutory options available to calculate amounts due from "prepaid" connections.

The funds collected from wireless providers are remitted to KY's CMRS Board monthly. The Board on a quarterly basis sends out roughly 69% of the funds directly to "certified" PSAPs via a formula that is half "pro rata" (every PSAP gets the same) and half "volume" (PSAPs in

jurisdictions with more cell phones get more money). An additional 10% of the CMRS fund is used to provide grants that are also directed back to the local PSAPs.

The balance of the funds are divided--- a.) Carriers retain 1.5% for “collecting” the fee b.) 2.5% of the balance goes to the Board’s administrative account and c.) about 17% is placed in a statutory mandated “Cost Recovery” program which reimburses carriers for verified costs associated with developing and maintaining Phase II wireless system.

As to the CMRS funds, there are “written criteria regarding allowable uses of the collected funds” See KRS 65.7631(3) and for more specificity see the regulation in 202 KAR 6:090--- **Permitted Uses by PSAPs for CMRS Funds.**

In general the money must be spent only for 911 purposes inside the 911 facility.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The local government which established basic landline 911 and E911 has the authority to approve the expenditure of funds raised through the landline fee established locally through their budget process.

Many local communities have established local 911 authorities or advisory boards to coordinate and manage the provision of 911 service. By memorandum of agreements they may have some authority to recommend or approve expenditures.

The CMRS Board has no statutory oversight authority as to local landline funds. Annual County audits of all funds are done under the auspices of the State Auditor of Public Accounts, but the CMRS Board has no knowledge as to whether the audit includes detailed review of the use of local 911 funds.

For CMRS funds the Board has direct authority of the expenditures of grant funds and, as mentioned above, has the authority to promulgate regulations which describe specific allowable expenditures for those funds that are sent by formula to “certified” PSAPs.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The CMRS Board has no statutory oversight authority as to local 911 funds. Annual County audits of all funds are done under the auspices of the State Auditor of Public Accounts, but the CMRS Board has no knowledge as to whether the audit includes detailed review of the use of local 911 funds.

The Board is required by statute to acquire the services of an independent auditor to, among other

things, audit the PSAPs that receive CMRS funds to determine if funds were expended only for permissible purposes. The Board requires that corrective action be taken for any audit finding that CMRS funds were expended for an impermissible purpose. There are 116 certified PSAPs; not all are audited each year. The audit process randomly selects about one-third of the PSAPs a year for audit.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

No audits were received in calendar year 2012 and so no corrective actions were taken. Audits for FY2012 were received early in calendar year 2013 and resulted in corrective actions.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No CMRS funds were used for purposes other than purposes related to 911 or E911 implementation support as provided in KRS 65.7621 et seq.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The expenditure of funds collected for 911 or E911 purposes by the Kentucky CMRS Board is controlled by a statutory formula.

The "organizations" which receive the greatest share of funds are the local PSAPs which have been

‘certified’ by the Board as meeting the statutory and regulatory standards required to receive (and appropriately deliver) a wireless 911 call. Roughly 70% of the \$25 million collected annually is sent directly back to PSAPs which use it to pay for day to day operational costs—including payments to vendors of service of equipment, personnel costs and more as prescribed in regulation. These “organizations” are the guts of 911 service, answering the public’s 911 calls and dispatching the appropriate responder. Certified PSAPs include all 16 state police posts throughout the state.

Roughly 17% of wireless funds expended by the Board go to Carriers for a mandated “cost recovery” program which allows companies to be reimbursed for approved invoices related to their costs for providing equipment used to deliver 911 calls.

A 2.5 % portion of funds collected from the states wireless 911 fees goes to pay the CMRS Board ‘administrative budget’. (Board members are not compensated but reimbursed for their expenses). These amounts pay for staff (3) salaries and basic office expenses. They are also used for ‘contracts’ for 1)statewide mapping, 2)geo-audits of local PSAPs (quality assurance) 3)legal services. The Board has instituted lawsuits to collect ‘unremitted fees’ from providers of prepaid services and has judgments totaling over \$5.5 million (on appeal) and 4) consulting services for the development of and migration to a statewide ESI Network (Next Generation 911).

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an “X” below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an “X” below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The Board has spent money on developing a State 911 plan that contemplates migrating to a NG911 delivery system; development of an NG911 ESINetwork, and Applications and Appliances. Requests for Proposals, Proof of Concepts exercises related directly to ‘networking connections,’ hosting and remoting and transferability of 911 calls –all NG911 elements.

Expenditures have totaled about \$1.5 million dollars.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Once the CMRS Board and wireless 911 were up and operating the system existed in a relatively low key and “status quo” mode for a few years (2004-2009). With both state and local budgets being extremely tight, with revenues from CMRS 911 fees leveling off due to cell phone saturation, with aging equipment at PSAPs and new demands emerging from the move to NG911 there exists now, just below the surface, an increasing pressure regarding 911 resources which will ultimately negatively impact the stability of 911 systems. There are often differences between landline and wireless fees; a large segment of wireless service (prepaid) may not pay a 911 fee at all or may do so at a level that is not equivalent to the “post paid” fee. Finally, new communications methods may not be supporting the system at all. Resources and efforts should be focused on ensuring that all devices capable of initiating a 911 call contribute to the support of the system and at an equivalent and adequate level of support.

Research had confirmed that of the three sources of funding 911 in Kentucky –local revenue from 911 landline fees; state revenue from 911 wireless fees and local ‘general funds’ spent for 911 services, the smallest contribution comes from “wireless” and equals only about 20% of the cost.

In Kentucky the largest contribution to payment for 911 service is coming from local government’s general funds’, with landline fees, though shrinking, contributing the next largest amount.

Since 75% of 911 calls now are initiated by cell phones, the case can be made that cell phones users and service providers are not paying their share of the cost to provide 911 services in the state.

Kentucky’s original wireless 911 fee statute (1998-2006) requiring all service providers (whether prepaid or postpaid) to collect/remit to the Board at 70¢ per device per month was upheld in a 6th circuit federal court of appeals decision awarding the CMRS Board over \$5 million dollars in fees against a major provider of prepaid services who claimed that the statute did not apply to prepaid.



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

- 1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
Yes	

If "yes," please include a citation to the legal authority for such mechanism.

Louisiana Revised Statutes 33:9101 as well as other statutes and acts of the Louisiana Legislature provide for such mechanism.

- 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Varies among the communications districts in accordance with the ballot proposition(s) that were approved by the voters within each district, and in the case of pre-paid wireless with the population within each district.

- 3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

In the case of pre-paid wireless is \$4,912,926. Except for pre-paid wireless, these fees are remitted directly to each communications district by the carriers.



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4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Louisiana law has established a funding mechanism which mandates that, with the exception of pre-paid wireless fees, 9-1-1 fees go directly to the appropriate communications district for uses only within the legal purposes of the district as authorized by State laws and the proposition(s) approved by the voters within the district.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Each of the communications districts has the authority to approve the expenditure of funds collected for 9-1-1 or E9-1-1 purposes that are remitted to that district.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Louisiana Revised Statutes 33:9101 and other Louisiana state laws and legislative acts. Also, each district is subject to periodic audits overseen by the Legislative Auditor of the State of Louisiana.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Refer to the Legislative Auditor's Office



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8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
Yes	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Not applicable.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The funds are used to support the receipt of calls from the public and the response to those calls, by law enforcement agencies, fire departments, emergency medical service(s), and other public safety responders.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
In accordance with Louisiana law, expenditures by communications districts on Next Generation 9-1-1 are within the scope of permissible expenditures of funds for 9-1-1 or E9-1-1 purposes.	



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12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	No

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Not applicable.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

None.

Maine



THOMAS L. WELCH
CHAIRMAN

DAVID P. LITTELL
MARK VANNOY
COMMISSIONERS

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

HARRY LANPHEAR
ADMINISTRATIVE DIRECTOR

August 19, 2013

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12 Street, SW
Washington, DC 20554

Ref. PS Docket No. 09-14

Dear Ms. Dortch,

Please find attached the responses for the State of Maine in compliance with the NET 911 Act for the annual period ending December 31, 2012.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Harry Lanphear'.

Harry Lanphear
Administrative Director

Attached: Maine Net 911 Act Questionnaire

Cc: Maria Jacques, ENP, Director, ESCB



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

STATE OF MAINE RESPONSE

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The State of Maine imposes a surcharge at the state level for E9-1-1 support and implementation. The law governing the collection of E9-1-1 Surcharge is MRSA Title 25 Chapter 352 Section 2927 E9-1-1 Funding.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The amount of the surcharge is .45 per line/per month.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount collected for the annual period ending December 31, 2012 was \$8,342,459.



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Washington, D.C. 20554

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

The Emergency Services Communication Bureau was established to implement and manage E9-1-1. The funds are not made available to localities as they are used to support a statewide system. See MRSA Title 25 Chapter 352 Section 2926.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The Emergency Services Communication Bureau within the Public Utilities Commission has the authority to approve the expenditures of funds collected for E9-1-1 purposes. (MRSA Title 25 Chapter 352 Section 2927)

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The Bureau reports to the Maine Legislature's Joint Committee on Energy, Utilities and Technology annually on planned expenditures for the coming year and expenditures for the previous year. (MRSA Title 25 Chapter 352 Section 2927)

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

There has been no enforcement or other corrective actions undertaken in connection with such oversight for the reporting period ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.



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YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The State of Maine has a statewide E9-1-1 system. The Emergency Services Communication Bureau administers the program, which includes a contract for E9-1-1 Services. This contract provides for a single end-to-end E9-1-1 system that serves every municipality and Indian Reservation in the state. It includes network, database services, customer premise equipment at each of the 26 municipal, state or county Public Safety Answering Points (PSAPs), and 24 x 7 support and maintenance. There is no funding that flows through to the PSAPs or to municipalities, counties or state agencies for other purposes.

For calendar year 2012, funds were expended for the following activities:

- Administrative expenses of the Emergency Services Communication Bureau
- Statewide Contract for E9-1-1 Services
- Quality Assurance Program
- E9-1-1 Community Addressing and Mapping Support
- Training for E9-1-1 Call Takers and Dispatchers
- Emergency Medical Dispatch training and administrative costs
- Reimbursement of telephone companies for ALI data base provisioning



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Washington, D.C. 20554

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The State of Maine did not expend funds in the annual period ending December 31, 2012 on Next Generation 911 programs.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

None at this time.



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
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Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The Public Safety Article, Annotated Code of **Maryland** (Public Safety Article), Title 1 - Section 3 is the enabling legislation that established a 911 Trust Fund and the Emergency Number Systems Board (Board) with the Department of Public Safety and Correctional Services as the oversight agency. The referenced statute creates a funding mechanism and oversight Board to provide for the orderly installation, maintenance, and operation of 911 systems in Maryland. The legislation also permits Maryland counties and Baltimore City to offset local 911 operational costs. The Code of Maryland Regulations (COMAR) Title 12, Subtitle 11, Chapter 03 further codifies the activities of the Board and describes in detail its essential functions and responsibilities.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The Maryland Public Safety Article (§1-310 & §1-311) establishes two funding streams to support 911 and E911 (collectively referred to as E911). The first is the State "911 Fee", which is \$0.25 per subscriber per month. The second is the County "Additional Fee" in an amount determined by each county, through local ordinance, up to a



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legislative maximum of \$0.75 per bill per month. All Maryland counties and Baltimore City currently have local ordinances establishing the "Additional Fee" at \$0.75. Telephone companies, wireless carriers, and other 911 accessible service providers, collect and remit monthly both fees (collectively known as the 911 Surcharge) to the State Comptroller for deposit into the 911 Trust Fund.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount of 911 fees remitted to Maryland in calendar year 2012 is
\$52,240,760.76

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Quarterly, the County "Additional Fee" portion is distributed to each county prorated in accordance with the level of fees collected in each jurisdiction (*Public Safety Article §1-309*). Annually, the Secretary of the Department of Public Safety and Correctional Services is required to submit a budget appropriation from the 911 Trust Fund in an amount sufficient to carry out the purposes of the enabling legislation, pay administrative costs, and reimburse counties for the cost of enhancing their E911 systems (*Public Safety Article §1-309*). Through this budget appropriation process, the State "911 Fee" is distributed from the 911 Trust Fund to the Maryland counties at the discretion of the Emergency Number Systems Board in response to county E911 enhancement requests.

Maryland has established written criteria identifying the allowable uses of funds collected. Money collected from the State "911 Fee" may be used to reimburse counties for the cost of enhancing Maryland's E911 system through payment to third party contractors (*Public Safety Article §1-308*). COMAR (12.11.03.12) further defines equipment qualifying for funding or reimbursement. Money distributed quarterly to the counties from the collection of the County "Additional Fee" may be spent on the installation, enhancement, maintenance, and operation of a county or multi-county E911 system. Maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years (*Public Safety Article §1-312*).



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5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Maryland established the seventeen (17) member Emergency Number Systems Board (*Public Safety Article §1-305 & §1-306*) to work cooperatively with the counties to provide an effective and efficient Maryland E911 system through the administration of the 911 Trust Fund revenues. **The Emergency Number Systems Board is the entity that has the authority to approve expenditures from the 911 Trust Fund.**

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The Emergency Number Systems Board provides for an annual audit of each county's expenditures for the maintenance and operation of the county's E911 system (*Public Safety Article §1-312*). The amount of the county "Additional Fee" may not exceed a level necessary to cover the total eligible maintenance and operational costs of the county (*Public Safety Article §1-311*). **The 2012 audits demonstrate that all counties are in compliance with this requirement.**

The Maryland Office of Legislative Audits conducts fiscal/compliance audits of the 911 Trust Fund and of the appropriations and disbursements made for purposes of complying with Maryland statutes (*Public Safety Article §1-309*). **All such audits have found the expenditures from the 911 Trust Fund to be compliant with established statutes.**

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

To ensure compliance with statutory requirements, the Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates Public Safety Article, Title 1 - Section 3 or a regulation of the Board (*Public Safety Article §1-309*). **No enforcement or other corrective actions were undertaken during calendar year 2012.**



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8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Maryland has expended or obligated all funds collected in 2012 from both portions of the Maryland 911 Surcharge to be available or used for the purposes designated by the Public Safety Article to support or enhance Maryland's E911 system. **No funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism.**

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The purpose of Maryland's 9-1-1 Trust Fund is to reimburse counties for the cost of enhancing a 9-1-1 system (*Public Safety Article §1-308*). It is the responsibility of the Emergency Number Systems Board to thoroughly review funding requests received from Maryland's Counties to ensure that expenditures will enhance 9-1-1 services (*Public Safety Article §1-306*).

During calendar year 2012, the Emergency Number Systems Board provided funding to each Maryland County and Baltimore City for the purpose of enhancing 9-1-1 systems and operations in the State.



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11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The Emergency Number Systems Board continues to examine and monitor national standards surrounding the development of Next Generation 9-1-1 (NG911) system elements that would capture the benefits of expanding mobile and data communications technologies, as well as continuing to provide or enhance existing 9-1-1 functionality. The Board currently provides funding to replace/upgrade public safety answering point (PSAP) E911 phone systems to be IP ready or enabled to receive NG911 related data once national standards have been established.

Legislation was passed during the Maryland 2012 Legislative Session that codified a Next Generation 911 definition within the Public Safety Article §1-301 and added "establishing planning guidelines for deployment of NG911 service" to the Board's responsibilities (*Public Safety Article §1-306*).

During 2012 the Board obligated or expended **\$8,495,982.54** on NG911 enabled or ready phone systems and NG911 enhanced logging recorders for Maryland Primary and Secondary PSAPs.

As a pilot-project, sponsored by Dorchester County on behalf of all Maryland PSAPs, the Board provided funding to the Maryland State Police (MSP) to implement Next Generation 9-1-1 Systems technologies for the delivery of transferred emergency calls and related data to their Barracks on the Maryland Eastern Shore in the amount of **\$1,059,560.52**



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14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

None



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Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

<p>Massachusetts General Laws ("M.G.L.") Chapter 6A, Section 18H(a) imposes a surcharge on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system. M.G.L. Chapter 6A, Section 18H(d) states as follows: "The surcharge revenues shall be expended for the administration and programs of the department including, but not limited to, salaries, enhanced 911 training programs, enhanced 911 public education programs, the creation of PSAP customer premises equipment for, and maintenance of, primary and regional PSAPs, the programs mandated by section 18B and sections 14A and 15E of chapter 166, and for the implementation and administration of enhanced 911 service in the commonwealth."</p>
--

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

<p>The current amount of the surcharge imposed is 75 cents per month per line on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system.</p>
--



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3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount remitted to the State 911 Department ("Department") pursuant to the assessed surcharges for the annual period ending December 31, 2012 was \$73,677,263.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Funds collected are made available to communities in Massachusetts for network, database and CPE; PSAP personnel; PSAP facilities; PSAP CAD and technology; dispatcher training; and PSAP supplies. These funds are made available to the communities by the Department directly purchasing, installing and maintaining enhanced 911 customer premises equipment used by communities at local and regional PSAPs and through the Department developing and administering grant programs to assist PSAPs and regional emergency communications centers in providing enhanced 911 service and fostering the development of regional PSAPs, regional secondary PSAPs and regional emergency communications centers.

M.G.L. Chapter 6A, Section 18B(f) states as follows: "The department shall disburse funds from the Enhanced 911 Fund for prudently-incurred expenses associated with: the lease, purchase, upgrade or modification of primary and regional PSAP customer premises equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (i) and any other grant approved by the department associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth." The Department has established written guidelines for all grants administered under the authority of M.G.L. Chapter 6A, Section 18B (i) that allow communities to apply directly to the Department to receive grant funding for 911 related activities specified in that section. These guidelines may be found on the Department's website at www.mass.gov/e911.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.



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The Massachusetts State 911 Department, the Massachusetts State 911 Commission ("Commission"), and the Department of Telecommunications and Cable are the entities that have the authority to approve the expenditure of funds collected for 911 or E911 purposes within Massachusetts.

- 6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

As referenced above, M.G.L. Chapter 6A, Section 18B(f) explicitly authorizes the Department to disburse funds from the Enhanced 911 Fund for specific E911 purposes (described above). M.G.L. Chapter 6A, Section 18B(b) reserves specific approval authority of grant distribution formulas and major contracts for the Commission which is made up of eight (8) state public safety and disability agency heads and eleven (11) members appointed by the Governor representing various 911 related constituencies. M.G.L. Chapter 6A, Section 18B(b) states as follows: "The commission shall review and approve by a majority vote of those members present all formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B, and all major contracts that the department proposes to enter into for enhanced 911 services." Additionally, M.G.L. Chapter 6A, Section 18B grants the Department of Telecommunications and Cable certain approval authority over expenditures of 911 related funds by the Department.

- 7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

None.

- 8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	



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9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

All funds collected for E911 purposes have been made available or used for the implementation or support of 911 or E911. The enabling language for the Enhanced 911 Fund explicitly requires E911 surcharge funds and any additional E911 related funds collected in Massachusetts to be used only for E911 support and implementation purposes. M.G.L. Chapter 10, Section 35 JJ(a) states as follows: "There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Enhanced 911 Fund. There shall be credited to such fund all revenues received by the commonwealth from: surcharges imposed under section 18H of chapter 6A; appropriations; gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; revenue derived from the investment of amounts credited to the fund; and any federal funds made available for emergency telecommunication services. The fund shall be used solely for the purposes described in sections 18A to 18J, inclusive, of said chapter 6A."

No funds collected for 911 or E911 purposes have been made available or used for any purposes other than ones designated by the statutory funding mechanism or used for any purposes otherwise unrelated to 911 or E911 implementation or support in the Commonwealth of Massachusetts.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Funds collected have been made available for the following activities, programs, and organizations: communities in Massachusetts for network, database and CPE; PSAP personnel; PSAP facilities; PSAP CAD and technology; dispatcher training; training materials and PSAP equipment. These funds have been made available to the communities by the Department directly purchasing, installing and maintaining enhanced 911 customer premises equipment used by communities at local and regional PSAPs and through the Department developing and administering grant programs to assist PSAPs and regional emergency communications centers in providing enhanced 911 service and fostering the development of regional PSAPs, regional



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secondary PSAPs and regional emergency communications centers. Funds collected have also been expended for the Department's training and public education programs, for the Department's disability access programs, and for administrative costs required to support all programs. These activities, programs, and organizations support 911 and E911 services by providing funding for PSAPs to meet the minimum training and certification requirements for E911 telecommunicators, including emergency medical dispatch requirements, and are used for the support of 911.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The Commonwealth of Massachusetts classifies expenditures on Next 911 Generation as within the scope of permissible expenditures of funds for 911 or E911 purposes. Funds have been expended for Next Generation 911 programs, and funds in the amount of \$1,242,291.00 have been expended in the annual period ending December 31, 2012 on Next Generation 911 programs. M.G.L. Chapter 6A, Section 18A defines "Next generation 911" as "an enhanced 911 system that incorporates the handling of all 911 calls and messages, including those using IP-enabled services or other advanced communications technologies in the infrastructure of the 911 system itself." M.G.L. Chapter 6A, Section 18B(h) states, in part, as follows: "The department shall review and assess new communications technologies that may include, but are not limited to, wireless, video, broadband, and IP-based applications that may serve as the next generation 911 technology platforms, consistent with FCC decisions and federal law." M.G.L. Chapter 6A, Section 18D(c) provides, in part, as follows: "The department shall develop and maintain a statewide plan for the implementation and maintenance of enhanced 911 service consistent with



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federal law and regulation, including next generation 911 and IP-enabled 911 services and, if the technological and operational capability and financial feasibility exists, the routing of 911 wireless calls to primary and regional PSAPs.” The expenditures for the annual period ending December 31, 2012 on Next Generation 911 programs relate to funding for the Department’s Next Generation 911 consultant to assist with the implementation of the Next Generation 911 project and expenditures for coordinating in the efforts to develop, design, and implement a high speed fiber optic network in Western and parts of Central Massachusetts to ensure that the needs of the State 911 Department and its PSAPs are addressed and incorporated in the overall development and design of the fiber optic network. This network will prepare the PSAPs for transition to Next Generation 911 and will allow for more effective and efficient management of system updates, recordings, and overall system maintenance and monitoring. The Department is also funding additional dedicated resources for MassGIS, a department within the Commonwealth’s Information Technology Division, to provide updated, synchronized mapping data and information needed to support the Department as it prepares for the implementation of Next Generation 911.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Michigan



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION
GREG R. WHITE JOHN D. QUACKENBUSH SALLY A. TALBERG
COMMISSIONER CHAIRMAN COMMISSIONER

STEVE ARWOOD
DIRECTOR

September 4, 2013

David S. Turetsky, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street SW
Washington DC, 20554

RE: New and Emerging Technologies Improvement Act of 2008

Dear Mr. Turetsky:

Please accept the joint filing of the Michigan Public Service Commission (MPSC) and the Michigan State Police (MSP) as response to the Federal Communications Commission's request in regard to the NET 911 Act.

The Michigan Emergency 9-1-1 Services Enabling Act provides for funding of 9-1-1 services in Michigan. Two funding mechanisms, a State of Michigan 9-1-1 charge and individual county 9-1-1 surcharges, are currently being collected by all communications providers serving Michigan customers on all devices. A fee for prepaid wireless carriers is also collected. In addition, carriers collect a technical surcharge to cover their costs for providing access to 9-1-1 dispatch centers.

If you need further information regarding the State of Michigan's 9-1-1 funding system, please do not hesitate to contact either office at (517) 241-6200 for the Michigan Public Service Commission Telecommunication Division or (517) 241-0080 for the Michigan State Police State 9-1-1 Office.

Sincerely yours,

Handwritten signature of Robin P. Ancona in black ink.

Robin P. Ancona, Director
Telecommunications Division

Handwritten signature of Harriet Miller-Brown in black ink.

Harriet Miller-Brown
State 911 Administrator



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The Michigan Emergency 9-1-1 Service Enabling Act (Act 32 of 1986, as amended¹) provides funding in the following ways:

- Michigan's state 9-1-1 charge is currently \$0.19 per communications device per month. After 2010, any changes to the State 9-1-1 surcharge or the distribution percentages shall be made by the legislature. Sec. 401(a)
- Each of the 83 Michigan counties has the opportunity to assess a county-wide surcharge on all communications devices billed to an address in the county. Sixty-seven (67) counties requested surcharge approval by the Michigan Public Service Commission in January 2008; counties also have the opportunity to request additional funds from their citizens to support county 9-1-1 services. Sec. 401(b)
- Providers of prepaid wireless communications devices are mandated to remit 1.92% per retail transaction, collected from their customers, to the Michigan Department of Treasury. Sec. 401(c)
- Communications providers are able to recover their costs through a 9-1-1 technical charge on customer bills. Sec. 401(d)

¹ [http://www.legislature.mi.gov/\(S\(mof314b20w3ijx45ggabsqub\)\)/printDocument.aspx?objectName=mcl-Act-32-of-1986&version=txt](http://www.legislature.mi.gov/(S(mof314b20w3ijx45ggabsqub))/printDocument.aspx?objectName=mcl-Act-32-of-1986&version=txt)



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2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

- The total amount collected through a county-based 9-1-1 surcharge by sixty-seven (67) Michigan counties was \$64,440,196.02.²
- The total amount collected through a millage by twenty (20) Michigan counties was \$30,431,231.49.³
- The total amount collected through a general fund by twenty six (26) Michigan counties was \$62,174,947.89.⁴
- The total amount collected by the Michigan Department of Treasury for 9-1-1 purposes during 2012 was \$23,137,146.
- The total amount disbursed by the Michigan Department of Treasury as reimbursement to landline providers for wireless 911 delivery pursuant to MCL 484.1408 (4)(b) was \$1,020,609.15.⁵

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total reported 9-1-1 fees collected, as reported by the State 9-1-1 Committee to the Legislature, for the year ending December 31, 2012 was \$181,204,130.55.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

- Michigan counties receive 82.5% of the total Michigan state 9-1-1 charge and the prepaid device 9-1-1 charge, remitted based on Section 401(a) and 401(b). Sec. 408(4)(a).
- Communications providers remit county 9-1-1 surcharge monies directly to Michigan counties. (Link: <http://www.dleg.state.mi.us/mpsc/comm/911index/911charges.pdf>)
- The Michigan State 9-1-1 Committee developed a list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures. In accordance with PA 379 of 2008, any changes made to the document language must be transmitted to the Michigan Legislature. Sec. 401(b)(14) (Link: http://www.michigan.gov/documents/ListingofAllowable_14259_7.pdf)

² Reported by Counties

³ Reported by Counties

⁴ Reported by Counties

⁵ Reported by The Department of Treasury



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5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

• Currently, the Michigan State 9-1-1 Committee's list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures is being used by counties to determine allowable expenses. (Link: http://www.michigan.gov/documents/ListingofAllowable_14259_7.pdf) In accordance with PA 379 of 2008, any changes made to the document language must be transmitted to the Michigan Legislature. Sec. 413(1)(c)

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

• The Michigan Public Service Commission, in consultation with the Michigan State 9-1-1 Committee, may promulgate rules for uniform procedures, policies, and standards for the receipt and expenditure of 9-1-1 funds. Sec. 413(1)(c)

• The Michigan Department of Treasury is under the audit powers of the Michigan Auditor General.

• Every Michigan County is required to have an annual audit by an independent auditor, and must have the audit available for public inspection. Sec. 406(3)

• Each wireline carrier may collect a technical fee for costs related to providing 9-1-1 per Sec. 401(d) and is subject to annual accounting under Sec. 412(a).

• The State 9-1-1 Certification Subcommittee performs four compliance reviews per year to:⁶

- Develop best practices regarding the implementation of 9-1-1 services and on-going operational processes.
- Assure compliance with the emergency services order and Michigan Emergency 9-1-1 Service Enabling Act.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

• The Michigan State 9-1-1 Committee is currently drafting language requiring verification from PSAP auditors confirming the allowable use of 9-1-1 funds.

• Per Michigan Auditor General audit directive, legislation was introduced, HB 5561, to perform an annual audit of each PSAP and secondary PSAP by an independent auditor.

⁶ http://michigan.gov/documents/ComplianceReview_84514_7.pdf?20130904121322



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8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

During 2012, the Michigan Public Service Commission and the Michigan State Police did not authorize any instances where funds collected for 911 or E911 purposes were allowed to be used for purposes unrelated to 911 or E911.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

- Most of the projects to support and improve the 911 and E911 services throughout Michigan occur at a local level, and are verified through independent annual audits performed at a county level. In addition to the operating budget for PSAPs throughout Michigan, there was a total of \$52,062,865.07 expended on allowable expenditures related to 911 and E911 services, as defined in the Michigan State 9-1-1 Committee's list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures through December 31, 2012.
- In calendar year 2012 the State of Michigan completed the ENHANCE 911 grant project which established a Geographical Information Systems (GIS) database repository for use by all the 911 centers in the state. The project was funded through \$1.7 million in federal funds through the National Highway and Traffic Administration (NHSTA) and a matching \$1.7 million in state funds through the former wireless 911 funds for a total project cost of \$3.4 million. (\$2.2 million of the project expenses occurred in calendar year 2012.) The repository, which has a participation rate of just above 90%, allows the PSAPs to access and view the current GIS data for all the other participating PSAPs. The database's utility is two-fold. Its current use allows the PSAPs to download current GIS data into CAD systems for extended range of backup coverage and information sharing as well as assisting in the plotting of wireless 911 that may be default routed or transferred



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from another PSAP's service boundaries. The second and primary future use of the GIS repository will be for emergency call routing in the NG911 environment.

Further details on the Michigan ENHANCE 911 Grant project can be found at:

http://www.michigan.gov/cgi/0,1607,7-158-52927_53037_12699_58117---,00.html

Other activity to move Michigan towards NG911, in 2012 approximately \$75,000 was expended by the State 911 Office in consulting services to review a migration path for Michigan. This included a summation of the existing legislation, an evaluation of the current governance structure, and assessment of "next steps" that need to be taken. This information was compiled in order to develop a model for governance for the oversight and funding of a NG911 system for Michigan.

This governance model, which will include the oversight of Michigan NG911, public safety communications interoperability, and Michigan's public safety broadband participation in FirstNet, was developed through a committee of Michigan public safety stakeholders. While the group's work was time intensive in research, drafting, and the collaborative process, the actual expenses of time, travel, and incidentals though out 2012 was not tracked. Members of the group (which is still intact and working on the legislative process to ready the current Michigan 911 statute for NG911) varied in their funding, from general fund (state and local), to millage assessments on local property taxes, to 911 fees (state and local). The 2012 wages and travel expenses of this group's work related directly to NG911 was in excess of \$25,000.

Details on the group's work toward NG911 can be found at the following link:

http://www.michigan.gov/documents/clear/SNC_March_2013_417997_7.pdf?20130903090826

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	



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13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

In the annual period ending December 31, 2012, the State of Michigan spent approximately \$2,300,000 on Next Generation 911 programs.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

We have no further comments.

⁷ The State of Michigan completed the ENHANCE 911 grant project which established a Geographical Information Systems (GIS) database repository. \$2.2 million of the project expenses occurred in calendar year 2012. In 2012 approximately \$75,000 was expended by the State 911 Office in consulting services to review a migration path to NG911 for the State of Michigan.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



- Alcohol and Gambling Enforcement
- Bureau of Criminal Apprehension
- Driver and Vehicle Services
- Emergency Communication Networks
- Homeland Security and Emergency Management
- Minnesota State Patrol
- Office of Communications
- Office of Justice Programs
- Office of Traffic Safety
- State Fire Marshal

Emergency Communication Networks

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August 30, 2013

VIA ELECTRONIC DELIVERY

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: **Annual 911 Fee Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008**

Dear Ms. Dortch:

Please accept this report as the State of Minnesota's response to the Annual 911 Fee Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008. Responses to the requested information are set forth below.

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Response: Minnesota has established a funding mechanism to support the implementation and operations of 911 and E911 services throughout the state under Minn. Stat. §403.11, Subdivision 1. A monthly 911 fee was imposed on all wire-line telecommunication carriers for each telephone line, or the trunked equivalent, capable of accessing the 911 network in 1987. In 1994, the fee was extended to wireless telecommunication carriers and in 2005, the statute was amended to clarify its application to packet-based telecommunication service providers.

The Minnesota Statewide 911 Program is operated by the Department of Public Safety. The program collects the monthly 911 fee from wireless and wire-line switched or packet-based providers; provides technical assistance to the cities, counties and tribal entities in the implementation, operation, and maintenance of local 911 systems;

establishes 911 system standards; pays the recurring network costs and disburses funds collected under Minn. Stat. §403.11, Subd. 1 in accordance with Minn. Stat. Chapter 403.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Response: Minn. Stat. § 403.11, Subdivision 1(c) provides for a 911 fee of not less than eight cents nor more than 85 cents through June 30, 2010 for each customer access line or other basic access service. The Commissioner of Public Safety is authorized to establish the 911 fee within the statutory limits with the approval of the Commissioner of Management and Budget. The current 911 fee of 80 cents per access line was first established in August of 2010. The total amount collected in calendar year 2012 is \$62,348,589.79. Minn. Stat. §403.11, Subd. 1(b) requires collected fees to be deposited and maintained in the 911 emergency telecommunication service account, which is a special revenue account from which all authorized expenditures are made and year end balances are carried forward from year to year. The 911 fee will decrease to seventy eight cents per access line on October 1, 2013.

3. The total amount collected pursuant to the assessed fees or charges for the annual period ending December 31, 2012.

Response: The total amount collected for the annual period ending December 31, 2012 is \$62,353,897.17.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

911 emergency telecommunication service account funds are made available to localities as follows:

- Minn. Stat. §403.025, Subd. 7 requires the Statewide 911 Program to contract for and provide the 911 telecommunication network elements (911 from wire-line switching offices, 911 routing and selective routing services, automatic location identification database) for counties and other governmental agencies operating Public Safety Answering Points (PSAP) within Minnesota and Minn. Stat. §403.11, Subd. 3 provides for the payment of those costs.
- Minn. Stat. §403.025, Subd. 7 also requires the Statewide 911 Program to contract for 911 routing and network elements with wireless carriers and for the payment of those costs under Minn. Stat. §403.11, Subd.3.
- Minn. Stat. §403.113, Subd. 2 requires a portion of the available funds to be distributed directly to state, local and tribal PSAP's. Minn. Stat. §403.113, Subd. 3 defines the purposes funds distributed to state, local and tribal PSAP's may be used.
- Minn. Stat. §403.11, 403.113 and 403.30 provide for the use of funds by the Statewide 911 Program from the 911 emergency telecommunication service account to provide resources for localities, as follows:

- Costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunication services;
- Costs to operate the Division of Emergency Communication Networks;
- Grants to provide assistance to counties for the improvement of local emergency telecommunication services;
- To implement, operate, maintain, enhance and expand enhanced 911 services; and
- To pay debt services upon revenue bonds authorized under Minn. Stat. §403.32 and 403.275 to provide the backbone for the statewide public safety radio communication system. Upon this debt recently being recompensed, effective October 1, 2013, the 911 fee will decrease from eighty cents to 78 cents per access line.

5. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Response: All 911 fee revenues are deposited and maintained in the 911 emergency telecommunications service account. This account is a special revenue account where funds are carried over from year to year as provided in Minn. Stat. §403.11, Subd. 1(b). The Statewide 911 Program is administered by the Commissioner of Public Safety, who has authority to expend funds from the 911 emergency telecommunications service account as provided in Minn. Stat. Chapter 403. Minn. Stat. § 403.06, Subd. 1a requires the Commissioner of Public Safety to prepare a biennial budget for maintaining the 911 system, report details of expenditures for maintaining the 911 system, 911 fees collected and balance of any funds remaining in the 911 emergency telecommunications service account.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

With respect to funds allocated directly to local units of government, under Minn. Stat. §403.113, Subd. 2, funds must be expended in accordance with Minn. Stat. §403.113, Subd.3 and the local units of government are required to audit the use of those funds annually and to submit a copy of the audit to the Statewide 911 Program.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Expenditures from the 911 emergency telecommunication service account are subject to periodic audit by the Minnesota Legislative Auditor's Office. The most recent audit was completed in June 2013.

8. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Response: All funds collected for 911 or E911 purposes have been made available and used for purposes designated by Minn. Stat. Chapter 403.

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Response: None of the 911 funds collected for 911 or E911 purposes have been used for any purposes other than the purposes designated by Minn. Stat. Chapter 403.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs and organizations support 911 and E911 services or enhancements of such services.

Response: Funds may be used by PSAPs to maintain and enhance public safety for public safety responders and citizens of Minnesota as follows:

- Lease, purchase, lease-purchase, or maintain enhanced 911 telephone equipment
- Lease, purchase, lease-purchase, or maintain enhanced 911 recording equipment
- Lease, purchase, lease-purchase, or maintain enhanced 911 computer hardware
- Computer hardware/software for database provisioning, addressing, mapping and any other software necessary for automatic phone and location identification
- Trunk lines
- Master Street Address Guide
- Dispatcher operational skills and equipment proficiency
- Equipment in the PSAP for community alert systems
- Equipment necessary in the PSAP used to notify and communicate with emergency services requested by the 911 caller

11. Does your state classify expenditures on Next Generation 9011 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Response: Yes

12. Has your state expended such funds on Next Generation 911 programs?

Response: Yes

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Response: \$1,137,825.44

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911 purposes.

Response: The state of Minnesota is in the process of modernizing Minnesota's 911 infrastructure by replacing the aging analog 911 infrastructure with a digital platform that will improve interoperability and allow for PSAPs to transfer 911 calls, maps, photos, caller location information and other pertinent data statewide. The Next Generation 911 (NG911) project began in FY 2010-2011. To date, we provided call transfer capability with ANI and ALI, between all MN PSAPS using two different data base providers. In addition, we have migrated 56 of 104 Public Safety Answering Points (PSAPs) to a statewide Emergency Services IP Network (ESInet). We anticipate all 104 PSAPs will be migrated over by December 31, 2013 in this phase of our multi-phase NG911 migration.

We hope you find this report informative. A link to the Minnesota Statutes governing 911 can be found at <https://dps.mn.gov/divisions/ecn/programs/911>. Should you have any questions or require additional information, please feel free to contact me at (651) 201-7546 or dana.wahlberg@state.mn.us

Sincerely,



Dana Wahlberg, 911 Program Manager
State of Minnesota



STATE OF MISSISSIPPI
PHIL BRYANT, GOVERNOR

MISSISSIPPI EMERGENCY MANAGEMENT AGENCY

August 28, 2013

ROBERT R. LATHAM, JR.
EXECUTIVE DIRECTOR

David S. Turetsky
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Report to the Federal Communications Commission

Dear Chief Turetsky:

Pursuant to the New and Emerging Technologies 911 Improvement Act of 2008 and Public Notice DA 12-908 dated May 31, 2013 OMB Control Number 3060-1122, the following report is submitted on behalf of the State of Mississippi.

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?
The State of Mississippi has established a funding mechanism designated for or imposed for the purpose of 911 or E911 support or implementation as established in MS Code of 1972 Chapter 5 Sections 19-5-313, 19-5-333, and 19-5-357.
2. The amount of the fees or charges imposed for the implementation and support of 911 or E911 services. **According to MS Code of 1972 Chapter 5 Section 19-5-313, the board of supervisors may levy an emergency telephone charge in an amount not to exceed one (1) dollar per residential telephone subscriber line, one (1) dollar per VoIP subscriber account, or two (2) dollars per commercial telephone subscriber line per month. According to the MS Code of 1972 Chapter 5 Section 19-5-333, the rate of service charge is one (1) dollar per CMRS (Commercial Mobile Radio Service) connection per month. According to MS Code of 1972 Chapter 5 Section 19-5-357, five cents (.05) shall be placed on each subscriber line within the State of MS (both private and commercial) to fund 911 training.**

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012. **The total amount collected for the annual period ending December 31, 2012 for the State of MS is 65,290,042.40**
4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses. **According to MS Code of 1972 Chapter 5 Section 19-5-313, the amounts collected by the service supplier attributable to any emergency telephone service charge shall be due to the county treasury monthly. According to MS Code of 1972 Chapter 5 Section 19-5-333, thirty (30) percent of the funds are to be used to defray administrative expenses and the remaining seventy (70) percent shall be distributed based on the number of CMRS connections in a given zip code. According to MS Code of 1972 Chapter 5 Section 19-5-357, the amounts collected by the service supplier attributable to the minimum standards telephone service charge shall be deposited monthly into a special fund hereby created in the State Treasury and are made available to the local entities for funding of public safety Telecommunicator training. The allowable uses of collected funds are also outlined in the established written criteria of MS Code of 1972 Chapter 5 Section 5 Sections 19-5-313, 19-5-333, and 19-5-357.**
5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes. **According to MS Code of 1972 Chapter 5 Section 19-5-313, the local board of supervisors has the authority to approve expenditures for 911 funding received.**
6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911. **According to MS Code of 1972 Chapter 5 Section 19-5-333, the Commercial Mobile Radio Service (CMRS) Board distributes funds based on a distribution formula. According to MS Code of 1972 Chapter 5 Section 19-5-357, the MS Board of Emergency Telecommunicators Standards and Training (BETST) is authorized to reimburse any expenses related to training to the designated agency or department.**
7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012. **Corrective actions pertaining to the enforcement of or corrective actions taken in funding oversight will be found in the by-laws or the individual board of supervisors, the Commercial Mobile Radio Service (CMRS) Board, and the MS Board of Emergency Telecommunicators Standards and Training (BETST).**
8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1? **All funds collected for 911 or E911**

purposes have been made available or used for the purpose designated by the funding mechanism or the implementation or support of 911 or E911 to the local entities.

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g. funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used. **There are no other allowable uses by the State of MS for funds collected for 911 or E911 purposes than outlined by MS Code of 1972.**
10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services. **According to MS Code of 1972 Chapter 5 Section 19-5-313, the local board of supervisors are obligated to expend funding received to enhance local 911 services through the purchase of equipment. According to MS Code of 1972 Chapter 5 Section 19-5-333, the Commercial Mobile Radio Service (CMRS) Board distribute funds back to the local entities for the enhancement of local 911 services. According to MS Code of 1972 Chapter 5 Section 19-5-357, the MS Board of Emergency Telecommunicators Standards and Training (BETST) reimburse both local and State entities for telecommunicator training to enhance 911 services.**
11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes? **According to MS Code of 1972 Chapter 5 Section 19-5-313, the local board of supervisors determine permissible expenditures regarding 911 funding received. According to MS Code of 1972 Chapter 5 Section 19-5-333, the Commercial Mobile Radio Service (CMRS) Board distribute funds back to the local entities for local board of supervisors' determination of permissible expenditures. According to MS Code of 1972 Chapter 5 Section 19-5-357, the MS Board of Emergency Telecommunicators Standards and Training (BETST) permissible expenses are limited to telecommunicator training.**
12. Has your state expended such funds on Next Generation 911 programs? **Not at this time.**
13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs? **Not applicable.**
14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911. **None at this time.**

Sincerely,

A handwritten signature in blue ink that reads "William 'Bill' Brown". The signature is written in a cursive style with a large, stylized initial "W".

William "Bill" Brown
Chief of Staff
Mississippi Emergency Management Agency

Missouri

JEREMIAH W. (JAY) NIXON
Governor

JERRY LEE
Director



Truman Building, Room 870
Mailing Address: P.O. Box 749
Jefferson City, MO 65102-0749
Telephone: 573-751-4905
FAX: 573-751-5399
Internet Address:
<http://www.dps.mo.gov>

STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR

July 30, 2013

David Turetsky
Chief, Public Safety and
Homeland Security Bureau
Federal Communications Commission

Dear Chief Turetsky:

In response to your correspondence to Governor Nixon concerning the collection of information required by the New and Emerging Technologies 911 Improvement Act of 2008, the state of Missouri offers the following responses:

1. A statement as to whether or not your state, or any political subdivision, Indian tribe, village or regional corporation therein defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Response: The state of Missouri has established a state funding mechanism for 911 or E911. However, the measure authorized by statute has not been implemented because it has failed to obtain sufficient votes at election. The state of Missouri has been authorized to establish a wireless funding mechanism under § 190.420-440 RSMo. Copies of the pertinent statutes are enclosed, for your information.

Missouri statutes permit local jurisdictions to establish funding through one of two methods. Of the 114 counties in the state, 97 have passed a local funding mechanism. Fifty-two of the ninety-seven counties have established funding authorized by § 190.305, RSMo, which states in part:

The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted.

The remaining forty-two counties have established a funding mechanism authorized by § 190.335, RSMo, which states in part:

In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax The sales tax

may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax.....

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.
3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.
4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding allowable uses of the collected funds, including the legal citation to such criteria.

Response for #2, #3 & #4: The state of Missouri does not collect funds for the implementation and support of 911 or E911 services. All funds are imposed and collected by the local political subdivision. The state has established criteria regarding the allowable uses of the funds by local authorities. Section 190.305, RSMo, states in part:

The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body.

The funds allowed by Section 190.335, RSMo, are:

...for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.....

5. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.
6. A description of any oversight procedures established to determine the collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the purpose designated by the funding mechanism or otherwise used to implement or support 911.
7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Response for #5, #6 & #7: There is no State entity that has the direct authority to approve expenditures or provide oversight. The local political subdivision has three different methodologies available that provide approval of expenditures and establish oversight procedures. The statutes provide for governance.

Section 190.309, RSMo, is established for those jurisdictions that are funded by Section 190.305, RSMo, and states in part:

1. Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county.
2. Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The governing body shall appoint eleven persons to the board. Such powers shall include, but not be limited to:

Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected:

Sections 190.329 and 190.337, RSMo, are established for those jurisdictions that are funded by §190.335, RSMo:

1. *...the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.*
2. *Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum.*
3. *Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years.*

190.337. 1. The sales tax established by a county according to the provisions of section 190.335 shall be permanent and revenues from it shall be disbursed only for the purposes for which it was collected.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Response: The State Auditor conducts bi-annual general audits which include 911 and E911 of the local subdivisions. To our knowledge, there have been no findings that funds were used for any purposes other than for implementation or support of 911 or E911.

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Response: The state of Missouri has not identified any instance where funds collected for 911 or E911 purposes were made available or used for any purpose other than the ones designated by the funding mechanism.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancement of such services.

Response: The state of Missouri does not collect funds for the implementation and support of 911 or E911 services. All funds are imposed and collected by the local political subdivision. The state law establishes criteria regarding the allowable uses of the funds by local authorities. Section 190.305, RSMo.

11. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes.

12. Whether your State has expended such funds on Next Generation 911 programs.

13. If so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.

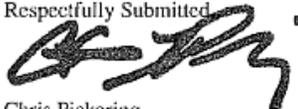
Response for #11, #12 & #13: In 2009, Missouri was awarded a grant exclusively for 911 centers from the Department of Transportation for \$1,694,889.24. This grant requires the local 911 center to match federal funds with a 50% match. This grant was closed on September 25, 2012.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 or E911.

Response: None

Thank you for your interest in Missouri's efforts to fund and maintain 911 or E911.

Respectfully Submitted



Chris Pickering
Homeland Security Coordinator
Missouri Office of Homeland Security

Montana

November 1, 2013

Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, D.C. 20554

Re: Fifth Annual Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008; PS DOCKET NO. 09-14

Dear Sir or Madam:

Pursuant to the FCC Public Notice DA12-908, released June 8, 2012 the State of Montana is filing the following information in.

FCC Request #1

A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET911 Act, has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E9-1-1 support or implementation (including a citation to the legal authority for such mechanism).

Response

The Montana legislature delegated to the Department of Administration (DOA), an executive branch agency, responsibility to assist in the development of a 9-1-1 emergency telephone system. The legislature levies a surcharge fee on all 9-1-1 accessible services to fund the implementation, operation, and maintenance of the system. The 9-1-1 Program, which is a part of DOA's Public Safety Communications Bureau, is responsible for the administration of the 9-1-1 program.

*Cite: Montana Code Annotated Title 10, Chapter 4, Parts 1, 2 and 3
http://data.opi.state.mt.us/bills/mca_toc/10_4.htm*

FCC Request #2

The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E9-1-1 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Response

\$1.00 is collected for 9-1-1 services. The surcharge is based on \$.25 for Basic 9-1-1, \$.25 for Enhanced 9-1-1 and \$.50 for Wireless Enhanced 9-1-1. The monthly surcharge is imposed on telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services.

The total amount collected for the calendar year ending December 31, 2012 was \$13,177,751.61.

FCC Request #3

A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

DOA makes quarterly distributions of the entire basic and enhanced 9-1-1 accounts on a per capita basis. Distribution of the wireless enhanced 9-1-1 account provides for a 'small county sunset' provision that divides such that 84% is distributed to all counties on a per capita basis. The remaining 16% is divided evenly to counties with 1% or less of the population. This provision will sunset in 2015. After the provision has sunset the entire wireless account will be distributed based on a per capita basis.

Cite: Montana Code Annotated Title 10, Chapter 4, Part 3 (MCA 10-4-302; 10-4-311; 10-4-313) http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

Cite: Montana Code Annotated Title 10, Chapter 4, Part 2 (MCA 10-4-201) http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #4

A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 or E9-1-1 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 9-1-1 or E9-1-1; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for annual period ending December 31, 2012.

Response

DOA has the statutory authority to allocate and distribute funding and monitor the implementation of approved basic, enhanced and wireless 9-1-1 system plans for compliance and use of funding. 9-1-1 Jurisdictions (ex: county governments) are responsible for implementing, operating, maintaining, and improving 9-1-1 systems and operations locally. "9-1-1 Funding Guidelines" and "Carrier Cost Recovery Guidelines" establish the criteria for the expenditures of the 9-1-1 fees.

The 9-1-1 Funding Guidelines are located on the 9-1-1 Program web page at <http://pssb.mt.gov/911programs.mcp>

Cite: Montana Code Annotated Title 10, Chapter 4, Parts 1 and 3 (MCA 10-4-102; 10-4-114; 10-4-303) http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #5

A statement whether all the funds collected for 9-1-1 or E9-1-1 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for implementation or support of 9-1-1 or E9-1-1.

Response

Per MCA 10-4-302, 10-4-311 and 10-4-313 the Department is directed to distribute all of the fees deposited into the Basic, Enhanced and Wireless Enhanced 9-1-1 accounts to 9-1-1 Jurisdictions on a quarterly basis. Fees deposited into the Wireless Enhanced 9-1-1 account, MCA 10-4-301(1)(C)(ii) have been used for their statutory purpose of reimbursing wireless carriers for eligible expenditures that support wireless enhanced 9-1-1.

Cite: Montana Code Annotated Title 10, Chapter 4, Part 3 (MCA 10-4-301)

http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #6

A statement identifying what amount of funds collected for 9-1-1 or E9-1-1 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 9-1-1 or E9-1-1 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 9-1-1 or E9-1-1 purposes were made available or used.

Response

The State of Montana has not used funds collected for 9-1-1 or E9-1-1 for non-statutory purposes and/or uses unrelated to implementation, support or operation of 9-1-1 programs.

FCC Request #7

A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 9-1-1 or E911 purposes and how these activities, programs, and organizations support 9-1-1 and E911 services or enhancements of such services.

Response

The DOA currently distributes 9-1-1 funds to 53 9-1-1 Jurisdictions (cities, towns and counties) for 9-1-1 or E9-1-1 purposes. The 9-1-1 Jurisdictions (cities, towns and counties) expend these funds in providing 9-1-1 or E9-1-1 services.

The DOA distributes fees deposited into the Wireless Enhanced 9-1-1 account, MCA 10-4-301(1)(C)(ii) for the statutory purpose of reimbursing wireless carriers for eligible expenditures that support wireless enhanced 9-1-1

FCC Request #8

A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 9-1-1 or E911 purposes, whether your State has expended such funds on Next Generation 9-1-1 programs, and if so, how much your state has expended in the annual period ending December 31, 2012 on Next Generation 9-1-1 programs.

Response

Current Montana statutes do not specifically recognize or identify Next Generation 9-1-1 revenues or expenditures. Expenditures by 9-1-1 jurisdictions may enable or support Next Generation 9-1-1, but the State does not “classify” these expenditures.

FCC Request #9

Any other comments you may wish to provide regarding the applicable funding mechanism for 9-1-1 and E911.



Federal Communications Commission
Washington, D.C. 20554

**Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response:
10-50 hours**

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The funding and implementation of landline enhanced 911 services is the province of local governing bodies pursuant to the Emergency Telephone Communications Systems Act, Neb. Rev. Stat. §§ 86-420 to 86-441.01 (2008 Cum. Supp.). The funding and implementation of wireless enhanced 911 service is within the jurisdiction of the Nebraska Public Service Commission pursuant to the Enhanced Wireless 911 Services Act, Neb. Rev. Stat. §§ 86-442 to 86-470 (Cum. Supp. 2008). The Prepaid Wireless Surcharge Act (Prepaid Act)¹ Act became effective on July 19, 2012. Under this Act, beginning January 1, 2013, each retail seller of prepaid wireless telecommunication services will collect the Wireless 911 surcharges directly from the consumer at the point-of-sale and remit to the Department of Revenue.

¹ [Neb. Rev. Stat. §§ 86-901 to 86-905 \(Cum. Supp. 2012\).](#)



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The use of the funds is limited to the purposes set forth in Neb. Rev. Stat. § 86-465(2). On February 23, 2010, the Commission adopted a permanent funding mechanism to distribute funds pursuant to LB 1222 [2006]. A copy of the Commission's order was previously provided²

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Landline Enhanced 911 Service

Local governing bodies are permitted to impose a service surcharge of up to \$1.00 on each landline telephone number or functional equivalent within the governing body's 911 service area, with the exception of Douglas County which shall not exceed \$.50.³ Funds generated by these surcharges shall be used "only for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications-related services required for the provision of 911 service."⁴

Wireless Enhanced 911 Service

Wireless carriers providing service within Nebraska are required to collect and remit to the Nebraska Public Service Commission (Commission) a surcharge up to \$.70 on all active telephone numbers or functional equivalents every month from users of wireless service.⁵ A lower cap of \$.50 is set for any users of wireless service whose primary place of use is Douglas County.⁶ Additionally, special provisions are in place to address users of prepaid wireless service and prepaid wireless carriers.⁷ The wireless surcharge is collected at the point of sale for all prepaid wireless 911 services, collected by the state Department of Revenue and remitted to the Commission.⁸ Currently, the wireless surcharge is set at \$.45.⁹

² *In the Matter of the Nebraska Public Service Commission, on its own motion, to establish implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service, Docket No. 911-019/PI-118, Final Order Adopting Model and Application Process (Feb. 23, 2010).*

³ Neb. Rev. Stat. § 86-435(1) and (2).

⁴ Neb. Rev. Stat. § 86-435(5).

⁵ Neb. Rev. Stat. § 86-457(1).

⁶ Neb. Rev. Stat. § 86-457(2).

⁷ LB [1091] (2011).

⁸ LB [1091] (2011).

⁹ *The Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund, Docket No. 911-002, Order Setting Surcharge (Oct. 23, 2012).*



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3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

During 2012, \$8,137,993.90 was remitted to the Enhanced Wireless 911 Fund through the imposition of the \$.50 wireless 911 surcharge. The Commission receives annual reports regarding the amount of landline surcharges collected and remitted by local exchange carriers to local governing bodies. During the 2012 calendar year, \$7,417,739.86 was remitted to local governing bodies in Nebraska through the landline 911 surcharge.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Pursuant to the Wireless Act, the Commission entered an Order Adopting the Permanent Funding Mechanism, the 911 Support Allocation Methodology (911-SAM), on February 23, 2010, determined eligible costs and established an application process for funding.¹⁰

The 911-SAM forecasts the future status of the Enhanced Wireless 911 Fund (Fund) and assists in the allocation of annual support amounts to eligible PSAPs and WSPs.

The 911-SAM calculates Fund support amounts for each year forecasted based on the existing balance, reserve levels, pre-existing payment commitments, Fund administration costs, local telephone carrier costs paid on behalf of the PSAPs by the Commission, and surcharge remittance levels. Fund support amounts are allocated utilizing cost proxies.

The 911-SAM derives cost proxy amounts, representing the costs incurred for the provision of wireless enhanced 911 service, for three cost categories; PSAP, Geographic Information Systems (GIS), and WSP. Cost proxy amounts are determined as functions of independent variables and predefined cost inputs. More specifically, PSAP and GIS cost proxy amounts are calculated as functions of population and the WSP cost proxy amount is determined as a function of wireless towers.

¹⁰ *In the Matter of the Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service*, Application No. 911-019/PI-118 Final Order Adopting Model and Application Process (Feb. 23, 2010).



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Cost category proxy amounts are calculated at a PSAP or county level and aggregated to a statewide level. Statewide cost category proxy amounts are further aggregated to determine a total proxy amount. The 911-SAM then calculates each cost category's allocation of the Fund support amount, calculated as the cost category's statewide cost proxy amount, relative to the total proxy amount.

The 911-SAM further utilizes cost proxy results at a PSAP or county level, to allocate cost category support amounts to each eligible PSAP and WSP. Eligible PSAP support amounts include PSAP and GIS.

Several WSPs have chosen not to seek funding. Funding not paid to individual WSPs is set aside and made available to WSPs via the Wireless Service Provider Grant Program (WSP Grant Program). WSP Grant Program funding is available to all WSPs eligible to receive funding, for recovery of other potentially eligible costs incurred in the provision of wireless enhanced 911 service. Such costs may include capital expenses or other one-time costs incurred for the provision of wireless E911 services but not covered by the recurring funding received on a monthly basis. These funds may not be used for the construction of towers, administrative costs, or personnel costs.

The 911-SAM has been amended since its original release, including; a conversion to operate on a fiscal year running from July 1 to June 30, inclusion of a personnel module, an interest calculation, and a decreasing cap on the WSP Grant Program. Furthermore, amounts attributable to local carrier costs have been separated from other PSAP costs

For PSAPs, eligible expenses include costs for the provision of wireless E911 service related to equipment, software, GIS data, maintenance, telecommunications services, trunking, translation services, personnel, training and capital expenses. Enhanced Wireless 911 funds can only be used for the portion of expenses related to the provision of wireless E911 services. In the case of expenses that relate to the provision of both landline and wireless 911, PSAPs can use enhanced wireless 911 funds for a percentage of the costs based upon their actual wireless 911 call volumes filed with the Commission at the time of their annual application for funding or the Commission determined default of 55%, whichever is greater. In addition to the support paid directly to PSAPs, the Commission pays LEC charges on behalf of PSAPs based upon a tariffed rate per wireless subscriber.

For WSPs, eligible expenses include software and equipment necessary for the provision of enhanced wireless 911, database management, transportation and facilities to carry wireless E911 calls to the selective router. Eligible expenses do not include personnel costs or the construction of towers; however, certain capital expenses related to tower equipment directly related to the provision of wireless E911 service are eligible.



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5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

As previously stated, the Nebraska Public Service Commission has the authority to expend funds collected through the enhanced wireless 911 surcharge. All PSAPs and wireless service providers are required to comply with annual auditing requirements for the use of funds. Local governing bodies, i.e. counties and municipalities, have the authority to expend funds collected through their individual landline 911 surcharges.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The Commission is subject to review by the State Auditor's office. No enforcement or other corrective action has been taken against the Commission. The Commission conducts an annual audit of PSAP and wireless service providers for the previous funding year. Due to changes in the wireless service providers payment process, the need for an annual audit has been eliminated effective for the current funding year as documentation is provided prior to payment.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

All corrections with respect to PSAP and wireless service providers have been handled administratively.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X (with re use of wireless 911 surcharges)	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911



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implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Because the Commission does not have oversight over the collection and use of landline 911 surcharges collected by local governing bodies, we cannot comment regarding the expenditure of their funds. With respect to the Enhanced Wireless 911 Fund, during 2012 \$6,578,085 was paid to or on behalf of wireless carriers and PSAPs for the provision of enhanced wireless 911 services and an additional \$322,970 was used to cover the expenses of administering the Fund. Such administrative expenses are specifically authorized by state statute.

The Prepaid Wireless Surcharge Act (Prepaid Act)¹¹ changing the collection and remittance of enhanced wireless 911 surcharges from prepaid services to a point of sale collection took effect January 1, 2013. Retail sellers are allowed to deduct and retain up to 3% of the surcharges collected. Amounts collected are remitted by retailers to the Department of Revenue. The Department of Revenue remits the collected amounts, less administrative costs not to exceed 2%, to the State Treasurer for credit to the Wireless E911 Fund and TRS Fund.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

All wireless enhanced 911 funds collected by the Commission are paid to or on behalf of PSAPs and wireless service providers for the provision of enhanced wireless 911 service.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
	X

12. Has your state expended such funds on Next Generation 911 programs?

¹¹ Neb. Rev. Stat. §§ 86-901 to 86-905 (Cum. Supp. 2012).



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Please insert an "X" below the appropriate answer.

YES	NO
	X

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.



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Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response:
10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Nevada Revised Statutes 244A.7641 - 244A.7647 authorize these collections. Individual subdivisions are authorized to collect for 911/E911. Carson City (Municipal Code 4.05), Washoe County (Code Supplement 13: 65.400-65.460), Douglas County (County Ordinance 2007-1212) and Clark County (Ordinance 926) do so.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.



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25 cents/month/individual line, or \$2.50/month/trunk line

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Carson: \$229,739.88
Washoe: \$1,618,486.24
Clark: did not report
Douglas: \$162,115.46

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.



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6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

none

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911



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implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds were used for purposes other than those purposes established by statute

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The funds collected within Carson City are, by ordinance and state law, strictly for the use of Carson City. No other organizations received funding through the fees collected. Carson City used the money collected to directly support 911 operations in the City's Public Safety Answering Point (PSAP) by upgrading the 911 phone system used to process 9-1-1 calls.

Washoe County 911 funds are used to provide 911 call taking equipment, software and services to benefit Washoe County's three primary Public Safety Answering Points (PSAPs) - Washoe County, the City of Reno and the City of Sparks and one secondary PSAP - the Regional Emergency Medical Services Authority (REMSA). The funds all support reverse 911 technology through the Washoe County Emergency Operations Center.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.



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Washington, D.C. 20554

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Washoe County's actual expenditures from January 1, 2012 through December 31, 2012 were \$1,184,182 for Next Generation 911 implementation and maintenance.

Carson City and Douglas County have not expended on NG911.

Clark County did not report.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

New Hampshire

**Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response:
10-50 hours**

Pursuant to OMB authorization 3060-1122 , the FCC’s Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission’s obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an “X” below the appropriate answer.

YES	NO
x	

If “yes,” please include a citation to the legal authority for such mechanism.

The State of New Hampshire has established a funding mechanism for the purposes of 911 or E911 support as provided for in New Hampshire Revised Statutes Annotated section 105-H: 9. This statute establishes a dedicated, non-lapsing fund in the State Treasury into which the revenues derived from the monthly 911 telephone surcharge are deposited. This funding supports the 911/E911 operating budget of the Division of Emergency Services and Communications of the New Hampshire Department of Safety, which operates the statewide PSAP.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The amount of fees and charges relative to the above are set by the Enhanced 911 Commission under authority of law and currently is \$0.57 per line per month.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Total revenue from the \$0.57 per line per month 911/E911 surcharge revenue collected for the calendar year ended December 31, 2012 was \$10,493,486.32.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

The funds collected support the single statewide PSAP which consists of the primary facility located in Concord, NH and a backup facility in Laconia, NH, with either facility capable of functioning in the event the other is disabled in any way. All equipment, software, and operating expenses, including equipment and software used at local first responder dispatch agencies is provided by the Division of Emergency Services and Communications of the NH Department of Safety according to established written criteria regarding the allowable uses as outlined in NH Revised Statutes Annotated section 106-H: 6, VI and VII.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The expenditure of these funds is the responsibility of the Director of the Division of Emergency Services and Communications of the Department of Safety, under the supervision of the Enhanced 911 Commission and the Commissioner of Safety, in accordance with the requirements of NH Revised Statutes Annotated sections 106-H: 6, VI and VII.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

All funds collected, in order to be expended must be contained in the legislatively approved budget of the Division of Emergency Services and Communications signed by the Governor, which then becomes law. Expenditures must be authorized by the Director of the Division in accordance with the financial Manual of Procedures of the Department of Administrative Services used by the State Comptroller and approved by the Business Supervisor assigned to the agency by the Department of Administrative Services. Contracts for the expenditure of funds must also be approved by the Governor and Executive Council.

The Division's budget, receipts and expenditures are subjected to periodic audits by the Office of the Legislative Budget Assistant, and the State hires and independent auditor that audits the State's books following each fiscal year's closing.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The State's fiscal year ends on June 30 of each year. No anomalies were reported in the most recent fiscal year nor the previous one, and no corrective actions were undertaken. Thus, it is safe to say that there were no anomalies detected or reported during the calendar year ended December 31, 2012, which would have spanned two fiscal years.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911

implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

None of the funds collected for 911/E911 purposes were made available or used for any purposes other than those designated by State law or for purposes unrelated to 911/E911 operations or transferred or loaned for other purposes.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

No activities, programs, or organizations other than the Division of Emergency Services and Communications that operates the 911 program have obligated or expended any of the dedicated 911/E911 funds. New Hampshire continues to avoid any use of any enhanced 911 or 911 surcharge funds, including VoIP surcharges, for any purpose other than support of the statewide enhanced 911 system.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

--

We did a GIS solution upgrade of our Customer Premise Equipment (CPE) to assist oin providing more detailed location data to our Telecommunicators as Next Generation 911 will require. The upgrade cost approximately \$100,000. We contracted for a customized software upgrade to allow for new formatting of data to provide additional information to our Emergency Medical Dispatchers (EMD's) in preparation for Next Generation 911.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

We are committed to upgrading to Next Generation 911 as available funds permit, and we estimate that substantial federal funding will be required if the conversion is to take place on a timely basis.

The current migration of many telephone customers to “throwaway” prepaid cell phones is posing a challenge for the collection of the monthly 911/E911 surcharge. We are working with the Legislature on this challenge and how to find solutions to it.

New Jersey



State of New Jersey

Office of Information Technology
P.O. Box 212
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

E. STEVEN EMANUEL
Chief Information Officer

September 30, 2013

Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Annual Information Collection As Mandated By the New and Emerging Technologies Improvement Act of 2008

Dear FCC:

The following information is being submitted for the State of New Jersey as required by the NET 911 Act, outlined in correspondence received from Mr. David S. Turetsky, Chief, Public Safety and Homeland Security Bureau, and FCC Notice dated September 18, 2013. This information outlines the status of collections and expenditures of the fees established in connection with E911 services for calendar year 2012. Chief Turetsky's letter requests specific information to the following thirteen items:

1) Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism).

Response:

On June 29, 2004 the Governor of New Jersey signed into law Assembly Bill A3112, creating the 9-1-1 System and Emergency Response Fee, amending the 9-1-1 Statute N.J.S.A 52:17C. The law also created a special account, known as the "9-1-1 System and Emergency Response Trust Fund Account" in the Department of the Treasury within the General Fund. The 9-1-1 System and Emergency Response Fee placed a monthly assessment of \$.90 on each wireline, wireless and VoIP telephone in the state (with some limited exemptions).

Pertinent citation to the legal authority:

N.J.S.A. 52:17C-19. 9-1-1 System and Emergency Response Trust Fund Account

a. There is established in the Department of the Treasury within the General Fund a special account to be known as the "9-1-1 System and Emergency Response Trust Fund Account."

b. Funds credited to the "9-1-1 System and Emergency Response Trust Fund Account" shall be annually appropriated for the purposes of paying:

- 1) eligible costs pursuant to the provisions of sections 13 and 14 of P.L.1989, c. 3 (C.52:17C-13 and 52:17C-14);

- 2) the costs of funding the State's capital equipment (including debt service), facilities and operating expenses that arise from emergency response;
- 3) the cost of emergency response training, including any related costs or expenses of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety;
- 4) the cost of operating the Office of Emergency Telecommunications Services created pursuant to section 3 of P.L.1989, c. 3 (C.52:17C-3); the cost of operating the 9-1-1 Commission created pursuant to section 2 of P.L.1989, c. 3 (C.52:17C-2);
- 5) any costs associated with implementing any requirement of the Federal Communications Commission concerning 9-1-1 service that is not otherwise allocated to a carrier and not eligible for reimbursement under law or regulation;
- 6) any costs associated with planning, designing or implementing an automatic location identification technology that is not otherwise allocated to a wireless carrier and not eligible for reimbursement under law or regulation; and any costs associated with planning, designing or acquiring replacement equipment or systems (including debt service) related to the enhanced 9-1-1 network as defined by subsection e. of section 1 of P.L.1989, c. 3 (C.52:17C-1).

N.J.S.A. 52:17C-20. Itemized billing for emergency response fee

A mobile telecommunications company and a telephone exchange company collecting the fee imposed pursuant to section 2 of P.L.2004, c. 48 (C.52:17C-18) shall itemize and separately identify the fee set forth on each periodic bill received by the customer as the "9-1-1 System and Emergency Response Assessment," which identification may be abbreviated as "911 System/Emerg. Resp. Fee." Provided however, that a mobile telecommunications company or telephone exchange company may commence the separately identified itemization of the periodic charge on a periodic bill issued to a customer not later than October 1, 2004, but only if the customer's first periodic bill issued on and after that date includes the separately identified itemization for the periodic bills issued for the customer during the months of July, August and September of 2004, if any, and the fee imposed for the bills for those months is also set forth separately for collection thereon from the customers.

2) The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Response:

The 9-1-1 System and Emergency Response Fee places a monthly assessment of \$.90 on each wireline, wireless and VoIP telephone in the state.

3) The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Response:

The total amount collected in calendar year 2012 was \$126 million.

4) A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Response:

Through the annual budgeting process, the Office of the State Treasurer, the Office of Management and Budget (OMB), and the State Legislature determine how to allocate the revenue generated by the 9-1-1 System & Emergency Response Fee. In the current State fiscal year (FY2014), the State anticipates that

revenue from the 9-1-1 System & Emergency Response Fee will generate \$123 million. Of that amount there was no funding made available to county and local PSAPs.

5-7) A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support. 911; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Response:

Through the annual budgeting process, the Office of the State Treasurer, OMB, and the State Legislature determine how to allocate the revenue generated by the 9-1-1 System & Emergency Response Fee.

8) In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Response:

As allowed by the enabling legislation, funds have been made available or used for the purposes designated by the funding mechanism. Nearly 11% of the fees collected support the State's cost of the Statewide 911 Emergency Telephone System (~\$12M) and the operating budget of the Office of Emergency Telecommunications Services (~\$1M). Beyond the amounts provided to E9-1-1 programs, the remaining funds (~\$110M) are used to support emergency response activities, including Homeland Security and State Police, consistent with the fee's enabling legislation.

9) A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Response:

The funds collected from the 9-1-1 System and Emergency Response Fee are deposited in the 9-1-1 System and Emergency Response Trust Fund Account and applied to offset the costs of the specific departmental programs and activities outlined below.

10) A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Response:

The funds collected from the 9-1-1 System and Emergency Response Fee are deposited in the 9-1-1 System and Emergency Response Trust Fund Account and applied to offset the costs of the specific departmental programs and activities outlined below.

The estimated revenue from the mobile telecommunications service and telephone exchange service fee in fiscal 2014 totals \$123 million. In accordance with the enabling legislation (P.L.2004, c.48), these funds

will be deposited into the 911 System and Emergency Response Trust Fund account and applied to offset a portion of the cost of related programs listed below:

	(000's)
Department of Law and Public Safety	
Emergency Operations Center and Hamilton TechPlex Maintenance.....	3,773
Office of Homeland Security and Preparedness.....	3,695
Rural Section Policing.....	53,398
Urban Search and Rescue.....	1,000
Division of State Police – Remaining Operating Budget.....	234,138
Department of Military and Veterans' Affairs	
Military Services – National Guard Support Services.....	3,663
Department of Treasury	
Office of Emergency Telecommunications Service (OETS).....	900
Statewide 911 Emergency Telephone System.....	12,372
Total, State Appropriations.....	312,939

11) Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Response: Yes

12) Has your state expended such funds on Next Generation 911 programs?

Response: No

13) If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Response: N/A

New Mexico

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) provides a funding mechanism designated to support local governments' and carriers' costs of providing 911 service through the state.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) mandates a \$.51 surcharge per month on each subscriber's landline telephone and a \$.51 surcharge per month on each subscriber's cellular telephone.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount collected for the annual period ending December 31, 2012 was \$12,028,770.41.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other

words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

The surcharge is collected in accordance with the Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) and deposited into the Enhanced 911 fund administered by the Local Government Division of the Department of Finance and Administration. Payments from the fund through grants are made to or on behalf of local governing entities or their fiscal agents for the costs of providing Enhanced 911 service. New Mexico has established written criteria, Rule 10.6.2 NMAC, Enhanced 911 Requirements, detailing the allowable uses of the fund.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) identifies the Local Government Division of the Department of Finance and Administration as the state entity with the authority to administer the fund and the power to adopt rules to carry out the provisions of the Enhanced 911 Act. The Board of Finance Division of the Department of Finance and Administration has the authority to approve E911 expenditures.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

All payments from the fund are reviewed for compliance with the Act and the Rule and approved for payment by E911 Program Managers, the E911 Program Assistant Bureau Chief and the Local Government Division Director. Prior approval from the Board of Finance is required for all expenditures.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

There has been no enforcement or other corrective actions undertaken in connection with such oversight of the annual reporting period ending December 31, 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds collected through New Mexico's Enhanced 911 Act (Section 63-9D-1 et. seq. NMSA 1978) are made available and used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The State of New Mexico E911 Program funds a statewide E911 system comprised of network, GIS, database, E911 equipment, maintenance, and both GIS and PSAP training. All funding provided to local governments in calendar year 2012 falls into one of the above categories. All funds were used in compliance with Rule and Statute and were used to improve and enhance the New Mexico E911 system through equipment and network upgrades, modernization, and training.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO

X	
---	--

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

During the annual period ending December 31, 2012, the New Mexico E911 Program expended a total of \$18,756.87 on Next Generation for completion of a Next Generation Security (NG-SEC) compliant security plan.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

No comment.

New York



NEW YORK STATE
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

Andrew M. Cuomo, Governor

Jerome M. Hauer, Ph.D, MHS, Commissioner

September 4, 2013

RECEIVED & INSPECTED

SEP 09 2013

FCC Mail Room

Mr. David S. Turetsky
Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

RE: Annual Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Mr. Turetsky:

This letter is New York's response to your letter to Governor Cuomo concerning the Annual Information Collection pursuant to New and Emerging Technologies Improvement Act of 2008. The information provided below is consistent with the enumerated topic areas in your letter.

1. **Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?**

New York State has three funding mechanisms designated or imposed for the purposes of 911 or E911 support or implementation:

(a) The first mechanism is established at the State level through section 186-f of NYS Tax Law. This section of law authorizes a "public safety communications surcharge" (PSCS) and establishes the value, collection, deposit and distribution thereof. This surcharge is applied to all wireless communication devices (except those used by NYS and any of its agencies, instrumentalities and political subdivisions) utilized by customers whose place of primary use is in the State of New York. Each wireless communications service supplier providing service in NYS is statutorily responsible for the collection of the PSCS and is also charged with depositing revenue derived from the same with the Commissioner, who in turn credits such funds to the Comptroller. The Comptroller then distributes such revenues to the General Fund as well as the State Wireless Telephone Emergency Account Fund, established pursuant to Section 97-qq of the State Finance Law.

(b) The second and third funding mechanisms are established at the local level through Article 6 of the NYS County Law. Sections 303 and 308 of Article 6 authorize the City of

1220 Washington Avenue, State Office Building Campus
Building 7A, Suite 710
Albany, NY 12242

New York and all other NYS counties to establish two separate 911/E911 surcharges: one which applies to land lines and one which applies to wireless communication devices. Revenues derived from these surcharges fund the costs associated with obtaining, operating, and maintaining the telecommunication equipment and telephone services needed to provide an E911 system. Service suppliers act as the collection agent for participating localities and remit funds collected from the surcharge to the same on a monthly basis. Article 6 of the County Law does not *require* localities to impose either surcharge.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

NYS Law authorizes the imposition of a Public Safety Communications Surcharge (PSCS) and two local 911/E911 surcharges.

(a) The State PSCS is currently set in statute at \$1.20 for each device (Tax Law Section 186-f).

(b) County Law provides that NYS counties may also impose two surcharges:

(i) Section 303 authorizes a surcharge of up to thirty-five cents per access line per month on the customers of every service supplier (i.e., a telephone company that provides local exchange access service within an enhanced 911 service area) operating within a participating county. New York City (NYC) is authorized to impose a surcharge of up to one dollar for this purpose. The imposition of this surcharge is at the localities' discretion.

(ii) Sections 308-a through 308-x authorize NYC and all other NYS counties to impose a surcharge of up to thirty cents per access line per month on each wireless communications device through which service is provided to a customer whose place of primary use is within the county. The imposition of this surcharge is at the localities' discretion.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

For the annual period ending December 31, 2012, \$ 190,281,716 was collected. Credible estimates or reports of the local revenues collected through surcharges authorized in County Law are not available.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Section 186-f of the Tax Law specifies the following allowable uses, among others (see response 10), of funds generated from the PSCS, which provides that:

- Not less than \$9 million annually shall be disbursed in support of the Local Enhanced Wireless 911 Program, which assists counties in financing the operations of 911 dispatch centers;
 - Funds shall be allocated each year to pay the cost of debt service for bonds and notes issued to finance expedited deployment of local public safety answering points;
 - Up to \$75 million may be allocated annually to aid local governments in designing, constructing, and operating a wireless communications network(s) that will provide interoperable communications solutions to first responders across the state. Request-for-Applications (RFA) were issued in 2012 and DHSES announced awards of these funds totaling \$111 million in early 2013. We are currently processing claims from awarded counties.
5. **A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.**
 6. **A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.**
 7. **A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.**

(5-7) There are two basic processes or structures articulated in NYS statute regarding review and approval of surcharge funds collected for 911 or E911 purposes:

(a) Regarding the expenditure of funds allocated for the Local Enhanced Wireless 911 program, the New York State Division of Homeland Security & Emergency Services (DHSES), in consultation with the NYS Interoperable and Emergency Communication Board (formerly the NYS E911 Board), reviews municipal expenditures related to E-911 service initiatives and authorizes reimbursement of the same. The Local Enhanced Wireless 911 program is administered by DHSES and reimburses designated county dispatch centers who receive wireless 911 calls for operational costs related to wireless 911 services.

For the past several years, the NYS Interoperable and Emergency Communication Board has also administered a bond-financed, \$100 million dollar grant program for county dispatch centers to upgrade their 911 facilities and equipment. This grant program provided financial assistance to these centers to receive and dispatch wireless 911 calls at a "Phase II" level of service. Almost all funding from the \$100 million grant is now expended and all designated county dispatch centers now provide Phase II service levels.

Sections 325-333 of Article 6-A of the County Law contain provisions for the establishment of the Interoperable and Emergency Communication Board and its powers and duties.

(b) Regarding the expenditure of funds collected from the imposition of the local E-911 surcharge as authorized by Article 6 of the County Law, the expenditure and control of such funds are the responsibility of the local governing authority.

(i) In the case of a county's or NYC's expenditure of funds generated by the imposition of the monthly land line surcharge of one dollar in NYC and thirty-five cents in other counties), the following statutory language applies: "All surcharge monies remitted to the municipality by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the municipality shall be expended only upon authorization of the board and only for payment of system costs as permitted by this article. The municipality shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof." (See County Law §307).

(ii) In the case of a county's (other than NYC) expenditure of funds generated through the imposition of the thirty cent surcharge on wireless communication devices, the following standard statutory language typically applies: "All surcharge monies remitted to the county of _____ by a wireless communications service supplier shall be expended only upon authorization of the local county legislative body and only for payment of eligible wireless 911 service costs as defined in subdivision sixteen of section three hundred twenty-five of this chapter. The county of _____ shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof."

(iii) The administration and expenditure of funds generated by NYC's imposition of the thirty cent surcharge on wireless communication devices is governed by the following language: "All surcharge monies remitted to the city by a wireless communications service supplier shall be expended only upon authorization of the board and only for payment of system costs or other costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving such city. The city shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof." (See County Law §308-a)

- 8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?**

To the best of our knowledge, State funds collected through the funding mechanism that generates revenues for 911 or E-911 purposes -- Section 186-f of the NYS Tax Law-- have been used or made available for each of the specific purposes designated in that funding mechanism. With respect to funds generated through local or county-based E-911 surcharges, we do not currently possess the relevant information at the State level to validate that all such funds have made available and used for their designated purposes, although we assume such is the case.

9. **A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.**

In State Fiscal Year 2012-13, \$ 20 million was transferred from the balance of the State Wireless Telephone Emergency Account, to the state's General Fund. The transfer of these funds was authorized by statute and did not affect the ability of the State to reimburse municipalities for approved E-911 expenditures or otherwise support its several E-911 programs.

10. **A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.**

In addition to the responses indicated in response 4, funds generated from the PSCS are allocated to:

- An allocation of \$25,500,000 is made to the New York State Police; and
- Services and expenses that support the operations and mission of the Division of Homeland Security and Emergency Services.

11. **Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?**

12. **Has your state expended such funds on Next Generation 911 programs?**

13. **If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?**

(11-13) At this time, the State of New York does not differentiate between 911 and Next Generation 911 expenditures. Based upon the language in existing statute, we believe that 911, E-911 and Next Generation 911 would be within scope of permissible expenditures of funds for 911 or E911 purposes.

North Carolina



North Carolina 911 Board

George Bakolia, Chair

David A. Corn, Vice Chair

August 29, 2013

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Annual Information Collection As Mandated By the New and Emerging
Technologies Improvement Act of 2008

Dear Ms. Dortch,

David S. Turetsky, Chief, Public Safety and Homeland Security Bureau addressed a letter to Governor Pat McCrory in regard to information collection under Section 6(f)(2) of the NET 911 Act. On behalf of Governor McCrory and the State of North Carolina, the North Carolina 911 Board provides the required information in regards to Section 6(f)(2) of the NET 911 Act.

On behalf of the State of North Carolina, thank you for the opportunity to respond. Should there be any questions please do not hesitate to contact me.

I verify under penalty of perjury that the foregoing is true and correct. Executed on August 29, 2013

A handwritten signature in black ink, appearing to read "RT", written over a horizontal line.

Richard Taylor
Executive Director
North Carolina 911 Board

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Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The State of North Carolina established a funding mechanism for the support and implementation of 911 and E911 in Session Law 2007-383, codified as N.C.G.S. §62A-46. Administration of the 911 Fund is governed by the N.C. 911 Board. N.C.G.S. §62A-41, -44 The Board's enabling legislation expressly incorporates the FCC Order (94-102, 1 December 1997) and subsequent modifications.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

A fee not to exceed \$.70/month is imposed on each voice communications service connection (includes wireline, wireless and VoIP providers) that can access the 911 system. For the period January – December 2012, the Board set the fee at \$.60. N.C.G.S. §62A-43



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Washington, D.C. 20554

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

A legislative moratorium on collection of 911 fees from or by prepaid CMRS providers extends through June 30, 2013. The 911 Board received \$ 69,424,896.51 for the 2012 calendar year.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Funds are distributed monthly to all Primary PSAPs based on the average of their reported eligible expenditures for the previous five (5) years. Any funds received in excess of the "base" amount needed for the monthly distributions may be distributed to Primary PSAPs on a per capita basis or be placed in the PSAP Grant Account. N.C.G.S. §62A-46(b)

The State limits uses of 911 fees collected and distributed to CMRS Providers for their cost recovery and Primary PSAPs. Only the actual costs incurred for the compliance with the requirements of enhanced 911 service are reimbursable. N.C.G.S. §62A-45(a)

Primary PSAPs may use 911 Funds for the lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, database provisioning, addressing, nonrecurring costs of establishing a 911 system, dispatch equipment located exclusively within a building where a PSAP is located excluding transmitters & antennae and training for 911 personnel. The Board publishes a list of eligible expenditures. N.C.G.S. §62A-46(c)

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The North Carolina 911 Board has been designated as the entity to receive 911 fees collected, to distribute and provide oversight on all 911 fees. The 911 Board established an "Eligible Expenditure List" to aid Primary PSAPs receiving 911 funds, and makes 911 Board staff available to assist Primary PSAPs. As of December 31, 2012, there were 127 Primary PSAPs in North Carolina.



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6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The 911 Board conducts an annual Revenue/Expenditure Report for each Primary PSAP to ensure compliance with the use of all 911 fees. N.C.G.S. §62A-42(a)(5)
Each CMRS Provider seeking cost recovery is required to submit a plan detailing technical and operational aspects of its system together with cost projections. Providers must deliver sworn invoices in compliance with their plans and allowable expenditures. Funds are released to CMRS providers upon staff approval. N.C.G.S. §62A-45(a)

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

After careful review by 911 Board staff of detailed PSAP revenue/expenditure reports, any use of 911 funds by a PSAP for non-eligible 911 expenditures was reimbursed by the PSAP into the Emergency Telephone System Fund (911 Fund). N.C.G.S. §62A-48

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

All funds received by the 911 Board and distributed to Primary PSAPs or qualified CMRS providers have been made available and used for the authorized purposes of implementing or supporting of 911 or E911.



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Washington, D.C. 20554

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

For the calendar year 2012, funds collected for 911 or E911 were spent on the following programs, activities and organizations supporting 911 and E911 services:

- a) 127 Primary PSAPs, primary PSAPs being defined in North Carolina as the first point of reception of a 911 call by a public safety answering point. N.C.G.S. §62A-40(16)
- b) 8 Commercial Mobile Radio Service Providers (CMRS) who provide E911 services to the 127 Primary PSAPs and request cost recovery for actual costs incurred to provide E911 services. N.C.G.S. §62A-45(a)
- c) Provided funding for a total of 3 911 grants for consolidation of PSAPs. N.C.G.S. §62A-47(b)
- d) Provided funding for recurring statewide project of providing orthography images for ¼ of the state in support of Primary PSAP Geographic Information Systems (GIS) databases. Each year ¼ of the state will be updated so that in a four year cycle, all statewide imagery will be updated. N.C.G.S. §62A-47(d)
- e) Provided funding for electronic call analysis program for 127 Primary PSAPs to have the ability to provide statewide detailed E911 call data. N.C.G.S. §62A-47(d)

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	



Federal Communications Commission
Washington, D.C. 20554

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

\$ 867,493.00

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Not at this time

North Dakota

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Chapter 57-40.6 of the North Dakota Century Code authorizes counties or cities to impose a fee (to be collected by all telecommunication companies) on a per communication device per month basis. The local governing board passes a resolution placing the question of the imposition of this fee on the ballot, upon approval of the electorate it goes into effect. In 2013, effective for CY2014, Chapter 57-40.6 was amended by the Legislature to require "point-of-sale" collection of a 2% gross receipts fee in-lieu of the "per device fee" for pre-paid wireless service only. The pre-paid fee revenue is centrally collected by the State Tax Department and remitted to a joint powers entity consisting of all local 911 jurisdictions for distribution or dedication to statewide 9-1-1 network costs.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

The statutory limit on the fee for landline, VoIP, and monthly wireless contracts was raised from \$1.00 to \$1.50 per device per month, effective August 1, 2009. Four of North Dakota's 53 counties began assessing a fee of \$1.50 per device per month in 2011, one assesses a fee of \$1.30, and the rest remain at \$1.00. In 2013, effective for CY2014, Chapter 57-40.6 was amended by the Legislature to require "point-of-sale" collection of a 2% gross receipts fee in-lieu of the "per device fee" for pre-paid wireless service only.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total collected by all jurisdictions was \$9,506,000.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

As noted in "1" above, the fees from landline, VoIP, and wireless monthly contracts are imposed by local jurisdictions and remitted by the phone companies directly to those jurisdictions (53 counties and 2 cities). The Legislation authorizing the imposition of this fee also regulates the use of the fee revenue. Specifically 57-40.6-05 states that the revenue must be used "*solely for implementing, maintaining, or operating the emergency services communication system.*" Additionally 57-40.6-10 requires that jurisdictions receiving this fee revenue maintain the revenue in a separate fund and; "*ensure that fee proceeds collected under this chapter are expended in accordance with guidelines developed pursuant to section 57-40.6-12 and implement an accounting system sufficient to meet the requirements of section 57-40.6-05.*"

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The State Legislature has created a statutory body, the Emergency Services Communications Coordinating Committee (ESC3), charged with implementing and maintaining expenditure guidelines that detail what is, and is not, allowable under the broader statutory limitation. Each jurisdiction is mandated by 57-40.6-12 to submit a report to the statutory body on the revenues and expenditures related to this fee, and the Committee then reviews the reports against the guidelines and compiles the information for presentation to the Legislature. In addition, if a local jurisdiction has a question about a particular expenditure that they don't feel is clearly addressed by the expenditure guidelines; the ESC3 will formally address the question with specific guidance.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Each jurisdiction is mandated by 57-40.6-12 to submit a report to the statutory body (ESC3) on the revenues and expenditures related to this fee, and the Committee then reviews the reports against the guidelines and compiles the information for presentation to the Legislature.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

All funds generated by the fees authorized by state law have been used or made available for purposes allowed by statute and the expenditure guidelines, so no enforcement or corrective actions have been necessary.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds generated by the fee authorized by 57-40.6 have been used or made available for purposes other than the ones allowed by statute and the expenditure guidelines.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

As noted, these funds are collected and expended locally to support the equipment, staffing, networking, and support services for their 911 public safety answering points. The reporting discussed in "4" above is summarized biennially for the Legislature, illustrating how the funds generated by the fee authorized by state law have been used to support those PSAPs. This summary follows:

- | | |
|---|-----|
| a. Dispatch Staffing/Dispatch Contracts | 65% |
| b. Network Charges | 13% |
| c. Equipment | 7% |
| d. GIS | 3% |
| e. Signage | 1% |
| f. Facility/Utilities/Other | 11% |

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Not as yet. Pilot efforts for NG9-1-1 implementation have been funded with grant funds.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

No additional comments

Ohio

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Section 5507.18, 5507.22, 5507.25, 5507.26, 5733.55 and 5507.42 thru 5507.66 of the Ohio Revised Code (ORC).

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireline E9-1-1 rates and charges are determined pursuant to 5507.18 of the Ohio Revised Code. This Statute defines a bill and keep system for wireline 9-1-1. Currently in Ohio, each incumbent local exchange carrier directly charges their individual subscribers a tariffed fee to cover the recurring 9-1-1 costs unique to that carrier for the maintenance and operation of the company's portion of the wireline telephone network. Nonrecurring costs are directly recovered under ORC 5733.55 through a tax credit. As a result, local 9-1-1 public safety answering points are not billed for base wireline 9-1-1 services. The tariffed rates range from a low of \$.12 to a high of \$.25 per month.

Wireless E9-1-1 Funding is organized under Sections 5507.42 through 5507.66 of the ORC which prescribes funding mechanisms for wireless E9-1-1. Each month a \$.25 surcharge is imposed upon each wireless phone number belonging to a subscriber with an Ohio billing address. Currently, Prepaid providers are permitted two options under Section 5507.42 ORC to calculate the amount due. Prior to January 1, 2014, on each subscriber of prepaid wireless service. A wireless service provider or reseller shall collect the wireless 9-1-1 charge in either of the following manners:

- (i) If the subscriber has a positive account balance on the last day of the month and has used the service during that month, by reducing that balance not later than the end of

the first week of the following month by twenty-five cents or an equivalent number of airtime minutes;

(ii) By dividing the total earned prepaid wireless telephone revenue from sales within this state received by the wireless service provider or reseller during the month by fifty, multiplying the quotient by twenty-five cents.

Other local funding options are under Sections 5507.22 through 5507.57, 5705.19, and 5739.026 of the ORC provide various options for counties to obtain general local funding for their E9-1-1 system. These options include charges on improved realty, monthly telephone bill charge, monthly telephone access line charge, property tax, and local sales tax.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount collected for wireless E9-1-1 for the annual period ending December 31, 2012 was \$28,837,121.12. The Ohio 9-1-1 Service Program does not hold regulatory authority or audit authority over local 9-1-1 or taxing jurisdictions and cannot speak as to the total funds collected at this level.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

November 1 of each year the Ohio 9-1-1 Service Program collects, directly from each wireless service provider, the number of wireless phone numbers tied to billing addresses in each county. This data is tabulated for each county. A percentage is calculated for each individual county based upon the total number of wireless numbers within that county, divided by the total amount of wireless numbers in the state. This same percentage is utilized through the rest of the calendar year.

Each month the wireless remittances received are multiplied by the individual county allocation percentages to determine the amount due to each county that month. Once certified by the Ohio 9-1-1 Coordinator, the funds are distributed to the individual county treasurers. Under ORC 5507.55 the county treasurer then internally allocates the funds as defined by that county's 9-1-1 plan. (previously set forth and repealed under 4931.64)

Section 5507.57 of the ORC dictates the purposes for which the wireless funds may be expended at the local level. On March 21, 2007, under case number 05-1114-TP-EMG, the PUCO issued guidance regarding appropriate expenditures for which the wireless funds could be utilized. This entry may be obtained at:

<http://dis.puc.state.oh.us/TiffToPDF/A1001001A07C21B43448J57876.pdf>

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Neither the Ohio 9-1-1 Service Program nor the Public Utilities Commission of Ohio (PUCO) holds regulatory authority over how the local entities utilize 9-1-1 funding. Decisions regarding the use of 9-1-1 funding are made at the local level and determined by the county under the county's final 9-1-1 plan.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

As described in the answer to question 5, neither the Ohio 9-1-1 Service Program nor the Public Utilities Commission of Ohio (PUCO) hold regulatory authority over how the local entities utilize 9-1-1 funding. Decisions regarding the use of 9-1-1 funding are made at the local level. Under Chapter 5507.57 ORC, the Auditor of State may engage in an audit to determine the appropriate use of these funds. Under 5507.34 ORC the Ohio Attorney General or prosecutor may bring suit against a telephone company service provider or a local subdivision to enforce compliance with the Ohio 9-1-1 Service Program.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

As described in the answer to question 5 and 6, neither the Ohio 9-1-1 Service Program nor the Public Utilities Commission of Ohio (PUCO) holds regulatory authority over how the local entities utilize 9-1-1 funding. Decisions regarding the use of 9-1-1 funding are made at the local level and we have not been made aware of any actions taken by the Attorney General or any County Prosecutor regarding expenditures on any county's 9-1-1 funds.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Section 5507.57 of the ORC dictates the purposes for which the wireless funds may be expended at the local level. On March 21, 2007, under Case Number 05-1114-TP-EMG, the PUCO issued guidance regarding appropriate expenditures for which the wireless funds could be utilized.

<http://dis.puc.state.oh.us/TiffToPDF/A1001001A07C21B43448J57876.pdf>

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The Coordinator/PUCO does not have this information. Wireless funds collected and distributed to the Counties by the coordinator, support the PSAPs based on the County Final 9-1-1 plan. Wireline 9-1-1 funds collected by the telephone companies are through a bill and keep arrangement.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
	X

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	X

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

N/A

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Amended Sub. H.B 59 created the Statewide Emergency Services Internet Protocol Network Steering Committee (ESInet Steering Committee) to advise the state on the implementation, operation, and maintenance of a statewide emergency services internet protocol network to support state and local government next-generation 9-1-1 (NG9-1-1) and the dispatch of emergency service providers. The ESInet Steering Committee was tasked with delivering a report to the General Assembly on or before May 15, 2013 providing for recommendations for the state to address the development of a statewide emergency services internet protocol network, among other things.

The ESInet Steering Committee retained L.R. Kimball to assist in compiling the report which was completed and the link to the report is attached.

<http://tinyurl.com/atnd9ml>

Amended Sub. H.B. 360 and 472 of the 129th General Assembly established further recommendations Under Chapter 5507 ORC <http://codes.ohio.gov/orc/5507>

Amended Sub. H.B. 59 of the 130th General Assembly modifies further the changes made to the 9-1-1 service program in 2012 by H.B. 360 and H.B. 472 of the 129th General Assembly. This law becomes effective in September 2013. The 9-1-1 Service Program is recodified under Chapter 128 ORC. The 9-1-1 Service Program duties are transferred from the PUCO to the Ohio Department Administrative Services (DAS), expanding the duties of the existing ESInet Steering Committee. The bill also maintains the duties of the Tax Commissioner at the Ohio Department of Taxation, beginning January 1, 2014, for administering the collection of 9-1-1 charges and disbursement of the funds to the Tax Commissioner.

http://www.legislature.state.oh.us/BillText130/130_HB_59_EN_N.pdf

MICHAEL C. THOMPSON
COMMISSIONER



MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF PUBLIC SAFETY

December 11, 2013

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20002

Re: Fifth Annual Information Collection Mandated By the New and Emerging
Technologies Improvement Act of 2008

Dear Ms. Dortch:

On behalf of the Governor of Oklahoma, Mary Fallin, the following is the information requested by Mr. Michael Wilhelm, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau on September 10, 2012. The respondent for this information is Mr. Gene Thaxton, Oklahoma's E911 Coordinator to the Federal Communications Commission (FCC). The following is a recitation of the question followed by Oklahoma's response.

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 9-1-1 Act has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E911 support implementation (including a citation to the legal authority for such mechanism).

Response:

Oklahoma has no statewide assessed 9-1-1 fees. All fees for 9-1-1 implementation or operations are assessed by local governments.

The state has established 3 separate fees to fund 9-1-1 implementation and operations. In 63 O.S. (2001) sections 2811-2821, cities or counties or combined boards are authorized to enact a wireline fee which may vary from between 0 and 15% of the base telephone rate depending on when the fee was enacted and the amount set by the governing body. The fee can be changed annually.

Title 63 O.S. (2001) sections 2841-2846 allows counties to submit for vote a wireless fee assessed on pre-paid and post paid wireless users. The wireless fee is set at 50 cents per month per cellular telephone.

Title 63 O.S. (2001) sections 2851-2853 allows cities, counties or combined boards to assess a VoIP fee of 50 cents per month per VoIP user.

2. The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E911 services, and the total amount collected pursuant to the assessed fee or charges, for the annual period ending December 31, 2012.

Response:

Oklahoma has no centralized point for fee collection or remission. Wireline fees range from 0 to 15 % of the base telephone rate that existed at the time that the fee was enacted. The fee may be altered each year by the governing body of the jurisdiction that assessed the fee. Wireless and VoIP fees are 50 cents per user per month.

Wireline and VOIP fees are remitted to the jurisdiction that assessed the fee. Wireless fees are remitted to the regional planning commission covering the county that assessed the fee. The regional planning commission then remits to the jurisdiction that is the primary place of use for the cellular telephone user according to information provided by the wireless company to the regional planning commission annually.

3. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Response:

Because the fees are assessed and remitted locally, it is impossible to determine the total amount collected for each fee on a statewide basis.

Each statute limits how the fee is to be used. The wireline statute (63 O.S. (2001) sec. 2814) authorizes a wireline fee "for the operation of an emergency telephone service," and provides that "the governing body shall account for all disbursements from the account and shall not allow the funds to be transferred to another account not specifically established for the operation of the emergency telephone system."

The wireless fee statute (63 O.S. (2001) sec. 2843.1) limits the use of the fee "to provide for processing nine-one-one emergency wireless calls," and for "services related to nine-one-one emergency wireless telephone services, including automatic number identification and automatic location information services." Wireless fees are remitted by carriers to the regional planning district which is authorized to distribute money to each public agency "that has sent a written request for installation, maintenance and operation of an emergency wireless telephone service (63 O.S.(2001) sec. 2843.1)."

The VoIP fee may be used for "the operation of enhanced 9-1-1 emergency services which includes the provision of 9-1-1 calls received from interconnected Voice over Internet Protocol (VoIP) service users." 63 O.S. (2001) sec. 2853.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 9-1-1; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Response:

Each local government has authority to approve expenditure of 9-1-1 funds. In many instances local governments combine to form county-wide or regional 9-1-1 boards which share or may share equipment, personnel or services. In that case, the authority rests in the cooperative board pursuant to the terms of an Interlocal agreement.

The wireline fee is required to be reviewed annually by the governing body that assessed the fee. 63 O.S. (2001) sec. 2814(G). Wireless and VoIP fees are set at 50 cents per month by statute.

Each fee statute requires an annual audit of the funds which may be conducted in conjunction with the local government's annual audit.

5. A statement whether all the funds collected for 9-1-1 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 9-1-1 or E911.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no centralized 9-1-1 enforcement or reporting agency, the details of the actual use of the funds is unknown. Discussions concerning this issue are being conducted with Oklahoma's Legislative Leaders.

6. A statement identifying what amount of funds collected for 9-1-1 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 9-1-1 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 9-1-1 or E911 purposes were made available or used.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no 9-1-1 enforcement or reporting agency, it is unknown whether any local 9-1-1 fund have been used for purposes other than specified in the statutes.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no 9-1-1 enforcement or reporting agency, it is unknown whether any local 9-1-1 fund have been used for purposes other than specified in the statutes.

8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 9-1-1 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2012 on Next Generation 911 programs.

Response:

Oklahoma statutes were crafted to limit the use of 9-1-1 fees to the implementation and operation of 9-1-1 systems. Since Oklahoma has no 9-1-1 enforcement or reporting agency, it is unknown whether any local 9-1-1 fund have been used for purposes other than specified in the statutes.

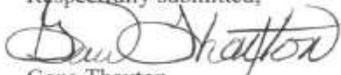
9. Any other comments you may wish to provide regarding the applicable funding mechanism for 9-1-1 and E911.

Response:

In 2005, the Oklahoma Legislature created the Statewide 9-1-1 Advisory Board to assist in the implementation, operation and improvement of 9-1-1 service statewide. The Board is advisory only, it has no state funding or paid staff. As of this writing, no legislative changes have been made concerning the Statewide 9-1-1 Advisory Board and its responsibilities.

Should there be any questions concerning Oklahoma's response, please direct those to Mr. Gene Thaxton, gthaxton@dps.state.ok.us 405/425-2231.

Respectfully submitted,



Gene Thaxton
Oklahoma E911 Coordinator to the FCC

Cc: Governor Mary Fallin
Commissioner Michael Thompson

Oregon

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Oregon Revised Statutes (ORS), Chapter 403

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

\$0.75 per circuit or device capable of reaching 9-1-1. Currently not applied to prepaid wireless devices.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

\$39,229,319.00

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable

uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

ORS requires the following for the State Emergency Communications Tax:

The tax is collected by the phone companies monthly and remitted to the Oregon Dept. of Revenue (ODOR) quarterly.

From this amount, ODOR is authorized up to ½ of 1% for collection of the Tax. Up to 4% is allowed for the administration of the State 9-1-1 Program. 35% is placed in the Enhanced Sub-account. This account is used to pay circuit charges, and other charges to provide the backbone for statewide Enhanced 9-1-1 along with the call taking equipment and maintenance at the PSAPs. ORS provides for what purpose the resources in the account can be used for. Expenditures from this account are made by the State 9-1-1 Program on behalf of the PSAPs.

NOTE: It is from this Enhanced Sub-account that **previous** diversions of 9-1-1 Tax were made by State Legislation for purposes other than 9-1-1.

The remainder (approx. 60%) of the taxes collected each quarter is distributed directly to the local governing authorities over the PSAPs based upon the population in the service area of the PSAP. However, ORS also requires that each county must receive a minimum of 1% of the distribution which is also part of the amount distributed to the local governing authority. For instance; even though a city may be the governing authority over the PSAP that serves the entire county, that city (as the governing authority) would receive the required minimum 1% for that county.

Oregon Administrative Rules (OAR) 104-080-0060 provides guidance for use of the tax.

104-080-0060

Funding Considerations

(1) Emergency Communications Account:

(a) Telephone tax funds shall be distributed in January, April, July and October of each year;

(b) Cities and Counties shall determine the appropriate E9-1-1 jurisdiction to which their distribution shall be directed;

(c) E9-1-1 jurisdictions shall receive telephone tax funds directly from their respective city(s) and county(s) within 45 days from the date city(s) and county(s) receive tax funds from the division unless prior arrangements have been made and approved by the Division;

(d) The Division shall maintain a current listing of recognized E9-1-1 jurisdictions eligible to receive and expend E9-1-1 telephone tax funds;

(e) Allowable Emergency Communications Account expenditures at the primary PSAP include only:

(A) E9-1-1 call taking personnel;

(B) E9-1-1 telephone line charges;

(C) E9-1-1 telephone system for call processing of 9-1-1 calls;

(D) Transfer and relay telephone line charges to secondary PSAPs;

(E) Fifty percent funding of radio base stations necessary to notify responders of a 9-1-1 call for service;

(F) E9-1-1 telephone system maintenance costs;

(G) Receive only pagers if this is primary means of notifying responders of 9-1-1 call for service;

(H) Fifty percent funding of transmit/receive pagers, portable or mobile radios and repeater stations when used as primary means of notification of responding agencies of a 9-1-1 call for service;

(I) Training expenses for E9-1-1 call takers;

(J) 9-1-1 answering contracts for primary PSAPs;

(K) Telephone and radio recording equipment used to record 9-1-1 telephone calls and notifications of responding agencies of 9-1-1 calls for service;

(L) Uninterruptible power supply systems for E9-1-1 telephone systems;

(M) Plectrons and encoders if this is the primary means of notifying responding agencies of a 9-1-1 call for service;

(N) Public education regarding 9-1-1 use and availability;

(O) Computer data links to responding agencies if this is the means used to notify responding agencies of 9-1-1 calls for service;

(P) Rural addressing;

(Q) Base rate charges for seven or ten digit emergency and non-emergency PSAP reporting numbers.

(R) Emergency Notification System or "reverse 9-1-1 systems".

(f) The following items are allowed on a percentage basis of funding with Emergency Communications Account funds with prior approval of the Division as to the percentage allowed:

(A) Computer aided dispatch systems that handle E9-1-1 call processing and notification of responding agencies of 9-1-1 calls for service;

(B) Telephone and radio consoles;

(C) Administration and overhead (rent, utilities, and maintenance) of a multi-use PSAP that includes dispatching of public safety services;

(D) Backup power systems (generators);

(E) Alternate PSAP sites and circuit routing when used for disaster recovery;

(F) Planning costs for the preliminary and final plan preparation for E9-1-1 Plans required in Section 6 and 7, chapter 743, Oregon Laws 1991.

(g) Any other items not covered by these rules that after application by the primary PSAP and concurrence of the Division are necessary in providing E9-1-1 services in the primary PSAP service area;

(h) Secondary PSAPs are not eligible for funding from this account.

(2) Enhanced 9-1-1 Sub-Account: The following costs of providing E9-1-1 telephone service shall be reimbursed from the Enhanced 9-1-1 Sub-Account of the Emergency Communications Account, subject to available funds and the following requirements, to those 9-1-1 Planning Committees that have been issued an E9-1-1 Service Plan Approval by the Division:

(a) Costs of the Network Exchange Services necessary to provide the minimum grade of service defined in ORS 403.115(5)(d);

(b) Costs for on-premises equipment:

(A) Allowances for Customer Owned and Maintained on-premises equipment will be limited to the estimated cost of the primary utility supplied solution or actual costs, whichever is less;

(B) Integration of Automatic Number Identification and Automatic Location Identification into a Computer Aided Dispatch system in use by a primary PSAP may be compensated in lieu of on-premise display equipment with the exception that one Automatic Number Identification display and one Automatic Location Identification display must be actively in use on-site. Compensation will be limited to the cost of such displays as provided by the primary utility;

(C) On-going maintenance costs following the warranty period, if any, for on-premises equipment;

(D) Payment of costs for on-going maintenance of the on-premises equipment following the expiration of the warranty period for the equipment shall be made by submitting a copy of the maintenance contract with an itemized listing of hourly labor rates and equipment costs to the Division for approval;

(E) The Division shall make payment directly to the vendor upon verification that the charges are for the E9-1-1 on-premises equipment and services originally contracted for and that the vendor's hourly labor rate does not exceed the prevailing labor rate for similar communication equipment and services.

(c) Database, MSAG, GIS development and maintenance based on the hourly wage including benefits of employee(s) doing this work for the primary PSAP and the number of hours the employee(s) devotes to this process as approved by the Division;

(d) Payment of costs for consulting related to E9-1-1 shall be made by the Division directly to the consultant, but only after verification that:

(A) The need and proposed cost of consulting services were identified in either the original E9-1-1 Service Plan; and

(B) A copy of the consultant's contract and fees have been submitted and approved by the Division.

(C) Units of local government not directly providing PSAP operation and having investments as defined in Chapter 533, Section 20(2) of Oregon Laws 1981 as amended shall first expend such investments.

NOTE: As the tax has not been increased and collections have been steadily declining for some time, approximately 40 of the 45 PSAPs in the state are able to

use their share of the tax distribution for only a portion of their Personnel cost and nothing else. This tax only covers, on average, 25% of the total expenditure to run a PSAP in the state. Approximately \$25 million distributed to the PSAPs each year. Total PSAPs cost for operations for the year, approximately \$102 million.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

ORS and OAR give only the State 9-1-1 Program and the local governing authorities of the PSAPs the authority to spend Emergency Communications Tax.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The Oregon Secretary of State office has auditing authority over the State 9-1-1 Program.

In ORS there is no authority for the State 9-1-1 Program to audit expenditures by the local governing authorities of the distribution of the 9-1-1 tax. However, every governing authority in the State is required to be independently audited annually and the audit results turned over to the Secretary of State office.

ORS does require that each governing authority over the PSAPs must submit a report each year to the State 9-1-1 Program, self-reporting for what purposes the 9-1-1 tax distribution was spent. Again, for the majority, the only expense is Personnel cost.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

None, that this office is aware.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

N/A

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Since only the State 9-1-1 Program and the local governing authorities of the PSAPs have the authority to spend Emergency Communications Tax, all expenditures are for the benefit of the PSAPs and the citizens and visitors they serve.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Approximately \$79,500 was spent for consultants to assist in developing an upcoming RFP for rollout of statewide NG9-1-1.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

None

Pennsylvania

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

The Commonwealth of Pennsylvania has established mechanisms for funding 911 through landline, wireless and VoIP services.

The contribution rate for wireline services is defined in Chapter 53, Emergency Telephone Service, of Title 35 of the Pennsylvania Consolidated Statutes, 35 Pa.C.S.A. § 5307.

The collection and disbursement of the wireline contribution rate is established at 35 Pa.C.S.A. § 5307.

Legal authority for the Wireless E9-1-1 Emergency Services Fund and corresponding wireless surcharge is found at 35 Pa.C.S.A. § 5311.4.

The VoIP service customer 911 fee is established in 35 Pa.C.S.A. § 5311.14.

Starting July 1, 2011, the Commonwealth began collecting the prepaid wireless E9-1-1 surcharge established in 35 Pa.C.S.A. § 5311.4(b.1).

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Pennsylvania has three different fee structures for the collection of 911 funds from wireline services, wireless services, and VoIP services.

The wireline contribution rate is collected based on the class of a particular county. Counties of the First through Second Class "A" may impose a monthly contribution

rate in an amount, not to exceed \$1 per line, on each local exchange access line. Counties of the Third through Fifth class may impose monthly contribution rates in an amount, not to exceed \$1.25 per line, on each local exchange access line. Counties of the Sixth through Eighth class may impose a monthly contribution rate in an amount, not to exceed \$1.50 per line, on each local exchange access line.

The wireless E-911 surcharge is a \$1.00 monthly fee paid by Wireless service customers for each device that provides wireless service for which that customer is billed by a wireless provider for wireless service or receives prepaid wireless telephone service from a wireless provider. Such fee shall be collected apart from and in addition to any fee levied by the wireless provider in whole or in part for the provision of 911 services. For prepaid wireless service, a surcharge of \$ 1 per retail transaction is applied to the cost of each retail transaction regardless of whether the service or prepaid wireless device was purchased in person, by telephone, through the Internet or by any other method.

The VoIP service customer 911 fee is \$1.00 per month for each telephone number or successor dialing protocol assigned by a VoIP provider to a VoIP service customer number that has outbound calling capability.

Wireline, Wireless, and VoIP 911 funds are made available to localities in different ways. The wireline contribution rate is collected by the service supplier providing local exchange telephone service within the county and then forwarded monthly or quarterly to the county treasurer where the money is placed in a restricted account. On a quarterly basis, the county treasurer pays to a municipality, which operates a 911 system, a sum of money not less than that contributed by the telephone subscribers of that municipality to the county 911 system less administrative costs (35 Pa.C.S.A. §§ 5307 (a) & (d)). Wireless 911 fees are collected by the wireless service provider and remitted to the State Treasurer on a monthly or quarterly basis for deposit into the Wireless E-911 Emergency Services Fund. Prepaid wireless E-911 surcharges collected by a seller are remitted to the Department of Revenue and transferred into the Wireless E-911 Emergency Services Fund. The manner of payment and auditing of expenditures is outlined in 35 Pa.C.S.A. § 5311.5(c)-(e).

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

For the annual period ending December 31, 2012:

Wireline revenue reported by PSAPs:	\$ 56,318,252
VoIP fee collected:	\$ 20,698,642
Wireless Surcharge:	<u>\$ 107,027,614</u>

Total -

\$ 184,044,508

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Wireline, Wireless, and VoIP 911 funds are made available to localities in different ways. The wireline contribution rate is collected by the service supplier providing local exchange telephone service within the county and then forwarded monthly or quarterly to the county treasurer where the money is placed in a restricted account. On a quarterly basis, the county treasurer pays to a municipality, which operates a 911 system, a sum of money not less than that contributed by the telephone subscribers of that municipality to the county 911 system less administrative costs (35 Pa.C.S.A. §§ 5307 (a) & (d)). Wireless 911 fees are collected by the wireless service provider and remitted to the State Treasurer on a monthly or quarterly basis for deposit into the Wireless E-911 Emergency Services Fund. The manner of payment and auditing of expenditures is outlined in 35 Pa.C.S.A. § 5311.5(c)-(e):

(c) Manner of payment.--Each PSAP and wireless provider shall submit to the agency each year, not later than 120 days before the first day of the agency's fiscal year, the eligible costs it expects to incur for wireless E-911 service during the next fiscal year of the agency. The submission may include eligible costs that the PSAP or wireless provider has already incurred for wireless E-911 service at the time of the submission. The agency shall review the submission, ensure that the costs are eligible for payment from the fund, and notify the submitting PSAP or wireless provider, not later than 30 days before the first day of the agency's fiscal year, of the eligible costs.

The agency shall pay to each PSAP and wireless provider, from the fund, the amount of the submitted costs the agency determined to be eligible, whether or not the costs have been incurred at or before the time of payment and whether or not the costs, if already incurred, were incurred prior to the effective date of this section. Payment shall be made in four equal payments during the first month of each quarter of the agency's fiscal year as follows:

(1) The agency shall first pay the costs approved for each PSAP that are payable in the quarter.

(2) Following the payment of approved costs to a PSAP for Phase I deployment of wireless E-911 service, as set forth in the FCC E-911 Order, but only after the PSAP has issued its request to wireless providers to furnish Phase I wireless E-911 service pursuant to the FCC E-911 Order, the agency shall pay the approved costs of wireless providers that are payable in the quarter to provide the

requested wireless E-911 service to that PSAP.

(3) Following the payment of approved costs to a PSAP for Phase II deployment of wireless E-911 service, as set forth in the FCC E-911 Order, but only after the PSAP has issued its request to wireless providers to furnish Phase II wireless E-911 service pursuant to the FCC E-911 Order, the agency shall pay the approved costs of wireless providers that are payable in the quarter to provide the requested wireless E-911 service to that PSAP.

(4) In any quarter of the agency's fiscal year, all costs specified in section 5311.4(a)(1) that are approved by the agency for payment to PSAPs or wireless providers shall be paid before any other costs payable pursuant to this chapter are paid to any PSAP or wireless provider. In the first quarter of the agency's fiscal year, the agency shall determine whether payments to PSAPs and wireless providers during the preceding fiscal year exceeded or were less than the eligible costs incurred by each PSAP and wireless provider submitting costs during the fiscal year. Each PSAP and wireless provider shall provide verification of such costs as required by the agency. Any overpayment shall be refunded to the agency or, with the agency's approval, may be used to pay agency-approved costs the PSAP or wireless provider submitted for the current fiscal year of the agency. The amount of any underpayment will be paid to the PSAP or wireless provider in accordance with this subsection and subsection (d) within the current fiscal year. The agency shall reconsider a determination of eligible costs pursuant to this subsection upon request by a submitting PSAP or wireless provider and shall provide a procedure for such reconsideration.

(d) Pro rata sharing of fund amounts.--(1) If the total amount of money in the fund in any quarter is insufficient to pay for both agency-approved PSAP costs and agency-approved wireless provider costs which are payable in the quarter under subsection (c) for both Phase I deployment and Phase II deployment of wireless E-911 service, as set forth in the FCC E-911 Order, then payments from the fund for that quarter shall be made as follows:

(i) The agency-approved Phase I deployment costs of a PSAP and those wireless providers to which the PSAP has issued its request for Phase I wireless E-911 service shall be paid before any agency-approved costs for Phase II deployment are paid.

(ii) If, notwithstanding subparagraph (i), the total amount of moneys in the fund in the quarter is insufficient to pay all Phase I deployment costs of both PSAPs and wireless providers which are payable in the quarter, then each requesting PSAP and each requesting wireless provider shall receive, for payment of Phase I deployment costs, a pro rata share of the total amount of moneys in the fund in the quarter.

(iii) If the total amount of moneys in the fund in the quarter is insufficient to pay all agency-approved Phase II deployment costs of both PSAPs and wireless providers which are payable in the quarter, then each requesting PSAP and each requesting wireless provider shall receive, for payment of Phase II deployment costs, a pro rata share of the total moneys in the fund which are available in the

quarter for payment of Phase II deployment costs.

(2) For any PSAP or wireless provider, pro rata shares shall be computed based upon the total dollar amount of money available in the fund for payment of Phase I or Phase II deployment costs, whichever is applicable, multiplied by the ratio of:

- (i) the total dollar amount of agency approved but unpaid costs of that PSAP or wireless provider for Phase I or Phase II deployment, whichever is applicable; to
- (ii) the total dollar amount of all agency approved but unpaid costs.

(e) Triennial financial audit.--The agency shall require a triennial financial audit of each PSAP's use of the disbursements it has received from the fund and of a wireless provider's collection, deduction, retention, remittance and use of the amounts collected by the wireless provider under the wireless E-911 surcharge or the disbursements it received from the fund. These triennial financial audits shall be consistent with guidelines established by the agency, and the cost of each audit shall be paid from the fund.

VoIP 911 fees are collected and made available to counties in two different ways based on the choice of the provider. This is explained in 35 Pa.C.S.A. §§ 5311.14(a) - (f):

(a) VOIP SERVICE CUSTOMER 911 CONTRIBUTION.--

(1) Each VoIP provider or telecommunications carrier shall collect a \$1 fee per month for each telephone number or successor dialing protocol assigned by a VoIP provider to a VoIP service customer number that has outbound calling capability. The following apply:

(i) The fee, minus the actual uncollectibles experienced by the VoIP provider, shall be remitted:

(A) quarterly; or

(B) at the option of the provider or telecommunications carrier, monthly.

(ii) The remittance shall be made as follows:

(A) Except as set forth in clause (B), to the county treasurer.

(B) In a home rule county, as follows:

(I) To the county official responsible for the collection and disbursement of funds.

(II) At the option of the remitter, to the State Treasurer. Election of the option shall be by regulations established by the agency, which shall include appropriate notification to the affected counties of the exercise of this option.

(iii) The fee shall be stated separately in the VoIP service customer's paper or electronic billing, and the fee shall be collected apart from and in addition to any fee levied by the VoIP provider in whole or in part for the provision of 911 services or E-911 services.

(2) In the case of VoIP service customers purchasing multiple dial tone telephone access lines from a VoIP provider, the following multipliers shall be applied to determine the contribution rate of each customer:

- (i) For the first 25 lines, each line shall be billed at the approved contribution rate.
 - (ii) For lines 26 through 100, each line shall be billed at 75% of the approved contribution rate.
 - (iii) For lines 101 through 250, each line shall be billed at 50% of the approved contribution rate.
 - (iv) For lines 251 through 500, each line shall be billed at 20% of the approved contribution rate.
 - (v) For lines 501 or more, each line shall be billed at 17.2% of the approved contribution rate.
- (3) If a VoIP provider receives a partial payment for a monthly bill from a VoIP service customer, the VoIP provider:
- (i) may first apply the payment against the amount the VoIP service customer owes the VoIP provider; and
 - (ii) shall then remit to the county or the State Treasurer the lesser amount resulting from the application of the payment.
- (4) The fees collected and remitted under this subsection shall not:
- (i) be subject to taxes or charges levied by the Commonwealth or a political subdivision; nor
 - (ii) be considered revenue of the VoIP provider for any purpose.
- (5) As reimbursement for administrative costs to cover its expenses of billing, collecting and remitting the fees during the reporting period, the VoIP provider is allowed to retain for reimbursement up to the following percentages of the total fees collected under this subsection:
- (i) If remittance is made to the county, 2%.
 - (ii) If remittance is made to the State Treasurer, 1%.
- (6) To the extent that a VoIP provider obtains connections to the public switched telephone network from a telecommunications carrier, that telecommunications carrier shall not be required to assess or make contributions to any 911 or E-911 fund in connection with the customers or the telephone numbers for which the VoIP provider is responsible for collecting and making contributions under this section. If, however, the telecommunications carrier is, by agreement with the VoIP provider, required to make 911 or E-911 contributions on behalf of the VoIP provider customer, the VoIP provider shall not be responsible for collecting and making contributions under this section.

(b) REPORTING BY VOIP PROVIDERS.--

- (1) With each remittance under subsection (a), a VoIP provider and telecommunications carrier shall supply the following information to the individual receiving the remittance and to the agency the total fees collected under subsection (a)(1) from its VoIP service customers during the reporting period. If the telecommunications carrier has remitted the fees to the county or the agency pursuant to an agreement with the VoIP provider, the VoIP provider shall provide notification of the reporting agreement along with the telecommunications carrier's name and 911 or E-911 account number.
- (2) A VoIP provider and telecommunications carrier shall provide the county or, if

remitting to the State Treasurer, the agency with requested information, including the primary place of use of each interconnected VoIP service customer, in order to discharge its obligations under this section. The information shall be in writing.

This paragraph includes the collection and deposit of the VoIP fee and its administration of the fund.

(B.1) CONFIDENTIALITY.-- Information supplied by VoIP providers under this section shall remain confidential, and release of the information shall be governed by section 5311.7 (relating to public disclosure and confidentiality of information).

(c) COLLECTION ENFORCEMENT.-- A VoIP provider has no obligation to take legal action to enforce the collection of a fee imposed under this section.

(d) DEPOSIT OF REMITTED FEES.-- The individual who receives fees remitted under this section shall deposit receipts into the restricted account established under section 5307(c)(relating to collection and disbursement of contribution).

(e) ESTABLISHMENT OF FUND.--There is hereby established in the State Treasury a non lapsing restricted interest-bearing account to be known as the VoIP 911 Emergency Services Fund. The fund shall consist of the fees remitted to the State Treasurer under this section.

(f) DISTRIBUTION OF FEES.--Moneys in the VoIP 911 Emergency Services Fund established and the interest it accrues are appropriated on a continuing basis to the agency to be disbursed by the agency. The agency shall make quarterly disbursements from the account to each county by March 31, June 30, September 30, and December 31, in an amount equal to the amount of fees collected from VoIP service customers located in that county. The disbursements are for the purpose of assisting counties with the implementation of an agency approved plan adopted under section 5305(relating to county plan). The agency may retain up to 1% of the fees for costs incurred in administering this subsection.

The Commonwealth has established written criteria regarding the allowable uses of funds collected for 911 purposes.

The allowable uses of funds from the wireline contribution rate are outlined in 35 Pa.C.S.A. § 5308 and in regulations regarding eligible costs that can be found at 4 Pa. Code § 120b.106.

The Pennsylvania Emergency Management Agency ("the Agency") issued regulations regarding eligible costs that can be found at 4 Pa. Code § 120b.106.

The allowable uses for the funds from the Wireless E-911 Emergency Service

Fund are outlined at 35 Pa.C.S.A. §§ 5311.4 (a) & (d).

Disbursements from the wireless fund are limited by certain criteria found in 35 Pa.C.S.A § 5311.5(b).

Pursuant to 35 Pa.C.S.A § 5311.14(f), VoIP 911 fees are to be used for the purpose of assisting counties with the implementation of an Agency-approved plan adopted under section 5305.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The Pennsylvania Emergency Management Agency has the authority to approve the expenditures of wireless funds collected for the exclusive direct provisioning of E-911 services and the authority to determine ineligible expenditures of wireline and VoIP funds.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Triennial Plans. Counties must submit a triennial plan for Agency approval every three years. These plans must be in conformance with legislation and regulations in order for the county to establish and collect the contribution rate within the county. The contribution rate is established to cover the nonrecurring and recurring costs of a 911 system. In order to justify the requested contribution rate, a county must report the reimbursable expenses included in the contribution rate, nonrecurring and recurring. The expenses are to be summarized in a form with detailed schedules attached, when necessary, to explain and justify the items summarized on the form. The triennial plans require that counties submit copies of contracts, agreements or receipts for equipment, services or other recurring or nonrecurring costs eligible for reimbursement.

Annual Report. Additionally, 35 Pa.C.S.A § 5308(c) mandates the Agency to adopt procedures to assure that the total amount collected from the 911 wireline contribution rate is expended only for the nonrecurring costs, costs for mobile communications equipment, maintenance and operation of a county 911 system. The Agency issued regulations establishing an annual report that counties must submit in order to review county spending:

4 Pa. Code § 120b.112. Reports. For counties where a 911 system has been

established, a report shall be submitted to the Agency annually detailing the status of 911 systems. The report shall be on a form provided by the agency and shall include information including the contribution rate, progress reports, installation schedules, installation expenses, anticipated 911 system changes, other system

related costs, and other information deemed necessary by the Agency. The report will be for the current calendar year and shall be forwarded to the Agency by December 1, of the current year.

Wireline contributions are deposited by the county treasurer into an interest bearing restricted account used solely for the purpose of nonrecurring and recurring charges billed for the 911 system and to make quarterly payments to municipalities that operate a 911 system based on the contributions of the telephone subscribers of that municipality. The Agency requires a triennial audit of each county's collection and disbursement of contribution rate funds and expenditures for the nonrecurring costs, training, costs for mobile communications equipment, maintenance, and operation of 911 systems. Counties are required to file two copies of the audit report with the Agency within 90 days of the applicable fiscal year.

Pennsylvania legislation provides VoIP providers the option to remit funds to the county or to the Agency, however, the Agency acts only as a pass through and the administration of VoIP funds is governed by the wireline legislation cited above. Therefore, the use and availability of VoIP funds is monitored using the same wireline contribution rate oversight procedures outlined above.

Wireless funds have different oversight procedures in Pennsylvania. Under 35 Pa.C.S.A § 5311.5(c) each PSAP and wireless provider shall submit to the Agency each year, not later than 120 days before the first day of the Agency's fiscal year, the eligible costs it expects to incur for wireless E-911 service during the next fiscal year of the Agency. The submission may include eligible costs that the PSAP or wireless provider has already incurred for wireless E-911 service at the time of the submission. The Agency shall review the submission, ensure that the costs are eligible for payment from the fund, and notify the submitting PSAP or wireless provider, not later than 30 days before the first day of the Agency's fiscal year, of the eligible costs. Each PSAP and wireless provider has to provide verification of such costs as required by the Agency.

A triennial financial audit is conducted by the counties of each PSAP's use of the disbursements received from the wireless fund and of a wireless provider's collection, deduction, retention, remittance, and use of the amounts collected by the wireless provider under the wireless E-911 surcharge or the disbursements it received from the wireless fund.

A reconciliation of wireless funds is conducted by the Agency annually. In the first quarter of the Agency's fiscal year, the Agency determines whether payments to PSAPs and wireless providers during the preceding fiscal year exceeded or were

less than the eligible costs incurred by each PSAP and wireless provider submitting costs during the fiscal year. Each PSAP and wireless provider is required to provide verification of these costs. Any overpayment is refunded to the Agency or, with the Agency's approval, may be used to pay Agency-approved costs the PSAP or wireless provider submitted for the current fiscal year of the Agency.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

In calendar year 2012, \$1,085,087.50 in overpayments were approved to be reallocated to Agency-approved costs for the fiscal year. In addition, audits of PSAP accounts found \$812,998.00 in expenses that were not eligible to be paid from their respective 9-1-1 accounts. These PSAPs reimbursed their 9-1-1 accounts from their county general operating accounts to correct these findings.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

At no time did the Commonwealth of Pennsylvania make wireless, wireline, or VoIP 911 funds available for any purposes other than those purposes allowed by cited statute.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or

expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

By statute, operation of Primary PSAPs in Pennsylvania is a responsibility of the counties and cities (if they so choose) within the commonwealth. All wireless, wireline, and VoIP funding in Pennsylvania is directed to the counties and cities responsible for the provision of E911 service, and is to be used for the exclusive direct provision of E-911 services as outlined in the statutory language. The political

subdivisions that receive wireless, wireline, and VoIP funding in Pennsylvania are listed below:

- Adams County
- Allegheny County
- Armstrong County
- Beaver County
- Bedford County
- Berks County
- Blair County
- Bradford County
- Bucks County
- Butler County
- Cambria County
- Cameron County
- Carbon County
- Centre County
- Chester County
- City of Allentown
- City of Bethlehem
- Clarion County
- Clearfield County
- Clinton County
- Columbia County
- Crawford County
- Cumberland County
- Dauphin County
- Delaware County
- Elk County
- Erie County
- Fayette County
- Forest County
- Franklin County
- Fulton County
- Greene County
- Huntingdon County
- Indiana County
- Jefferson County
- Juniata County
- Lackawanna County
- Lancaster County
- Lawrence County
- Lebanon County
- Lehigh County
- Luzerne County
- Lycoming County
- McKean County
- Mercer County
- Mifflin County
- Monroe County
- Montgomery County
- Montour County
- Northampton County
- Northumberland County
- Perry County
- Philadelphia County
- Pike County
- Potter County
- Schuylkill County
- Snyder County
- Somerset County
- Sullivan County
- Susquehanna County
- Tioga County
- Union County
- Venango County
- Warren County
- Washington County
- Wayne County
- Westmoreland County
- Wyoming County
- York County

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

For State Fiscal Year 2012-13, the Commonwealth of Pennsylvania approved \$1,330,000 in wireless surcharge revenue for PSAPs to conduct Next Generation 9-1-1 needs assessments. The Commonwealth itself expended \$1,731,449.49 for Next Generation 9-1-1 strategic planning as well as the development and deployment of Emergency Services IP-based networks (ESInets) in two regions of the state. In addition, these regions contributed \$7,463,511 in different grant funds for these services. These networks will make up part of the backbone of the statewide Next Generation 9-1-1 system in Pennsylvania.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

The cost to deliver 9-1-1 service in Pennsylvania exceeds existing 9-1-1 fund surcharge revenue streams. For the most recent annual reporting period (CY 2011), Pennsylvania PSAPs reported expenses exceeded 9-1-1 revenue by \$80.2 million. This fiscal challenge was exacerbated by the September 30, 2009, expiration of the ENHANCE 911 Act of 2004 (the Act). While successful in its application to secure \$2.4 million of the \$41 million of the Act funds appropriated by Congress, Pennsylvania's deployment of its Next Generation solution is dependent upon its allocated share of the Act's original \$1.25 billion appropriation authorization. The

Act's original grant funding is critically important to the Commonwealth's plan to advance the technological capability of its 9-1-1 system to support Next Generation 9-1-1 and additional funding should be reauthorized.



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

- 1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

"Article 5 of the 9-1-1 Calls Act – Charges to telephone subscribers", (25 L. P. R. A. 1911 et seq), states as follows:

(a) The 9-1-1 Service Governing Board, in the exercise of the faculties granted by this law, shall establish the charges it deems justified to defray the costs of equipment and facilities required to render 9-1-1 services and its direct administration, by participating agencies. The charges shall be established from time to time, at the Board's discretion, and their effectiveness shall not be less than one year.

(Dec. 22, 1994, No. 144, § 5; Aug. 3, 1995, No. 108, § 4.)



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2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

(a) The monthly charge per subscriber is:

- (1) Fifty cents (\$0.50) a month for residential, nonprofit and religious organization subscribers.
- (2) Fifty cents (\$0.50) a month for each cellular telephone subscriber.
- (3) One dollar (\$1.00) a month for commercial, professional and government subscribers.
- (4) These charges will apply to any other line of communication interconnected to a telephone system that can generate and receive phone calls, according to the above categories.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The amount of the fees or charges imposed for the implementation and support of 911 and E911 services is fifty cents (\$0.50) a month for residential, nonprofit and religious organizations subscribers per main telephone line; one dollar (\$1.00) a month for commercial, professional and government subscribers per main telephone line. The total amount collected for the annual period ending December 31, 2012 is \$20,323,323.95.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Article 6 of the 9-1-1 Calls Act – Distribution and use of the funds collected for charges to telephone subscribers and Resolution 006, 1998-99 establishes how the funds are collected, distributed and made available to the public safety agencies



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(Those agencies whose services are offered through the use of the 9-1-1 emergency telephone number, including, specifically the Police of Puerto Rico, the Medical Emergencies of Puerto Rico, the Puerto Rico Fire Department, the Commonwealth Emergency Management and Disaster Administration Agency and the Department of the Family. Also included are the Medical Emergency Programs of Bayamon Municipal Government, Guaynabo Municipal Government, San Juan Municipal Government, Cataño Municipal Government, Ciales Municipal Government, Corozal Municipal Government, Dorado Municipal Government, Florida Municipal Government, Morovis Municipal Government, Naranjito Municipal Government, Toa Baja Municipal Government, Toa Alta Municipal Government, Vega Alta Municipal Government, Vega Baja Municipal Government, Arroyo Municipal Government, Barceloneta Municipal Government, Cayey Municipal Government, Ceiba Municipal Government, Cidra Municipal Government, Fajardo Municipal Government, Guanica Municipal Government, Guayama Municipal Government, Guayanilla Municipal Government, Gurabo Municipal Government, Hatillo Municipal Government, Hormigueros Municipal Government, Las Piedras Municipal Government, Loiza Municipal Government, Manatí Municipal Government, Maricao Municipal Government, Naguabo Municipal Government, Ponce Municipal Government, Quebradillas Municipal Government, San Germán Municipal Government, San Lorenzo Municipal Government, Santa Isabel Municipal Government, Yabucoa Municipal Government and Yauco Municipal Government ; funds are also provided for the administration of said agency.

Resolution 016, 2009-2010 amended the established limits for the distribution of the funds collected from charges to telephone subscribers to be as follows:

(1) Billing cost and collection of charges by the telephone companies:	0.50%
(2) Reserve for contingencies:	6.50%
(3) Reserve for expansion of services and replacement of equipment and systems:	5.00%
(4) Board administration and joint operating expenses of public safety agencies, including the 9-1-1 call-receiving centers:	38.00%
(5) Individual expenses typical of security agencies in responding to calls via 9-1-1. This item shall be distributed among the public safety agencies in proportion to the number of calls handled by each one, except when the Board members, by consensus, authorize exceptions in order to resolve special needs of one or more agencies:	50.00%



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Article 22 of the 9-1-1 Service Government Board Bylaws (Regulation Num. 5303) states as follows:

- (a) The provision of emergency services requires the outlay of funds, which must be recovered in order to obtain the resources needed to maintain optimal conditions of said service. The primary source of resources authorized by law will be the amount collected by a charge against subscriber telephone lines installed, uniform manner within each subscriber category. This charge will be billed monthly in conformity with established procedures by the Telephone Company and Private telephone companies in Puerto Rico, duly ratified by the Board, which shall be submitted by the companies for the consideration by the Board in a time frame not to exceed thirty (30) days counted from the date of approval of this regulation.
- (b) The Board has established the Regulations for Billing and Collections from the Subscribers for 9-1-1 Service (Regulation No. 6203) to govern the process of collecting these charges, the deposit of collections, remittance and delivery of the 9-1-1 funds to the 9-1-1 Government Board from the telephone companies subscribers. Telephone companies must supply the telephone numbers of subscribers and their physical addresses or locations of these to the Board, in case of cellular, as required by law through the Federal Communications Commission, or any other entity with authority and competence, according to the provisions, agreements, technology and other requirements of the Board, welfare and to safeguard the public interest.
- (c) The deposit of the collections of the telephone companies will be made in the Board's account in the Government Development Bank for Puerto Rico in a period of not more (30) days from collection.
- (d) ...
- (e) ...
- (f) The monthly charge per subscriber will be:
 - (1) Fifty cents (\$0.50) a month for residential, nonprofit and religious organization subscribers.
 - (2) Fifty cents (\$0.50) a month for each cellular telephone subscriber.
 - (3) One dollar (\$1.00) a month for commercial, professional and government subscribers.



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- (4) These charges will apply to any other line of communication interconnected to a telephone system that can generate and receive phone calls, according to the above categories.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The Board is formed by the Police Superintendent, the Executive Director of the Emergency Medical Services of Puerto Rico, the Chief of the Puerto Rico Fire Department and the Executive Director of the State Emergency Management Agency. In addition to the four ex officio members mentioned here, the Board is formed by an additional member representing the public interest, which shall be selected and appointed with the consent of the ex-officio members mentioned herein. There are total of five members of the Board.

Without restricting the faculties and duties of the public safety agencies and of the officials who constitute the Board in compliance of their ministerial duties, the Board is in charge of the coordination of any joint government effort to enforce the provisions of the 9-1-1 Calls Act and distribution of money.

The Board has adopted bylaws. Through said bylaws, the Board established the fees that the Telephone companies are authorized to collect from the state's telephone service subscribers to facilitate the establishment of the 9-1-1 operations and technologies needed in each participating public safety agency to give an adequate receiving and response service and defray the service's operating and maintenance expenses in said agencies. The Board adopted regulations deemed necessary to expedite interagency coordination and the rendering of the emergency services contemplated herein; and those regulations that in the future, by consensus, its members identify as necessary for the Board's jurisdiction. The Board shall also establish by regulations all that is necessary to carry out its purposes.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.



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The Section 6. — Distribution and Use of the Funds Collected for Charges to Telephone Subscribers. — (25 L.P.R.A. § 1915) of Act No. 144 of December 22, 1994, as amended, known as "9-1-1 Calls Act", establishes:

- a) The Board's income for telephone charges shall be used exclusively to defray or reimburse the expenses directly attributed to receiving and responding to emergency calls, the dispatching and rendering of primary services in said emergencies, and the administration of said services.

- 7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The Independent Auditor's Report for 9-1-1 Service Government Board of the Commonwealth of Puerto Rico, as of and for the years ended June 30, 2012 and 2011, states that the basic financial statements were presented fairly, in all material respects, the financial position of the 9-1-1 Service Government Board as of June 30, 2012 and 2011 and the results of its operations and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

We have no financial or operating corrective actions or findings made to this day. However, our Audit Office is conducting several Telecommunication Companies audits to ensure funds received by the companies are correct; and also, audits to funds distributed to Emergency Response Agencies are used according to Law are being conducted.

- 8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

- 9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by



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the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

All the funds collected from telephone subscribers have been available and used for the intended purposes mandated by the "911 Calls Act" and the 9-1-1 Government Boards Bylaws.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

All the funds collected from telephone subscribers have been collected and deposited to the Board's account in the Puerto Rico Development Bank. The funds have been distributed as mandated by Resolution 016, 2009-2010. The distribution of funds to the Participating Agencies has been paid annually in two installments. The Board administration and operating expenses administration have been defrayed by the 38% of the funds collected.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	



Federal Communications Commission
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13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The 9-1-1 Service Government Board executed an E911 platform migration project to implement a "Next Generation 911" (NG911) system. The project was divided in phases:

1. **Phase I:** Implementation of a functional and operational E911 solution at a new Hato Rey PSAP located in the AEMEAD headquarters building. Implementation of voice and data telecommunication infrastructure (voice and WAN) infrastructure, physical habilitation of Hato Rey PSAP. **COMPLETED**
2. **Phase II:** Migration of Main PSAP call taking solution to the VIPER E911 solution. Implementation of the Virtual PSAP call center between the Main and Hato Rey PSAPs. **COMPLETED**
3. **Phase III:** Implementation of a functional and operational E911 solution (nine positions, remote survivable VIPER node) at the Centro Interagencial del Este (CIE) PSAP at Ceiba Implementation. **PENDING**
4. **Phase IV:** System enhancements and Text to 9-1-1 service to the public. **PENDING**

The Next Generation 911" (NG911) system investment is of \$3,836,993.61 over a three year period. For the period ending December 31, 2012 the amount invested was \$2,384,912.12. The Board obtained the approval for the disbursement of funds from the National Highway Traffic Safety Administration (NHTSA) to receive funds granted by the E911 Grant in the amount of \$500,000.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

We have difficulties identifying and corroborating the number of either telephone or cellular lines that actually exist within each telephone company. Our funding mechanism relies on what the telephone companies informs us. We need an independent source of corroboration that certifies the actual active telephone and cellular line each month in order for us to verify the amount of E911 collected funds which must be deposited by each individual telephone company. When we have requested this information from government regulatory agencies they inform us that the information is confidential.



HON. ALEJANDRO GARCÍA PADILLA
GOBERNADOR

**ESTADO LIBRE ASOCIADO DE PUERTO RICO
JUNTA DE GOBIERNO DEL SERVICIO 9-1-1**



LCDO. ROBERTO FUENTES MALDONADO
DIRECTOR EJECUTIVO

CERTIFICACION

Yo, Roberto Fuentes Maldonado, certifico que la información suministrada a petición de la Comisión Federal de Comunicaciones, a través de la Oficina de Seguridad Pública Nacional, relacionada al “New and Emerging Technologies 911 Improvement Act del 2008”, es correcta.

En testimonio de lo cual, firmo la presente certificación en San Juan, Puerto Rico, hoy, 28 de agosto de 2013.

Lcdo. Roberto Fuentes Maldonado
Director Ejecutivo

Rhode Island



State of Rhode Island and Providence Plantations
State House, Room 224
Providence, Rhode Island 02903
401-222-2080

Lincoln D. Chafee
Governor

August 28, 2013

Via Facsimile and United States Mail

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Information Collection Mandated by the New and Emerging Technologies 911
Improvement Act of 2008*

Dear Mr. Turetsky:

Thank you for your recent letter. Enclosed please find responses to your questions from William Gasbarro and Gregory Scungio, co-directors of the State's E 911 operations. If you have any additional questions, please do not hesitate to get in touch directly with either Mr. Gasbarro or Mr. Scungio.

Sincerely,

A handwritten signature in black ink, appearing to read "L. D. Chafee".

Lincoln Chafee

cc: William P. Gasbarro, Co-Director
Gregory M. Scungio, Co-Director

Enclosure



RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY
RI E-911 Uniform Emergency Telephone System

311 Danielson Pike, North Scituate, RI 02857-1907
Telephone: (401) 459-0911 — Fax: (401) 459-0933

Colonel Steven G. O'Donnell
Commissioner, Department of Public Safety
Superintendent, Rhode Island State Police

August 15, 2013

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

SUBJECT: INFORMATION COLLECTION MANDATED BY THE NEW AND EMERGING TECHNOLOGIES IMPROVEMENT ACT OF 2008

Dear Mr. Turetsky,

In response to your recent request, below please find the responses from the Department of Public Safety (DPS) with respect to the Federal Communications Commission (FCC) inquiry under the "New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act).

According to the FCC, the intent of the NET 911 Act is to collect information, "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified." The FCC questions and DPS responses are as follows:

- Q. 1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?
- A. 1. The State of Rhode Island has established a funding mechanism of \$1.00 per wireline per month (RIGL 39-21.1-14) and \$1.00 (RIGL 39-21.1-14) plus .26-cents (RIGL 39-1-62) (for a total [monthly] wireless 911 surcharge of \$1.26) per month for every wireless "...instrument, device or means ... which has access to, connects with, or activates or interfaces or any combination thereof with the E 9-1-1 Uniform Emergency Telephone System." (RIGL 39-1-62 (d)(1) entitled "E-911 Geographic Information System (GIS) and Technology Fund" and RIGL 39-21.1-14(a) entitled "Funding"). Pursuant to RIGL 39-1-62 (d) (1), these funds are deposited into the R.I. General Fund as general revenue.

Additionally, the State of Rhode Island collects a prepaid wireless E9-1-1 charge at the point of sale for every retail transaction for prepaid wireless telecommunications service. This prepaid E9-1-1 charge is the only E9-1-1 funding obligation imposed with respect to prepaid wireless telecommunications service in this state. This prepaid wireless charge

is collected from the consumer at the point of sale by the seller. The charge rate is 2.5% per retail transaction for prepaid wireless telecommunications service. This statutory language, rate and remittance is found at RIGL 39-21.2-2(2), (7), (8), RIGL 39-21.2-3(2), (4), RIGL 39-21.2-4(a), (b), and RIGL 39-21.2-5(a), (b).

- Q. 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.
- A. 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services are as follows: \$1.00 per month for each wireline device, \$1.26 per month for each wireless device, and 2.5% per retail transaction for any prepaid wireless device. These fees are further identified in RIGL 39-1-62, RIGL 39-21.1-14, and RIGL 39-21.2-4.
- Q. 3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.
- A. 3. The State of Rhode Island tabulates fee collection on a fiscal year basis. The most recent fiscal year completed (FY 2013) encompasses the period from July 1, 2012 through June 30, 2013. The total fees collected for wireline, wireless, and GIS services for FY 2013 totaled approximately \$15,200,000.00 dollars.
- Q. 4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.
- A. 4. RIGL 39-1-62 establishes a funding mechanism for a number of wireline devices. Additionally, RIGL 39-21.1-14, establishes a funding mechanism for both Voice Over Internet Protocol (VoIP) and other wireline devices and all wireless devices. Lastly, RIGL 39-21.2-4 establishes a funding mechanism for prepaid wireless devices. These funding mechanisms prescribe the manner by which the funds are collected, transferred to the State's Division of Taxation, and ultimately deposited into the General Fund for eventual disbursement. RIGL 39-1-62(c), (d), (e), RIGL 39-21.1-14(g) and RIGL 39-21.2-2(2) identifies the allowed uses for 911 collected surcharge funds. Additionally, § 35-3-1 (1) of the General Laws directs the State Budget Officer to "exercise budgetary control over all state departments and agencies and perform management analyses;" Because RI E911 falls within the purview of the Rhode Island Department of Public Safety (DPS), E911's budget is managed on a day-to-day basis by the DPS's Central Business Office with oversight by the State Budget Officer and the Department of Administration - Division of Purchasing.
- Q. 5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.
- A. 5. Under § 35-3-2 of the Rhode Island General Laws, the Rhode Island General Assembly has the authority to annually appropriate general revenue funds as it deems necessary to pay the administrative and other expenses of state government. Additionally, § 35-3-1 (1) of the General Laws directs the State Budget Officer to "exercise budgetary control over all state departments and agencies and perform management analyses."

- Q. 6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.
- A. 6. Because RI E911 falls within the purview of the Rhode Island Department of Public Safety (DPS), E911's budget is managed on a day-to-day basis by the DPS's Central Business Office with oversight by the State Budget Officer and the Department of Administration - Division of Purchasing.
- Q. 7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.
- A. 7. The Department of Public Safety Central Business Office with oversight by the State Budget Officer and the Department of Administration-Division of Purchasing oversees the account activities of RI E 9-1-1. RI E 9-1-1 is not aware of any enforcement or other corrective actions undertaken in connection with this oversight, for the annual period ending December 31, 2012.
- Q. 8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in question 1.
- A. 8. All of the funds collected for 911 or E911 have not been made available for the purposes designated by the funding mechanism.
- Q. 9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.
- A. 9. During the most recently completed fiscal year that ended June 30, 2012 (FY 2013), a total of approximately \$16,500,000.00 was collected by the State of Rhode Island for E911 surcharges. E911 expended approximately \$4,800,000.00 from state appropriations. The remainder, approximately \$11,700,000.00 went to the State's General Fund and was used for purposes other than for E911's operation. Additionally, the agency is supported by the Department of Administration for many administrative services that it is not charged for. This includes payroll processing, accounts payable processing, and financial reporting.
- Q. 10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes, and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.
- A. 10. The E-911 program operating budget is approximately 5.2 million dollars. In accordance with RI General Law, the surcharge funds are collected by the RI Division of Taxation and remitted into the RI General Fund.

- Q. 11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?
- A. 11. Authorized expenditures for 911 are broadly classified. Due to this broad classification, expenditures on Next Generation 911 are within the scope of permissible expenditures (RIGL 39-21.1-14(g)).
- Q. 12. Has your state has expended such funds on Next Generation 911 programs?
- A. 12. Three years ago RI E 9-1-1 purchased a Solacom Switch for the price of \$155,000.00. That switch is instrumental in being one of the components necessary for the receipt of Next Generation 911 services.
- Q. 13. If so, how much has your state has expended in the annual period ending December 31, 2012 on Next Generation 911 programs?
- A. 13. RI E 9-1-1 has expended approximately \$16,000.00 on our annual maintenance and updates for our Solacom Selective Router, which is a piece of hardware that supports our NG911 initiative.
- Q. 14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.
- A. 14. None

Respectfully submitted,



William P. Gasbarro
Contracts and Specifications Officer
Co-Director, RI E 9-1-1



Gregory M. Scungio
Principal Project Manager
Co-Director, RI E 9-1-1

cc: Colonel Steven O'Donnell
Danica Iacoi, Esq.
Lisa Holley, Esq.
Captain Brian Casilli
Major Wilfred Hill
Colleen Halloran-Villandry
Claire Richards

South Carolina

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

The State of South Carolina has established a mechanism to fund E911 services. Section 23-47-40 of the S.C. Code of Laws governs landlines and Section 23-47-50 governs wireless. Landline based funding is administered by local governments. Wireless based funding is administered by the Office of Research & Statistics of the South Carolina Budget & Control Board.

SECTION 23-47-40. System funding.

(A) The local government is authorized to adopt an ordinance to impose a monthly 911 charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 charge must be uniform and may not vary according to the type of local exchange access facility used.

The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) Funding must be used only to pay for the following enumerated items:

- (1) the lease, purchase, lease-purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and data base provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;
- (2) the rates associated with the service supplier's 911 service and other suppliers recurring charges;
- (3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the data base of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;
- (4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;
- (5) items necessary to meet the standards outlined in this chapter, specifically in Section 23-47-20(C);
- (6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;
- (7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) Funding must not be used for:

- (1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;
- (2) hiring or compensating dispatchers or call takers other than initial and in-service training;
- (3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;
- (4) consultants or consultant fees for studies of implementation;
- (5) aerial photography.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.

SECTION 23-47-50. Subscriber Billing.

(F) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier. A monthly CMRS 911 charge is

levied for each CMRS connection for which there is a mobile identification number containing an area code assigned to South Carolina by the North American Numbering Plan Administrator. The amount of the levy must be approved annually by the board at a level not to exceed the average monthly telephone (local exchange access facility) 911 charges paid in South Carolina. The board and the committee may calculate the CMRS 911 charge based upon a review of one or more months during the year preceding the calculation of telephone (local exchange access facility) charges paid in South Carolina. The CMRS 911 charge must have uniform application and must be imposed throughout the State; however, trunks or service lines used to supply service to CMRS providers shall not be subject to a CMRS 911 levy. On or before the twentieth day of the second month succeeding each monthly collection of the CMRS 911 charges, every CMRS provider shall file with the Department of Revenue a return under oath, in a form prescribed by the department, showing the total amount of fees collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall place the collected fees on deposit with the State Treasurer. The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a fund separate and apart from the general fund to be expended as provided in Section 23-47-65.

(G)(1) Fees collected by the service supplier pursuant to this section are not subject to any tax, fee, or assessment, nor are they considered revenue of the service supplier.

(2) A 911 charge, including a CMRS 911 charge, shall be added to the billing by the service supplier to the service subscriber and may be stated separately.

(3) A billed subscriber shall be liable for any 911 charge, including a CMRS 911 charge, imposed under this chapter until it has been paid to the service supplier.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services

The landline fees are collected at the local level by each of the 46 counties and 4 municipalities. Those fees range from \$0.30 to a maximum of \$1.00 per subscriber per month.

The wireless 911 surcharge fee in South Carolina for 2012 was \$0.62 per subscriber per month. By law, the wireless fee is the average of the landline fees.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The landline fees are collected at the local level. The State does not play a role in collecting those fees and does not have the information concerning the total amount collected by the local governments.

The State of South Carolina collected \$28,948,882.35 in Wireless 911 fees in the 2012 calendar year. This was the first full year a 911 surcharge fee was collected on prepaid wireless 911.

4. A statement describing how the funds collected are made available to localities, and whether the state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

46 counties and 4 municipalities receive a quarterly distribution of a portion of the wireless surcharge based on total wireless call volume for that time period, which must be used specifically for 911 or E911 purposes. An additional amount of the wireless surcharge is available for reimbursement to these counties and municipalities for upgrading, acquiring, maintaining, programming, and installing necessary data, hardware and software to comply with certain FCC requirements.

The State of South Carolina has no role in collecting, distributing or monitoring landline based fees. The criteria for acceptable use of landline fees is outlined in section 27-43-40.

SECTION 23-47-40. System funding.

(A) The local government is authorized to adopt an ordinance to impose a monthly 911 charge upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served or which would be served by the 911 service. The 911 charge must be uniform and may not vary according to the type of local exchange access facility used.

The ordinance must be adopted in the same fashion as ordinances that levy taxes under South Carolina law. No collection of charges may be commenced before adoption of the ordinance.

(B) Funding must be used only to pay for the following enumerated items:

(1) the lease, purchase, lease-purchase, or maintenance of emergency telephone equipment, including necessary recording equipment, computer hardware, software and data base provisioning, addressing, mapping, and nonrecurring costs of establishing a 911 system;

(2) the rates associated with the service supplier's 911 service and other suppliers recurring charges;

(3) the cost of establishing and maintaining a county 911 office or maintaining as currently staffed a county 911 office for the purpose of operating and maintaining the data base of the 911 system. Costs are limited to salaries and compensations and those items necessary in the operation of the 911 office and normal operating costs;

(4) items enumerated may be subscriber billed for a period not to exceed thirty months before activation of the 911 service;

(5) items necessary to meet the standards outlined in this chapter, specifically in Section 23-47-20(C);

(6) enhancements either currently available or available in the future offered by service suppliers and approved by the Public Service Commission;

(7) a local government may contract to implement and establish a 911 system as set forth in this chapter.

(C) Funding must not be used for:

(1) purchasing or leasing of real estate, cosmetic or remodeling of communications centers, except those building modifications necessary to maintain the security and environmental integrity of the PSAP;

(2) hiring or compensating dispatchers or call takers other than initial and in-service training;

(3) mobile communications vehicles, fire engines, law enforcement vehicles, ambulances, or other emergency vehicles, or other vehicles;

(4) consultants or consultant fees for studies of implementation;

(5) aerial photography.

(D) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments through subscriber billing to provide any payments required by the contract.

HISTORY: 1991 Act No. 245, Section 1.

5. A statement identifying any entity in the state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

See answer for question 6

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

Section 23-47-65 of the S.C. Code of Laws gives the CMRS Advisory Committee authority to approve certain expenditures at the local level from wireless based fees.

SECTION 23-47-65. CMRS Emergency Telephone Advisory Committee created; responsibilities of committee and State Budget and Control Board.

(A)(1) The CMRS Emergency Telephone Services Advisory Committee is created to assist the board in carrying out its responsibilities in implementing a wireless enhanced 911 system consistent with FCC Docket Number 94-102. The committee must be appointed by the Governor and shall consist of: the Director of the State Chief Information Officer Division, Budget and Control Board, ex officio; two employees of CMRS providers licensed to do business in the State; two 911 system employees; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State; and one consumer. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee.

(2) All committee members, except the ex officio members, must be appointed for a three-year term by the Governor. Committee members may be appointed to one subsequent term.

(3) In the event a vacancy arises, it must be filled for the remainder of the term in the manner of the original appointment. A partial term does not count toward the term limits; however, service for three-fourths or more of a term constitutes service for a term.

(4) Any committee member who terminates his holding of the office or employment which qualified him for appointment shall cease immediately to be a member of the committee; the person appointed to fill the vacancy shall do so for the unexpired term of the member whom he succeeds.

(5) The committee shall establish its own procedures with respect to the selection of officers, quorum, place, and conduct of meetings.

(B) The responsibilities of the committee with respect to CMRS emergency telephone services are to:

(1) advise the board on technical issues regarding the implementation of a wireless E 911 system, especially matters concerning appropriate systems and equipment to be acquired by CMRS providers and PSAP's to assure the compatibility of the systems and equipment and the ability of the systems and equipment to comply with the requirements of FCC Docket Number 94-102;

(2) recommend systems and equipment for which reimbursement may be allowed to CMRS providers and PSAP's under the provisions of this chapter, which are compatible with each other as needed for the public's safety, and will not result in wasteful spending on inappropriate or redundant technology.

(C) The responsibilities of the board with respect to CMRS emergency telephone services are to:

(1) direct the State Treasurer in the management and disbursement of the funds in and from an interest-bearing account in the following manner:

(a) hold and distribute not more than thirty-nine and eight-tenths percent of the total monthly revenues in the interest-bearing account to PSAP administrators based on CMRS 911 call volume for expenses incurred for the answering, routing, and proper disposition of CMRS 911 calls;

(b) hold and distribute not more than fifty-eight and two-tenths percent of the total monthly revenues in the interest-bearing account solely for the purposes of complying with applicable requirements of FCC

Docket Number 94-102. These funds may be utilized by the PSAP and the CMRS providers licensed to do business in this State for the following purposes in connection with compliance with the FCC requirements: upgrading, acquiring, maintaining, programming, and installing necessary data, hardware, and software. Invoices detailing specific expenses for these purposes must be presented to the board in connection with any request for reimbursement, and the request must be approved by the board, upon recommendation of the committee. Any invoices presented to the board for reimbursements of costs not described by this section may be approved only by a unanimous vote of the committee, but in no event shall reimbursement be made for costs unrelated to compliance with applicable requirements of FCC Docket Number 94-102;

(c) hold and distribute not more than two percent of the total monthly revenues in the interest-bearing account to compensate the independent auditor provided for herein and for expenses which the board is authorized to incur by contract, or otherwise, for provision of any administrative, legal, support, or other services to assist the board in fulfilling its responsibilities under this act;

(2) with the State Treasurer, prepare annual reports outlining fees collected and monies disbursed to PSAP and CMRS providers, and submit annual reports outlining monies disbursed for operations of the board;

(3) retain an independent, private auditor, as provided in the Consolidated Procurement Code, for the purposes of receiving, maintaining, and verifying the accuracy of proprietary information submitted to the board by CMRS providers or PSAP's, and assisting the committee in its duties including its annual calculation of the average 911 charges pursuant to Section 23-47-50(f) and in cost studies it may conduct. Due to the confidential and proprietary nature of the information submitted by CMRS providers, the information may not be released to a party other than the independent private auditor and is expressly exempt from disclosure pursuant to Chapter 4 of Title 30. The information collected by the auditor may be released only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider;

(4) conduct a cost study to be submitted to the House Ways and Means Committee and Senate Finance Committee one year from the effective date of this section and thereafter at the board's discretion. The board may include any information it considers appropriate to assist the General Assembly in determining whether future legislation is necessary or appropriate, but the report must include information to assist in determining whether to adjust the CMRS 911 charge to reflect actual costs incurred by PSAP's or CMRS providers for compliance with applicable requirements of FCC Docket Number 94-10;

(5) convene the committee and consult with it concerning the performance of the responsibilities assigned to the board and to the committee in this chapter, and the development and maintenance of the state's CMRS emergency telephone services and system;

(6) report as required or suggested by this chapter, promulgate any regulations, and take further actions as are appropriate in implementing it.

(D) The board and committee must:

(1) annually calculate the average 911 charge as provided in Section 23-47-50(F);

(2) take appropriate measures to maintain the confidentiality of the proprietary information described in Section 23-47-65(C)(1)(e). This information may be disclosed to board and committee members only in the event a dispute arises with respect to the board's and committee's discharge of their responsibilities under Section 23-47-65(B)(2) which necessitates such disclosure. The information shall also be exempt from disclosure pursuant to Chapter 4 of Title 30. Members of the board may not disclose the information to any third parties, including their employers;

(3) take appropriate measures to see that all CMRS service suppliers comply with the requirements of Section 23-47-50(F).

(E) CMRS providers are entitled to retain two percent of the fees collected as reimbursement for collection and handling of the CMRS 911 charge.

(F) On August 1, 2004, the committee's existence terminates and all its duties and powers devolve to the board, except that the committee may continue to exist and function upon adoption by the General Assembly of a joint resolution extending its existence past August 1, 2004

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

N/A

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

The State of South Carolina has not made 911 or E911 funds available for any purpose other than the maintenance, enhancement or furthering of 911 services in the State of South Carolina as prescribed by statute identified in Question 1.

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support.

The State of South Carolina has not made 911 or E911 funds available for any purpose other than the maintenance, enhancement or furthering of 911 services in the State of South Carolina as prescribed by statute.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 Services or enhancements of such services.

The State of South Carolina disbursed \$22,714,044.01 to PSAPS and CMRS providers. The State of South Carolina reimbursed 41 jurisdictional PSAPs a total of \$7,169,097.85 for the purchasing of 911 equipment, hardware and software and recurring charges associated with such equipment. An additional \$11,187,709.50 was distributed to the PSAPs based on each jurisdiction's total wireless 911 call volume. Finally, \$4,357,236.66 was distributed to 8 CMRS providers for 911 equipment dedicated to providing wireless 911 service. The PSAPs and CMRS providers benefit from the reimbursements by providing them a means to upgrade and purchase new equipment to provide the best possible 911 service throughout the State of South Carolina.

11. Does your State classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Next Generation 911 does fall within the scope of permissible expenditures of funds for 911 or E911 services.

12. Has your state expended such funds on Next Generation 911 programs?

The State of South Carolina has expended funds to PSAPs for equipment that is Next Generation "ready", however, there are no PSAPs that are entirely Next Generation. CMRS providers are not Next Generation so at best the PSAPs can only be Next Generation "ready".

13. If so, how much your state has expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The State of South Carolina will continue to reimburse PSAPs for their 911 equipment purchases and upgrades that qualify for reimbursement, Next Generation “ready” or not. Until the CMRS providers become Next Generation ready, it is difficult to calculate the total amount expended solely for Next Generation 911 programs.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

None.



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Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

South Dakota Codified Law 34-45-4 and 34-45-4.2
<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-45>

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

SDCL 34-45-4 "A monthly uniform 911 emergency surcharge of one dollar and twenty-five cents shall be assessed per service user line." SDCL 34-45-4.2 "There is hereby imposed a prepaid wireless 911 emergency surcharge of two percent upon the gross receipts of each retail transaction for the purchase of prepaid wireless telecommunications service."

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The amount of surcharge collected for the annual period ending December 31, 2012



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was \$9,111,476.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

The 911 surcharge funds are remitted by the telecos to the SD Department of Revenue on a monthly basis. This includes the \$1.25 per line surcharge and the 2% prepaid wireless surcharge. DOR then transfers those dollars to the SD Department of Public Safety for distribution as explained in SDCL 34-45-8.4.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-45-8.4>

34-45-8.4. (Text of section effective until July 1, 2018) Distribution of surcharge revenue to public agencies and to public safety 911 emergency fund and 911 coordination fund. The Department of Revenue shall transfer the surcharges collected pursuant to §§ 34-45-4 and 34-45-4.2 to the Department of Public Safety. The Department of Public Safety shall remit each month seventy percent of the revenue collected from the 911 emergency surcharges imposed by § 34-45-4 to the public agency, which has adopted an ordinance pursuant to § 34-45-2, where the surcharges were collected. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay each public agency its share of the distribution. The Department of Public Safety shall deposit thirty percent of the revenue collected from the 911 emergency surcharges imposed by § 34-45-4 into the public safety 911 emergency fund created pursuant to § 34-45-8.5. The Department of Public Safety shall deposit all of the revenue collected from the prepaid wireless service surcharge imposed by § 34-45-4.2 into the South Dakota 911 coordination fund created pursuant to § 34-45-12.

(Text of section effective July 1, 2018) The Department of Revenue shall transfer the surcharges collected pursuant to §§ 34-45-4 and 34-45-4.2 to the Department of Public Safety. The Department of Public Safety shall remit each month eighty-five percent of the revenue collected from the 911 emergency surcharges imposed by § 34-45-4 to the public agency, which has adopted an ordinance pursuant to § 34-45-2, where the surcharges were collected. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay each public agency its share of the distribution. The Department of Public Safety shall deposit fifteen percent of the revenue collected from the 911 emergency surcharges imposed by § 34-45-4 into the public safety 911 emergency fund created pursuant to § 34-45-8.5. The Department of Public Safety shall deposit all of the revenue collected from the prepaid wireless service surcharge imposed by § 34-45-4.2 into the South Dakota 911 coordination fund created pursuant to § 34-45-12.

Written criteria regarding allowable uses of the 911 surcharge funds is stated South Dakota Administrative Rule, Chapter 50:02:04.

<http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=50:02:04>



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50:02:04:08. PSAP allowable recurring and nonrecurring costs. Costs must be directly related to the installation, maintenance, or operation of a PSAP to be considered allowable costs. Directly related costs are those that are necessarily incurred by a PSAP to process emergency and non-emergency requests for service, relay information from those requests to the appropriate public safety or public service agency, and to provide support to the responding agency throughout the response.

Allowable costs may be recurring or nonrecurring. Costs must be necessary and reasonable for proper and efficient performance and administration of a PSAP. A cost is reasonable if, in nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

The determination of whether a recurring or nonrecurring cost is allowable shall be at the sole discretion of the board.

50:02:04:09. Recurring costs. Recurring costs may include the following:

(1) PSAP personnel costs, where the employee's primary function and duties must be to work as an employee of a PSAP or, at least 50 percent of the employee's work hours must be spent performing PSAP duties, to include the following:

(a) Salaries and wages, including overtime pay and payments for compensated absences under an established plan for vacation, sick leave, holidays, compensatory time or other forms of leave;

(b) Old age and survivor insurance (OASI) -- employer's share;

(c) Medicare -- employer's share;

(d) Retirement -- employer's share;

(e) Workers' compensation insurance premiums or contributions;

(f) Group health and life insurance -- employer's share;

(g) Unemployment compensation insurance -- employer's share; and

(h) Compensation for accrued leave paid out upon retirement, resignation, or termination under an established plan; and

(2) PSAP operational costs, including the following:

(a) Insurance, including general liability, property, automobile, and employee bonds;

(b) Contractual and consulting services and fees;

(c) Recruitment and testing;



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- (d) Publishing;
- (e) Rentals;
- (f) Repairs and maintenance, including maintenance contracts and service agreements;
- (g) Supplies and materials;
- (h) Postage and other delivery costs;
- (i) Travel;
- (j) Training, including registration and certification fees;
- (k) Membership dues and subscriptions; and
- (l) Utilities, including telephone services.

50:02:04:10. Nonrecurring costs. Nonrecurring costs may include the following:

- (1) Real property, pro-rated to the percentage of the premises occupied by a PSAP;
- (2) Major improvements or remodel costs to a PSAP;
- (3) Furniture and equipment, such as administrative and maintenance vehicles for a PSAP, furnishings, office equipment, computers and related connectivity, phone systems, radio systems, and recording equipment; and
- (4) Software and data necessary to the operation of a PSAP.

50:02:04:11. Communication equipment allowed or disallowed as nonrecurring costs. 911 surcharge funds may be used to pay for radio communication equipment that allows a PSAP to page and communicate with emergency responders. Such equipment may include: back room radio equipment and racks, central electronics banks, radio software, desktop radio consoles, radio computers and servers, control station radios, control station antennas and cables, mobile radios used by a PSAP as a control station or base station radio, portable radios used in a PSAP for backup purposes, and repeaters of paging terminals used by a PSAP. 911 surcharge funds may be used to pay connectivity costs between the PSAP and allowable communication equipment.

911 surcharge funds may not be used to purchase radio communication equipment or systems for emergency responders or other municipal or county agencies. Prohibited equipment includes: portable and mobile radios, pagers, cell phones, mobile data terminal and related equipment, automatic vehicle location (AVL) systems and related equipment, pyramid radios or systems, warning sirens and related equipment, radio towers, and equipment shelters.

50:02:04:12. Physical addressing costs allowed or disallowed as nonrecurring costs. 911 surcharge funds may be used to pay initial one-time costs associated with a county or municipality issuing physical addresses for the purpose of implementing Enhanced 911 to include: street name signs, map books, and wages related to addressing. After Enhanced 911 has been implemented in a county, no 911 surcharge funds may be used to pay



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on-going maintenance costs related to addressing, street name signs, or map books.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-45-12>

34-45-12. 911 coordination fund--Distributions to public safety answering points. There is hereby created within the state treasury the South Dakota 911 coordination fund. Any funds collected from prepaid wireless telecommunications service pursuant to § 34-45-4.2 shall be deposited in the South Dakota 911 coordination fund. Any money in the South Dakota 911 coordination fund is continuously appropriated for reimbursement of allowable nonrecurring and recurring costs of 911 service and operating expenses of the board. The board shall authorize disbursements from the fund pursuant to this chapter for the expenses of the board and for approved nonrecurring and recurring costs requested by the governing body of eligible 911 public safety answering points. The board may solicit proposals to coordinate and implement an upgrade to the 911 emergency service system of all public safety answering points. The funds may be disbursed for the purpose of planning, coordinating, purchasing, installing, maintaining, and operating, an upgrade to the 911 emergency services system. Any interest earned on money in the fund shall be credited to the fund.

In addition the local entities (cities/counties) expend 911 funds. The authority to approve the expenditure of funds collected for 911 or E911 purposes rests with the governing entity receiving such surcharge monies.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The South Dakota 9-1-1 Coordination Board has the statutory authority in 34-45-18.2 to promulgate rules regarding 911 expenditures. Administrative Rule 50:02:04:07 states the PSAP financial standards. <http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=50:02:04:07>

50:02:04:07. Financial standards. A PSAP must be operated according to the following financial standards:

- (1) Any governing body responsible for the operation of a PSAP must maintain within its accounting system a separate special revenue fund to be identified as the 911 Fund;
- (2) The financial balances and activities of the 911 Fund must be accounted for and reported in accordance with generally accepted accounting principles or other comprehensive basis of accounting;



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- (3) Any governing body responsible for the operation of a PSAP must adopt an annual PSAP budget and submit it to the board on forms provided by the board. The budget must include all appropriations and the means of financing those appropriations;
- (4) Any governing body receiving 911 emergency surcharge funds must deposit all received funds, including all interest earned on fund investment, in the 911 Fund;
- (5) Any governing body that receives 911 emergency surcharge revenue shall submit an annual 911 Fund financial report to the board detailing all revenue, expenditures, fund balances, and other financial information as requested on forms provided by the board. The annual report shall be submitted to the State 911 Coordinator by March 31st of each calendar year;
- (6) No later than January 1, 2011, all other revenues generated by the operation of a PSAP must be deposited in the 911 Fund and identified by revenue source code on the annual financial report;
- (7) All grant funds received from the board must be deposited in and expended from the 911 Fund; and
- (8) All recurring and nonrecurring costs paid from the 911 Fund must be allowable expenditures as prescribed by the board.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

The 911 Coordination board has the authority to collect annual financial data from any entity receiving 911 surcharge funds.
<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-45-20>

34-45-20. Board duties. The board shall:

- (1) Evaluate all of the current public safety answering points and systems throughout the State of South Dakota for their capability to adequately and efficiently administer systems;
- (2) Develop plans for the implementation for a uniform statewide 911 system covering the entire state or so much as is practicable;
- (3) Monitor the number and location of public safety answering points or systems and the use of 911 emergency surcharge funds in their administrative and operational budgets;
- (4) Develop criteria and minimum standards for operating and financing public safety answering points or systems;
- (5) Develop criteria for the eligibility and amount of reimbursement of recurring and nonrecurring costs of public safety answering points or systems;
- (6) Develop criteria for the implementation of performance audits of the use of the 911 fees utilized in the operation of the 911 system. The audit shall be conducted by the Department of Legislative Audit and shall be presented to the board and the Legislature;
- (7) Report annually to the Government Operations and Audit Committee about the operations and findings of the board and any recommendations for changes in the



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surcharges imposed by this chapter and the distribution of the revenue; and
(8) Report annually to the Governor and the Legislature about the operations and findings of the board and any recommendations for changes to 911 service in the state.

The board has the authority to promulgate rules defining the allowable recurring/non-recurring costs with 911 surcharge funds.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=34-45-18.2>

34-45-18.2. Promulgation of rules regarding operational standards, coordination of service, and expenditures. The board may promulgate rules pursuant to chapter 1-26 setting:

- (1) Minimum technical, operational, and procedural standards for the operation and utilization of a public safety answering point;
- (2) Requirements and amounts for reimbursement of recurring and nonrecurring costs;
- (3) Standards for coordination of effective 911 service on a statewide basis; and
- (4) Allowable expenditures of the 911 emergency surcharge proceeds collected pursuant to § 34-45-4.

No public safety answering point may be required to comply with the provisions of ARSD 50:02:04:02(2), unless the next generation 911 initiative has been implemented. The board shall determine when the next generation 911 initiative is operational. The board shall notify each public safety answering point not complying with the provisions of this rule when this determination has been made. The public safety answering point shall comply with the provisions of the rule within ninety days. However, any public safety answering point that submits a written request to the board to opt out of the provisions of ARSD 50:02:04:02(2) may only receive seventy-five cents of each surcharge assessed pursuant to § 34-45-4 that is to be remitted such public safety answering point. The remaining surcharge assessment shall be deposited in the public safety 911 emergency fund.

The board does not have the authority to enforce compliance with said rules. The board did contact any entity who expended 911 funds on non-allowable costs and requested that they correct their procedure immediately to come into compliance with the financial rules.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for



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the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Zero

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

SDCL 34-45-18 established the South Dakota 911 Coordination Board. The 911 Coordination Board is charged with, among other things, setting the allowable expenditures of the 911 emergency surcharge proceeds collected pursuant to 34-45-4 and 4.2. SDCL 34-45-12 states "Any money in the South Dakota 911 coordination fund is continuously appropriated for reimbursement of allowable nonrecurring and recurring costs of 911 service and operating expenses of the board."
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The funds allocated to the State 911 Coordination Board are used to: pay the operating expenses of the board and state 911 coordinators office; to fund a statewide grant program designed to provide financial assistance to PSAPs that need help in funding non-recurring costs necessary to achieve or maintain compliance with the standards set out in Administrative Rules of South Dakota related to General Operational Standards, Call Taking Standards, Communication with Field Units, Facilities and Equipment, and Technical Standards; and to create a web-based data collection system to collect the annual financial reports from the entities receiving 911 surcharge monies
--

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	X



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13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Zero. Costs related to NG911 have been incurred in calendar year 2013 and therefore will be included in the 2013 report.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

None.



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Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Tenn. Code Ann. § 7-86-108(a)(1)(A) (landline);
Tenn. Code Ann. § 7-86-108(a)(1)(B) (wireless);
Tenn. Code Ann. § 7-86-108(a)(1)(B)(vi) (non-wireline);
Tenn. Code Ann. § 7-86-128 (pre-paid).

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireline 911 funding mechanism: The law authorizes local emergency communications district (ECD) boards of directors to levy an emergency telephone service charge in an amount not to exceed sixty-five cents (\$.65) per month for residential classification service users and two dollars (\$2.00) per month for business classification users. The 911 fee is remitted to each of Tennessee's 100 ECDs every two (2) months by the wireline telecommunications service providers operating within each ECD's boundaries. Tenn. Code Ann. § 7-86-110(a). An ECD may seek a public referendum or request the Tennessee Emergency Communications Board (TECB) to



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increase the 911 service charge on landlines in the ECD's service area up to the statutory maximum which may not exceed one dollar fifty cents (\$1.50) for residential classification service users and three dollars (\$3.00) for business classification service users. Tenn. Code Ann. §§ 7-86-108(a)(2)(A); 7-86-306(a)(12).

Non-wireline 911 funding mechanism: The law authorizes the TECB to impose and collect a flat, statewide monthly 911 service charge on the users and subscribers of wireless telecommunications service to assist ECDs in the areas of management, operations and accountability and promote uniform, statewide 911 service. Tenn. Code Ann. §§ 7-86-108(a)(1)(B)(i)(a); 7-86-302(a); 7-86-303(d)((3)(A). The wireless 911 service charge remains at the amount set in 1998, \$1.00 per user or subscriber per month. In 2006, the law was amended to impose this same 911 fee on all non-wireline telecommunications service capable of connecting a person dialing or entering the digits 911 to a 911 call center. The fee is collected by non-wireline telecommunications service providers and remitted to the Board every two (2) months. Tenn. Code Ann. § 7-86-108(a)(1)(B)(ii)(a).

Pre-paid 911 funding mechanism: The law imposes a statewide prepaid wireless emergency telephone service charge of fifty-three cents (53¢) on each retail transaction involving the purchase of prepaid wireless telecommunications, except for "minimal amounts" which may be exempted from the fee at the seller's discretion. The law designates as minimal an amount of service denominated as ten (10) minutes or less, or five dollars (\$5) or less. Tenn. Code Ann. § 7-86-128.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount collected by the TECB is \$60,852,139.96. Verifiable totals for the 911 fees on landlines collected locally by individual ECDs are not available.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

TECB's 911 Funding Mechanisms: By law, the TECB distributes twenty-five percent (25%) of the revenue generated by the monthly 911 service charge on users and subscribers of non-wireline telephone service to the State's 100 ECDs, based on the proportion of the population of each district to that of the State. Tenn. Code Ann. § 7-86-



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303(d)(1). The funds are distributed every two months.

The TECB also provides a number of non-statutory funding programs, described below, for the ECDs. All told, over 85% of the TECB's expenditures in fy 2013 were distributed directly to the ECDs.

Specifically, the TECB provides the Recurring Operational Funding (ROF) program to the ECDs to address the gradual decline in landline revenue and the disproportionality of the strictly population-based distribution required by Tennessee law (in 2012, the four most populous ECDs received almost 37% of the 25% statutory distribution). This program distributes over \$21.6 million annually. Under the ROF program, each district receives a base amount of \$80,000 annually as an acknowledgement of the basic costs intrinsic to providing 911 service without regard to the population served by the ECD. The remainder of the \$21.6 million (\$13.6 million) is divided among the districts based on seven (7) population groups. A set amount is allocated to each group based on the average audited cost ratios of each of the population groups, determined from an analysis of audited financial statements from the 2004-2005 fiscal year. In figuring this calculation, all personnel costs, including salaries and benefits, were excluded in order to assure more equal treatment between districts that dispatch and those that do not. Each ECD in each of the seven (7) population groups receives the same dollar amount. The population groups receive the following annual distributions, updated to reflect the new population counts from the 2010 census, which may be used in the operation of the districts for all purposes permitted under the TECB Revenue Standards:

<u>Population Groups (2010 Census):</u>	<u>Annual distribution to each ECD (per population group):</u>
Under 15,000	\$124,182
15,000 – 29,999	\$142,860
30,000 – 49,999	\$167,214
50,000 - 74,999	\$188,916
75,000 - 99,999	\$265,860
100,000 - 199,999	\$345,150
over 300,000	\$1,269,936

The TECB has also initiated a recurring program to provide over \$2 million annually to ECDs for dispatcher training. In addition, the Board offers \$10,000 annually to each ECD for GIS mapping maintenance. Further, all revenue the TECB receives from non-wireline telecommunications providers other than cell phone carriers (currently limited to 911 fees on VoIP service) funds a program to incentivize ECDs to upgrade and maintain their GIS mapping systems. A uniform GIS Mapping System incorporating standards established by the National Emergency Number Association (NENA) is being incorporated into Tennessee's Next Generation 911 project because GIS maps will



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ultimately be used for call routing. ECDs must satisfy certain milestones to qualify for the funding, which is distributed in three payments annually.

In addition to recurring funding programs, the TECB offers ECDs non-recurring (one-time) funding and reimbursements for the purchase of essential equipment and other items up to the following amounts:

- \$50,000 for Geographic Information System ("GIS") Mapping Systems
- \$40,000 for Controllers
- \$150,000 for Essential Equipment
- \$5,000 for Master Clocks
- \$150,000 to each ECD that Consolidates (to a maximum of 3 ECDs)
- \$1,000 to Train Dispatcher Trainers
- \$100,000 to Cover Uninsured Catastrophic Event Losses

In addition, the TECB has made \$25 million available to ECDs for CPE equipment used to connect them to the IP platform the state is deploying to modernize Tennessee's 911 infrastructure (Next Generation 911 Project). The funding plan provides each ECD with a base amount of \$120,000 plus an additional amount determined by the district's population. An additional \$300,000 is available to each ECD for equipment upgrades to assist in the NG911 deployment.

Criteria for Allowable Uses of 911 Funding: Tenn. Code Ann. § 7-86-102(d) requires that each ECD use funds received from all sources "exclusively in the operation of the emergency communications district." Consistent with that mandate, the TECB has established 911 Revenue Standards pursuant to Tenn. Code Ann. § 7-86-306(a)(10), providing guidance to the ECDs on the Required, Permissible and Prohibited Uses of 911 revenue. These criteria can be found at <http://www.tennessee.gov/commerce/911/> under "Laws, Policies and Regulations."

ECDs are subject to annual audits to assure compliance with the Revenue Standards and generally accepted auditing standards. The auditing manual may be accessed at: <http://www.comptroller1.state.tn.us/repository/ca/mq/tnecdmanual2008.pdf>.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Both the TECB and the boards of directors of Tennessee's 100 ECDs are authorized to approve the expenditure of funds collected for 911 and E911 purposes so long as the expenditures are consistent with Tennessee law and the TECB Revenue Standards.



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6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Oversight Procedures Impacting the TECB: The TECB's expenditures and all its other activities are subject to audit by the Office of the Comptroller of the Treasury. In addition, Tennessee law requires the TECB to submit an annual report on its activities, the status of statewide implementation of wireless and enhanced 911 service, compliance with the FCC's orders, the status and level of the 911 charge and the status, level and solvency of the 911 fund to the Governor, Speakers of the General Assembly and the Finance, Ways and Means Committees of the Tennessee Senate and the House of Representatives. Tenn. Code Ann. §§ 7-86-108(a)(1)(B) and 7-86-315.

Oversight Procedures Impacting ECDs: The law authorizes the TECB to withhold distributions of the non-wireline 911 service charge from ECDs that are operating in or fail to correct specific violations of the law including, but not limited to, the failure to submit an annual budget or audit, operating contrary to the open meetings act, or failing to comply with the emergency communications law. Tenn. Code Ann. § 7-86-108(f). The TECB may also withhold such distribution upon a finding that an ECD is not taking sufficient actions or acting in good faith to establish, maintain or advance wireline or wireless E-911 service. *Id.*

Further, expenditures by Boards of Directors of each of Tennessee's ECDs are subject to audit annually. The audit process is supervised by the Office of the Comptroller of the Treasury, which approves each audit and may conduct investigations on its own initiative. Tenn. Code Ann. § 7-86-113. In addition, the TECB conducts on-site ECD monitoring annually to assure compliance with operating, technical and revenue standards. To qualify for TECB reimbursement programs, ECD expenditures for essential equipment and NG911 equipment must meet TECB technical specifications and are subject to the review and approval of the TECB Chairman, Executive Director and the Chief of 911 Technical Service.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

During the annual period ending December 31, 2012, there were no circumstances requiring TECB enforcement action.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.



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YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

None of the funds collected from the users and subscribers of non-wireline telecommunications service for 911 or E911 purposes by the TECB have been made available or used for purposes other than those designated by the funding mechanism for implementation or support of 911 and E911 by the TECB.

Reports from the Office of the Comptroller of the Treasury indicate that the director of the Bedford County ECD expended 911 funds inappropriately in the last year. That director has been replaced. The TECB is unaware of any other circumstances in which local ECDs utilized 911 funding for purposes unrelated to 911 in the past year.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Expenditures by the TECB: During the last year, the Tennessee Emergency Communications Board distributed approximately 85% of the revenue it collected to the State's 100 ECDs, which provide or facilitate 911 service locally. The TECB is statutorily mandated to distribute 25% of the revenue it collects from the 911 fees to the districts, but it voluntarily provides them with significantly more funding, including over \$25 million annually for the Recurring Operational Funding Program, dispatcher training and GIS mapping maintenance. A list of 911 equipment for which the TECB provides reimbursements to the ECDs is included in the response to question 4. About 1% of collected revenue was paid to, or made on behalf of ECDs, to reimburse for wireless carrier-related charges.

Approximately 3% of the Board's revenue was expended on agency administrative costs – salaries, benefits, rent and the like. In addition, the TECB has expended 911 funds this year to:



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- L.R. Kimball & Associates for technical consulting for 911 and NG911
- AT&T for the NG911 Network
- Telecommunications Systems, Inc. for NG911 management services
- Office of Information Resources/GIS for GIS services needed for the NG911 project
- AT&T, CenturyLink, Frontier, and Intrado: ALI trunking payments for ECDs
- C-Spire Wireless, Sprint PCS and Cricket – Wireless Carrier Cost Recovery (less than 1% was paid to telecommunications carriers in cost recovery to reimburse their expenditures to implement, operate, maintain or enhance wireless 911 service in Tennessee).

Expenditures by the ECDs: A comprehensive list of the activities, programs, and organizations receiving funds from each of the State's 100 ECDs over the last year does not exist. Tennessee law and the TECB Revenue Standards mandate that all funds received by ECDs be used exclusively in the operation of the district, which would be to support or enhance 911 service. Tenn. Code Ann. § 7-86-102(d). Annual audits are conducted to assure compliance.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

The TECB expended \$11,346,676.96 on the Next Generation 911 project between January 1 and December 31, 2012.



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14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Texas

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an “X” below the appropriate answer.

YES	NO
X	

If “yes,” please include a citation to the legal authority for such mechanism.

Wireline 9-1-1 fees: Texas Health and Safety Code Ann. §§ 771.071, 772.114, 772.214, 772.314, 772.403 and via municipal ordinances.⁵

Wireless/Prepaid Wireless 9-1-1 Fees: Texas Health and Safety Code Ann. §§ 771.0711, 771.0712.

Equalization surcharge: Texas Health and Safety Code Ann. § 771.072.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Wireline 9-1-1 fees may only be imposed on a “local exchange access line” as that term is defined by the Texas Commission on State Emergency Communications (CSEC).⁶ CSEC’s definition includes voice service provided via interconnected Voice over Internet Protocol.⁷ Wireline fees are set by CSEC for citizens in the state 9-1-1 program serving area, and individually by the 52 statutory and municipal Emergency Communication Districts (ECDs) for their respective regions. The wireless and prepaid wireless fees are statewide fees set by the Texas Legislature. The Equalization Surcharge is a statewide fee set by CSEC.

- The wireline 9-1-1 fee for the state 9-1-1 program (residential and business) is set at its statutory maximum of \$.50 per month.
- ECDs wireline 9-1-1 fee: Residential varies from \$0.20 to \$1.01 per month.

⁵ For municipal ordinances see e.g., Addison Code of Ordinance Sec. 82-242; Wylie City Ordinance 98-20; Town of Highland Park Ordinance No. 1355.

⁶ Tex. Health & Safety Code Ann. § 771.063(d).

⁷ 1 Tex. Admin. Code Part 12, Chapter 255, § 255.4 (Comm’n on State Emergency Communications).

Business wireline fees range from \$0.46 to \$2.50 per access line, up to a 100 line maximum in most ECD program service areas. Business trunks wireline fees range from \$0.74 to \$2.90.

- Statewide wireless 9-1-1 fee: \$.50 per month for wireless telecommunications connection.
- Statewide prepaid wireless 9-1-1 fee: 2% of the purchase price of each prepaid wireless telecommunications service.
- Statewide equalization surcharge: \$0.06 per month per access line or wireless telecommunication connection.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

	Wireline 9-1-1 Fees	Wireless 9-1-1 Fees	Prepaid Wireless 9-1-1 Fees	9-1-1 Equalization Surcharge	Total
State of Texas		\$104,782,109	\$19,426,305	\$19,109,721	\$143,318,135
State 9-1-1 Program	\$16,990,884				\$16,990,884
772 ECDs ⁸	\$33,559,668				\$33,559,668
Municipal ECDs ⁹	\$18,919,936				\$18,919,936
TOTALS	\$69,470,488	\$104,782,109	\$19,426,305	\$19,109,721	\$212,788,623

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

9-1-1 service in Texas is provided via the state 9-1-1 program administered by CSEC and implemented through the state's 23 Regional Planning Commissions (RPCs) and by 52 statutory or municipal Emergency Communication Districts (ECDs).

Funding of the state program is provided for by the Texas Legislature via a biennial appropriation to CSEC from collected wireline, wireless, prepaid wireless, and equalization surcharge fees remitted to the Texas Comptroller and deposited into dedicated accounts. Funds in the dedicated accounts may be appropriated to CSEC

⁸ The amount above includes last year's funds for the following ECDs: Howard County 9-1-1 Communications District, Medina County 9-1-1 District, and Smith County 9-1-1 Communications District.

⁹ At the time of filing, CSEC had not received a response to the FCC's Public Notice from the Aransas Pass Municipal ECD.

only for “planning, development, provision, or enhancement of the effectiveness of 9-1-1 service or for contracts with [RPCs] for 9-1-1 service.”¹⁰ More specifically, appropriated wireline fees are allocated by CSEC to RPCs “for use in providing 9-1-1 services as provided by contracts executed under Section 771.078,”¹¹ Appropriated wireless fees “may be used only for services related to 9-1-1 service.”¹² (In 2013 the Texas Legislature amended Health and Safety Code § 771.079 to add subsection (c-1) authorizing the Legislature to appropriate use 9-1-1 fees to “provide assistance to volunteer fire departments” but only if 9-1-1 service is fully funded and all other sources of revenue dedicated to assisting volunteer fire departments are obligated for the fiscal period. To date, no 9-1-1 fees have been appropriated to volunteer fire departments.) The RPCs pay 9-1-1 service expenses directly to service providers and make grant funds available through Interlocal Agreements to public agencies within each RPC’s region to provide 9-1-1 service.

Equalization surcharge fees are appropriated to CSEC by the Texas Legislature and allocated by CSEC to “fund approved plans of regional planning commissions and regional poison control centers [under § 777.009]¹³ and to carry out its duties under this chapter.”¹⁴ There are six regional poison control centers (RPCCs) that comprise the Texas Poison Control Network. CSEC administers the poison control program in a manner similar to that of the state 9-1-1 program by providing grants to fund CSEC-approved strategic plans of the RPCCs. Surcharge may also be appropriated to fund the state emergency medical dispatch program¹⁵ and “fund county and regional emergency medical services, designated trauma facilities, and trauma care systems.”¹⁶

ECDs impose, collect and make available wireline 9-1-1 fees at the local level in accordance with Health and Safety Code Chapter 772 or via their local governing bodies and ordinances--depending upon the type of ECD. Wireline 9-1-1 fees collected within the areas of 772 ECDs are accounted for in the ECDs’ annual budget and may be expended only for 9-1-1 purposes as expressly provided by the applicable law in Texas Health and Safety Code Chapter 772.¹⁷ The use of wireline 9-1-1 fees collected by Municipal ECDs is prescribed by applicable laws or ordinances for expending funds in accordance with city and county budgets.¹⁸ On a monthly basis, CSEC distributes to

¹⁰ Tex. Health & Safety Code Ann. § 771.079(c).

¹¹ § 771.071(f).

¹² § 771.0711(c).

¹³ CSEC administers the Texas Poison Control Program via approved strategic plans and grants to six host medical institutions located throughout Texas.

¹⁴ Tex. Health & Safety Code Ann. § 771.072(f).

¹⁵ § 771.106.

¹⁶ § 771.072(g) (quotation from § 773.122 regarding Emergency Medical Services).

¹⁷ §§ 772.114, 772.214, and 772.314; Texas Att’y Gen Op. No. JC-410.

¹⁸ Tex. Local Gov. Code, Chapter 102 (city budgets); Tex. Local Gov. Code, Chapter 111 (county budgets). *See also e.g.*, City of University Park Code of Ordinance 1.1102; City of Lancaster Ordinance, Chapter 1, Article 1.400, Sec. 1.402; City of Hutchins, Ordinance No. 692, Sec. 1., Art. 11.801.

each ECD its pro-rata share of the total statewide wireless and prepaid wireless fees remitted to the Texas Comptroller based on the ratio of each ECD's population to the population of the state.¹⁹ ECDs allocate their proportion of wireless and prepaid fees to their local governing bodies in the same manner as wireline 9-1-1 fees. Wireless 9-1-1 fees, regardless of the 9-1-1 entity in receipt thereof, "may be used only for services related to 9-1-1 service."²⁰

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The Texas Legislature appropriates wireline and wireless fees collected from within the state 9-1-1 program region and appropriates all equalization surcharge funds collected throughout the state.

CSEC approves the expenditure of appropriated and allocated 9-1-1 funds with respect to the state 9-1-1 program and poison control program (funded only from the state equalization surcharge).

Statutory ECDs are governed by a Board of Managers ("Board") comprised of representatives from each of the governmental jurisdictions participating in the ECD.

Municipal ECDs' budgets, and audits thereof, are subject to applicable municipal ordinances and/or Texas Local Government Code Chapters 102 (budgets) and 103 (audit of finances). The sole county Municipal ECD—the Dallas County Sheriff's Office—is subject to Texas Local Government Code, Chapters 111 (budget) and 112 (financial accounting) and acts under the authority of the Dallas County Commissioners Court.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

CSEC, as the administrator of the state 9-1-1 and Poison Control programs. (Poison program is funded on a reimbursement basis only from the equalization surcharge.) CSEC approves RPC expenditures and RPCC reimbursements in accordance with state law and legislative directives limiting the uses of such funds. Such expenditures and reimbursements must be consistent with CSEC-approved strategic plans and contracts by and between CSEC and each RPC and CSEC and each RPCC. Oversight is provided by CSEC through compliance monitoring of its RPC and RPCC stakeholders in accordance with CSEC rules, program policy statements, and its contracts with stakeholders. Additionally, each RPC and RPCC is subject to audit by the Texas state

¹⁹ Tex. Health & Safety Code Ann. § 771.0711(c).

²⁰ § 771.0711(c).

auditor and pursuant to state law and contracts executed with CSEC.

Each statutory ECD Board has the authority under Texas Health and Safety Code Chapter 772 to determine allowable 9-1-1 expenses in accordance with its annual budget. Allowable expenses for such ECDs “include all costs attributable to designing a 9-1-1 system and to all equipment and personnel necessary to establish and operate a public safety answering point and other related answering points that the board considers necessary.”²¹ 772 ECDs are also required to have their director submit a sworn statement on all money received and disbursed and have an independent financial audit.²² Funds collected for 9-1-1 purposes can only be spent for activities, programs, and organizations that are reasonably beneficial and/or support 9-1-1 services or enhancements in accordance thereto. Oversight procedures reflect the normal operation of a 772 ECD.

Municipal ECD oversight procedures reflect the normal operation of a Municipal ECD. In most instances, budgets are approved by the city council and oversight is provided by city or other officials. For example, the City of Coppell’s Director of Finance reviews 9-1-1 expenditures on a monthly basis to determine if all purchases are in compliance. In Highland Park, the Town Finance Director works with the Communication Manager to document 9-1-1 related receipts and expenditures.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

For the 2012 calendar year, no enforcement or corrective actions were necessary or taken by CSEC, 772 ECD Boards, or Municipal ECD officials regarding the expenditure of funds with respect to the use of 9-1-1 funds.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an “X” below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911

²¹ §§ 772.117, 772.217, and 772.317.

²² §§ 772.109, 772.209, and 772.309.

implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

On behalf of the RPCs and ECDs, CSEC affirms that no 9-1-1 funds have been made available or used for purposes other than those designated by the applicable funding mechanism or used for purposes unrelated to 9-1-1 or E911.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

State Administered Activities, Programs, and Organizations:

Activities

STATEWIDE 9-1-1 SERVICE: Planning, developing, provisioning, and/or enhancement of 9-1-1 service.

POISON CONTROL SERVICES: Maintain high quality telephone poison referral and related service, including community programs and assistance, in Texas.

9-1-1 PROGRAM ADMINISTRATION: Provide for the timely and cost effective coordination and support of statewide 9-1-1 service by CSEC, including regulatory proceedings, contract management and monitoring, and requirements contained in Health and Safety Code § 771.051.

POISON PROGRAM MANAGEMENT: Provide for the timely and cost effective coordination and support by CSEC of the Texas Poison Control Network and service providers, including monitoring, administration of the telecommunications network operations, and the operations of Texas' six regional poison control call centers.

EMERGENCY MEDICAL DISPATCH: Support the regional emergency medical dispatch resource center pilot program.

TRAUMA CARE SYSTEM: Support the emergent, unexpected needs of approved licensed providers of emergency medical services (EMS), registered first responder organizations, or licensed hospitals.

Programs

9-1-1 NETWORK OPERATIONS, EQUIPMENT REPLACEMENT AND NG 9-1-1 IMPLEMENTATION: CSEC contracts with Regional Planning Commissions (RPCs) or on their behalf for the efficient operation of the state 9-1-1 emergency telecommunications system; provides the RPCs with contract authorization and funding for the replacement of equipment

supporting Public Safety Answering Points (PSAPs) participating in the state's 9-1-1 program; and provides for the planning, development, transition and implementation of a statewide Next Generation 9-1-1 (NG9-1-1) system to improve the effectiveness and efficiency of 9-1-1 service.

This program supports emergency communications and public health and safety by providing the network, equipment, database and administration necessary to provide 9-1-1 telecommunications service.

REGIONAL POISON CONTROL CENTER OPERATIONS AND TEXAS POISON CONTROL NETWORK

OPERATIONS: CSEC contracts with six RPCCs to provide poison control services and to assist in maintaining the Texas Poison Control Network. Citizens calling 1-800-222-1222, or a 9-1-1 call transferred from a PSAP, receive medical information to treat a possible poison or drug interaction before medical services are required to be dispatched. CSEC also contracts and funds the telecommunications services necessary to operate and maintain the poison control telecommunications network, including network, equipment and software to facilitate call delivery and treatment.

This program supports an enhancement to 9-1-1 emergency communications and public health and safety by providing the network, equipment, databases, administration and staffing to provide poison control service to the public, first responders and health care facilities.

REGIONAL EMERGENCY MEDICAL DISPATCH RESOURCE CENTER: The purpose of this program is to serve as a resource to provide pre-arrival instructions that may be accessed by selected public safety answering points that are not adequately staffed or funded to provide those services. (Health and Safety Code § 771.102) PSAPs subscribe to emergency medical dispatch (EMD) services provided by the resource center.

This program supports 9-1-1 emergency communications and public health and safety with a resource for pre-arrival instructions when 9-1-1 calls originate from persons in remote or inaccessible areas to which the dispatch of emergency service providers may be difficult or take a long period of time.

EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEMS: The purpose of the emergency medical services and trauma care system is to provide for the prompt and efficient transportation of sick and injured patients, after stabilization, and to encourage public access to that transportation in each area of the state. Equalization surcharge is used to fund the system, in connection with an effort to provide coordination with the appropriate trauma service area, the cost of supplies, operational expenses, education and training, equipment, vehicles, and cost of supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services. (Texas Health & Safety Code § 773.112 (a) – (c).)

This program supports an enhancement to 9-1-1 emergency communications and public health and safety by enhancing the communications systems and response of

local emergency medical service responders.

Organizations

REGIONAL PLANNING COMMISSIONS: Established under Texas Local Government Code, Chapter 391. Political subdivisions with whom CSEC is required to contract for the provision of 9-1-1 service. RPCs purchase goods and services that provision 9-1-1 service to PSAPs with state appropriated funds that are granted by CSEC.

REGIONAL POISON CONTROL CENTERS: Texas Health and Safety Code Chapter 777 designates six regional centers for poison control in Texas. RPCCs provide 24-hour toll-free referral and information service for the public and health care professionals and provide community programs and assistance on poison prevention. Each PSAP in the state of Texas is required to have direct access to at least one poison center.

UNIVERSITY OF TEXAS MEDICAL BRANCH - GALVESTON: Money in the 9-1-1 services fee fund and other state funds are appropriated to the University of Texas Medical Branch at Galveston (UTMB-Galveston) to fund emergency medical dispatch. (Texas Health and Safety Code § 771.106.) Funds are appropriated by the Texas Legislature directly to UTMB-Galveston, which in turn contracts with the Montgomery County Hospital District to operate and maintain the emergency medical dispatch center that provides services, on a subscription basis, to the PSAPs in Texas.

BUREAU OF EMERGENCY MANAGEMENT, TEXAS DEPARTMENT OF STATE HEALTH SERVICES: Funds in the equalization surcharge dedicated account established are appropriated by the Texas Legislature directly to the Texas Department of State Health Services, and authorized to be used for the provision and coordination regional trauma services, which may include the cost of supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services. (Texas Health and Safety Code § 773.112 (a) – (c).)

772 EMERGENCY COMMUNICATION DISTRICTS:

The 772 ECD expenditures include ongoing contracts or expenses for Selective Routing, Automatic Location Identification, Customer Premises Equipment, Geographic Information Systems and Mapping, NG9-1-1 transition migration, IP and/or wireless networks, security, legal, regulatory, advocacy, accounting, auditing, emergency notification, training, employer/employee related amounts, and memberships or conferences that support 9-1-1 services and/or enhancements and sponsored by organizations such as the National Emergency Number Association, the Texas Emergency Number Association, and the ATIS Emergency Services Interconnection Task Force (ESIF).

Municipal Emergency Communication Districts (incl Dallas County SO):

Municipal ECD expenditures are substantially used to purchase, install, maintain 9-1-1 equipment; and staff and operate PSAPs, including personnel salaries, training of call-takers, dues and subscriptions to professional organizations which enhance the development of 9-1-1 service. Additionally, 9-1-1 funds are used to pay for 9-1-1

network and 9-1-1 database maintenance costs, and reimbursing service providers costs incurred in providing 9-1-1 service. Funds are also used for location services, public education, emergency warning sirens/systems, emergency medical dispatch training and certification, and general support of a Municipal ECDs 9-1-1 division. 9-1-1 funds are oftentimes only a minor part of the funding needed to provide 9-1-1 service or operate an emergency communications center.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

For the 2012 calendar year, the amounts expended on NG9-1-1 are as follows:

Statewide Program: Two RPCs spent a total of \$4,776,881 in 9-1-1 funds on NG9-1-1 related to implementation of regional Emergency Services Internet Protocol Networks (ESInets).

772 ECDs: Spent \$ 8,756,404 in 9-1-1 funds on NG9-1-1 related to implementation of regional ESInets.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

In addition to 9-1-1 funds, local governments rely upon other revenue sources to fund parts of the 9-1-1 system, including funding emergency call-taker salaries and training.



Gary R. Herbert, Governor
Deborah Meacham, Chair

August 15, 2013

State of Utah 9-1-1 Committee

Response to FCC Information Collection Mandated by NET 911 Act
[PS DOCKET NO. 09-14]

Introduction

This document represents the response of the State of Utah to the Federal Communications Commission (FCC) Information Collection Mandated by NET 911 Act [PS Docket No. 09-14] which the FCC is required to collect in order to compile "information regarding any fees collected by the states or other jurisdictions in connection with 9-1-1/E9-1-1 services, specifically, information "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified".

This response was formulated by the Utah 9-1-1 Committee, which was codified in the 2004 Legislative session via Utah Code Ann. § **53-10-601** to "...review and make recommendations...on...technical, administrative, fiscal, and operational issues for the implementation of a unified statewide wireless and land-based E-911 emergency system..."

The Utah 9-1-1 Committee is a multi-agency, multi-jurisdictional working group that represents the interests of 911 throughout the state. Originally established to help Public Safety Access Points (PSAP)s meet FCC 911 Phase II location technology, the committee now works towards new standards for the development and management of 9-1-1 and Next Generation 9-1-1 (NG9-1-1) technologies and operations within our 38+ public safety answering points statewide.

Response

1. Funding Mechanism for 9-1-1

There are three collection vehicles for 9-1-1 funds within the state of Utah. Local government agencies can collect 9-1-1 revenues from telephone surcharges up to \$0.61/month/line. An additional \$0.08 surcharge is distributed to the Utah 9-1-1 Committee for distribution to PSAPs via an established grant process. In addition, a prepaid wireless (i.e., point of retail sale) sales tax also generates revenue applicable to 9-1-1 funding:

- a) The local government \$0.61 fee (61 cent fund) is outlined in Utah Code Ann. § 69-2-5.
- b) The statewide \$0.08 fee (8 cent fund) directed to the Utah 911 Committee is outlined in Utah Code Ann. § 69-2-5.6
- c) The prepaid wireless 9-1-1 9-1-1 service charge is outlined in in Utah Code Ann. § 69-2-5.7
- d) The provision of \$0.01 to the Utah A

Via Utah Code Ann. § 53-10-603 the State of Utah created a restricted account within the General Fund known as the "Statewide Unified E-911 Emergency Service Account," consisting of:

- a) Proceeds from the fee imposed in Utah Code Ann. § 69-2-5.6
- b) Money appropriated or otherwise made available by the Legislature; and
- c) Contributions of money, property, or equipment from federal agencies, political subdivisions of the state, persons, or corporations.

It should also be noted that § 53-10-605 provided for an amount equal to \$0.01 per month levied on telecommunications service as defined under § 69-2-5.6 to be provided to the state's Automated Geographic Reference Center in the Division of Integrated Technology of the Department of Technology Services to be used to enhance and upgrade statewide digital mapping standards.

2. The Amount of Fees or Surcharges Imposed for the Implementation and Support of 911 and E911 Services

There was approximately \$656,609 allocated towards the implementation and support of 9-1-1 and E9-1-1 services in calendar year 2012.

3. Fees and the Total Collected in Calendar Year 2012

The total amount of fees collected for calendar year 2012 is as follows:

Prepaid Wireless Tax:	\$ 957,146
Statewide \$0.08 charge:	\$ 2,925,331
Local Government \$0.61:	<u>\$22,305,574</u>
Total	\$26,188,051

4. Criteria for and Availability of Collected Funds to Localities

The Utah State Tax Commission collects the fees on each local exchange service switched access line and each revenue producing radio communications access line that is subject to an emergency services telecommunications charge levied by a county, city,

or town under Utah Code Ann. § 69-2-5 or § 69-2-5.5. Upon the collection of qualifying telecommunications charge revenues, the Tax Commission transmits the amount of qualifying telecommunications charge revenues to an original recipient political subdivision. "Original recipient political subdivision" means a county, city, or town to which the commission makes an original distribution.

The allowable use of collected 911 funds are outlined in Utah Code Ann. § 69-2-5(4)(b).

5. Statement Identifying Any Entity in your State (Utah) that has the Authority to Approve the Expenditure of Funds Collected for 911 or E911 Purposes.

Upon the collection of qualifying telecommunications charge revenues, the Tax Commission transmits the amount of qualifying telecommunications charge revenues to an original recipient political subdivision. "Original recipient political subdivision" means a county, city, or town to which the commission makes an original distribution.

The allowable use of collected 9-1-1 funds are outlined in Utah Code Ann. § 69-2-5(4)(b).

In addition, the Utah 9-1-1 Committee has authority under Rules governing the use of funds has the authority to approve the expenditure of funds in the Rules authorized by Section 53-10-602(5) - R720. Public Safety, Criminal Investigations and Technical Services, 9-1-1 Committee (Utah).

6. Oversight Procedures Established to Determine That Collected Funds Have Been Made Available or Used For the Purposes Designated by the Funding Mechanism or Otherwise Used to Implement or Support 911

Regulations covering the oversight of distribution of the 61 cent fund are found in Utah Code Ann. § 69-2-5.8 State Tax Commission Redistribution of Revenues from Certain Telecommunications Charges.

The Utah Tax Commission oversees how the collected 61 cent funds are being made available for used for the purposes designated by the funding mechanism or otherwise used to implement or support 9-1-1.

Rules governing the use of the 8 cent fund may be found in Rules authorized by Utah Code Ann. § 53-10-602(5) - R720, and § 53-10-605 Public Safety, Criminal Investigations and Technical Services, 9-1-1 Committee (Utah).

The Utah State 9-1-1 Committee regularly audits, on a monthly basis, how the collected 8 cent funds are being made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 9-1-1.

7. Enforcement or Other Corrective Actions Taken in Connection With Such Oversight for the Calendar Year 2012

There was no enforcement or other corrective actions taken in connection with such oversight in 2012.

8. Collected Funds Available for Designated Use

All funds collected for 9-1-1 or E9-1-1 in 2012 were used solely for the purposes designated by the funding mechanism.

9. Funds Used for Other than Designated Use

No funds collected for 9-1-1 or E9-1-1 were made available or used for any purpose other than those designated by the funding mechanism.

10. 911 Activities, Programs, and Organizations benefitted by Collected Funds

A geographic representation of PSAPs that have received grants, and the total amount of grants for each PSAP awarded by the Utah 9-1-1 Committee is available at: http://www.e911.utah.gov/docsfile/PSAP_GrantsBB_11x17_Dec15.pdf

There is no central state mechanism for collecting information on specific expenditures of 911 funds by local government PSAPs. As outlined in Utah Code Ann. § **69-2-3** "*The governing authority of any public agency may establish a 911 emergency telephone service to provide service to any part or all of the territory lying within the geographical area of such public agency...*"

Some examples of known purchases include:

- 9-1-1 phone equipment
- Maintenance on 911 phone equipment
- Mapping hardware and software
- Remote and or Emergency Operations Center (EOC) 911 dispatch positions
- Funding for 911 call takers
- Network and/or 911 trunk charges

11. Statement on Expenditures on Next Generation 911 as Within the Scope of Permissible Expenditures of Funds for 911 or E911 Purposes

The Utah 9-1-1 Committee considers the expenditure on Next Generation 9-1-1 as within the scope of permissible expenditure of funds for 9-1-1 or E9-1-1 purposes. It should be noted that considerable funding of upgrades to PSAP Customer Premises Equipment (CPE) has been done with regularity over the entire tenure of the Utah 9-1-1 Committee's existence starting in 2005.

12. Statement on Next Generation 911

As previously stated, expenditures on Next Generation 9-1-1 equipment have been made with regularity since 2005. The Utah 9-1-1 Committee has supported grant requests from several PSAPs on a shared NG-911 technology platform. Though the current cost of Next Generation 9-1-1 technology may seem to negate immediate cost savings, the higher level of interoperability between PSAPs is an immediate advantage, and since multiple PSAPs can share a common platform, cost savings will occur as the number of participating PSAPs connect to the new shared platforms rather than continuing to purchase their own stand-alone systems.

In addition, the Utah 9-1-1 Committee is currently in the process of establishing a strategic plan for the roll out of NG9-1-1 throughout Utah. It is expected that by this time next year, a NG9-1-1 implementation in Utah will be well under way. In short, by the end of F/Y 2014, all Utah PSAPs will be NG ready.

13. Expenditures on NG9-1-1 For the Period Ending December 2012

For the calendar year ending December 2012, Utah expended approximately \$656,609 towards the upgrading of CPE in order to be NG9-1-1 ready.

14. Additional Comments Regarding the Applicable Funding Mechanism for 911 and E911

House Bill 388 introduced in the Utah 2013 legislative session created a Government Communications Task Force. The scope of the Task Force is as follows:

- (1) *The task force shall review and make recommendations on statewide public safety, transportation, public works, and other governmental radio communication systems regarding:*
 - (a) *current capacity and technologies;*
 - (b) *projected needs or upgrades;*
 - (c) *opportunities to increase operational efficiencies and effectiveness; and*
 - (d) *sustainable funding alternatives.*
- (2) *The task force shall present a final report, including any proposed legislation, to the Executive Appropriations Committee before December 31, 2014.*

The scope of the Task Force has included issues surrounding the funding of NG9-1-1, and it is expected that any decisions in this regard will be made in the a/n final report.

Information concerning the ongoing progress of the Task Force may be found at the following URL: <http://le.utah.gov/asp/interim/Commit.asp?Year=2013&Com=TSKGTF>

Submittal

This document was reviewed and unanimously approved by the Utah 9-1-1 Committee in the regular meeting held on August 15, 2013.

Eric Parry, ENP
Director
State of Utah 9-1-1 Program

Vermont

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122 , the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Title 30, Chapter 88 Universal telecommunications Service

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

\$5,416,336

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

\$5,416,336

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable

uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

The State grants or contracts with 8 PSAPs to make payments in support of an assigned number of call taking "seats" in the amount of \$45,000 per "seat". The funds may be used for any purpose, but the PSAP must maintain the required number of seats in order to receive the grant or contracted amount. The total amount provided is \$1,170,000.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The Enhanced 911 Board is the only entity authorized to approve expenditure of funds collected for E911 purposes.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The funds are provided based on the appropriated budget for the 911 program. Funds are collected through a fiscal agent managed by the Public Service Board, and collected funds are distributed to the program on a monthly basis by electronic transfer from the fiscal agent to the State Treasurer, which in turn passes the funding through to the Enhanced 911 Board account.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

None to report

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No funds were made available or used for any other purpose.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Other than programs and operations managed by the Enhanced 911 Board, the only other use of 911 funds consist of payments to the 8 PSAPs as described in # 4 above.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

\$5,416,336

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.



COMMONWEALTH of VIRGINIA
Virginia E-911 Services Board

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Terry D. Mayo
Board Administrative
Assistant
(804) 416-6197

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Chairman
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Vice-Chairman
Verizon

David A. Von Moll
Treasurer
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Linda W. Cage
Mecklenburg County

J.D. Diggs
York County

Danny Garrison
Richmond Ambulance
Authority

Tracy Hanger
City of Hampton

Lt. Colonel Robert Kemmler
Virginia State Police

Robert Layman
AT & T

Chief Ron Mastin
Fairfax County

Chris McIntosh
Office of the Governor
Advisor

Chief Doug Middleton
Henrico County

Sam Nixon
VITA

Pat B. Shumate
Roanoke County

Mickey Sims
Buggs Island Telephone

Denise B. Smith
Charles City County

August 14, 2013

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Dear Sir:

I am receipt of your letter requesting information identified in OMB authorization 3060-1122. This annual collection of information is mandated by the New and Emerging Technologies Act of 2008 (NET 911 Act). The specific information requested is provided to you in the same sequential format outlined in your letter. If you should have any questions regarding the information provided, or need any further assistance, please do not hesitate to contact me. Thanks for your continued leadership.

Sincerely,

A handwritten signature in black ink that reads 'Dorothy A. Spears-Dean'.

Dorothy A. Spears-Dean, Ph.D.
PSC Coordinator
Virginia Information Technologies Agency

1. The Commonwealth of Virginia has established a funding mechanism for the support and implementation of wireless E-911. The state E-911 surcharge on wireless telephone service is imposed pursuant to *Code of Va. § 56-484.12, et. seq.*
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.12>.
2. The state wireless E-911 surcharge is a monthly fee of \$0.75. Each CMRS provider and CMRS Reseller collects a wireless surcharge from each of its customers whose place of primary use is within the Commonwealth. In addition, a \$0.50 prepaid wireless E-911 charge shall be collected per retail transaction by the dealer from the end user with respect to each retail transaction occurring in the Commonwealth.
3. The total amount collected pursuant to the assessed surcharge for the annual period ending December 31, 2012 is \$51,658,842.97
4. A payment equal to all wireless E-911 surcharges is remitted within 30 days to the Department of Taxation. The Department of Taxation, after subtracting its direct costs of administration, deposits all remitted wireless E-911 surcharges into the state treasury. These monies are then deposited into the Wireless E-911 Fund (the Fund), a special nonreverting fund created in the state treasury. The collected wireless surcharge funds are made available to the localities pursuant to *Code of Va. § 56-484.17*
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.17>. The distribution of wireless E-911 funding is as follows:
 - Sixty percent of the Wireless E-911 Fund shall be distributed on a monthly basis to the PSAPs according to each PSAP's average pro rata distribution from the Wireless E-911 Fund for fiscal years 2007-2012, taking into account any funding adjustments made pursuant to any audit performed by the Board. On or before July 1, 2017, and every five years thereafter, the Department of Taxation shall recalculate the distribution percentage for each PSAP
 - Using 30 percent of the Wireless E-911 Fund, the Board shall provide full payment to CMRS providers of all wireless E-911 CMRS costs.
 - The remaining 10 percent of the Fund and any remaining funds for the previous fiscal year from the 30 percent for CMRS providers shall be distributed to PSAPs or on behalf of PSAPs based on grant requests received by the Board each fiscal year. The Board shall establish criteria for receiving and making grants from the Fund, including procedures for determining the amount of a grant and a payment schedule; however, the grants must be to the benefit of wireless E-911.

In 2006, legislation replaced many of the historic state and local communications taxes and fees with a centrally administered communications sales and use tax and a uniform statewide E-911 tax on landline telephone service. The landline E-911 tax is imposed at the rate of \$0.75 per line. The landline E-911 tax is collected and remitted monthly by communications services providers to the Commonwealth's Department of Taxation and deposited into the Communications Sales and Use Tax Trust Fund. Moneys in the Fund are distributed by the Department of Taxation to localities on a monthly basis.

5. The Virginia E-911 Services Board (the Board) is the entity within the Commonwealth of Virginia that has the authority to approve the expenditures of funds collected for wireless E-911 purposes. Pursuant to *Code of Va. § 56-484.14*

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.14>, the Board can “collect, distribute, and withhold moneys from the Wireless E-911 Fund”.

6. Pursuant to *Code of Va.* § 56-484.17 <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-484.17>, at the end of each fiscal year, on a schedule adopted by the Board, the Board audits the wireless grant funding received by all recipients to ensure that it was utilized in accordance with the grant requirements. In addition, the Auditor of Public Accounts annually audits the Wireless E-911 Fund.
7. No enforcement or other corrective actions have been taken in connection to the oversight of the Wireless E-911 Fund for the annual period ending December 31, 2012.
8. All funds collected for wireless E-911 purposes have been used for the implementation and support of wireless E-911. However, in addition to the funding distribution mentioned above, wireless moneys are utilized for two other purposes that support wireless E-911. First, pursuant to Item 416 of the current biennial budget (<http://lis.virginia.gov/cgi-bin/legp604.exe?131+bud+11-416>), wireless E-911 funding is provided to the Virginia State Police for related costs incurred for answering wireless 911 telephone calls. Secondly, pursuant to *Code of Va.* § 2.2-2031 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-2031>), the operating expenses, administrative costs, and salaries of the employees of the Division of Public Safety Communications are paid from the Wireless E-911 Fund.
9. Item 68 of the current biennial budget for the Commonwealth of Virginia (<http://lis.virginia.gov/cgi-bin/legp604.exe?131+bud+11-68>), wireless E-911 funds will be used to support sheriff's 911 dispatchers. In both fiscal years, it is budgeted that \$8M will be transferred from the Wireless E-911 Fund to the Compensation Board for this purpose. Although the support of sheriff's dispatchers is not specifically mentioned in the funding mechanism established in *Code*, the purpose is directly related to supporting E-911.
10. In addition to providing wireless E-911 funding to localities and CMRS providers, 10 percent of the Wireless E-911 Fund goes to support the PSAP Grant Program. The PSAP Grant Program is a multi-million dollar grant program administered by the Virginia E-911 Services Board. The primary purpose of this program is to financially assist Virginia primary PSAPs with the purchase of equipment and services that support the continuity and enhancement of wireless E-911. Within this program, there are three programmatic areas:
 - PSAP Wireless Education Program
 - Continuity and Consolidation Program
 - Enhancement Program.

The purpose of the Education Program is to provide 911 specific group education and training opportunities within the Commonwealth. The purpose of the Continuity and Consolidation Program is to provide funding to PSAPs for consolidations and projects designed to replace or upgrade wireless E-911 equipment and services that are out of service, without vendor support, technically outdated, or can no longer perform at an established minimum functional standard to sustain an acceptable level of service to the

public. The purpose of the Enhancement Program is to provide funding for projects designed to strengthen, broaden or increase the current wireless E-911 operations through equipment, PSAP staff development, or service beyond that PSAP's current capabilities, including Next Generation 911. Since the inception of the PSAP Grant Program in 2007, over \$46M in grant awards have been distributed to Virginia PSAPs.

11. Expenditures on Next Generation 911 are within the scope of permissible expenditures of funds for 911 or E-911 purposes.
12. Yes, the Commonwealth has expended funds on Next Generation 911 programs.
13. For the annual period ending December 31, 2012, the Commonwealth has \$525,000 on Next Generation 911 programs.
14. The most recent copy of the E-911 Services Board's Annual Report is available from the following link: <http://www.vita.virginia.gov/isp/default.aspx?id=8576>.

The *Code of Virginia* (§56-484.14) requires the Board to report annually to the Governor, the Senate Committee on Finance, the House Committee on Appropriations, and the Virginia State Crime Commission on the following:

- (i) the state of enhanced 9-1-1 services in the commonwealth,
 - (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the commonwealth,
 - (iii) the need for changes in the E-911 funding mechanism provided to the Board, as appropriate, and
 - (iv) monitor developments in enhanced 9-1-1 service and multi-line telephone systems and the impact of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.) of Chapter 15 of Title 56.
-

Washington



STATE OF WASHINGTON
MILITARY DEPARTMENT
Camp Murray • Tacoma, Washington 98430-5000

August 29, 2013

Mr. David Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20544-0001

Dear Mr. Turetsky:

Thank you for your recent letter to Governor Jay Inslee requesting information on the collection and distribution of fees and charges related to Enhanced 911 services in Washington State, PS Docket 09-14. In response, the attached document was prepared by the Washington State Enhanced 911 Office, Washington Military Department, and submitted electronically.

Washington State has a long-standing positive working relationship with the Commission on 911 issues. Thank you for the continued interest in and support to 911 and public safety concerns.

The point of contact for the state of Washington is Sigfred Dahl, Washington State Enhanced 911 Program Administrator, 253-512-7468 or sigfred.dahl@mil.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Bret D. Daugherty".

Bret D. Daugherty, Major General
The Adjutant General

Attachment





STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

MS: TA-20 Building 20
Camp Murray, Washington 98430-5122
Phone: (253) 512-7000 • FAX: (253) 512-7200

Before the
Federal Communications Commission
Washington, D.C. 20554
August 20, 2013

In the Matter of)
NET911 Act)
Information Collection Mandated By the) PS Docket No. 09-14
NET 911 Act of 2008)

Comments from;
Enhanced 911 Program Office
Washington Military Department
Camp Murray, Washington

Washington State is proud of our 911 accomplishments over the years and is currently moving forward with Next Generation 911 technology to upgrade state-wide 911 capabilities.

In answering your questions derived from provisions of the NET 911 Act it is valuable to establish some background for the Enhanced 911 Program in Washington State. The program was authorized in 1991 with the voter approval of Referendum 42. That act modified existing local taxing authority and established the obligation of counties to assure that Enhanced 911 (E911) dialing was available, established a statewide program to support the counties, and permitted both a local and statewide taxing authority to support the implementation and operation of Enhanced 911. Modifications of the legislation since that time have extended the tax to wireless, implemented requirements for private telephone system integration to the 911 system, and changed the role of the state program to attain efficiencies by acquiring network and database services for all counties. 911 services to Tribal Governments are included in the county obligation to assure E911 dialing. Information provided is effective as of December 31, 2012. The state Legislature revised the E911 statute effective January 1, 2011 increasing the county maximum 911 fee to \$.70 cents per month and increasing the maximum statewide fee to \$.25 cents per month. Pertinent statutes and rules concerning controls on the use of the funds can be viewed on the Emergency Management web page at: http://www.cmd.wa.gov/e911/e911_financial_support.shtml under policies and laws.



The following is provided in response to the Public Safety and Homeland Security Bureau's request for information:

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to legal authority for such mechanism).

All counties are authorized by Revised Code of Washington 82.14B.030(i) to impose a county enhanced 911 excise tax on the use of switched access lines, radio access lines and voice over IP access lines.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

As of December 31, 2012, all counties in Washington State had implemented the maximum 911 fee of \$.70 per month per subscriber for wireline, wireless and VoIP services. The State also implemented the maximum statewide fee of \$.25 per month per subscriber for wireline, wireless, and VoIP services. These fees are authorized by Revised Code of Washington 82.14B.030(i). Total receipts for the period January 2012 to December 2012 were \$25,871,651.96 for the state fee and \$69,545,461.89 for the counties' fee.

3. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

The State and County fees are collected by the carriers and are submitted to the Department of Revenue who then deposits them into the state and counties' Enhanced 911 accounts. The use of the fees is controlled by two mechanisms. The first is the limitations imposed by RCW 82.14B.020 and RCW 82.14B.050 that together permit a fairly broad utilization of the county tax. The second limiting factor is the requirement associated with counties receiving assistance from the State 911 Program. A definitive list of permitted uses for the funds has been directed by Washington Administrative Code (WAC) 118-66 which requires the counties to spend their local collection on those items on the list before being eligible for state assistance, and also places limits on the amount that will be considered for reimbursement for many items. The funding collected from the 911 excise taxes is less than the total funding required to operate Enhanced 911 in Washington State. The remaining support comes from other local government sources.

4. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911; and a statement describing

enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Washington counties are given certain latitude in the use of the locally collected 911 funds to the degree that they must commit to expenditures in support of 911 equal to the amount that the tax generates. The rules promulgated by the state E911 Program for the use of county funds before being eligible for state assistance provides definitive control over the use of the funds in all 39 counties. A statement identifying the appropriate use of both the state and local funds needs to take into account both the restrictions and the latitude of the enabling statutes. For the 39 counties the state provides assistance to, it is absolutely clear that the excise taxes collected are used in direct support of E911 activities. The latitude provided the other counties permits them some discretion in the use of the funds, but it is clear that in each case the fiscal commitment of local government to E911 activities exceeds the local excise tax collection. During previous years, the control process the State E911 Program Office utilized along with audit controls provided by the Office of the State Auditor have uncovered instances of use of E911 Funds for unauthorized purposes. These all were promptly remedied. There were no instances detected of unauthorized use of E911 funds in 2012. The control mechanisms for the expenditure of E911 Excise taxes are quite detailed and are clearly in support of the Legislative intent that the funds are spent as presented to the voters, solely to provide E911 services. The equivalency provisions in the statutes governing the use of the funds give local government some options on how to apply the funding, but make it clear that there is an obligation to support E911 not only to the degree that the tax is collected, but to the total permitted by the taxing authorization.

5. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

In 2012, the Washington State Legislature allocated \$2 million dollars from the state enhanced 911 account to fund radio equipment for the Washington State Department of Corrections. A change was made simultaneously to state statutes to allow this specific purchase as an authorized use of 911 funds under state law. All other 2012 E911 excise taxes collected at the state and local level were used for the expressed support, implementation, and operation of the 911 system.

6. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No E911 excise taxes collected at the state and local level were used for any purposes other than to operate and support the E911 system.

7. A statement identifying with specificity all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for

911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

The Washington State E911 program reimburses counties for eligible expenses incurred in excess of tax revenues received. WAC 118-66-050 specifies the expenses for which the counties may seek reimbursement. In general terms these can be categorized as salaries, equipment, maintenance support, training, public education, professional development, and mapping/geographic information systems (GIS). Additionally, the state funds the following statewide services: ESInet and associated costs (less \$1 million funded by King County), TTY training, call receiver training, and interpretive services. The state supports the following programs, Public Education and Telecommunicator Emergency Response Team. It also supports the E911 Advisory Committee, chartered by RCW 38-52-530, and its subcommittees. All expenditures directly support E911 services.

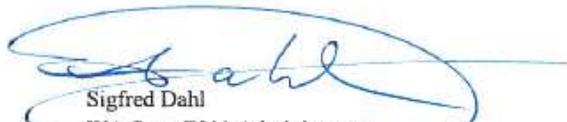
8. A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissive expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2012 on Next Generation 911 programs.

Washington State law specifically classifies Next Generation 911 technology and associated costs as permissive expenditures of funds for E911 purposes. Washington State expended funding in 2012 on both the continued modernization of the state-wide 911 network to an ESInet, and the procurement and fielding of Next Generation 911 end user equipment, to include digital logging recorders, and upgraded GIS technology and services. The state expended \$8,439,924 on Next Generation 911 programs in the annual period ending December 31, 2012.

9. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

The answers to your questions reflect calendar year 2012 and were drafted by Sigfred Dahl, the State E911 Program Administrator, who can be reached at 253-512-7468 or via email at sigfred.dahl@mil.wa.gov

Respectfully Submitted via electronic filing August 29, 2013


Sigfred Dahl
WA State E911 Administrator



Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-1122
Expires: May 31, 2015
Estimated time per response: 10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

- 1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

If "yes," please include a citation to the legal authority for such mechanism

YES	NO
X	
<p>In West Virginia 911/E911 fees are collected from subscribers of landline, wireless, and Voice over Internet Protocol (VoIP) telecommunications service providers. Funding for land-line service is provided for under <i>West Virginia Code</i> §7-1-3cc. (Hereinafter "<i>W.Va. Code</i>") This section of the Code Authorizes County Commissions to impose a fee on consumers of local exchange service within their county for the purpose of funding an emergency telephone system. These fees vary based on ordinances passed by each county commission and are collected by the local exchange carrier and remitted directly to the county.</p> <p>In addition, <i>W.Va. Code</i> §24-6-6b imposes a fee to be collected by all CMRS providers on each valid retail commercial mobile radio service subscription as defined by the West Virginia Public Service Commission. That fee is currently three dollars (\$3) per month per subscriber. That three dollar fee is divided as directed in the statute in the following manner as defined in the <i>W.Va. Code</i> :</p> <p><i>"ten cents to be distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communication efforts with those of the enhanced 911 systems: Provided, however, that for the fiscal year beginning on the first day of July, two thousand five, and for every fiscal year thereafter, one million dollars of the wireless enhanced 911 fee shall be distributed by the Public Service Commission to subsidize the construction of towers"....And provided further, That for the fiscal year beginning the first day of July, two thousand six, and for every fiscal year thereafter, five percent of the wireless enhanced 911 fee money received by the Public Service Commission shall be deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system."</i></p>	



Federal Communications Commission
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2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Below is the County approved 911 fee collected for each landline and VoIP providers. For all wireless customers, the fee is \$3 per line per customer.

Jan-13	County	Fee	Comment Field	CTX RATE	ISDN PRI Rate
1	Barbour	\$3.00		\$0.3750	\$15.00
2	Berkeley	\$2.75		\$2.75 Lines 1-8, \$0.3437 Lines 9>	\$13.75
3	Boone	\$2.00		\$0.25	\$10.00
4	Braxton	\$2.10		\$0.2625	\$10.50
5	Brooke	\$2.05		\$2.05 Lines 1-8, \$0.2562 Lines 9>	\$10.25
6	Cabell	\$4.50	Effective 12-13-12 billing \$4.50 for residential and 6.50 for business lines	\$3.50 Lines 1-8, \$0.475 Lines 9>	\$22.50
7	Calhoun	\$2.45		\$0.3060	\$12.25
8	Clay	\$2.00		\$0.25	\$10.00
9	Doddridge	\$2.00		\$0.25	\$10.00
10	Fayette	\$3.50	Changed from \$2.00 effective 1/1/2011	\$0.25	\$17.50
11	Gilmer	\$1.75		\$0.2188	\$8.75
12	Grant	\$3.75		\$3.75 Lines 1-8, \$0.4687 Lines 9>	\$18.75
13	Greenbrier	\$2.00		\$0.25	\$10.00
14	Hampshire	\$2.00		\$0.25	\$10.00
15	Hancock	\$2.05		\$0.2562	\$10.25
16	Hardy	\$3.75		\$0.4680	\$18.75
17	Harrison	\$0.98		\$0.1225	\$4.90
18	Jackson	\$2.00		\$0.25	\$10.00
19	Jefferson	\$2.90		\$0.3620	\$14.50
20	Kanawha	\$4.00	Residential	\$4.00 Lines 1-8, \$0.50 Lines 9>	\$20.00
		\$6.40	Business	\$6.40 Lines 1-8, \$0.80 Lines 9>	\$32.00
21	Lewis	\$1.75		\$0.2188	\$8.75
22	Lincoln	\$3.50		\$3.50 Lines 1-8, \$0.4375 Lines 9>	\$17.50



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23	Logan	\$1.50		\$0.1875	\$7.50
24	McDowell	\$2.90		\$2.90 Lines 1-8, \$0.3625 Lines 9>	\$14.50
25	Marion	\$2.25	2/7/2012	\$0.1287	\$11.25
26	Marshall	\$1.20		\$0.15	\$6.00
27	Mason	\$2.00		\$0.25	\$10.00
28	Mercer	\$1.25		\$0.1562	\$6.25
29	Mineral	\$3.00		\$0.25	\$15.00
30	Mingo	\$2.00		\$0.25	\$10.00
31	Monongalia	\$1.31		\$1.31 Lines 1-8, \$0.1637 Lines 9>	\$6.55
32	Monroe	\$4.65		\$4.65 Lines 1-8, \$0.5812 Lines 9>	\$23.25
33	Morgan	\$2.50		\$0.3125	\$12.50
34	Nicholas	\$2.00		\$0.25	\$10.00
35	Ohio	\$1.97		\$1.97 Lines 1-8, \$0.2463 Lines 9>	\$9.85
36	Pendleton	\$2.50		\$2.50 Lines 1-8, \$0.3125 Lines 9>	\$12.50
37	Pleasants	\$2.00		\$0.25	\$10.00
38	Pocahontas	\$1.25		\$0.1560	\$6.25
39	Preston	\$1.00		\$0.125	\$5.00
40	Putnam	\$1.50		\$0.1875	\$7.50
41	Raleigh	\$2.00		\$0.25	\$10.00
42	Randolph	\$2.50		\$0.3125	\$12.50
43	Ritchie	\$2.00		\$0.25	\$10.00
44	Roane	\$1.75		\$0.2187	\$8.75
45	Summers	\$3.85	1/1/2013	\$0.2312	\$19.25
46	Taylor	\$1.50		\$0.1875	\$7.50
47	Tucker	\$1.50		\$0.1870	\$7.50
48	Tyler	\$2.85		\$0.3562	\$14.25
49	Upshur	\$4.50	Effective 07/01/13	6.50 Centrex	\$22.50
50	Wayne	\$2.00		\$0.25	\$10.00
51	Webster	\$2.60		\$0.3250	\$13.00
52	Wetzel	\$2.95		\$0.3687	\$14.75
53	Wirt	\$2.00		\$0.25	\$10.00
54	Wood	\$1.75		\$1.75 Lines 1-8, \$0.2187 Lines 9>	\$8.75
55	Wyoming	\$2.65		\$2.65 Lines 1-8, \$0.3312 Lines 9>	\$13.25



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3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Funds Distributed by the PSC:	
County Commissions	\$33,902,478.90
West Virginia State Police	\$1,208,117.74
Office of Emergency Services	\$1,817,607.78
Tower Assistance Fund	<u>\$1,000,000.00</u>
Total	\$37,928,204.37

Amount paid to Counties as reported by Local Exchange Carriers. Note this amount does not include any monies paid by VoIP providers. \$17,009,733.72

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

These funds, when remitted to the PSCWV for distribution to the County Commissions of the State, are remitted in accordance with the provisions of *W. Va. Code* §24-6-6b(b)(c) and (d)(1). One million dollars is deposited annually in a fund administered by the PSCWV for redistribution in the form of grants for wireless tower construction subsidization. The funds are designed for the acquisition, equipping, and construction of new wireless towers that provide E911 service coverage and that might not be otherwise available because of marginal financial viability in the tower coverage area. Ten cents of each 911/E911 fee is distributed to the West Virginia State Police to be used for equipment upgrades, for improving and integrating their communication efforts with those of the enhanced 911 systems. The telecommunications service providers retain a three-percent billing and collection fee before remitting the fees collected to the PSCWV. Five percent of the 911/E911 fee money remitted to the PSCWV is deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia interoperable Radio Project and any other costs associated with stabilizing and maintaining the infrastructure of the system. The expenditure of 911/E911 fees collected directly by the County Commissions through landline or VoIP telecommunications service provider and 911/E911 fees redistributed to the counties by the PSCWV is statutorily restricted. WV State Law specifies what Enhanced 9-1-1 fee revenues may be used for. This is found, for wireline fees, at *W. Va. Code* §7-1-3c(b) and, for wireless fees, at *W. Va. Code* 24-6-6b(d)(2) and *W. Va. Code* 24-6-6b(g). Each county receives a quarterly disbursement of the funds collected by the PSCWV.



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5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

West Virginia statutory law requires that all expenditures of funds by County Commissions in the State of West Virginia be audited by the West Virginia State Tax commissioner. See *W.Va. Code* §7-12-12. In addition, the financial activities of the PSCWV are monitored internally by the State of West Virginia through audits, reviews and studies by the Legislature and externally by an independent private sector auditor in "Single State Audit."

The PSCWV may review and in certain instances in the past has reviewed the use of 911/E911 fees by the County Commissions. *W.Va. Code* §24-6-7 confers authority upon the PSCWV to resolve conflicts between County Commissions, between telephone companies, between telephone companies and County Commissions, and between the West Virginia Department of Public Safety (State Police) and County Commissions and/or telephone companies in matters concerning 911/E911 systems. If the dispute involves misuse of 911/E911 fees, the PSCWV has financial analysts review the use of these fees.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

In addition to the response to Question number 5, *W.Va. Code* §7-1-3cc et seq defines what the eligible expenses are for the use of the 9-1-1 fees by the local jurisdictions:

"The fee revenues may only be used solely and directly for the capital, installation, administration, operation and maintenance costs of the enhanced emergency telephone system and of the conversion to city-type addressing and including the reasonable costs associated with establishing, equipping, furnishing, operating or maintaining a county answering point. Effective on the first day of July, two thousand six, all county enhanced emergency telephone system fees that are in effect as of the first day of July, two thousand six, and as such may later be modified by action of a county commission, shall be imposed upon in-state subscribers to voice over Internet protocol (VoIP) service, as VoIP service is defined by the Federal Communications Commission of the United States. A non-business VoIP service subscriber shall be considered in-state if the primary residence of the subscriber is located within West Virginia. A business subscriber shall be considered in-state if the site at which the service is primarily used is located within West Virginia. The Public Service Commission may, as it deems appropriate and in accordance with the requirements of due process, issue and enforce orders, as well as adopt and enforce rules, dealing with matters concerning the imposition of county enhanced emergency telephone system fees upon VoIP service subscribers."

The Code further states:

"The books and records of all county answering points that benefit from the imposition of the local exchange service fees shall be subject to annual examination by the state auditor's office"



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7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

See response to number 5 and 6.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

To the extent that 911/E911 funds have been collected by telecommunications providers from subscribers and submitted to the PSCWV for redistribution to the Counties and other entities, all funds have been distributed as required by the statute. The PSCWV is not aware of any 911/E911 fees being used for purposes other than those established by statute.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

See response to question 9 above

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO



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Washington, D.C. 20554

X	
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12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	Not to our knowledge

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

If any funds have been spent or allocated, it would be on the County level.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Please copy future survey request to:	Public Service Commission of West Virginia Executive Secretary P.O. Box 812 Charleston, WV 25323
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Wisconsin

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

Please insert an "X" below the appropriate answer.

YES	NO
X	

If "yes," please include a citation to the legal authority for such mechanism.

Wis. Stat. § 256.35(3).

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

In Wisconsin, the 911 surcharge is set at the county level, and varies from \$0.00 per month (Vernon County) to \$1.00 per month (Clark, Menominee and Taylor Counties).

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

The total amount of 911 surcharge collection during 2011 is not available. The amount of the surcharge varies from one county to the next, based upon the cost of the 911 network and the number of billable access lines in the county. Although the surcharge rate applicable in each county is known, the number of billable access lines in each county is not known. The local exchange carriers providing 911 services in a given county collect and retain the surcharge collection. The amount of the surcharge collection is not reported and therefore is not known.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

No portion of the receipts from the 911 surcharge is shared with the state or local governments. The surcharge for 911 service is limited to the recovery of telecommunications network expenses and is retained in full by the participating local exchange carriers.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

The 911 surcharge recovers the cost of providing the telecommunications network supporting the 911 service in a given county. The surcharge is authorized by a contract or service agreement that the county enters into with the participating local exchange carriers. This contract specifies in detail the network design for the county 911 service, sets the amount of the 911 surcharge, and also sets forth the obligations of the parties to operate, maintain and repair the 911 telecommunications network. Wis. Stat. § 256.35(3)(b)3. The requirement for a county-specific contract gives a county a measure of oversight over the design and operation of the 911 network in the county. The contract, once approved, can authorize the expenditure of funds for the installation and maintenance of the 911 telecommunications network in that county.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

The 911 statute also requires that the local exchange carriers submit a 911 contract, or a subsequent amendment to a 911 contract, to the Public Service Commission for review. The Commission may disapprove the contract or contract amendment if it finds the contract is not compensatory, is excessive or is not in the public interest. Wis. Stat. § 256.35(3)(i). Four county 911 contracts were filed with this agency in 2012. All four 911 contracts were accepted as filed.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

No enforcement or other corrective actions were undertaken by this agency during the annual period ending December 31, 2012. It is possible that one or more individual counties pursued remedies permitted under the respective 911 contracts. This agency is not aware that any corrective actions permitted under the county 911 contracts were actually undertaken during 2012.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

Please insert an "X" below the appropriate answer.

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

No portion of the receipts from the 911 surcharge was shared with the state or local governments. The surcharge for 911 service is limited to the recovery of telecommunications network expenses and was retained in full by the participating local exchange carriers.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

No portion of the receipts from the 911 surcharge was shared with the state or local governments. The surcharge for 911 service is limited to the recovery of telecommunications network expenses and was retained in full by the participating local exchange carriers.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Please insert an "X" below the appropriate answer.

YES	NO
X	

12. Has your state expended such funds on Next Generation 911 programs?

Please insert an "X" below the appropriate answer.

YES	NO
	X

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Currently, 71 of 72 counties in Wisconsin provide E911 service to its residents. One county, Iron County, has continued to use a basic 911 service because of the cost of the terminal equipment and associated salary and facilities expense. Currently, 70 of 72 counties in Wisconsin provide Phase II wireless E911 access to its residents. The two remaining counties (Iron and Taylor Counties) employ a basic wireless 911 service both because of the cost of the equipment and facilities and also because, in the view of the counties, there is too little wireless service coverage within those counties to justify the expense.



THE STATE OF WYOMING

MATTHEW H. MEAD
Governor

Office of Homeland Security

Telephone (307) 777-Home (4663)
Fax (307) 635-6017
5500 Bishop Boulevard, Cheyenne, Wyoming 82002

August 6, 2013

David S. Turetsky, Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

Re: Annual Information Collection As Mandated By the New and Emerging Technologies Improvement Act of 2008; Response Due No Later than August 30, 2013.

Dear Mr. Turetsky,

Your letter referenced above, was received in the Office of Governor Matt Mead on July 22, 2013 and referred to this office for response.

Specific responses to questions are as follows:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation.

Answer: Wyoming Statutes allow local political subdivisions to create, by ordinance, funding mechanisms for the implementation and support of 911 and E911 systems. Maximum surcharge is set by Statute but does not authorize state level oversight of local funding mechanisms. (Merl Ramsey, Statutory Ref.)

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

Answer: The maximum surcharge allowable is \$00.75 per month and is set by state statute. Surcharge levels are set by local ordinance and not to exceed the \$00.75 level. Funds are routinely collected by the service provider and distributed to 911 centers according to local ordinance.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Answer: The total amount of assessed fees or charges collected and expended are dealt with at the local level based on county ordinance in adherence with the applicable State Statute. Counties are not required to report their accounting data to the State of Wyoming.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Answer: Local authorities mandate how collected funds can be used based on county ordinance in adherence with State Statutes.

5. A statement identifying any entity in your state that has the authority to approve expenditure of funds collected for 911 and E911 purposes.

Answer: Each local entity (political subdivision) establishing a 911 or E911 surcharge ordinance, has sole oversight responsibility for collection and distribution of funds collected to implement or support 911 or E911 services.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Answer: Oversight procedures that may be in place to determine that collected funds have been made available or used for the purposes designated by the funding mechanism in Question 1 are established by local authorities.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.

Answer: Any enforcement or corrective actions undertaken in connection with such oversight is implemented by local authorities.

8. In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1.



Answer: Information necessary to answer this statement exists only at the local entity level where the 911 or E911 funding mechanisms are created; State Statutes only set maximum surcharge levels.

9. A statement identifying what amount of funds collected for 911 and E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Answer: This agency is not aware of any funds collected for 911 or E911 purposes subsequently made available or used for unrelated purposes.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Answer: As 911 and E911 are controlled by local ordinances, statements of specificity are best generated by each local government operating 911 or E911 programs.

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes.

Answer: In a general sense, local government subdivisions consider expenditures for Next Generation 911 as permissible; however this agency is unaware of any funds being used for Next Generation 911.

12. Has your state expended such funds on Next Generation 911 programs.

Answer: As the State of Wyoming does not collect any 911 funds, we have not expended any funds for Next Generation 911 programs

13. If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs.

Answer: See answer to Question 12.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Answer: We have no further comments.

Should you have questions subsequent to your review of the above interrogatories and answers, please contact Deputy Director Larry Majerus at 307-777-4900.

Respectfully Yours,


Guy Cameron
Director

GC/cs

cc: office of the Governor
Public Service Commission