



Received & Inspected

ANDREW M. CUOMO
Governor

AUG 04 2015

JOHN P. MELVILLE
Commissioner

FCC Mail Room

July 29, 2015

Rear Admiral David G. Simpson
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 Rear Admiral Simpson:

This letter is New York State's response to your request for the Annual Information Collection pursuant to New and Emerging Technologies Improvement Act of 2008. Information is provided in accordance with the topic areas of your letter.

Topic 1. In New York State, responsibilities for public safety call taking and emergency services dispatching are primarily a local government function. There is no centralized, statewide operation or system used to undertake these functions. Public Safety Answering Point (PSAP) metrics, system information and reporting thereof are the responsibility of each PSAP operator (county, municipal or agency). New York State would not be the source for this data.

Topic 2. New York State has three funding mechanisms which include support for 911 or E911 purposes or implementation:

- The first mechanism is established at the State level through New York Tax Law Section 186-f. This section authorizes a "public safety communications surcharge" (PSCS) and establishes the value, collection, deposit and distribution of funds collected. The PSCS is used for public safety communications purposes as specified including, but not limited to, 911/E911 services. This surcharge is applied to all wireless communication devices (except those used by the State, its agencies and political subdivisions) used by customers whose place of primary use is within New York State. Each wireless communications service supplier providing service in New York State is responsible for the collection of the PSCS and depositing revenue derived to an account in the custody of the State Comptroller.
- The second and third funding mechanisms pertain to local governments through New York County Law Article 6. Sections 303 and 308-a through 308-y of Article 6 allow the City of New York and other 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 support 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 locality on a monthly basis.

Topic 3. Tax Law Section 186-f establishes the collection and disbursement of the PSCS. The allocation and expenditures made through programs and grants authorized in this section are subject to

applicable State Finance Law requirements, accounting rules/guidelines and budget policies and procedures under the auspices of the State Comptroller and Division of the Budget. In addition, program administration and oversight for local assistance grants, which can include 911/E-911 uses, is the responsibility of the New York State Division of Homeland Security & Emergency Services (DHSES), in consultation with the New York State Interoperable and Emergency Communication Board.

Local surcharge collection and disbursement are under local control, and are not administered by the New York State or reported to DHSES.

Topic 4. Tax Law Section 186-f specifies the allowable uses of funds generated from the PSCS. Such allowable uses include up to \$75 million annually to aid county governments in designing, constructing, and operating wireless communications networks that will provide interoperable communications solutions to first responders across the state, or to support operations, consolidation or improvements to county public safety answering points.

In addition to the above, Tax Law Section 186-f provides for PSCS revenues to support the emergency response operations and mission of the New York State Police and DHSES; and the transfer of a portion of funds generated to the State's General Fund.

Topic 5. New York State Law authorizes the imposition of a PSCS and two local 911/ E911 surcharges.

- The State PSCS is currently set in statute at \$1.20 (Tax Law Section 186-f).
- County Law provides that counties may also impose two surcharges:
 - 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 a 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.
 - Sections 308-a through 308-y authorize NYC and all other New York State 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.

For the annual period ending December 31, 2014, \$185,513,240 was collected from the State's PSCS. Credible estimates or reports of the local revenues collected through surcharges authorized in County Law are not available nor reported to DHSES.

Topic 6. Funds derived through the PSCS were used in accordance with the purposes specified in Tax Law Section 186-f. This includes the authorized transfer of a portion of funds to the General Fund. In State Fiscal Year 2014-15, \$77,254,288 million was transferred to the General Fund from the account.

With respect to funds generated through local or county-based surcharges, we do not possess the relevant information at the State level to validate that funds were disbursed for their designated purposes, although we assume that such is the case.

Topic 7. Programs and uses, specified in Tax Law Section 186-f, are subject to the oversight and auditing by the State Comptroller. In addition, the program administration and oversight for local

assistance grants are the responsibility of DHSES, in consultation with the New York State Interoperable and Emergency Communication Board.

Topic 8. At this time, New York State does not differentiate between 911 and Next Generation 911 expenditures. Based upon the language in relevant enabling statutes, we believe that 911, E-911 and Next Generation 911 would be within scope of current programs. There has been no significant use of PSCS funds exclusively for NG911 technologies to date.

Topic 9. Cyber security expenditures, if any, are not reported to DHSES at this time.

Topic 10. New York State, to the best of our knowledge, is the first and only state that allocates collected funds towards non-match grants to counties in order to help them improve the ability for first responders to communicate with each other and create a network of regional partnerships and systems that include State agencies. This State support to counties is available through the Statewide Interoperable Communications Grant program. All counties are eligible to apply. To date, \$225 million has been awarded through this program. The New York State Interoperable and Emergency Communication Board annual report contains information about the distribution of these awards and status of the program.

I believe this information concerning New York State is sufficient for the Commission to fulfill its reporting obligations under Section 6(f) (2) of the NET 911 Act.

Sincerely,



John P. Melville
Commissioner