



N A R U C
National Association of Regulatory Utility Commissioners

December 1, 2015

The Honorable Greg Walden
Chairman
Subcommittee on Communications
Technology & the Internet
2125 Rayburn HOB
Washington, DC 20515

The Honorable Anna Eshoo
Ranking Member
Subcommittee on Communications
Technology & the Internet
2322A Rayburn HOB
Washington, DC 20515

Re: Funding for the Transition to Next Generation 9-1-1

Dear Chairman Walden and Ranking Member Eshoo:

At the November 17th Federal Communications Commission Oversight Hearing, FCC Chairman Wheeler began his oral statement by calling on Congress to address an important issue that only Congress can: Accelerate the transition of public safety answering points (PSAPs) and underlying emergency 9-1-1 systems from analog to digital and Next Generation (NG) 9-1-1.

Chairman Wheeler declared the need for funding to migrate the 6,000 or so PSAPs in the United States to NG9-1-1 a crisis for public safety communications. NARUC agrees. About 658,000 calls per day and 240 million calls annually are made to 9-1-1 call centers, according to recent statistics from the National Emergency Number Association. Each call represents a potentially life-threatening situation.

Advancements in communications technology have created the need to upgrade emergency services. Networks and consumers continue to migrate to these new technologies that offer broader capabilities such as text and video messaging. Unfortunately, the current 9-1-1 system has not advanced on the same timeline. Most existing systems cannot receive location information or other types of information that are technologically available. The nation's 9-1-1 systems are in need of a significant overhaul.

In January 2015, the FCC created a Task Force on Optimal PSAP Architecture (TFOPA). Working Group 3 (WG3), Chaired by Washington UTC Commissioner Phil Jones, was tasked with addressing the funding and resource allocation for the transition to NG9-1-1. At the NARUC Annual Meeting this November, NARUC adopted a resolution endorsing the September 2015 WG3 recommendations (resolution appended below). That report concluded that current fee collection mechanisms "are outmoded given current and future technological changes, and are in dire need to be modernized to be more equitable, consistent, and sustainable."

The WG3 Report also cites an August 2015 speech by Chairman Wheeler proposing federal legislation to create a new FCC grant program to provide matching funds to help PSAPs migrate to efficient NG9-1-1 ESI-Nets and shared platforms and to direct the FCC to help States develop effective audit tools to ensure appropriate collections and expenditures of 9-1-1 fees, among other issues.

There is nothing more local than an emergency 9-1-1 call. Federal and State policymakers must work together to ensure that emergency 9-1-1 services and network resiliency do not suffer as the 9-1-1 system and consumers migrate to new technologies. For these reasons, NARUC endorsed the WG3 recommendations, including the recommendation for Congress to utilize future spectrum proceeds to provide funding to States, local governments, and/or PSAPs to accelerate the transition to NG9-1-1 networks.

NARUC stands ready to work with Congress, this Subcommittee, the FCC, and other stakeholders to ensure that our emergency 9-1-1 network meets the needs of the public safety community and can adequately protect all Americans.

If you have questions about any of the responses, please do not hesitate to contact the undersigned or NARUC's Legislative Director for Telecommunications, Brian O'Hara, at 202.898.2205 or bohara@naruc.org or J. Bradford Ramsay, NARUC's General Counsel, at 202.898.2207 or jramsay@naruc.org.

Respectfully submitted,

/s/ Chris Nelson

Chris Nelson
Chair, NARUC Committee on Communications
Chairman, South Dakota PUC

/s/ Travis Kavulla

Travis Kavulla
NARUC President
Commissioner, Montana PSC

Resolution to Accelerate the Deployment of Next-Generation (NG) 911 Systems

WHEREAS, In January 2015, the Federal Communications Commission (FCC) established a Task Force on Optimal PSAP Architecture (TFOPA) to examine the transition from legacy 911 to Internet Protocol enabled 911 systems, *i.e.*, so-called Next-Generation 911, or NG911; *and*

WHEREAS, Although funding of and jurisdiction over 911 systems remains fundamentally an issue for local and State governments, the FCC and other agencies, such as the National 911 Program lodged with the Department of Transportation's National Highway Transportation Safety Administration (NHTSA), have a key role to play in both providing a national vision for the NG911 transition and targeting federal NG911 grants to State and local governments; *and*

WHEREAS, The New and Emerging Technologies Improvement Act of 2008, Public Law 110-283 required the FCC to collect information from States, Public Safety Answering Points (PSAPs), and Local Governments on NG911 transition plans and note any "diversions" of 911 fees by a State Legislature, and also required the FCC to submit a report on its findings to Congress annually in December; *and*

WHEREAS, The September 2013 *NARUC Federalism Task Force Report: Cooperative Federalism and Telecom in the 21st Century* noted, among other things that: "States, the FCC, and service providers should work together to ensure that all consumers can access emergency services (*i.e.*, 911, E911, and NG911) regardless of the technology used to carry calls."; *and*

WHEREAS, State and local fees to support 911 networks vary widely, though a hybrid system of 911 fee assessments is the most common, e.g., a combination of a statewide fee with a county or metropolitan fee; *and*

WHEREAS, The TFOPA established three Working Groups to assess the current state of the transition to NG911 across multiple jurisdictions: Working Group 1 on Cybersecurity; Working Group 2 on the Optimal PSAP Architecture; and, Working Group 3 on Funding and Resource Allocation (WG3); *and*

WHEREAS, WG3 completed its report on September 28, 2015, on the state of 911 fees and resource allocations and it was adopted by the TFOPA for inclusion in its final reports; *and*

WHEREAS, That report concludes that current fee collections mechanisms "are outmoded given current and future technological changes, and are in dire need to be modernized to be more equitable, consistent, and sustainable," and that "the system of fee collection and allocation of expenditures for 911 systems is breaking down at the same time the nation is aggressively looking to deploy Next-Generation 911 systems"; *and*

WHEREAS, The report recommends that the accuracy of 911 data received by the FCC for inclusion in the annual Net 911 Act Report to Congress must be improved; *and*

WHEREAS, The report recommends broadly that more effective mechanisms for coordination at State and regional levels be developed to accelerate the timely and cost-effective transition to NG911 systems; *and*

WHEREAS, The report recommends over-arching policies and principles for all jurisdictions to facilitate the NG911 transition, such as being “sustainable, predictable, and stable,” and being “technology and competitively neutral”; *and*

WHEREAS, The report recognizes that targeted NG911 Federal grants to State and local government is an effective way to accelerate the transition, *e.g.*, the existing NHTSA’s National 911 Program grants, and proposed NG911 grants taken from FCC incentive spectrum auctions proceeds; *and*

WHEREAS, The WG3 Report cites to an August 2015 speech by FCC Chairman Wheeler in which the Chairman discussed federal legislation to create a new FCC grant program to provide matching funds to help PSAPs migrate to efficient NG911 ESI-Nets and shared platforms and to direct the FCC to help States develop effective audit tools to ensure appropriate collections and expenditures of 911 fees, and prevent the diversion of such revenue for non-911 issues; *and*

WHEREAS, The WG3 Report assesses at a high level the priority funding alternatives for a sustainable 911 funding system, and specifically calls for more detailed consideration of a potential network connection fee on upstream bandwidth, and for tightening collections from certain pre-paid wireless services at the retail point-of-sale; *and*

WHEREAS, The WG3 Report recommends the FCC establish a new Local State Government Advisory Committee on 911 to continue the work initiated by WG3, create a core cadre of technical 911 experts from across the country to continue to assess these issues in more detail, and provide recommendations to the FCC and other Federal Agencies; *now, therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners, convened at its 127th Annual Meeting in Austin, Texas, endorses these recommendations of the Working Group 3 Report of the Task Force on PSAP Architecture, and urges the FCC to give serious consideration of all the recommendations contained in that report; *and be it further*

RESOLVED, That NARUC specifically endorses Chairman Wheeler’s proposal for the FCC to work with Congress to utilize future spectrum proceeds to provide funding to States, local governments, and/or PSAPs, to accelerate the transition to Next-Generation 911 networks.

Sponsored by the Committee on Telecommunications
Recommended by the NARUC Board of Directors November 10, 2015
Adopted by the NARUC Committee of the Whole November 11, 2015