



PUBLIC NOTICE

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

PS Docket No. 09-14

Comment Date: February 13, 2017

Reply Comment Date: March 15, 2017

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

The Report covers the collection and distribution of 911 and Enhanced 911 fees and charges for the calendar year ending December 31, 2015, and was submitted to Congress on December 30, 2016.¹ The Report also contains more detailed state-by-state information than prior annual reports on the number and type of 911 calls, the number of Public Safety Answering Points (PSAPs) and telecommunicators, expenditure of funds for Next Generation 911 (NG911) services, deployment of Emergency Services IP Networks (ESInets) and text-to-911 service, establishment of programs to support PSAP cybersecurity, and the extent of state-level oversight and auditing of collection and use of 911 fees. Forty-nine states, the District of Columbia, American Samoa, Puerto Rico, and the United States Virgin Islands responded to this year's expanded data request.²

- **Fee Diversion.** The Report identifies eight states and Puerto Rico as diverting or transferring a portion of collected 911 fees and charges for non-911 related purposes in 2015.³ We seek comment on the sufficiency and accuracy of the reported information, including additional

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

² Information submitted by the states and other reporting entities can be viewed at <https://www.fcc.gov/general/8th-annual-911-fee-report-state-filings>.

³ Missouri, Guam, and Northern Marianas Islands did not file reports and thus did not describe the disposition of their collected fees, if any.

information concerning the specific impact, if any, that such diversion has had on the provision of 911 service in those states. We also seek comment on whether there have been any other instances of fee diversion by states or local jurisdictions not identified in the Report, including counties or other jurisdictions in states that have local or hybrid fee collection programs.

- **NG911 Expenditures.** Thirty-six states, the District of Columbia, and Puerto Rico reported spending 911/E911 funds on NG911 programs in calendar year 2015. The total amount of reported NG911 expenditures from 911/E911 fees was \$164,817,664.55, or approximately 6.26 percent of total 911/E911 fees collected. We seek comment on whether this level of expenditure of 911 fees on NG911-related programs is adequate for implementation of NG911 services and infrastructure. Thirteen states, American Samoa, and the US Virgin Islands reported not spending any money on NG911. We seek comment on the impact of this failure to prepare for impending communications sector IP technology transition, including the impact on commercial providers and on consumers and communities. We note that our information collection does not include Federal agencies or departments operating PSAPs or having 911 responsibilities. We seek comment from providers, communities, and consumers on the impact to them should Federal PSAPs or 911 facilities not transition to NG911 in a timely manner.
- **Cybersecurity Expenditures.** Thirty-eight states, American Samoa, Puerto Rico, and the US Virgin Islands reported that they spent no 911 funds in 2015 on 911-related cybersecurity programs for PSAPs. Nine states and the District of Columbia stated that they had made cybersecurity-related expenditures. We seek comment on whether 911 fees are being used effectively by state, local, and tribal jurisdictions to implement cybersecurity best practices within PSAPs, as well as adherence to the National Institute of Standards and Technology Cybersecurity Framework. We seek comment on the impact of not investing in PSAP cybersecurity risk reduction.
- **Oversight and Auditing.** We seek comment on the role of oversight and auditing in ensuring that collected 911 fees are used according to state and local requirements. As in previous years, the Report finds that almost every reporting jurisdiction collects 911 fees from in-state subscribers, but many states lack authority to audit service providers to verify that the collected fees accurately reflect the number of in-state subscribers served by the provider. We seek comment on whether additional efforts are needed to ensure that state and local entities have the authority to monitor and audit 911 fee collections and any additional barriers towards their effective oversight of fee collection.

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

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

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

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC

20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

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

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

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

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