

## MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 16, 2009, in Room 545-N of the Capitol.

All members were present except  
Sen. McGinn, excused.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes  
Melissa Doeblin, Office of the Revisor of Statutes  
Cindy Lash, Kansas Legislative Research Department  
Ann McMorris, Committee Assistant

Conferees appearing before the Committee:

Dan Jacobsen, AT&T

Others attending:

See attached list.

Chair opened the meeting and continued the hearing on:

**HB 2126 - Requiring telecommunications providers to provide call location information in emergency situations.**

Neutral

Dan Jacobsen, AT&T, testified that AT&T has a state-of-the-art system for responding to requests for location of wireless customers. He provided a brief description of AT&T's process. Since **HB 2126** has been amended to be consistent with their current practice of providing information to law enforcement officials, AT&T has withdrawn their original opposition to this bill. (Attachment 1)

Committee asked questions regarding when their system had been started, why the Federal law was not familiar to all law enforcement agencies, type of equipment needed and their input on the language in the bill. Mr. Jacobsen noted their emergency center provided 24 hour service and calls were answered by a person who had had specific training in this area.

Chair closed the hearing on **HB 2126**.

Chair appointed Senator Bruce to lead committee efforts and research "Amber Alert" and contact the law enforcement center in regard to how this bill would affect federal law.

Chair continued the hearing on:

**SB 284 - Third party administrator authorized for certain utilities energy efficiency and conservation programs.**

Committee questioned Westar and KCPL on their energy efficiency programs and the cost to maintain these programs. Discussed private businesses who conduct energy efficiency evaluations. Considered how this bill would affect the programs now being offered by utilities.

Chair closed the hearing on **SB 284**.

Approval of Minutes

Moved by Senator Emler, seconded by Senator Reitz, to approve the minutes of the Senate Utilities Committee meetings held on February 25, February 26, March 2, March 3, March 4, March 5, year 2009

The next meeting is scheduled for March 17, 2009. The meeting was adjourned at 2:30 p.m.

Respectfully submitted,  
Ann McMorris, Committee Assistant  
Attachments - 1

GUEST LIST  
SENATE UTILITIES COMMITTEE  
MARCH 16, 2009

| <u>NAME</u>        | <u>COMPANY</u>       |
|--------------------|----------------------|
| Maail Hartut       | CEP                  |
| Tom Day            | KCC                  |
| Josh Smith         | Intern, Sen. Pyle    |
| Scott Jones        | KCPK                 |
| DAN JACOBSEN       | AT&T                 |
| Nile Reese         | Sprint               |
| Dave Sprague       | Carb                 |
| George Lippencoff  | AAAP                 |
| Ernest Kutsky      | AAAP                 |
| Joe Dick           | KCBPU                |
| Lon Stanton        | Northern Natural GAS |
| Jim Grabner        | AT&T                 |
| Rob Mealy          | KEARNEY ASSOC.       |
| Larry Bees         | MIDWEST FUELGY       |
| JOHN C. BOTTENBERG | ATT & WESTAR         |
| Tom Thompson       | Sierra Club          |
| Mark Schreiber     | Westar               |
| Randy Degenhardt   | Westar               |
| Cileen Jensen      | COX                  |



Dan Jacobsen  
President-Kansas

AT&T Kansas  
220 SE 6<sup>th</sup> Street  
Suite 500  
Topeka, KS 66603

785.276.8201 Phone

Testimony of Dan Jacobsen, President – AT&T Kansas  
Regarding HB 2126 – Caller Location in Emergencies  
Before the Senate Utilities Committee  
March 12, 2009

Mr. Chairman and Members of the Committee,

My name is Dan Jacobsen. I am the President of AT&T Kansas. I appreciate this opportunity to speak with you regarding House bill 2126. This bill addresses the need for communications companies to provide information on caller location during life-threatening emergencies. AT&T has a state-of-the-art system for responding to requests for location of wireless customers. We operate a system that is responsive to emergency situations but is also sensitive to the need to protect customer privacy. Here is a brief description of AT&T's process:

When customers contact AT&T for help in locating a missing family member, our service representatives are trained to tell them to contact their local law enforcement who will make the official request to AT&T. We have worked with law enforcement (police departments, sheriffs, PSAPs) across the country to assure that they know how to contact AT&T for such requests. AT&T has a central location that handles these requests for the entire country. This center is referred to as the AT&T Mobility National Compliance Center or "NCC". The NCC is able to provide location (cell site) information to law enforcement based on either historical call records or by utilizing a tool known as the Mobile Locator which, if the missing family member's wireless device is turned on, has the ability to provide latitude and longitude of the location of the phone typically within 50-100 meters. In many markets, location information from the NCC can be obtained manually by an AT&T employee logging into the system and providing the information to law enforcement or the system can be programmed to automatically send information directly to law enforcement officials every 5, 15 or 30 minutes via email depending on the urgency of the investigation.

AT&T's NCC handles about one hundred emergency requests each day from PSAPs, police departments and other law enforcement agencies. The center is open seven days a week, 24 hours a day. We have designed the system to provide information to law enforcement officials in a manner that is consistent with the federal law governing such disclosure – the Electronic Communications Privacy Act ("ECPA"). Federal law specifically provides that telecommunications carriers may provide such information "to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency." 18 U.S.C. 2702(c)(4) Rv

Senate Utilities Committee  
March 16, 2009  
Attachment 1-1

providing the information to law enforcement, the carriers are able to more quickly confirm that a situation is, in fact, a life-threatening emergency. It also assures that we properly safeguard sensitive confidential information about the location of our wireless customers. Information is provided to PSAPs immediately upon verification that we are in fact dealing with a legitimate PSAP. The PSAP provides a follow up “Exigent Circumstances Form” to us after the fact. All other exigent requests for location information require law enforcement to sign a certification stating that the information is needed because a person is in danger of death or serious physical injury and agreeing to provide follow up legal process within 48 hours. In those cases where a person is missing and law enforcement cannot validate that a crime has been committed, the NCC sends a Missing Person form which does not require follow-up with a court order. The certification must be signed and returned to the NCC prior to receiving the information. As an added precaution, all exigent requests must be approved by an AT&T Supervisor or Manager before the information is provided; however, this does not create a delay as there is a Manager or Supervisor on call 24X7.

AT&T has been responding to requests for customer location information for many years. Our efforts have been invaluable in assisting law enforcement with kidnappings, missing persons and attempted suicides. There are numerous documented cases of lives being saved as a result of the NCC’s prompt response to requests made during emergencies. The information provided by the NCC is not taken lightly and every precaution is taken to preserve the customer’s right to privacy while assisting law enforcement when lives are in danger.

Originally this bill would have required us to provide information directly to family members and others. It has now been amended to be consistent with our current practice of providing information to law enforcement officials. Accordingly, we have withdrawn our original opposition to this bill. While we feel that federal law already provides the appropriate framework to utilize this technology while safeguarding customer privacy, we are not opposing HB2126.

Thank you for this opportunity to discuss this important topic.