MINUTES

SPECIAL COMMITTEE ON UTILITIES

October 8, 2009
Room 143-N—Statehouse

Members Present

Senator Mike Petersen, Chairperson
Representative Carl Holmes, Vice-Chairperson
Senator Karin Brownlee
Senator Janis Lee
Representative Annie Kuether
Representative Cindy Neighbor
Representative William Prescott
Representative Don Schroeder

Members Absent

Representative Joe Seiwert

Staff Present

Cindy Lash, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Melissa Doeblin, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Ann McMorris, Committee Secretary

Conferees

Patrick Halley, National Emergency Number Association (NENA)
Laurie Flaherty, U.S. Department of Transportation
Juliene Maska, Governor's Grants Office
Diane Gage, Chairperson, Kansas Wireless Enhanced Advisory Board
Edwin Geer, Kansas Department of Transportation
James A. Reed, Kansas Statewide Interoperability Committee

Others Attending

See attached list.

Chairperson Petersen reviewed the topics assigned by the Legislative Coordinating Council (LCC) to be studied by the Special Committee on Utilities - Text Message Reception for the 911 Emergency System - Review the new 9-1-1 emergency system technology that would allow text, pictures, video, and data to be transmitted to emergency 911 centers in Kansas. Also review the possible extension of grant funding that currently is scheduled to sunset in July, 2010 for 9-1-1 emergency services for counties with a population of less than 75,000.

Review of Current Kansas 9-1-1 Statutes

Melissa Doeblin, Office of the Revisor of Statutes, described current 9-1-1 statutes (the Emergency Telephone Tax Act and various laws related thereto). She covered topics including selected definitions, 9-1-1 tax levels, allowances for administrative fees, allowable uses of 9-1-1 tax revenues, the wireless enhanced 9-1-1 advisory board, and the grant fund and how it is administered, including abolition of the grant fund program slated for July 1, 2010 (Attachment 1).

Committee members raised questions about money available for grant administration (up to five percent of the amount credited to the grant fund annually), including how the money is spent and whose control it is under.

Next Generation 9-1-1

Laurie Flaherty, U.S. Department of Transportation (US DOT), via phone from Washington DC, reported on building and funding tomorrow's 9-1-1 system. She discussed the consensus of the 9-1-1 community regarding the need to adopt new technologies, the US DOT Next Generation (NG) 9-1-1 project, and the characteristics of Next Generation 9-1-1. She reviewed the US DOT NG9-1-1 transition plan in the areas of funding, operations, standards and technology and governance and policy. She discussed issues for possible legislative or regulatory action consistent with the national plan, including creating clear responsibility and authority for 9-1-1, centralization of appropriate functions, and consistent long-term funding. She also reviewed the 9-1-1 Grant Program and the potential role of NCSL and state governments in migrating to NG9-1-1 (Attachment 2).

Questions were raised about how and what type of resources could be shared across Public Safety Answering Points (PSAPs), whether there is a list of states who have effectively shared resources and achieved cost savings, the likely time frame for implementing NG9-1-1, and who would be responsible for developing the standards states must have to go forward with NG9-1-1.

Ms. Flaherty offered to send the National NG Migration Plan, urged the Committee to visit the US DOT website where the Procurement Toolkit will be available soon, and recommended the Committee be represented at NCSL when these issues are discussed.

Patrick Halley, Government Affairs Director, National Emergency Number Association (NENA), spoke on Next Generation 9-1-1: What is it? Why do we need it? And how do we get there? He described the purposes of NG9-1-1, the nature of NG9-1-1, and the benefits to 9-1-1 service. He addressed transition issues including how to move from paper to reality, overall policy needs,

policy issues, state 9-1-1 program authority considerations, local responsibility considerations, and funding (Attachment 3).

Mr. Halley also provided a 17-page booklet entitled "A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System – Issues and Recommendations for State and Federal Policy Makers to Enable NG9-1-1" published September 2008.

Committee members raised questions about how to balance development of standards and coordination with the need to ensure continued funding of the current system, whether a network such as KAN-ED has the characteristics needed for a NG9-1-1 network, and how long it might be before NG9-1-1 could be in place.

Kansas Grant Proposal for NG9-1-1

Juliene Maska of the Governor's Grants Office provided information on Kansas' application for the Federal E9-1-1 Grant Program. Ms. Maska described the activities that will be funded by the grant, including hiring a consultant to coordinate with federal, state, and local authorities and to assist an advisory board in the development and implementation of NG9-1-1. Under the grant, Kansas has proposed a pilot project implementing NG9-1-1 in three PSAPs of varying sizes across the State (Attachment 4).

Committee members raised questions about the consultant, specifically the purpose of hiring a consultant, how long the consultant would be involved, the process that will be used to select a consultant, and whether the amount of money proposed to be spent on the consultant meets the grant requirement that the money be spent primarily to benefit PSAPs. Members also asked about the multi-jurisdictional advisory body, including membership of the advisory body, where the authority to create such a body comes from, and how the Legislature would interact and coordinate with the advisory body, given the Legislature's role in determining the direction of 9-1-1 policy.

Representative Holmes asked Ms. Maska to provide the following data: (1) a list of names of all the people involved in putting the grant application, including addresses and who they represent; (2) detailed information on the amount of additional administrative moneys that will need to be drawn from the tax revenues to fund the state share of the grant; (3) a list of persons who will be involved in putting together the Request for Proposal for a consultant; and (4) a list of the persons involved in developing the equipment list. In response to a question asking for more information about the equipment to be purchased under the grant, Ms. Maska indicated she would provide a written explanation to the Committee.

Role of Kansas Wireless Enhanced 9-1-1 Advisory Board

Diane Gage, Chairperson, Advisory Board, reported on the activities of the Advisory Board in providing education and assistance to get the wireless system in place. She reviewed the Board's history and its long-term goals. As the sunset date for the wireless grant funding and program nears, the Board has been focused on making sure that PSAPs that are using grant moneys to pay recurring monthly costs will continue to be able to provide wireless 9-1-1 service to the community when grant funding is no longer available (Attachment 5).

Statewide Interoperable Communications System

Edwin Geer, Communication System Administrator for the Kansas Department of Transportation (KDOT), provided background and an update on the Statewide Interoperable Communication System. The goal is to facilitate seamless communications in critical events for public safety-related officials operating on different radio systems. The components of this system include: (1) installation of P25 wide-area trunk radio equipment and interoperability equipment for selected tower sites; and (2) opportunities to lease 800 MHz radios and tower space. He reviewed the funding for equipment and the efforts made through several phases to facilitate interoperable communications during critical events for areas encompassing the majority of the state's population and its critical infrastructure (Attachment 6).

Representative Holmes asked for a list of people who requested use of the KDOT towers and were turned down, including the reason the request was denied.

Concerns were expressed that many areas of the state have been upgraded to the P25 wide-area network, while most of western Kansas is only now receiving conventional trunks for basic interoperability.

Kansas Statewide Interoperability Executive Committee

James A. (Jimmy) Reed, Kansas Statewide Interoperability Executive Committee (SIEC), provided a roster of the SIEC membership. He discussed an FCC regulation on radio equipment utilized by public safety agencies that requires narrowing the bandwidth on which they operate by half by January 1, 2013. Approximately 90 percent of the emergency response agencies in the state operate radios that will be subject to this requirement. It will affect jurisdictions of all sizes in Kansas (Attachment 7).

Questions were raised about the cost of different types of radios, the advantages of being on the state network, whether there is potential for the P-25 800 MHz system managed by KDOT to merge with the 9-1-1 emergency response system, what the total cost will be statewide for public safety to convert to radios that can accommodate the narrower bandwidth, whether narrowing the bandwidth degrades the radio signal, and what options agencies might have if they cannot afford to migrate to new radio systems.

Chairperson Petersen noted the Committee has one more day to meet and consider their recommendations to the 2010 Legislature. He asked the members to review carefully the information provided by the speakers today.

Members identified additional information they would like to have available at the next meeting, including whether KAN-ED could be used as the network "backbone" required for NG9-1-1, whether the money that will be spent on the consultant in the federal grant is subject to the 10 percent limit on administration that normally is contained in federal grants, do the different entities involved communicate with each other, what governs how KDOT money spent for communications towers can be used and who can use the towers, over the last three years how much money was raised by the 9-1-1 local fee and grant fee, and how was that money spent, and what are the trends in the number of wired and wireless telephones.

In addition, members identified several issues that should be considered as the Committee makes its recommendations, including whether the Wireless Advisory Board should continue; the possibility of placing all 9-1-1 tax moneys with an organization outside state government, with checks

and balances and safeguards, to ensure that the money cannot be swept and used for general state purposes; and consideration of a bright, clear line for how 9-1-1 moneys can be used.

Next Meeting

The next meeting will be held on November 13, 2009.

Prepared by Ann McMorris, Committee Secretary
Edited by Cindy Lash

Approved by Committee on:

November 13, 2009
(Date)

GUEST LIST

Joint Committee on Utilities

DATE: **October 8, 2009**

Name	Representing
~~Brad Gilges~~	~~Franklin Co SO 911~~
Aleen Jennison	Cox
Bekah Finkson	Cox
MIKE TAYLOR	UNIFIED GOV/WYANDOTTE COUNTY/KCK
Mike Reecht	Sprint
Michelle Butler	Cap. Strategies
Julieine Marler	Cov. Grants Program
JAMES REED	SIEC
Nelson Krueger	SW
Jim Miller	MG County
Walter Way	Johnson County
KEITH FOOLS	MARC
Chris Davis	Butler County
Michael Kolbek	Shawnee Co. Sheriff
Stan Blanchard	" "
Nancy Ganson	" "

GUEST LIST

Joint Committee on Utilities

DATE: **October 8, 2009**

Name	Representing
Diane Gaeg	KWEAB : Sedgwick Co
Patrick Hulley	NENA
Ed Klumpp	KACP/KPOA
Melissa Wangemann	KAC
Guy McDonald	KCC
Dina Fisk	Verizon
Whitney Jaman	Coffey Co.
Doug Murray	Federico Consulting
Ken Monk	Kennedy & Assoc.
Russel Stukey	Coffey County
Tasha Rogers	Coffey County Sheriff's Office
Peter Carttar	KDOT
Lindsey Douglas	KDOT
Berend Koops	Hein Law Firm
Mike Murray	CenturyLink
John Idoux	CenturyLink
Jim Gardner	AT&T

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October 6, 2009

EMERGENCY TELEPHONE SERVICES STATUTES
K.S.A. 12-5301 *et seq.*

12-5301. Definitions. As used in this act, unless the context otherwise requires:

(a) "Emergency telephone service" means a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;

(b) "Emergency telephone tax" means a tax to finance the operation of emergency telephone service;

(c) "Exchange access facilities" means all facilities provided by the service supplier for the facility which provides local telephone exchange access to a service user;

(d) "Tariff rate" means the rate or rates billed by a service supplier and as stated in the service supplier's tariffs, approved by the state corporation commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

(e) "Public agency" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

(f) "Governing body" means the board of county commissioners of a county or the governing body of a city;

(g) "Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other service user;

(h) "Service supplier" means any person providing exchange telephone services or wireless service to any service user in this state;

(i) "Service user" means any person who is provided exchange telephone service or wireless in this state;

(j) "Wireless carrier" means any common, private or other radio carrier licensed by the federal communications commission to provide two-way voice or text radio service in this state which provides interconnection to the public switched telephone network and access to a 24-hour answering point;

(k) "Wireless service" means a two-way voice or text radio service provided by a wireless carrier; and

(l) "PSAP" means public safety answering point.

History: L. 1980, ch. 179, § 1;L. 1994, ch. 248, § 31; July 1.

12-5302. Emergency telephone tax; imposition by cities or counties; amount of tax; protest petition; election, when; user billing and liability; collection.

(a) In addition to other powers for the protection of the public health and welfare, a governing body may provide for the operation of an emergency telephone service and may pay for it by imposing an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and welfare and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized by ordinance in the case of cities and by resolution in the case of counties to impose such tax in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. Subject to the provisions of K.S.A. 2008 Supp. 12-5338, and amendments thereto, the amount of such tax shall not exceed $.75 per month per exchange access line or its equivalent.

(b) Within 60 days of the publication of a resolution by a county adopted pursuant to subsection (a) there may be filed with the county election officer of the county a petition signed by not less than 5% of the registered voters of the county, and within 60 days of publication of an ordinance adopted pursuant to subsection (a) there may be filed with the county election officer of the county in which the city is located a petition signed by not less than 5% of the registered voters of the city, in either such case requesting that the question of the installation and operation of emergency telephone service and imposition of tax therefor be submitted to the qualified voters of the county. Upon determination of the sufficiency of such petition and certification thereof by the county election officer, the proposition shall be submitted to the qualified voters of the county or city as the case may be at the next primary or general election of county officers following by not less than 60 days the certification of such petition. If a majority of the votes cast at such election are for the installation and operation of emergency telephone service and imposition of tax therefor, or if no protest petition is filed within the time hereinbefore prescribed, the governing body may provide for the installation and operation of such service and impose such tax. If a tax is imposed on the effective date of this act or thereafter, any proposed increase in the amount of the tax shall be subject to the protest petition provided in this subsection. The proceeds of the tax shall be utilized to pay for the operation of emergency telephone service as set forth in subsection (b) of K.S.A. 12-5304, and amendments thereto, and may be imposed at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body. The collection of such tax may begin at the time determined to be necessary to generate revenue in an amount necessary to pay the nonrecurring expenses of establishing the emergency telephone service. Any interest earned on revenue derived from such tax shall be used to pay the expenses authorized by K.S.A. 12-5304, and amendments thereto. Such tax shall not be imposed until after the expiration of the protest period or until after approved at an election if a sufficient protest petition is filed.

(c) As an alternative to the procedure provided in subsection (b), the governing body may submit, on its own initiative, the proposal to establish an emergency telephone service to the qualified

voters of the city or county for approval. Any such election shall be called and held in the manner provided by the general bond law.

(d) Such tax shall be imposed only upon exchange access lines or their equivalent. No such tax shall be imposed upon more than 100 exchange access facilities or their equivalent per person per location.

(e) Every billed service user shall be liable for any tax imposed under this section until it has been paid to the service supplier. Wireless service shall be exempt from the emergency telephone tax under this section but shall be subject to the wireless enhanced 911 grant fee imposed under K.S.A. 2008 Supp. 12-5324, and amendments thereto, and the wireless enhanced 911 local fee imposed under K.S.A. 2008 Supp. 12-5330, and amendments thereto.

(f) The duty to collect any tax imposed under authority of this section from a service user shall commence at such time as specified by the governing body. Taxes imposed under authority of this section and required by it to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

(g) The service supplier shall have no obligation to take any legal action to enforce the collection of any tax imposed under authority of this section. The service supplier shall provide annually the governing body with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the service supplier to be nonpayment of any tax imposed under authority of this section.

(h) Any tax imposed under authority of this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier.

History: L. 1980, ch. 179, § 2;L. 1990, ch. 78, § 1;L. 1994, ch. 248, § 32;L. 2004, ch. 72, § 19; Apr. 22.

12-5303. Same; collection; records; returns; administrative fee; rate fixed annually; audit of supplier.

(a) Any tax imposed under authority of this act and the amounts required to be collected are due quarterly. The amount of tax collected in one calendar quarter by the service supplier shall be remitted to the governing body no later than sixty days after the close of a calendar quarter. On or before the sixtieth day of each calendar quarter following, a return for the preceding quarter shall be filed with the governing body in such form as the governing body and service supplier shall agree. The service supplier required to file the return shall deliver the return together with a remittance of the amount of the tax payable to the office of the governing body. The service supplier shall maintain records of the amount of any tax collected pursuant to action in accord with this act. Such records shall be maintained for a period of one year from the time the tax is collected.

(b) From every remittance to the governing body made on or before the date when the same becomes due, the service supplier required to remit the same shall be entitled to deduct and retain, as an administrative fee, an amount equal to two percent (2%) thereof.

(c) At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September 1 and shall fix the new rate to take effect commencing with the first billing period of each customer on or following the next January 1. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by registered mail every service supplier at least ninety (90) days before such new rate will become effective. The governing body may at its own expense require an annual audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by this act.

History: L. 1980, ch. 179, § 3; July 1.

12-5304. Same; use of proceeds; authorization for contracts.

(a) Any governing body imposing the tax authorized by K.S.A. 12-5302, and amendments thereto, may contract directly with the provider of the emergency telephone service or may contract and cooperate with any public agency or with other states or their political subdivisions or with any association or corporation for their political subdivisions or with any association or corporation for the administration of emergency telephone service as provided by law.

(b) Funds collected from tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall be spent solely to pay for any or all of the following:

(1) The monthly recurring charges billed by the service supplier for the emergency telephone service;

(2) Initial installation, service establishment; nonrecurring start-up charges billed by the service supplier for the emergency telephone service;

(3) Charges for capital improvements and equipment or other physical enhancements to the emergency telephone system; or

(4) The acquisition and installation of road signs designed to aid in the delivery of emergency service.

History: L. 1980, ch. 179, § 4; L. 1984, ch. 79, § 1;L. 1988, ch. 81, § 1;L. 1996, ch. 13, § 1; Feb. 29.

12-5305. Wireless service; prior approval of supplier by PSAP. A wireless service supplier shall receive prior approval of the PSAP of that jurisdiction before directing emergency calls to such PSAP.

History: L. 1994, ch. 248, § 33; July 1.

12-5306. Same; establishment of "911" service by supplier. On or before December 31, 1995, every wireless service supplier shall establish the unique emergency telephone number "911" across the state, excluding the Kansas Turnpike Assistance telephone number.
History: L. 1994, ch. 248, § 34; July 1.

12-5307. Same; provision for 24-hour receipt of wireless emergency calls. On or before December 31, 1995, the governing body of each city and county shall provide or contract for the 24-hour receipt of wireless emergency calls for all wireless service areas within the jurisdiction of the city or county.
History: L. 1994, ch. 248, § 35; July 1.

12-5308. Emergency telephone service; immunity from liability. A public agency or a wireless carrier shall not be liable for any form of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency telephone service.
History: L. 1994, ch. 248, § 36; July 1.

12-5309. Enhanced 911 task force.

(a) There is hereby established an enhanced 911 task force which shall develop a strategy for funding and deploying wireless emergency telephone services. Such plan shall include suggestions for future action by the legislature with respect to deploying efficient and economical enhanced 911 services and implementing equitable and adequate means to fund such services. Specifically, the task force shall make recommendations and propose legislation, if appropriate, concerning the following:

(1) The mechanism for administering wireless 911 service, with a focus on whether such service shall be administered on a centralized basis;

(2) The possible formation of an oversight board to address future technological, coordination and regulatory issues related to deployment of wireless emergency telephone service;

(3) The fairness and adequacy of the mechanism for funding such service;

(4) The method, if any, for recovering costs incurred by public safety answering points and by wireless telecommunications service providers in providing emergency telephone service; and

(5) Any other issues the task force deems relevant to the deployment of emergency telephone service.

(b) The task force shall consist of 14 members. Two members shall be representatives of wireless telecommunications carriers to be appointed by the governor. The remainder of the task force shall be appointed as follows: One member representing a local exchange carrier other than a rural telephone company and one member representing a rural telephone company who shall be recommended by the Kansas telecommunications industry association. Two members shall be recommended by the Kansas association of counties and two members shall be recommended by the league of Kansas municipalities. One member shall be a person with a communication disability recommended by the Kansas commission for the deaf and hard of hearing. One member shall be recommended by the Kansas emergency medical services board.

One member shall be recommended by the Kansas association of fire chiefs. One member shall be recommended by the Kansas association of chiefs of police. The names of the recommended members shall be transmitted to the governor for final approval. No such recommended member shall serve unless approved by the governor. The remaining members of the task force shall include: The superintendent of the highway patrol or the superintendent's designee; the chair of the state corporation commission or the chair's designee. The governor shall designate one member as chair of the task force. All meetings shall be on call of the chair. All task force members shall serve without compensation.

(c) The task force shall report its findings and conclusion to the house committee on utilities and the senate committee on commerce during the first week of the 2001 legislative session. The state corporation commission shall provide staff support to the task force as necessary. Such staff shall prepare the report and any legislation recommended by the task force.

(d) The task force shall be and is hereby abolished on July 1, 2001.

History: L. 2000, ch. 128, § 1; Apr. 27.

12-5310. Certain PSAP's ineligible to receive moneys. No public safety answering point other than a political subdivision of the state shall be eligible to receive moneys distributed pursuant to the wireless enhanced 911 act.
History: L. 2005, ch. 192, § 5; July 1.

12-5321. Wireless enhanced 911 act; citation; severability.

(a) K.S.A. 2008 Supp. 12-5321 through 12-5338, and amendments thereto, may be cited as the wireless enhanced 911 act.

(b) If any provisions of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provisions or application. To this end the provisions of this act are severable.

History: L. 2004, ch. 72, § 1; Apr. 22.

12-5322. Definitions. As used in the wireless enhanced 911 act, unless the context otherwise requires:

(a) "Advisory board" means the wireless enhanced 911 advisory board established under K.S.A. 2008 Supp. 12-5326, and amendments thereto.

(b) "Automatic number identification" means a feature by which a person calling a public safety answering point has such person's 10-digit telephone number simultaneously forwarded to the public safety answering point and to the public safety answering point's display and transfer.

(c) "Eligible municipality" means: (1) Any county having a population of less than 75,000 or any city located within such a county; or (2) any two or more such counties or cities.

(d) "Emergency telephone service" means a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations.

(e) "Enhanced 911 service" means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(f) "Exchange access facilities" means all facilities provided by the service supplier for the facility which provides local telephone exchange access to a service user.

(g) "Fund" means the wireless enhanced 911 grant fund established by this act.

(h) "Governing body" means the board of county commissioners of a county or the governing body of a city.

(i) "Local collection point administrator" means the statewide association of cities as established by K.S.A. 12-1610e, and amendments thereto, and the statewide association of counties as established by K.S.A. 19-2690, and amendments thereto.

(j) "Mobile telephone number" means the telephone number assigned to a wireless telephone at the time of initial activation.

(k) "Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other legal entity.

(l) "Prepaid wireless telephone service" means wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite set of minutes that terminate either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless additional payments are made.

(m) "Primary place of use" has the meaning provided in the mobile telecommunications act (4 U.S.C. 116, et seq., as in effect on the effective date of this act).

(n) "Project" means the development and acquisition of the necessary improvements in order to facilitate the establishment of wireless enhanced 911 service.

(o) "Project costs" means all costs or expenses which are necessary or incident to a project and which are directly attributable thereto.

(p) "PSAP" means public safety answering point.

(q) "Pseudo-automatic number identification" means a feature by which automatic number identification is provided to a public safety answering point of the 10-digit telephone number of the specific cell site or cell site sector from which a wireless call originated.

(r) Public agency" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services.

(s) "Secretary" means the secretary of administration.

(t) "Service supplier" means any person providing exchange telephone service to any service user in this state.

(u) "Service user" means any person who is provided exchange telephone service or wireless service in this state.

(v) "Subscriber account" means the 10-digit access number assigned to a wireless service customer regardless of whether more than one such number is aggregated for the purpose of billing a service user.

(w) "Tariff rate" means the rate or rates billed by a service supplier and as stated in the service supplier's tariffs, approved by the state corporation commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

(x) "Valid request" means a request to a wireless carrier for wireless enhanced 911 service, made by a PSAP which is capable of receiving and utilizing the data elements associated with wireless enhanced 911 service as determined in accordance with 47 CFR 20.18 (October 1, 2002).

(y) "Wholesaler of prepaid wireless service" means a person who purchases at wholesale wireless service from a wireless carrier for resale as prepaid wireless service.

(z) "Wireless automatic location identification information" means a feature by which information is provided to a public safety answering point identifying the location of a 911 caller within the parameters established by the federal communications commission.

(aa) "Wireless carrier" means any common, private or other radio carrier licensed by the federal communications commission to provide two-way voice service in this state which provides interconnection to the public switched telephone network and access to a 24-hour answering point.

(bb) "Wireless enhanced 911 grant fee" means the fee imposed under K.S.A. 2008 Supp. 12-5324, and amendments thereto.

(cc) "Wireless enhanced 911 local fee" means the fee imposed under K.S.A. 2008 Supp. 12-5330, and amendments thereto.

(dd) "Wireless enhanced 911 service" means a communication service by which wireless carriers can provide automatic number identification, pseudo-automatic number identification and wireless automatic location identification information to a requesting PSAP, as defined in FCC docket 94-102, which is capable of receiving and utilizing the data elements associated with wireless enhanced 911 service.

(ee) "Wireless service" means a two-way voice service provided by a wireless carrier.

History: L. 2004, ch. 72, § 2; Apr. 22.

12-5323. Grant fund.

(a) There is hereby established in the state treasury the wireless enhanced 911 grant fund.

(b) Moneys from the following sources shall be credited to the fund:

(1) Amounts received by the state from the federal government for the purposes of the fund;

(2) Amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(3) Amounts received from fees under K.S.A. 2008 Supp. 12-5324 or 12-5356, and amendments thereto, or from repayments or fees remitted under K.S.A. 2008 Supp. 12-5328, 12-5330 or 12-5356, and amendments thereto;

(4) Interest attributable to investment of moneys in the fund; and

(5) Amounts received from any public or private entity for the purposes of the fund.

(c) Subject to the conditions and in accordance with requirements of this act, moneys credited to the fund shall be used only:

(1) To pay costs of administering the fund, including actual and necessary expenses incurred by members of the advisory board while performing duties required by the wireless enhanced 911 act and costs of any audit performed under K.S.A. 2008 Supp. 12-5331, and amendments thereto, but the aggregate amount of all such costs shall not exceed 5% of the moneys credited to the fund; and

(2) To provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAP's for:

(A) Implementation of wireless enhanced 911 service and VoIP 911 service, as defined in K.S.A. 2008 Supp. 12-5353, and amendments thereto;

(B) Purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service and VoIP 911 service, as defined in K.S.A. 2008 Supp. 12-5353, and amendments thereto; and

(C) Maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the fund interest earnings based on:

(1) The average daily balance of moneys in the wireless enhanced 911 grant fund for the preceding month; and

(2) The net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All payments and disbursements from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

History: L. 2004, ch. 72, § 3;L. 2006, ch. 101, § 11; July 1.

12-5324. Grant fee.

(a) Subject to the provisions of K.S.A. 2008 Supp. 12-5338, and amendments thereto, effective July 1, 2004, there is hereby established a wireless enhanced 911 grant fee in the amount of $.25 per month per wireless subscriber account with primary place of use in the state of Kansas. It shall be the duty of each wireless carrier to collect such fee from the wireless service user and remit such fee to the secretary as provided by K.S.A. 2008 Supp. 12-5331, and amendments thereto.

(b) Subject to the provisions of K.S.A. 2008 Supp. 12-5338, and amendments thereto, there is hereby established a wireless enhanced 911 grant fee in an amount equal to 1% of the retail price of any prepaid wireless service sold in the state. It shall be the duty of each wholesaler of prepaid wireless service to remit such fee to the secretary as provided by K.S.A. 2008 Supp. 12-5331, and amendments thereto.

(c) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

History: L. 2004, ch. 72, § 4; Apr. 22.

12-5325. Administration of act and fund; rules and regulations; civil penalties. The secretary shall administer the provisions of the wireless enhanced 911 act and shall be responsible for administration and management of the fund.

The secretary is hereby authorized to:

(a) Enter into binding commitments for the provision of grants in accordance with the provisions of this act;

(b) Review applications of eligible municipalities for grants and select the projects for which grants will be made available; and

(c) Adopt rules and regulations necessary for effectuation of the provisions of this act, including, but not limited to, assessing civil penalties.

(d) No civil penalty shall be imposed pursuant to this section except upon the written order of the secretary or the secretary's duly authorized agent to a wireless carrier. Such order shall state the violation, the penalty to be imposed and the right of such wireless carrier to appeal to the secretary. Any such wireless carrier, within 20 days after notification, may make written request to the secretary for a hearing or informal conference hearing in accordance with the provisions

of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(e) Any wireless carrier aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.

(f) Any civil penalty recovered pursuant to this section shall be deposited with the local collection point administrator and subsequently routed back to the corresponding PSAP and shall be used solely for those expenses allowed by this act.

History: L. 2004, ch. 72, § 5;L. 2006, ch. 101, § 12; July 1.

12-5326. Advisory board.

(a) There is hereby established the wireless enhanced 911 advisory board. Members of the advisory board shall be individuals familiar with development and implementation of wireless enhanced 911 service and shall be appointed by the governor as follows:

(1) One individual representing the Kansas association of counties;

(2) One individual representing the league of Kansas municipalities;

(3) One individual representing local law enforcement;

(4) One individual representing local fire/emergency medical services;

(5) One individual representing PSAP's in counties having a population of less than 15,000;

(6) One individual representing PSAP's in counties having a population of 15,000 or more;

(7) One individual representing the wireless carriers industry;

(8) One individual representing local exchange service providers; and

(9) One individual representing the Kansas highway patrol.

(b) The appointments in subsection (a)(1) through (a)(6) of this section shall satisfy the following:

(1) Two shall be individuals from counties having a population of more than 75,000;

(2) Two shall be individuals from counties having a population from 15,000 up to 75,000; and

(3) Two shall be individuals from counties having a population of less than 15,000.

History: L. 2004, ch. 72, § 6; Apr. 22.

12-5327. Use of grant fund moneys; intended use plan. After providing for public comment and review each year, the secretary, in conjunction with the advisory board, shall prepare a plan identifying the intended uses of the moneys available in the fund.

The intended use plan shall include, but not be limited to:

(a) The wireless enhanced 911 project priority list;

(b) A description of the short-term and long-term goals and objectives of the fund for the deployment of wireless enhanced 911;

(c) Provisions addressing the needs of persons with communication disabilities;

(d) Information on the projects to be financed, including a description thereof, the terms of grants to be provided and the municipalities receiving the grants; and

(e) The criteria and method established for the provision of grants to be made from the fund.

History: L. 2004, ch. 72, § 7; Apr. 22.

12-5328. Grants; application for; technical advice and assistance; valid request for service required, when.

(a) Eligible municipalities wishing to receive a grant under the wireless enhanced 911 act shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require including, but not limited to, the request for proposals submitted to initiate the deployment process, and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any eligible municipality for the provision of a grant thereto for payment of all or a part of project costs, including VoIP project costs, as defined in K.S.A. 2008 Supp. 12-5353, and amendments thereto, if recommended by the advisory board. Any eligible municipality may enter into such an agreement and may accept such grant when so authorized by the municipal governing body. The purposes of the grant to be provided, a time frame for implementation, and the amount thereof, which may vary among municipalities, shall be included in the agreements. All such agreements shall include provisions for repayment of the grant if implementation is not completed in accordance with the terms of the agreement.

(c) If a municipality to which a grant is made available under the wireless enhanced 911 act fails to enter into an agreement with the secretary for the provision of such grant in accordance with the requirements of this act, the secretary may make the amount of the grant available for one or more other projects on the priority list or VoIP projects, as defined in K.S.A. 2008 Supp. 12-5353, and amendments thereto, if recommended by the advisory board.

(d) The secretary shall provide any eligible municipality, upon request, with technical advice and assistance regarding a project, including VoIP projects, or an application for a grant for the payment of all or part of project costs or VoIP project costs.

(e) (1) Subject to the provisions of subsection (e)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007.

(2) Subject to the provisions of subsection (e)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007, such PSAP shall pay to the secretary all moneys paid from the fund to such PSAP. The secretary shall remit such moneys to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund. Thereafter, such PSAP shall not be eligible to receive moneys from the fund until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service.

(3) If a PSAP is unable to make a valid request by July 1, 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that:

(A) Equipment necessary to receive and utilize the data elements associated with the wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or

(B) There is other just cause to extend the date.

History: L. 2004, ch. 72, § 8;L. 2006, ch. 101, § 13; July 1.

12-5329. Annual report by secretary. The secretary shall prepare an annual report describing how the state has met the goals and objectives for the previous year as identified in the intended use plan prepared under K.S.A. 2008 Supp. 12-5327, and amendments thereto. Such report shall include information concerning the progress toward implementation of federal phase II enhanced 911 requirements pursuant to 47 C.F.R. 20.18. The secretary shall provide such report to the governor and the legislature.

History: L. 2004, ch. 72, § 9; Apr. 22.

12-5330. Local fee; use; annual report by PSAP; valid request for service required, when.

(a) Effective July 1, 2004, there is hereby imposed a wireless enhanced 911 local fee. Subject to the provisions of K.S.A. 2008 Supp. 12-5338, and amendments thereto, the amount of such fee shall be $.25 per month per wireless subscriber with primary place of use in the state of Kansas. Such fee shall not be imposed on prepaid wireless service.

(b) Subject to the provisions of K.S.A. 2008 Supp. 12-5338, and amendments thereto, the proceeds of the wireless enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAP's for:

(1) Implementation of wireless enhanced 911 service and VoIP enhanced 911 service;

(2) Purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service and VoIP enhanced 911 service; and

(3) Maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary.

(d) (1) Subject to the provisions of subsection (d)(3), each PSAP shall submit to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007.

(2) Subject to the provisions of subsection (d)(3), if a PSAP has not submitted to wireless carriers a valid request for wireless enhanced 911 service by July 1, 2007:

(A) Such PSAP shall pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP;

(B) The secretary shall notify the local collection point administrator that the PSAP has not made a valid request when required and that distributions of moneys from the wireless enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the secretary notifies the local collection point administrator that the PSAP has made a valid request;

(C) The PSAP thereafter shall not be eligible to receive moneys from the fund or from distributions by the local collection point administrator until the PSAP has submitted to the secretary evidence satisfactory to the secretary that the PSAP has submitted to wireless carriers a valid request for wireless enhanced 911 service. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

(3) If a PSAP is unable to make a valid request by July 1, 2007, the advisory board may approve not to exceed two one-year extensions of such date to not later than July 1, 2008, if the advisory board determines that:

(A) Equipment necessary to receive and utilize the data elements associated with wireless enhanced 911 service has been ordered by the PSAP but is unavailable; or

(B) There is other just cause to extend the date.

History: L. 2004, ch. 72, § 10;L. 2006, ch. 101, § 14; July 1.

12-5331. Payment and collection of fees.

(a) Every billed wireless service user shall be liable for the wireless enhanced 911 grant fee and the wireless enhanced 911 local fee until such fees have been paid to the wireless carrier.

(b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2004. Such fees shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "KS E-911 fees."

(c) The wireless carrier shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The wireless carrier shall provide annually to the secretary a list of amounts of uncollected wireless enhanced 911 grant fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees. The wireless carrier shall provide annually to the local collection point administrator a list of amounts of uncollected wireless enhanced 911 local fees along with the names and addresses of those wireless service users which carry a balance that can be determined by the wireless carrier to be nonpayment of such fees.

(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for wireless service in accordance with regular billing practice of the wireless carrier.

(e) The wireless enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the wireless carrier shall agree. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(f) The wireless enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the wireless carrier shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The wireless carrier required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The wireless carrier shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(g) In the case of prepaid wireless telephone service, the monthly wireless enhanced 911 grant fee shall be remitted to the secretary by the wholesaler of the prepaid wireless service not more than 15 days after the close of the calendar month in which the prepaid wireless service is sold by such wholesaler.

(h) Except as provided by subsection (d) of K.S.A. 2008 Supp. 12-5330, and amendments thereto, not later than 30 days after receipt of moneys from wireless carriers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the wireless enhanced 911 local fee to PSAP's based upon primary place of use information provided by

wireless carriers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee. Moneys which cannot be attributed to a specific PSAP shall be utilized for the purposes set out in subsection (b) of K.S.A. 2008 Supp. 12-5330, and amendments thereto. Until all PSAP's have achieved phase II status, such moneys shall only be distributed for such purposes to PSAP's that have not achieved phase II status. When all PSAP's have achieved phase II status, then such moneys shall be distributed for such purposes to any PSAP.

(i) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the wireless enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary.

History: L. 2004, ch. 72, § 11;L. 2008, ch. 24, § 1; July 1.

12-5332. Audits, wireless carriers. In 2006, the secretary shall require, and thereafter may require, an audit of any wireless carrier's books and records concerning the collection and remittance of fees pursuant to this act. Any such audit shall be conducted at the expense of the secretary. Information provided by wireless carriers to the secretary or the advisory board pursuant to the wireless enhanced 911 act will be treated as proprietary records which will be withheld from the public upon request of the party submitting such records.

History: L. 2004, ch. 72, § 12; Apr. 22.

12-5333. Wireless enhanced 911 service declared governmental power; limitation on liability. The wireless enhanced 911 service described in the wireless enhanced 911 act is within the governmental power and authority of the secretary, local collection point administrator, governing bodies and public agencies. Except as provided by the Kansas tort claims act, in contracting for such service and in providing such service, and except for failure to use ordinary care, or for intentional acts, the secretary, local collection point administrator, each governing body, each public agency, each wireless carrier and their employees and agents shall not be liable for the payment of damages resulting from the performance of installing, maintaining or providing wireless enhanced 911 service.

History: L. 2004, ch. 72, § 13; Apr. 22.

12-5334. Audits of wireless enhanced 911 service system.

(a) During calendar year 2006, the division of post audit shall conduct an audit of the wireless enhanced 911 service system to determine:

(1) Whether moneys received by municipalities pursuant to the wireless enhanced 911 act are being used appropriately;

(2) The amount of moneys collected pursuant to this act is adequate;

(3) The status of wireless enhanced 911 implementation; and

(4) The need and level of continued funding of the wireless enhanced 911 service system. The audit shall be in accordance with a scope statement authorized and approved by the legislative post audit committee and shall be conducted in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(b) During the calendar year 2008, the division of post audit shall conduct an audit of the wireless enhanced 911 service system, the VoIP enhanced 911 service system, as defined in K.S.A. 2008 Supp. 12-5353, and amendments thereto, and the landline emergency telephone service system to determine:

(1) Whether moneys received by municipalities pursuant to the wireless enhanced 911 act and the VoIP enhanced 911 act are being used appropriately;

(2) The amount of moneys collected pursuant to this act and the VoIP enhanced 911 act is adequate;

(3) The status of wireless enhanced 911 and VoIP enhanced 911 implementation; and

(4) The need and level of continued funding of the wireless enhanced 911 service system, the VoIP enhanced 911 service system and the landline emergency telephone service system. The audit shall be in accordance with a scope statement authorized and approved by the legislative post audit committee and shall be conducted in accordance with article 11 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto. The audit report shall be submitted to the legislature at the commencement of the regular session of the legislature in 2009.

History: L. 2004, ch. 72, § 14;L. 2006, ch. 101, § 15; July 1.

12-5335. Recovery of wireless carriers' costs. Nothing in the wireless enhanced 911 act shall be construed to limit the ability of a wireless carrier from recovering directly from the carrier's customers its costs associated with designing, developing, deploying and maintaining wireless enhanced 911 service and its costs of collection and administration of the fees imposed by this act, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

History: L. 2004, ch. 72, § 15; Apr. 22.

12-5336. Calls near jurisdictional borders. All PSAP's and wireless carriers shall make a good faith effort to ensure that wireless 911 calls placed near jurisdictional borders are forwarded to the appropriate PSAP.

History: L. 2004, ch. 72, § 16; Apr. 22.

12-5337. Waiver of deadline for implementation; notice to secretary. Upon notice to a PSAP of an application by a wireless carrier for a waiver of the deadlines of the federal communications commission for implementation of wireless enhanced 911, such PSAP shall notify the secretary of such application.

History: L. 2004, ch. 72, § 17; Apr. 22.

12-5338. Abolition of grant program; amount of land-line tax and local fee; use.

(a) On July 1, 2010:

(1) The wireless enhanced 911 grant fee shall be discontinued, the advisory board shall be abolished, any unobligated balance of the wireless enhanced 911 grant fund shall be paid to the local collection point administrator for distribution to PSAP's based on the population of the municipality or municipalities served by the respective PSAP and the fund shall be abolished.

(2) Within any county which has a population of 125,000 or more, the amount of the tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, shall not exceed $.25 per month per access line or its equivalent and the amount of the wireless enhanced 911 local fee within such jurisdiction shall be an equal amount per month per wireless subscriber account.

(3) Within any county which has a population of less than 125,000 the amount of the tax imposed to K.S.A. 12-5302, and amendments thereto, shall not exceed $.50 per month per access line or its equivalent and the amount of the wireless enhanced 911 local fee shall be an equal amount per month per wireless subscriber account.

(4) The provisions of K.S.A. 2008 Supp. 12-5323 through 12-5329, and amendments thereto, shall expire.

(b) On and after July 1, 2010, the proceeds of the wireless enhanced 911 local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2008 Supp. 12-5330, and amendments thereto.

History: L. 2004, ch. 72, § 18; Apr. 22.

12-5351. VoIP providers; requirements.

(a) As used in this section:

(1) "VoIP provider" means any provider of voice over internet protocol service (hereafter referred to as VoIP) other than a business which:

(A) Does not provide such service to customers outside its business organization; or

(B) Provides VoIP service as a customer product secondary to the primary product sold by the business.

(2) "PSAP" has the meanings provided in the wireless enhanced 911 act.

(b) Each VoIP provider shall direct to the appropriate PSAP dispatcher any emergency 911 calls made by users of its VoIP service.

History: L. 2005, ch. 192, § 3; July 1.

12-5352. VoIP enhanced 911 act; citation; severability.

(a) K.S.A. 2008 Supp. 12-5352 through 12-5361, and amendments thereto, may be cited as the VoIP enhanced 911 act.

(b) If any provisions of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provisions or application. To this end the provisions of this act are severable.

History: L. 2006, ch. 101, § 1; July 1.

12-5353. Definitions.

As used in this act, unless the context otherwise requires:

(a) Terms have the meanings provided by the wireless enhanced 911 act.

(b) "Interconnected VoIP service" has the meaning provided in 47 C.F.R. 9.3 (October 1, 2005).

(c) "VoIP" means voice over internet protocol.

(d) "VoIP enhanced 911 grant fee" means the fee imposed under K.S.A. 2008 Supp. 12-5355, and amendments thereto.

(e) "VoIP enhanced 911 local fee" means the fee imposed under K.S.A. 2008 Supp. 12-5356, and amendments thereto.

(f) "VoIP enhanced 911 service" means a communication service by which VoIP providers can provide automatic number identification, pseudo-automatic number identification and VoIP automatic location identification information to a requesting PSAP.

(g) "VoIP project" means the development and acquisition of the necessary improvements in order to facilitate the establishment of VoIP enhanced 911 service.

(h) "VoIP project costs" means all costs or expenses which are necessary or incident to a VoIP project and which are directly attributable thereto.

(i) "VoIP provider" means a provider of interconnected VoIP service but does not include any telecommunications carrier or local exchange carrier, as defined in K.S.A. 66-1,187, and amendments thereto, which holds a certificate of public convenience and necessity issued by the state corporation commission.

(j) "VoIP service user" means a subscriber to interconnected VoIP service whose primary service address is in Kansas.

History: L. 2006, ch. 101, § 2; July 1.

12-5354. Administration of act; rules and regulations; civil penalties.

(a) The secretary shall administer the provisions of the VoIP enhanced 911 act. The secretary is hereby authorized to adopt rules and regulations necessary for effectuation of the provisions of this act, including, but not limited to, assessing civil penalties.

(b) No civil penalty shall be imposed pursuant to this section except upon the written order of the secretary or the secretary's duly authorized agent to a VoIP provider. Such order shall state the violation, the penalty to be imposed and the right of such VoIP provider to appeal to the secretary. Any such VoIP provider, within 20 days after notification, may make written request to the secretary for a hearing or informal conference hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(c) Any VoIP provider aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.

(d) Any civil penalty recovered pursuant to this section shall be deposited with the local collection point administrator and subsequently routed back to the corresponding PSAP and shall be used solely for those expenses allowed by this act.

History: L. 2006, ch. 101, § 3; July 1.

12-5355. Grant fee.

(a) Subject to the provisions of K.S.A. 2008 Supp. 12-5361, and amendments thereto, effective July 1, 2006, there is hereby established a VoIP enhanced 911 grant fee in the amount of $.25 per month per VoIP service user. It shall be the duty of each VoIP provider to collect such fee from the VoIP service user and remit such fee to the secretary as provided by K.S.A. 2008 Supp. 12-5357, and amendments thereto. Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 grant fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 grant fee is paid pursuant to K.S.A. 12-5324, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 grant fee established pursuant to K.S.A. 12-5324, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act.

(b) The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, any fees received pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

History: L. 2006, ch. 101, § 4; July 1.

12-5356. Local fee; use; annual report by PSAP; repayment, when.

(a) Effective July 1, 2006, there is hereby imposed a VoIP enhanced 911 local fee. Subject to the provisions of K.S.A. 2008 Supp. 12-5361, and amendments thereto, the amount of such fee shall be $.25 per month per VoIP service user. Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 local fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 local fee is paid pursuant to K.S.A. 12-5330, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 local fee established pursuant to K.S.A. 12-5330, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act.

(b) The proceeds of the VoIP enhanced 911 local fee, and any interest earned on revenue derived from such fee, shall be used only for the purposes provided in K.S.A. 2008 Supp. 12-5330, and amendments thereto.

(c) Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the VoIP enhanced 911 local fee. Such report shall be submitted on a form provided by the secretary, which shall be consolidated with the report accounting for moneys received from the wireless enhanced 911 local fee required pursuant to K.S.A. 2008 Supp. 12-5330, and amendments thereto.

(d) If pursuant to K.S.A. 2008 Supp. 12-5330, and amendments thereto, a PSAP is required to pay to the secretary all moneys from the wireless enhanced 911 local fee which have been or are received by such PSAP, such PSAP shall also pay to the secretary all moneys from the VoIP enhanced 911 local fee which have been or are received by such PSAP and the secretary shall notify the local collection point administrator that distributions of moneys from the VoIP enhanced 911 local fee to the PSAP shall be stopped and that such moneys shall be instead remitted to the secretary until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The PSAP thereafter shall not be eligible to receive moneys from distributions by the local collection point administrator until the PSAP is again eligible to receive moneys from the wireless enhanced 911 local fee. The secretary shall remit any moneys received from the repayment by the PSAP or from distributions by the local collection point administrator to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the wireless enhanced 911 grant fund.

History: L. 2006, ch. 101, § 5; July 1.

12-5357. Payment and collection of fees.

(a) Every billed VoIP service user shall be liable for the VoIP enhanced 911 grant fee and the VoIP enhanced 911 local fee until such fees have been paid to the VoIP provider.

(b) The duty to collect any such fees imposed pursuant to this act shall commence July 1, 2006. Such fees shall be added to and may be stated separately in billings. If stated separately, the fees shall be labeled "KS E-911 fees."

(c) The VoIP provider shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The VoIP provider shall provide annually to the secretary a list of amounts of uncollected VoIP enhanced 911 grant fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees. The VoIP provider shall provide annually to the local collection point administrator a list of amounts of uncollected VoIP enhanced 911 local fees along with the names and addresses of those VoIP service users which carry a balance that can be determined by the VoIP provider to be nonpayment of such fees.

(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for VoIP service in accordance with regular billing practice of the VoIP provider.

(e) The VoIP enhanced 911 grant fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the secretary not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the secretary in such form as the secretary and the VoIP provider shall agree. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the secretary. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(f) The VoIP enhanced 911 local fee and the amounts required to be collected therefor are due monthly. The amount of any such fees collected in one month by the VoIP provider shall be remitted to the local collection point administrator not more than 15 days after the close of the calendar month. On or before the 15th day of each calendar month following, a return for the preceding month shall be filed with the local collection point administrator. Such return shall be in such form and shall contain such information as required by the administrator. The VoIP provider required to file the return shall deliver the return together with a remittance of the amount of the fees payable to the local collection point administrator. The VoIP provider shall maintain records of the amount of any such fees collected pursuant to action in accord with this act. Such records shall be maintained for a period of three years from the time the fees are collected.

(g) Except as provided by subsection (d) of K.S.A. 2008 Supp. 12-5356, and amendments thereto, not later than 30 days after receipt of moneys from VoIP providers pursuant to this section, the local collection point administrator shall distribute such moneys collected from the VoIP enhanced 911 local fee to PSAP's based upon primary residence information provided by VoIP providers. The local collection point administrator may retain an administrative fee of not more than 2% of moneys collected from such fee.

(h) The local collection point administrator shall keep accurate accounts of all receipts and disbursements of moneys from the VoIP enhanced 911 local fee. The receipts and disbursements shall be audited yearly by a licensed municipal accountant or certified public accountant and the audit report shall be submitted to the secretary.

History: L. 2006, ch. 101, § 6; July 1.

12-5358. Audits, VoIP providers. In 2008, the secretary shall require, and thereafter may require, an audit of any VoIP provider's books and records concerning the collection and remittance of fees

pursuant to this act. Any such audit shall be conducted at the expense of the secretary. Information provided by VoIP providers to the secretary or the advisory board pursuant to this act or the wireless enhanced 911 act will be treated as proprietary records which will be withheld from the public upon request of the party submitting such records.

History: L. 2006, ch. 101, § 7; July 1.

12-5359. VoIP enhanced 911 service declared governmental power; limitation on liability. As permitted by regulations of the federal communications commission, the VoIP enhanced 911 service described in this act is within the governmental power and authority of the secretary, local collection point administrator, governing bodies and public agencies. Except as provided by the Kansas tort claims act, in contracting for such service and in providing such service, and except for failure to use ordinary care, or for intentional acts, the secretary, local collection point administrator, each governing body, each public agency, each VoIP provider, and their employees and agents, shall not be liable for the payment of damages resulting from the performance of installing, maintaining or providing VoIP enhanced 911 service. In addition, a VoIP provider, and its officers, directors, employees, vendors and agents, shall have the same immunity and other protection from liability in this state as that provided to wireless carriers under 47 U.S.C. 615a (October 26, 1999).

History: L. 2006, ch. 101, § 8; July 1.

12-5360. Recovery of VoIP providers' costs. Nothing in the VoIP enhanced 911 act shall be construed to limit the ability of a VoIP provider from recovering directly from the provider's customers its costs associated with designing, developing, deploying and maintaining VoIP enhanced 911 service and its costs of collection and administration of the fees imposed by this act, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

History: L. 2006, ch. 101, § 9; July 1.

12-5361. Discontinuance of grant fee; amount of land-line tax and local fee; use.

(a) On July 1, 2010:

(1) The VoIP enhanced 911 grant fee shall be discontinued;

(2) The amount of the tax per access line or its equivalent imposed within a jurisdiction pursuant to K.S.A. 12-5302, and amendments thereto, and the amount of the VoIP enhanced 911 local fee per VoIP subscriber whose primary residence is within such jurisdiction shall be an equal amount per month; and

(3) The provisions of K.S.A. 2008 Supp. 12-5354 and 12-5355, and amendments thereto, shall expire.

(b) On and after July 1, 2010, the proceeds of the VoIP local fee shall be used only to pay for costs of emergency telephone service described in K.S.A. 12-5304, and amendments thereto, and expenditures authorized by K.S.A. 2008 Supp. 12-5330, and amendments thereto.

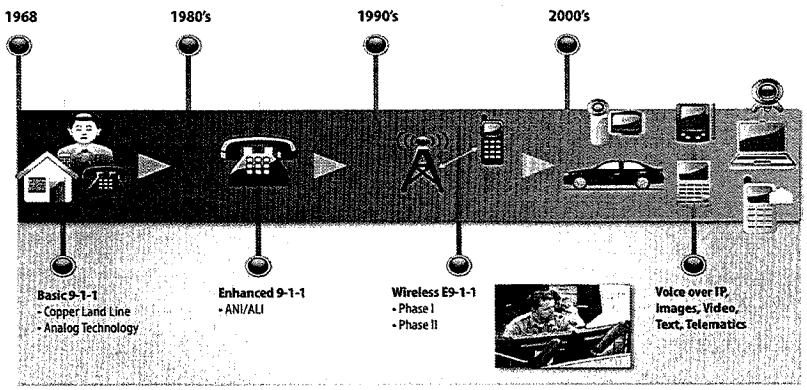
History: L. 2006, ch. 101, § 10; July 1.

Building & Funding Tomorrow's 9-1-1 System

Laurie Flaherty
National 9-1-1 Office/ Office of EMS

911.gov
THE NATIONAL 911 OFFICE

The Current 9-1-1 Network



Problem Statement

Consensus of 9-1-1 Community

Capitalize on advances in technologies that provide:

- ✓ Quicker and more accurate information
- ✓ Better and more useful forms of information (real-time text, images, video, and other data)
- ✓ More flexible, secure and robust Public Safety Answering Point (PSAP) operations
- ✓ Increased sharing of data, resources, procedures, and standards
- ✓ Promotion of increased coordination and partnerships

USDOT NG9-1-1 Project

Background:

Research and development project, funded by the USDOT's Intelligent Transportation Systems (ITS) Joint Program Office (JPO),

To define a NG9-1-1 system architecture and develop a transition plan for deploying digital, Internet Protocol (IP)-based 9-1-1 systems.

Long Term Goal:

To enable the general public to make a 9-1-1 "call" (any real-time communication – voice, text, or video) from any wired, wireless, or IP-based device, and

Allow first responders to take advantage of advanced real-time call delivery and data functions through new internetworking technologies based on open standards.

Next Generation 9-1-1

Today's 9-1-1	Next Generation 9-1-1
Primarily voice calls via telephones	Voice, text, or video information, from many types of communication devices
Minimal data available	Advanced data sharing is automatically performed
PSAP services – access, transfer, backup – are local only	Enhanced "long distance" capabilities; physical location of PSAP becomes immaterial
Limited capability for emergency notification	Location-specific emergency alerts possible for any networked device

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US DOT NG9-1-1 Initiative

Transition Analysis

Preliminary Analysis of Cost, Value & Risk
Report on Critical Deployment Issues

Final Transition Plan
Final Cost, Value and Risk Analysis

Transition Plan

- Deployment Strategies
- Transition Issues
  - Funding
  - Operations
  - Standards and Technology
  - Governance & Policy

http://www.its.dot.gov/ng911/index.htm

Transition Plan

- Funding
  - 9-1-1 a fiscal priority
  - Change funding model
  - Preserve 9-1-1 funds
- Operations
  - Training for call takers
  - Preparing 9-1-1 authorities & PSAP managers
- Standards and Technology
  - Complete & open standards
  - Access & security controls
  - Location acquisition
  - Business rules and call priority
- Governance & Policy
  - Update legislation & regulations
  - Establish responsibilities @ every level of government

Analysis of Cost, Value & Risk

- Assumption: Hybrid Model
- Cost
  - Planning, Upgrading, Maintaining
  - Operating Costs comparable to maintaining present model
  - NG9-1-1 provides greater potential for cost savings
- Value [80% more value than present system]
  - Quicker transmission of useful, actionable information
  - Geographic-independent call access, transfer and backup
  - Increased interoperability and coordination
  - Increased access by public
- Risk
  - 17 Key Risks Identified
  - Risk adjusted lifecycle costs within range of current costs
  - Risks can be further mitigated by cost sharing

A National Plan for Migrating to IP-enabled 9-1-1 Systems

- NET Improvement Act (2008)
- Benefits, Barriers, Strategies
- Access for Disabled (e.g., hearing impaired)
- Analysis of status of automatic location information (i.e., nomadic devices and high-rise buildings)
- Experiences of early adopters
- Issues for possible legislative or regulatory action

National Plan: Issues for possible legislative or regulatory action

- Clear responsibility & authority for 9-1-1
- Sufficiently broad authority for 9-1-1 authorities
- Identify coordination required @ each level of government
- Consolidation/centralization of appropriate functions
- Model legislation
- Update laws & regs to be technologically neutral
- Consistent, long-term funding
- Establish responsibility for location information
- Consistent intergovernmental use of definitions

9-1-1 Grant Program

- One-time appropriation: $43.5 million
- Eligible Applicants: States and Territories
- Non-competitive, Formula-based
- Match: 50/50 match, soft match
- 90% required "for direct benefit of" PSAPs
- Eligible use of funds:
  - Hardware
  - Software
  - Training
  - Consultant to manage deployment/training projects
- 30 Awards made September 25, 2009

Potential Role for NCSL:

- NG Transition Plan: Appendix D: State Government
  - Funding, Operations, Standards & Technology, Governance & Policy
- National NG Migration Plan: Executive Summary
  - Changing relationship between PSAP and Networks (Service/Network Providers)
  - Clarifying jurisdictional relationships and responsibilities at each level of government
  - Ensure broad enough authority for 9-1-1 agencies
- Model legislation

- Direct Responsibility/Authority AND Indirect Influence, Support & Promotion


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Next Generation 9-1-1: What is it? Why do we need it? And how do we get there?

Patrick Halley
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October 8, 2009

Why Do We Need NG9-1-1?

- The old E9-1-1 system design just can't cope
  - 9-1-1 system not keeping up with technology used by consumers, individuals with disabilities
  - Constant adaptation of E9-1-1 expensive and slow
  - New communications technologies need "plug and play" access and interfaces
  - Growing data rich environment – E9-1-1 can't handle
  - Need data bandwidth, modernized networks -- broadband/IP
  - Need state-wide, nation-wide and beyond intercommunication, including other emergency services
  - Post transition, NG9-1-1 can be significantly more efficient (and potentially less expensive for similar features)

Impacts of NG9-1-1

The purposes of NG9-1-1 can be briefly described in four segments:

- Fully replace Enhanced 9-1-1, with all capabilities and functions in place today
- Add capabilities to support changes for current and new types of Originating Service Providers
- Add flexibility for the PSAPs and 9-1-1 Authorities
- Add capabilities to integrate and interoperate with emergency entities beyond the PSAP

Impacts of NG9-1-1

Fully replace Enhanced 9-1-1, with all capabilities and functions in place today

- Need to replicate all features of E9-1-1 with IP-based, software and database versions
- All current calling types supported seamlessly
- No service disruption during transition

Impacts of NG9-1-1

Add capabilities to support changes for current and new types of Originating Service Providers

- New types of wireless services
- Non-voice messaging, such as text, photo and video, data-only (sensors), unknown future services
- Direct handling of telematics calls and data
- Common interface for developers to design to for quick connection to the system
- Access to information available in external databases

Impacts of NG9-1-1

Add flexibility for PSAPs and 9-1-1 Authorities

- Transfer calls and data between PSAPs and other entities anywhere an NG9-1-1 system exists
- Direct control of system functions (overflow and alternate routing), control data flow
- Direct handling of text and video
- Share applications and costs (GIS, CAD, mobile data, etc)
- Disaster related call control
- Malicious call control

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Impacts of NG9-1-1

Add capabilities to integrate and interoperate with emergency entities beyond the PSAP

- Connection to other emergency response entities for calls and data routing or transfer (EOCs, DHS, Trauma Centers, Public Health, etc)
- Interaction with 211, 311, N11s

The Nature of NG9-1-1

- Designed to support interoperability
- Designed with open standards
- Designed for and invites open competition, by major component, through interface standards
- Causes a transition to competitive service provider environment
- Causes a need for legislative and regulatory change

Benefits to 9-1-1 Service and Operations enabled by NG9-1-1

More sophisticated 9-1-1 Authority control of how NG9-1-1 handles calls and data will be possible

- Direct control of alternate, overflow, default routing, etc rules
  - Replaces indirect and inaccessible E9-1-1 network translations
- Language preference, including ASL, can direct the call to an appropriate calltaker, or cause auto addition of interpreter
- Provision of telematics data, and auto priority of call in queue if high priority call

Benefits to 9-1-1 Service and Operations enabled by NG9-1-1

More sophisticated 9-1-1 Authority control of how NG9-1-1 handles calls and data will be possible

- Use of adjacent or distant PSAPs for disaster cases where normal PSAP(s) are not available
- Easy transfer of calls or data to other or distant locations
- Optional data access under calltaker control – no `pushing' of large added data quantities
- Basically, "policy rules databases" allow direct programming of the NG9-1-1 system to operate the way 9-1-1 governing authorities desire, based on your local conditions and needs

3-5

NG9-1-1 Transition Issues

NG9-1-1: From Paper to Reality

- Significant technical and operational standards development (NENA and other SDOs)
- Proof of concept trial demonstrations
- Architectural framework development
- Concept of operations development
- But…Without policies that promote NG9-1-1 and statutes & regulations that allow it, standards and architecture development is irrelevant
- What is possible must also be a policy goal and a legal activity

NG9-1-1: Overall Policy Needs

- Overall policy promotion to enable NG9-1-1 needed at all levels of government
- Current federal and state statutes and regulations must be analyzed to ensure laws do not prohibit NG9-1-1
  - -Likely need for combination of new statutes/regulations and revision or repeal of outdated laws
- Issues requiring analysis include (but are not limited to):
  - -Collection and eligible use of 9-1-1 funds
  - -State 9-1-1 program authority and responsibility
  - -System definition and technology requirements/limitations
  - -Rules concerning which devices/services may connect to 9-1-1
  - -Liability and privacy protection laws

Some Policy Issues Identified

- Funding models must be reexamined to account for emerging technologies and to enable the sharing of infrastructure and costs
- State and federal policies are needed to enable the establishment of State Emergency Service IP Networks (ESINets)
- Jurisdictional frameworks for NG9-1-1 at federal, state and local levels must be clarified (Need for appropriate statewide coordination/management)
- Out of date state and federal laws/regulations that do not reflect modern communications capabilities in an NG9-1-1 system must be addressed
  - e.g. outdated state statutes and PUC regulations based on traditional telephone system;
  - e.g. rules prohibiting the direct transfer of verified emergency data to PSAPs (such as telematics automatic crash notification data, sensors)
- Need for review of liability and confidentiality statutes

State 9-1-1 Program Authority Considerations

- NG9-1-1 architecture, implementation coordination and funding requires a state-level mechanism
- Some states have no state-level 9-1-1 program (or programs are limited to a specific technology – e.g. Wireless 9-1-1 Board); Others may have a program, but lack adequate authority and resources to be truly effective
- Federal homeland security and 9-1-1 policy increasingly recognizes the need for state coordination
- Responsible for managing statewide IP network(s) and/or interconnecting regional/local intra and interstate networks
- Minimize need for PSAPs to understand all technology advancements and individual service provider capabilities

Local Responsibility Considerations

- Primary responsibility should be to receive calls/information and provide emergency response (assurance of service delivery)
- 9-1-1 service remains locally managed and controlled
- Potentially responsible for much less technology and vendor relationship management
- Develop and Maintain Local Data
  - Local PSAP authorities have best knowledge of local Information and Infrastructure

Funding

- Essential to address (1) collection of funds to pay for the system and (2) the eligible use of funds – for NG9-1-1
- Current state 9-1-1 funding legislation functionally tied to current 9-1-1 system architecture
- Current laws do not take into consideration the Next Generation of 9-1-1 in which 9-1-1 is a component of a much larger Emergency Services Internetwork (ESInet)
- State and federal legislation and grant programs need to consider the growing convergence and integration of public safety technology and agency interaction
- Need to ensure sufficient funds for 9-1-1 are raised and that eligible use of 9-1-1 funds match NG9-1-1 needs

NG9-1-1 Funding

- Remember we are no longer paying for dedicated 9-1-1 system
  - Shared system, shared costs
  - Paying for 9-1-1's portion of the overall emergency service internetwork
- Deployment approach significantly affects cost
  - Coordinated, intergovernmental implementation
  - Independent, unilateral implementation
- Some Funding Model Options (Raising Funds):
  - Fixed Surcharge on All "Calling" Services; Surcharge on Access Infrastructure Providers; Universal Statewide and/or Federal Communications Surcharge; User Fee

  (NENA NG Partner Program Funding Model Report available at http://www.nena.org/media/File/NGFundingReport.pdf)
- Eligible use of funds? Only for E9-1-1? NG9-1-1?

State Emergency Services IP Networks (ESINets)

- State ESINets are critical to the NG9-1-1 and next generation emergency communications architecture
- No state today is implementing and operating a comprehensive ESINet that supports 9-1-1 as well as other next generation oriented emergency communications functions beyond 9-1-1
  - Significant planning underway in several states
- Legislative or regulatory barriers may exist

Confidentiality of 9-1-1 Call Information

- PSAPs currently receive only ANI and ALI (includes street address or lat/long location information)
- NG9-1-1 architecture enables a level of access and sharing not currently possible (more data, images, live video, personal medical data, etc.)
- Current statutory confidentiality provisions may not adequately protect the public, and may hinder access and sharing for legitimate purposes

NG9-1-1 Regulation/Statute/Tariff Considerations

- Next Generation implementation will not be a statewide "flash cut" in many cases
- Legislation/Regulation, state policies and funding considerations must anticipate and support multiple deployment scenarios
- Many elements of Next Generation technology already exist
- Local 9-1-1 authorities need the ability to implement Next Generation technology (in all or part) as they see fit (ideally in coordination with a state authority)
- Need for statutes/regulations/tariffs to enable a competitive E9-1-1 environment that facilitates transition to full NG9-1-1

Some Kansas 9-1-1 Statute Observations

- Some definitions outdated – e.g. references to the "emergency telephone service"
- Rules/grants are (1) technology specific (e.g. focused on wireless or VoIP) and (2) have a very local focus on PSAPs (for grants and funding distribution primarily) rather than focused on an overall system
- Very limited state authority and system management responsibility

Next Steps

- Start getting ready now
- Review national materials to fully understand architecture and system capabilities and policy recommendations
- Monitor and participate in demos and trials
- Form NG9-1-1 policy working group to review current 9-1-1 laws, regulations and tariffs and analyze impact on NG9-1-1 and need for revisions
- Ensure broad stakeholder involvement

Transition Recommendations

- Make use of guidelines, other's experiences
- Address near and long term funding
- Maximize cost sharing
- Consolidate system management functions
- Arrange transition process to minimize time operating under both E9-1-1 and NG9-1-1 like environment – operational and cost savings

Questions?

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A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System

ISSUES AND RECOMMENDATIONS FOR STATE AND FEDERAL POLICY MAKERS TO ENABLE NG9-1-1

September 2008

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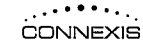

FOR MORE INFORMATION

To learn more about the topic area meetings, or for information on how to become a member of the Next Generation Partner Program, contact Dr. Robert Cobb, program manager, at 1-800-332-3911 or via email at bcobb@nena.org.

Visit www.nena.org for a copy of this report and for additional information on the NG Partner Program.

PUBLICATION DATE: SEPT 2008

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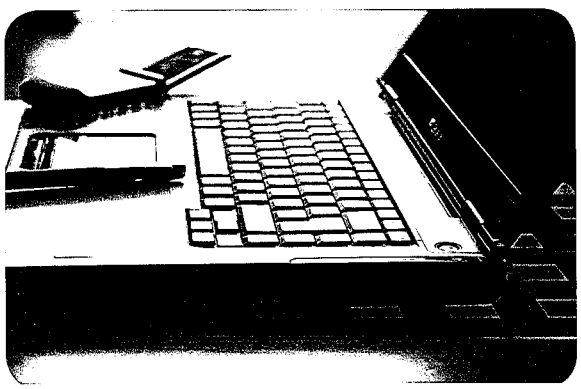
THE CHALLENGE

Every year approximately 240 million 9-1-1 calls are made in the United States with countless lives saved and property protected. Yet, our nation's 9-1-1 system is being pushed to the edge and is increasingly falling behind as technology in the hands of consumers rapidly advances past the capabilities of the current E9-1-1 system. Text messaging and instant messaging are becoming a more common method of communication than the traditional two way voice telephone call. Pictures and videos from phones and PDAs are being shared instantly with friends and colleagues around the world. Video and text based communications are replacing traditional TTY communications for the deaf and hard of hearing. Automobiles are being outfitted with telematics systems that automatically open up a voice call and provide valuable crash data when a car is involved in an accident. These are all amazing technologies, and citizens can reasonably expect to be able to contact 9-1-1 with technologies they use to communicate every day. Yet, all of these advancements in consumer communications technology have one important characteristic in common: ***today's legacy 9-1-1 system cannot deliver any of this information to 9-1-1 centers***. The architecture of the legacy 9-1-1 system is based on circuit switched telephony designed to enable telephone calls to 9-1-1, not data. Simply put, the 9-1-1 system has not kept up with technology and is badly in need of modernization.



THE OPPORTUNITY

While the current 9-1-1 system is certainly limited, there is good news. Significant work has been done to design and prepare for the transition to an IP-based Next Generation (NG) 9-1-1 system to handle all of the communications services listed above and more. NG9-1-1 is the future of emergency communications.[1] Consumers will have more ways to access 9-1-1 using the types of technology they use to communicate every day. 9-1-1 centers will receive more and better information about emergencies of all magnitudes to effectuate a more intelligent emergency response. The system will be based on the most modern technology, with increasing intelligence in the network and the use of shared services to potentially lower overall system costs. In sum, NG9-1-1 can mean increased capabilities, efficiencies and opportunities for consumers and public safety agencies, more lives saved and potentially lower costs for state and local governments facing increasingly tight budgets.

1 More information on NG9-1-1 is available at www.nena.org and in the Appendix at the end of this document.

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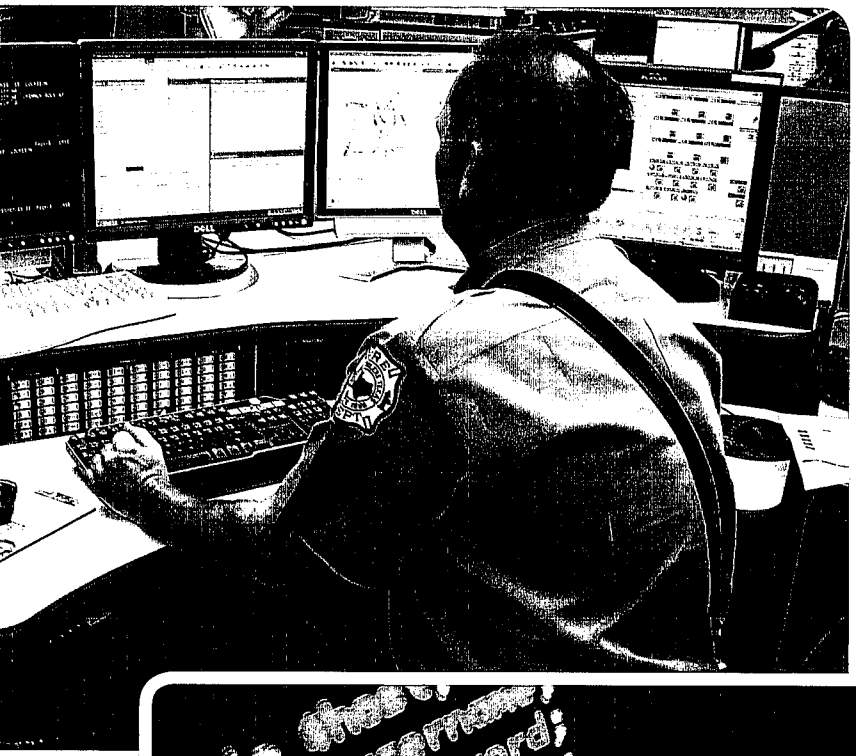

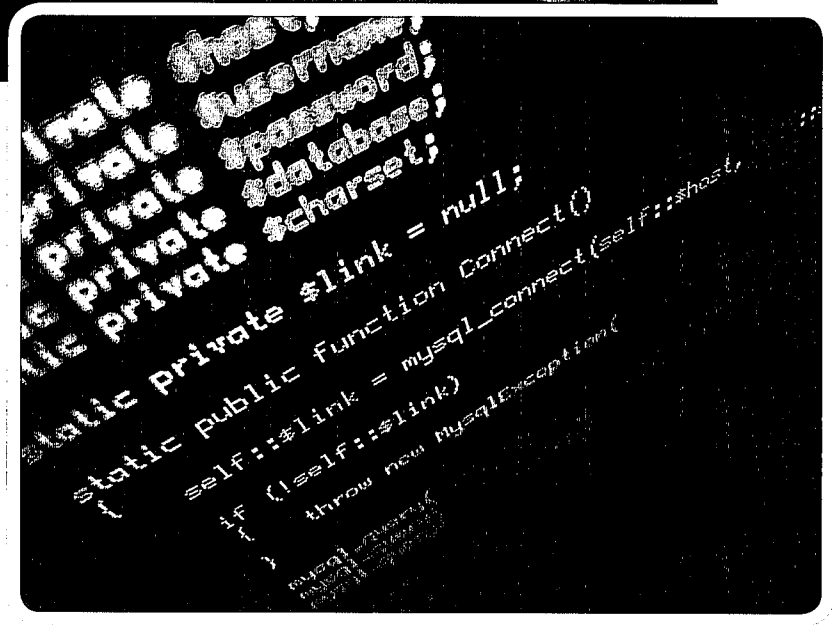

THE CHALLENGE AND OPPORTUNITY FOR POLICY MAKERS

Significant NG9-1-1 technology and standards development is underway and proof of concept trials and demonstrations are being conducted. This is essential, but equally important to technology development, is the fact that NG9-1-1 also requires the modernization of state and national 9-1-1 policies, regulations and statutes. NG9-1-1 is not yet a fundamental policy goal at the state and national level. Some existing state and federal regulations and statutes arguably prohibit, and certainly do not help enable, NG9-1-1. All the technology development in the world will only be as effective as the policies and rules that enable the implementation of NG9-1-1.

THE PURPOSE OF THIS REPORT

NENA's Next Generation Partner Program has developed multiple Reports on NG9-1-1 policy issues and recently completed several NG9-1-1 Transition Policy Briefs. These documents, contained in this report, raise important policy issues that must be addressed simultaneously with technology and standards development, and provide recommendations for policy maker consideration. To meet the objective of a fully functioning next generation 9-1-1 and emergency communications system, it is critical that state and federal policy makers (1) make the transition to NG9-1-1 a fundamental policy objective and (2) take timely and carefully scrutinized action to analyze and update existing 9-1-1 rules and regulations. There can be no more "critical infrastructure" than the 9-1-1 system. Thus, this document is designed to assist state and federal government leaders to initiate critical policy efforts necessary for the modernization of our 9-1-1 system.

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NEXT GENERATION PARTNER PROGRAM
NG9-1-1 TRANSITION POLICY BRIEF

NUMBER: One

SUBJECT: State-Level 9-1-1 Leadership and Coordination

OBJECTIVE: Establishment of a State Level organization to plan, coordinate and implement a Next Generation 9-1-1 system

TARGET AUDIENCE: 9-1-1 Authorities, Legislatures and Governors' Offices

JURISDICTION: State

BACKGROUND: The level and manner of coordination of 9-1-1 varies widely from state to state. In some states, 9-1-1 is strictly a local matter. A number of states have centralized the 9-1-1 program function or have otherwise established a statewide coordination mechanism, although their circumstances and authority vary widely due to the way state laws and regulations conceive and define the state-level function. For example, some states have a central, state-level 9-1-1 program, but it is primarily focused on cost reimbursement. Some states have centralized the 9-1-1 oversight function, but it focused exclusively on wireless. Some states have centralized the 9-1-1 oversight function and provided it with broad authority and adequate resources to oversee all aspects of 9-1-1. And some states have elected to combine local autonomy and state level coordination. The ability to effect both interstate and intrastate coordination of NG9-1-1, and to coordinate it with other emergency communications, will be a key factor in its – NG9-1-1's – success.

DISCUSSION: The principle of state-level coordination for 9-1-1, and of overall emergency communications, is not new. It is explicitly articulated in the Wireless Communications and Public Safety Act of 1999[2], in which Congress desired states to implement seamless, end-to-end emergency telecommunications services and found that efficiency in deploying such "requires statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems..." Furthermore, Congress directed the FCC to help make this happen by encouraging the development and implementation of "coordinated statewide deployment plans, through an entity designated by the governor" that should "include representatives of the foregoing organizations and entities in development and implementation of such plans." The principle of statewide coordination and planning under the auspices of a designated state-level entity is reinforced in the ENHANCE 911 Act of 2004 and is a specific eligibility criterion for PSAP grant funding under the Act. Similarly, statewide planning and coordination for use of homeland security communications grants is being required, and gradually expanded from solely first responder voice communications to include all emergency organizations and all types of emergency communications.

The link between these principles and the vision of NG9-1-1 is clear. Many key features and functions NG9-1-1 will require an effective state-level leadership and coordination mechanism to be in place. NG9-1-1 and next generation emergency communications generally, as an "interconnected system of

2 PUBLIC LAW 106-81-October 26, 1999.

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local and regional emergency services systems (system of systems)" [3] that ultimately becomes "...a nationally interoperable emergency services internetwork" [4] with the coordinated involvement of all state, regional and local stakeholders is what will finally achieve the vision of the 1999 Act.

Although the staffing of PSAPs and handling of 9-1-1 calls (and associated emergency response) will generally remain a local function, subject primarily to local decisions, aspects of NG9-1-1 will require state-level planning and implementation coordination. For example, network and related information delivery functions will no longer be agency specific, but will be shared by all authorized emergency agencies. Such shared Emergency Services IP Networks (ESInets) may be developed and managed locally or regionally, but need strong state level leadership and coordination, to ensure both operability and interoperability of state, local and regional ESInets, and to ensure they conform to applicable policies and industry-based standards. Further, coordination with national entities to ensure statewide compliance with required standards, federal policies and the like is best accomplished when said coordination occurs at the state level.

ACTION PROPOSED TO RESOLVE ISSUE:

- Each state needs to have an organization, with appropriate authority, responsible for planning, coordinating and implementing the NG9-1-1 system, that reflects the following:
  - Statewide scope
  - Coordination within the state and with adjacent states and federal authorities
  - Coordination with other emergency service functions and other relevant stakeholders involved in the development and implementation of seamless, end-to-end NG emergency communication services
  - The appropriate adoption of industry-based standards, rules, policies and procedures by stakeholders necessary to support such deployment
  - Adequate funding to support state and local planning and implementation of NG9-1-1
- Each state needs to have an organization, with appropriate authority, responsible for planning, coordinating and implementing a seamless Next Generation end-to-end emergency communication system, including 9-1-1.

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3 USDOT. "Next Generation 9-1-1 (NG9-1-1) System Initiative: Concept of Operations." Intelligent Transportation Systems. April 2007. 12. http://www.its.dot.gov/ng911/ng911_pubs.htm (April 19, 2008)

4 Ibid

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NEXT GENERATION PARTNER PROGRAM
NG9-1-1 TRANSITION POLICY BRIEF

NUMBER: Two

SUBJECT: Funding the NG9-1-1 System

OBJECTIVE: Ensure sufficient resources are made available to implement and operate the NG9-1-1 system.

TARGET AUDIENCE: 9-1-1 and Public Safety Authorities, Legislatures and Governors' Offices

JURISDICTION: Federal/State/Local

BACKGROUND: Current State and local 9-1-1 funding and planning legislation and authority are functionally tied to the architecture of the current 9-1-1 system and state or local public safety operations. Existing laws or authority often do not take into consideration the Next Generation of 9-1-1 in which 9-1-1 will be an application that utilizes Emergency Services IP Networks (ESInets), along with other emergency services functions.

DISCUSSION: The 9-1-1 system and other emergency communications functions are funded by different and disparate funding sources. Those funding structures are used, and indeed are typically required to be used, to create separate and distinctly different systems (e.g. 9-1-1; interoperable Police/ Fire/EMS radio systems; public health alert networks, poison control centers etc). Absent significant inter-governmental cooperation, this form of planning and funding may not lead to economies of scale that will enable parity of emergency services capabilities, interoperability, increased efficiency or cost savings within all aspects of emergency communications. More so than today, the Next Generation System will be a shared system comprised of multiple entities and components, including 9-1-1, the support of which will require coordinated planning and funding.

ACTION PROPOSED TO RESOLVE ISSUE:

- State and local governments should examine funding, operations, and legislation to ensure they promote the needed ESInets and cooperation, including interstate ESInets and NG9-1-1 in general.
- Any fees assessed to enable NG9-1-1 imposed on end users or devices of any service or infrastructure with the ability to access the NG9-1-1 system should be reasonable, equitable and nondiscriminatory;
- Fee remittance should be made for deposit into a dedicated fund and the allowable uses should ensure the provision of the needed services and constrain diversion of funds to other non-allowable purposes;
- Establish a maximum fee, providing the 9-1-1 authority with the ability to adjust the fee rate based on the cost to provide service;
- It is possible to pay for NG9-1-1 services as part of a shared NG emergency services network in which multiple emergency services functions will pay a portion of the network costs and policy makers should explore and examine this possibility.
- State and federal legislation and grant programs should reflect the growing convergence and integration of emergency response technology and agency interaction. State interoperability plans and federal funding in support of them must be for overall next generation emergency communications, including NG 9-1-1.

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- Federal and state interoperability and Next Generation 9-1-1 definitions need to be more comprehensive and inclusive, e.g., all emergency response agencies, including 9-1-1, and all forms of emergency communications. As state and federal policy officials review and modify current 9-1-1 related policies; all definitions should be reviewed to align with next generation technology.
- Funding legislation should encourage parity of emergency services capabilities, interoperability, increased efficiency or cost savings within all aspects of emergency communications.
- Fee should be based on sound planning that includes short- and long-term projections of recurring and non-recurring costs and revenues;
- Service provider fee remittances should be audited for accuracy, and the 9-1-1 authority or PSAP should be audited or monitored for use of funds in compliance with legislative and authorized intent.

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NEXT GENERATION PARTNER PROGRAM
NG9-1-1 TRANSITION POLICY BRIEF

NUMBER: Three

SUBJECT: Establishing State-Wide Emergency Services IP Networks (ESInets)

OBJECTIVE: Ensuring that state/regional/local authorities recognize the need and apply directive influence to enable and initiate state-wide ESInets needed for NG9-1-1

TARGET AUDIENCE: 9-1-1 and Emergency Services Authorities, Legislatures, Regulatory Agencies and Governors' Offices

JURISDICTION: State/Regional/Local

BACKGROUND: Most current 9-1-1 and emergency communications systems are local or regional in nature, both operationally and technically. However, the proposed technical architecture of the NG9-1-1 system indicates the need for state-wide management and coordination of IP emergency service networks (ESInets). In addition to technical specifications, the NENA **Functional and Interface Standards for Generation 9-1-1 (i3)** provides some guidance on Roles and Responsibilities for ESInets. There are two key aspects to the deployment of ESInets: (1) the physical buildout and coverage of the ESInets and (2) the management and coordination of ESInets.

ESInets may be deployed at a state level and there may be increased efficiencies and economies of scale in doing so. However, ESInets will very likely be deployed at a sub-state level (regional/county) in many areas which must then be interconnected with other sub-state ESInets to establish a standardized, interconnected and interoperable state-wide ESInet. In practice there will be a number of different ways to effect statewide ESInet coverage. A state level entity or organization is recommended to implement and manage the interconnected state-wide ESInet (comprised of the interconnected regional/local IP networks or a single state network). A state level entity or organization can play a significant role by providing an IP backbone network to make interconnection of regional/local ESInets more efficient.

No matter who manages the ESInet(s) in a state, it is desirable to have one entity or organization coordinate development and management of the network in order to ensure adherence to appropriate standards and achieve the economies of scale and efficiencies that NG9-1-1 promises. To further improve efficiency, one entity per state should be responsible for arranging interconnect between their network and adjacent state networks. This includes both redundant physical connections and router configuration to allow seamless interagency communications.

Local and regional 9-1-1 operations will continue to be handled at the current entity level.

DISCUSSION: ESInets are critical to the NG9-1-1 and next generation emergency communications architecture. They will provide call routing, transport, interoperability, security, and related services that can most effectively and efficiently be coordinated at the state level and facilitate required intra and interstate connectivity that will be very difficult, if not impossible, to achieve at the regional or local level.

State-wide ESInets are more than just physical pathways. They host (or provide access to) numerous application layer services that support interoperability among the highly diverse regional/local networks

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and agency applications. These include appropriate standardized core services such as GIS-based directories of authorized organizations and resources, and access control/identity management for implementation of information sharing policies. These directories will enable interstate and intrastate dissemination and queries for emergency incident information and messages, including references to locations, agencies and data sources. All authorized organizations (local, state, national, public, private) need to be able to implement their data policies through these core services. The ESInets may also offer optional managed services (or access to them) for use by individual agencies.

While there are numerous statewide programs in place for the funding and administration of 9-1-1 service and other emergency services, no state today is implementing and operating a comprehensive ESInet shared by 9-1-1 and other emergency services and government functions. Some have state networks for specific emergency functions (e.g. Indiana has an innovative statewide wireless 9-1-1 network; there are many state Health Alert Networks; law enforcement networks including NCIC and NLETS). Some states do not have the ability or authority to establish a state-wide ESInet. Some states do not have a state-wide 9-1-1 authority. Most states do not have a comprehensive state emergency communications agency, or if they do have one, the agency does not have the authority or funding to implement an ESInet and carry out these comprehensive new responsibilities involving all emergency response agencies, including coordination with state and local agencies or organizations responsible for 9-1-1.

ACTION PROPOSED TO RESOLVE ISSUE:

- Policymakers at all levels should commit to the development and deployment of interoperable state-wide ESInets as a fundamental 9-1-1 and emergency communications policy objectvive.
- 9-1-1 and emergency services authorities need to review existing legislation and regulations to ensure there are no barriers to, and sufficient authority for, the establishment of state-wide ESInets. Statutes and regulations to enable Next Generation systems should be actively pursued. Any current rules that would prohibit, or fail to authorize, the establishment NG9-1-1 must be resolved.
- Where existing state statutes and regulations permit, state, regional, and local 9-1-1 and emergency services authorities should work cooperatively toward establishing state-wide ESInets.
- Where not currently authorized, states should affirmatively legislate, authorize, organize and fund state-wide ESInets and key interoperability services hosted on, or accessed by them. It is in the operational and financial interests of emergency agencies to share and contribute to an ESInet. Planning and funding should involve and come from all emergency services, including but not limited to 9-1-1. The federal government should support efforts to establish state-wide ESInets.
- Emergency services agencies need to consider the sharing of infrastructure with other governmental entities as a matter of affordability. This calls for the development of new cooperative working agreements between federal, state and local agencies to participate in shared state backbone networks that include priority access for emergency services, particularly during disasters.

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NEXT GENERATION PARTNER PROGRAM
NG9-1-1 TRANSITION POLICY BRIEF

NUMBER: Four

SUBJECT: Addressing Transitional Regulation/Legislation/Tariff Modifications to Enable Next Generation 9-1-1 Deployment

OBJECTIVE: Modify and update current legislation, regulations and tariffs to ensure a competitive E9-1-1 environment and a transition to a full NG9-1-1 system

TARGET AUDIENCE: 9-1-1 and Public Safety Authorities, State Legislatures, Regulatory Agencies and Governors' Offices, Federal Communications Commission, Congress

JURISDICTION: Federal, State and Local

BACKGROUND: As compared to the current marketplace where Incumbent Local Exchange Carriers (ILECs) are the predominate 9-1-1 System Service Providers (SSPs), in the NG9-1-1 marketplace it is anticipated that there will be multiple providers offering a variety of service capabilities and options, thereby providing greater choices for 9-1-1 governing authorities. As we transition to a full NG9-1-1 system, it is also expected, and is indeed a policy objective, that competitive alternatives for current E9-1-1 services will emerge as well. An open, competitive E9-1-1 environment should be fostered and should be done so with an eye towards a full NG9-1-1 system.

NG9-1-1 is not simply an extension of E9-1-1. While a full NG9-1-1 system must support all E9-1-1 functions and features, NG9-1-1 is Internet Protocol (IP) based, and software and database controlled in fundamentally new ways, enabling many new technical and operational capabilities to further enhance the coordination and delivery of emergency services nationwide. However, before and during the transition to a full NG9-1-1 system, it is expected that new E9-1-1 service offerings will be provided by competitive 9-1-1 SSPs in direct competition with incumbent SSPs. Such offerings will likely replicate current E9-1-1 functions and advance beyond current E9-1-1 system capabilities, while, initially, not being a full NG9-1-1 system. In many cases, competitive SSPs will offer individual components of 9-1-1 solutions. As these competitive E9-1-1 service offerings and full NG9-1-1 capabilities are deployed, they will necessarily involve new complex technical and business arrangements that current regulations and laws did not fully contemplate.

DISCUSSION: NG9-1-1 will not be deployed in a "flash cutover". There will be PSAPs and areas that remain tied to the legacy E9-1-1 system for quite some time that must be able to interoperate with PSAPs that have migrated to NG9-1-1. With that reality in mind, it is imperative that 9-1-1 authorities at every level – as well as industry – begin now to lay the foundation for NG9-1-1 by facilitating the deployment of "dual-mode" capabilities in networks and/or IP-enabled PSAPs that can translate between the legacy, circuit switched environment and the next generation environment. This will be a significant issue as NG9-1-1 will not be deployed as a single nationwide project. It will take several years to complete the transition.

Much of the legislative and regulatory framework governing the provisioning, operation and maintenance of PSAPs, and the 9-1-1/emergency communications system that serves PSAPs, rests with state and local governments, and as such, varies greatly across the country. Additionally, the Federal Communications Commission plays a significant role in regulating communications providers and its current rules that require the delivery of wireless and Voice over IP (VoIP) 9-1-1 "calls" over the "wireline

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E9-1-1 network" which could be argued does not clearly include the routing of 9-1-1 calls via an IP-based NG9-1-1 system. These state and federal laws and regulations were written in an era where all the possibilities and technological capabilities of NG9-1-1 simply did not exist. Similarly, the United States Congress plays a significant role in regulating communications providers and establishes the national regulatory framework through federal statutes. Many existing laws, regulations and tariffs make specific reference to older technologies or system capabilities which may inadvertently inhibit the migration to NG9-1-1. To foster the rapid migration of NG9-1-1, it is essential that state and federal legislatures and regulatory bodies review current laws and regulations to keep pace with the rapidly changing public safety marketplace and to create a framework which will optimize 9-1-1 governing authority choices and establish a competitively neutral marketplace that allows 9-1-1 authorities to replace legacy 9-1-1 functions component by component.

ACTION PROPOSED TO RESOLVE ISSUE:

To meet the objective of a fully functioning next generation 9-1-1 and emergency communications system, it is critical that state regulatory bodies and legislatures, as well as the FCC and Congress take timely and carefully considered action to analyze and update existing 9-1-1 rules and regulations to ensure they optimize 9-1-1 governing authority choices for E9-1-1 and NG9-1-1 and foster competition by establishing a competitively neutral marketplace.

- State legislatures and regulatory bodies, as well as the FCC and Congress, must initiate efforts to understand how current regulations and laws facilitate, or inhibit, the local, state, regional and national interoperable environment of NG9-1-1, and analyze how such rules and regulations may need to be modified to enable the IP-based, software and database controlled structure of NG9-1-1.
- State legislatures and regulatory bodies, as well as the FCC and Congress, are encouraged to take appropriate steps to enable competition for the delivery of E9-1-1 service that will provide increased opportunities and choices for 9-1-1 governing authorities today. Simultaneously, as such rules are considered, states must ensure that any regulatory actions will effectively enable the transition to a full NG9-1-1 system.
- Some example regulatory/legislative issues that must be addressed include:
  - Laws/regulations concerning the eligible use of 9-1-1 funds
  - Provisions that require specific technology components for "E9-1-1" service delivery that are not necessarily the same for NG9-1-1.
  - Laws which may inhibit appropriate and efficient information sharing of 9-1-1 data with appropriate safeguards for privacy protection. For example, regulations/laws/tariffs may need to be modified to ensure that 9-1-1 authorities or new customer-authorized service providers should be entitled to receive relevant routing, location and other related 9-1-1 information in the possession of the incumbent service provider at reasonable rates and terms. Such information is essential to ensure an efficient and error free transition of service providers. Other examples may include sharing of emergency-related information between 9-1-1 and other emergency response organizations.Existing 9-1-1 service arrangements and tariffs which may inhibit enabling new entrants to make similar competitive services available on a component by component basis, where technically and operationally feasible. Unbundled tariff options should be made available in such a way that prices of each unbundled component reflect reasonable rates and terms.
  - Uniform requirements for all 9-1-1 service providers to meet accepted industry standards (reference to industry standards is necessary for service integrity).
- New competitive providers should be afforded reasonable and nondiscriminatory treatment equal to that of incumbent service providers by requiring comparable agreements and terms between all service providers.
- Where regulatory requirements are in place, such requirements should be functional and performance based without reference to any specific proprietary technologies, manufactures or service providers.

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APPENDIX A

NENA Policy Statement on the Proper Balance and Timing of State and National Regulatory and Legislative Activities During the Transition to NG9-1-1

(April 2008)

The evolution from today's 9-1-1 service structure to tomorrow's IP-based Next Generation (NG) 9-1-1 system requires several major areas of simultaneous and interactive activities. A coordinated set of actions combining national, state, and local authorities is required to successfully accomplish critical preparations, development, testing and implementation of NG9-1-1. This must be done in a way that retains and expands the quality and effectiveness of 9-1-1 service through knowledgeable and cooperative efforts at all levels of government. We hope and expect that interested parties will participate on more than one level so that developments can be shared.

To meet the objective of a fully functioning next generation 9-1-1 and emergency communications system, it is critical that state regulatory bodies take timely and carefully scrutinized action to analyze and update existing 9-1-1 rules and regulations. Such actions should be designed to facilitate an appropriate competitive 9-1-1 landscape for current E9-1-1 functions while ensuring that new or modified rules and regulations will effectively enable the transition to a full NG9-1-1 system.

NG9-1-1 is not simply an extension of E9-1-1. While a full NG9-1-1 system must support all E9-1-1 functions and features, NG9-1-1 is Internet Protocol (IP) based, and software and database controlled in fundamentally new ways, enabling many new technical and operational capabilities to further enhance the coordination and delivery of emergency services nationwide. During the transition to full NG9-1-1, it is expected that new 9-1-1 service offerings will be provided by incumbent and competitive 9-1-1 System Service Providers (SSPs) that advance beyond current E9-1-1 system capabilities, but simply advancing beyond today's capabilities should not be equated with providing a full NG9-1-1 system. Such efforts may better be characterized as "pre-NG9-1-1". These pre and full NG9-1-1 capabilities will necessarily involve new complex technical and business arrangements that current regulations and laws did not fully contemplate. Thus, states are encouraged to actively consider appropriate steps to enable appropriate competition for the delivery of E9-1-1 service that will provide increased opportunities and choices for 9-1-1 governing authorities today. Simultaneously, as such rules are considered, states must ensure that any regulatory actions will effectively enable the transition to a full NG9-1-1 system.

As states contemplate rule changes, it is critical that steps taken are in accordance with complementary national activities, many of which are being coordinated as a NENA NG9-1-1 Project through the work of NENA committees and the NENA Next Generation Partner Program, and through federal government efforts

such as the USDOT Next Generation 9-1-1 Project. National progress on technical and operational standards development is progressing. Proof of concept trial demonstrations and testing of many aspects of NG9-1-1 are occurring in 2008, the results of which will be compared and analyzed against current expectations and assumptions. NG9-1-1 funding model analysis is progressing. Discussions on the need for proper certification of all aspects of the NG9-1-1 system are ongoing. These and other activities being worked at the national level are the building blocks required to accomplish a fully featured, standards based NG9-1-1 system. Any state regulatory actions concerning NG9-1-1 should appropriately consider ongoing national activities. However, states should actively engage stakeholders today to prepare and plan for the implementation of a full NG9-1-1 system.

In sum, the evolution to an NG9-1-1 system should be treated as a national project in which individual state action is necessary, but must be appropriately coordinated with other state and national activities. While national and international technical and operational standards for NG9-1-1 are still in progress, and much work remains to be done to complete this critical work, many activities can and should be undertaken at the state and local levels to prepare. Chief among these is working to understand how current regulations and laws facilitate, or prohibit, the local, state, regional and national interoperable environment of NG9-1-1, and analyzing how such rules and regulations may need to be modified to enable the IP-based, software and database controlled structure of NG9-1-1.

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APPENDIX B

What is NG9-1-1?

Introduction

The evolution of emergency calling beyond the traditional voice 9-1-1 call has caused the recognition that our current E9-1-1 system is no longer able to support the needs of the future. Next Generation 9-1-1 (NG9-1-1) networks replace the existing narrowband, circuit switched 9-1-1 networks which carry only voice and very limited data. Currently there are difficulties in supporting such things as text messages for emergencies, images and video (including support for American Sign Language users), and easy access to additional data such as telematics data, building plans and medical information over a common data network. In addition, the need for inter-communications across states, between states, and across international boundaries requires that we create a more flexible 9-1-1 system design with much greater data handling capabilities. A highly standardized system is essential and critical to seamlessly support communications and data transfer across county, state, and international borders, and across the multitude of emergency response professions and agencies, from traditional PSAPs to Poison Control Centers, trauma centers, the Coast Guard, and disaster management centers. There will be numerous and varied steps toward the new system named NG9-1-1, and vendors are already referring to their products as aimed at, enabling, or being wholly NG9-1-1 compliant. Vendors who have direct experience with parts of today's E9-1-1 system and service, and who are directly involved in NENA and other standards development can and are starting to produce NG9-1-1 oriented products. The direction of the standards that will support NG9-1-1 is becoming clear, and demonstrations and trials are beginning to appear and will contribute to continued standards development. Despite this progress, a fully featured, truly "standards based" NG9-1-1 system is not yet identifiable, because the necessary standards are still in development. As a result, a summary definition of NG9-1-1 as a system and service process is needed to clarify what is involved.

NG9-1-1 Summary Definition

NG9-1-1 is a system comprised of hardware, software, data and operational policies and procedures briefly described below, to:

- provide standardized interfaces from call and message services
- process all types of emergency calls including non-voice (multi-media) messages
- acquire and integrate additional data useful to call routing and handling
- deliver the calls/messages and data to the appropriate PSAPs and other appropriate emergency entities
- support data and communications needs for coordinated incident response and management
- provide a secure environment for emergency communications

The basic building blocks required for NG9-1-1 are:

- **Emergency Services IP Network (ESInet)**
  ESInets use broadband, packet switched technology capable of carrying voice plus large amounts of varying types of data using Internet Protocols and standards. ESInets are engineered, managed networks, and are intended to be multi-purpose, supporting extended Public Safety communications services in addition to 9-1-1. NG9-1-1 assumes that ESInets are hierarchical, or a `network of networks' in a tiered design approach to support local, regional, state and national emergency management authorities.

- **International Standards Compliant IP Functions**
  Internet Engineering Task Force (IETF) based IP protocol standards provide the basic functionality of the system. NENA has applied standards from IETF and other Standards Development Organizations to specific NG9-1-1 requirements. Examples are: Location

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Validation Function (LVF) and Emergency Call Routing Function (ECRF) and other functions, as defined in NENA 08-002, [IP] Functional and Interface Standards for NG9-1-1 (i3). This NENA Standard defined the core IP functionality of the larger NG9-1-1 system.

- **Software Services/Applications**
  NG9-1-1 uses service oriented architecture, software applications and data content to intelligently manage and control its IP based processes. NG9-1-1 is software and database driven to enable an exponential increase in available data and information sharing possibilities. It also provides flexibility and individual agency choice to determine information needs based on predetermined business/policy rules.

- **Databases and Data Management**
  NG9-1-1 uses a set of database systems to house and provide management of the above data content. Some examples are: validation, routing control, policy/business rules, and system-wide detail call records. (reference: pending NENA NG9-1-1 data standards)

  NG9-1-1 provides the mechanisms to access external sources of data, either automatically or manually, via the ESInet, to support more knowledgeable and efficient handling of emergency calls/messages. Examples: telematics/ACN data, hazardous material information, building plans, medical information, etc.

- **Security**
  NG9-1-1 provides extensive security methods at the hardware and software levels to replicate the privacy and reliability inherent in E9-1-1 services.

- **Human Processes**
  NG9-1-1 as a service system involves a multitude of human procedures and system operations procedures to control and monitor the functionality and effectiveness of the systems and services that provide NG9-1-1 service. Examples include database establishment and maintenance procedures, IP network operations, security processes, trouble shooting procedures, database auditing and accuracy validation procedures.

NENA's Role

NENA is an organization chartered to represent both public safety and the 9-1-1 industry, present and future, in its mission to focus on the development, evolution, and expansion of emergency communications. NENA is the organization responsible to define NG9-1-1, and to coordinate the development and support of NG9-1-1 as a system and a service to the public, the industry, and to public safety entities.

In the past, this has been about 9-1-1 exclusively, but the future involves a more `virtual' approach to how the public and governmental entities accomplish emergency communication through NG9-1-1. Text devices don't `dial' 9-1-1, for example, but use a different form of identification to access the system and achieve delivery to PSAPs and other entities. However, the basic processes and service needs are the same, no matter what `code' is used. The conceptual base of NG9-1-1 is international in scope, designed to support all emergency codes, such as 9-1-1, 1-1-2, 1-1-1, and all others among the 62 access codes (at last count) used around the world. Other communications and data exchange functions that will be considered part of an NG9-1-1 system won't use any such access codes, but will access ESInets as necessary to communicate seamlessly across local, state, regional, international boundaries.

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What development and support areas does NENA focus on for NG9-1-1?
(Other organizations may be involved)

Role	NENA	Vendors	Local Gov	State Gov	Fed'l Gov
Defining requirements to meet E9-1-1 and NG9-1-1 needs	X				
Defining new NG9-1-1 functions and features to expand emergency communications capabilities	X	X	X		
Defining interface and functional standards for NG9-1-1 and its subsystems	X				
Defining NG9-1-1 database content standards	X				
Defining detailed product designs for NG9-1-1 subsystems		X			
Defining detailed operations procedures for individual NG9-1-1 subsystems		X			
Defining overall NG9-1-1 system operational procedures	X		X		
Developing methods to ensure a secure environment	X	X			
Defining best practices for how to utilize NG9-1-1 features and functions	X				
Ensuring that local, state, federal and tribal statutes, regulations and overall policies enable, rather than prohibit, NG9-1-1	X		X See note below	X	X
Defining recommended transition processes to move from today's 9-1-1 systems to NG9-1-1	X				
Providing a means for Certification and Accreditation	X				
Ensure that products adhere to defined standards to allow interoperability through open architecture		X			

Note: Local government has two roles – funding management and public safety operations

NG9-1-1 – Are we there yet?
Fully featured, standards based NG9-1-1 will likely be implemented in successive releases; but unless it's a full replacement for existing E9-1-1 functions2, including additional features to bring 9-1-1 service up to the level needed in today's emergency communications environment, it is not a true "next generation" of 9-1-1. True NG9-1-1 will include the ability to support interactive text messaging, policy-based routing using location and several other factors, such as call type, target PSAP status, network status, and automatic acquisition of supportive data and its use within the system to control routing and other actions prior to delivery to the PSAP, and many other standards defined features and functions.

When a newer, IP based replacement for E9-1-1 meets or exceeds the capability set above, it will achieve fully featured NG9-1-1. Note that this is not about having all possible originating service types implemented, but that the NG9-1-1 capabilities defined above are present, tested (to the extent possible, which may be limited to lab testing if there are no live instances of any given capability) , and ready for service. If a given IP-based system is not capable of all initial NG9-1-1 features and functions, it can certainly be considered to be on the path to full NG9-1-1, but is still pre-NG9-1-1 in nature.

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APPENDIX C

Related NG9-1-1 Policy Informational Documents

Next Generation 9-1-1 - Responding to an Urgent Need For Change: Initial Findings and Recommendations of NENA's NGE9-1-1 Program (March 2006)
- Available at http://www.nena.org/media/File/ng_final_copy_lo-rez.pdf

Transitioning Emergency Communications Into the Next Generation: NENA Next Generation Partner Program 2006 Report (March 2007)
- Available at http://www.nena.org/media/File/2006NGPartnerProgramReport_1.pdf

Summary of NG9-1-1 Development and NG Partner Program Results for 2007 (May 2008)
- Available at http://www.nena.org/media/File/2007NGPartnerProgramfinalreport.pdf

Funding 9-1-1 Into the Next Generation: An Overview of NG9-1-1 Funding Model Options for Consideration (March 2007)
- Available at http://www.nena.org/media/File/NGFundingReport.pdf

United States Department of Transportation Next Generation 9-1-1 Initiative
- Numerous documents available at http://www.its.dot.gov/ng911/ng911_pubs.htm

9-1-1 Industry Alliance (9IA) 2008 Study on the Health of the US 9-1-1 System (March 2008)
- Available at http://www.911alliance.org/publications/download_report.cfm

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NENA Next Generation Partner Program
NG9-1-1 Transition Policy Brief

NUMBER: Five

SUBJECT: Addressing Gaps in the Automatic Location of 9-1-1 Calls[1] for Current and Emerging Devices and Services

OBJECTIVE: Ensuring that accurate and automatic location is available for all consumer communications platforms; those available today and for new services when they come to market, for E9-1-1 and NG9-1-1 systems

TARGET AUDIENCE: Federal Communications Commission in conjunction with 9-1-1 and Public Safety Authorities, standards development organizations; National E9-1-1 Implementation and Coordination Office (ICO); Congress

JURISDICTION: Federal/National

BACKGROUND AND DISCUSSION: New forms of communications, from cell phones to Internet-based calling services, have consistently forced public safety to adapt. Indeed, it is these very advances that have exposed some of the limitations in our 9-1-1 infrastructure, and have provided an impetus for Next Generation 9-1-1 (NG9-1-1). Many devices in the hands of consumers today do not provide accurate automatic location of 9-1-1 calls. This current gap must be addressed. Also, new innovations are rapidly coming to market, such as femtocells[2], dual-mode handsets[3], softphones[4] and devices not yet envisioned that may not provide accurate automatic location for 9-1-1 calls. Significant leadership from policy makers is needed to address this issue.

NG9-1-1 policymaking efforts and investment have largely focused on the infrastructure side of 9-1-1. This Transition Policy Brief focuses on the critical need for accurate automatic location of all 9-1-1 calls to enable effective location-based routing and appropriate emergency response. It is a fundamental technical requirement of NG9-1-1 that the calling device or service must be aware of the caller's location for the call to be routed to the proper answering point. It must be a fundamental policy objective to ensure all communications devices capable of accessing 9-1-1, or those in which the customer reasonably expects to be able to do so, can be automatically and accurately located. This is true for current devices/services and for new consumer communications platforms when they come to market. Having 9-1-1 solutions and requirements in place for services when they come to market is a key policy objective and would be a welcome approach compared to the post-market 9-1-1 regulations that have been required in the past. Policy makers need to lead efforts to effectively promote innovation while ensuring the reasonable 9-1-1 expectations of consumers are met on the first day a new service is offered.

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[1] In this Transition Policy Brief, the term 9-1-1 emergency "calls" refers to any voice calls or emergency data messages.

[2] Femtocell: Femtocells are low-power wireless access points that operate in licensed spectrum to connect standard mobile devices to a mobile operator's network using residential DSL or cable broadband connections [note: femtocell use is not limited to the residential environment]. (source: Femto Forum)

[3] Dual-mode handset: a calling device with both cellular and WiFi (802.11x) capability. The device typically rolls over to the subscriber's WiFi network when in the home.

[4] Softphone: A software program for making telephone calls over the Internet from a general-purpose computer, rather than a dedicated calling device.

Current Gaps

There are many devices/services which currently do not enable the automatic location of 9-1-1 calls, and many that offer no 9-1-1 service at all. For example, while wireless 9-1-1 calls are routed over the E9-1-1 system to Public Safety Answering Points (PSAPs) with location information, SMS messages that originate from the same devices cannot be routed to PSAPs. Approximately 75 billion SMS messages were sent in the United States in June 2008 alone, or roughly ten per day per cellular subscriber.[5] The same is true for Instant Messaging (IM) systems. Indeed, during the tragic Virginia Tech incident, some students expected that they could text message the 9-1-1 dispatch center with vital information only to find out that the 9-1-1 network does not support text messaging, photos or multimedia messages.[6] Also, while multi-line telephone systems (MLTS) used in the enterprise environment are certainly capable of sending precise 9-1-1 location information, most do not, and most states do not require such systems to be E9-1-1 capable. Thus far, nomadic interconnected VoIP services have provided 9-1-1 services by self-provided customer registration of location and providing that information for routing via the E9-1-1 system. This location may not be accurate or up to date and can cause 9-1-1 calls to route to the wrong PSAP when a customer fails to re-register his/her location when moving the device to a new location. There have been multiple public cases of 9-1-1 calls being routed to a PSAP using the customer's prior location, rather than the actual location.[7] Automatic location determination for all of these services would rectify this gap. Policymakers should lead a focused effort to promote research and development along with policies that will facilitate accurate automatic location capabilities for these technologies.

Emerging Services Coming to Market

Too often in the past, 9-1-1 service and 9-1-1 automatic location capabilities have been a post-market afterthought. With the increasing complexities and capabilities of communications services and networks, it is more essential than ever that policymakers encourage, and require where necessary, industry groups to work cooperatively as services are developed to ensure that automatic and accurate 9-1-1 location capability is a fundamental tenet adhered to as new services come to market. Some examples include WiFi and WiMAX enabled devices ranging from notebook computers to multimedia Internet devices and Cellular/WiFi dual-mode devices.

Service providers and the network providers have typically been one and the same. This will no longer be the case in many instances as communications devices[8] become more heterogeneous. In theory, any device with voice and data inputs and IP communications capability can become voice and data "calling" devices. The same device is likely able to have multiple location detection and routing capabilities depending on the network to which it is connected. Thus, devices (including the applications downloaded on devices) will need to be able to determine or acquire their own location regardless of who provides the network connectivity. Similarly, network providers must be able to assist in enabling devices not uniquely designed for their specific network technology to acquire location and provide caller location information to 9-1-1 systems and public safety agencies. All of the issues above apply to current E9-1-1 systems and to NG9-1-1 systems. A key challenge will be to insure a proper focus on integrating services with NG9-1-1 while also being cognizant of the fact that many areas will still rely on the E9-1-1 system in the near future.

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[5] http://www.ctia.org/advocacy/research/index.cfm/AID/10323
[6] http://www.911alliance.org/9IA_Health_of_US_911%20_2_.pdf at pages 14, 70.
[7] http://www.apco911.org/new/commcenter911/downloads/VoIP_flavors.pdf
[8] As used in this Brief, the term "devices" include a physical device and also separate software applications that are downloaded to the device that enable voice or data communications.

ACTIONS PROPOSED TO RESOLVE ISSUE:

- The FCC, in conjunction with appropriate public safety and industry stakeholders, should take the lead in setting out the ultimate policy goal for location information from communications devices capable of accessing the 9-1-1 system. In doing so, the FCC should establish clear expectations of all stakeholders, require appropriate 9-1-1 service capability disclosures to consumers, and require a phased-in approach to 9-1-1 requirements, thus allowing carriers and providers to comply over time.
- Policymakers should actively support the development of nationally recognized standards and best practices to ensure effective automatic 9-1-1 location capabilities are put in place for all technologies and services as they go to market.
- Policymakers should be equally concerned with the accuracy of location information used to determine how to route 9-1-1 calls, and location information delivered to the PSAPs.
- Where industry does not act, to the extent technically feasible, the FCC should take steps to require automatic location capabilities. Regulations and a conflict resolution process may be necessary to compel cooperation among competitors to ensure information is appropriately shared to locate and route 9-1-1 calls.
- The national E9-1-1 Implementation and Coordination Office (ICO) should coordinate with the FCC and appropriate industry and public safety groups to faithfully execute its requirement to "analyze efforts to provide automatic location for enhanced 9–1–1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9–1–1 services."[9]
- The FCC should address the issue of accurate and automatic location of all 9-1-1 calls holistically and across technology and service types where possible. The FCC should develop a framework to treat 9-1-1 location issues for all technologies and service as a single issue to ensure the call is properly routed in a timely manner and first responders know precisely where to go to render emergency assistance.
- Policymakers should promote a regulatory framework such that general 9-1-1 requirements are widely applicable across technologies where the public would have a reasonable expectation of 9-1-1 call delivery, taking unique service characteristics into consideration as appropriate. Without stifling innovation, service providers should be on notice that it is generally expected that where there is a reasonable customer expectation, 9-1-1 access and call routing capability will be integrated into new service offerings as services become available to the public, not after going to market.
- Policymakers should also address caller location and call routing issues for other N-1-1 services and national 800 number services (such as the national suicide hotline) to ensure these calls are effectively routed to geographically appropriate entities and that location information can be shared between other N-1-1 services and PSAPs as appropriate.

[9] P.L. 110-283.

NENA Next Generation Partner Program
NG9-1-1 Transition Policy Brief

NUMBER: Six

SUBJECT: Confidentiality, disclosure and retention of 9-1-1 call[1] and other emergency information

OBJECTIVE: Ensuring that information delivered over Next Generation 9-1-1 systems can be appropriately delivered to Public Safety Answering Points (PSAPs) and shared with emergency response organizations while conforming to applicable confidentiality, disclosure and information retention statutes and rules

TARGET AUDIENCE: Congress and State legislatures; 9-1-1 Governing Authorities and other local rulemaking bodies; PSAPs and other emergency response agencies; National E9-1-1 Implementation and Coordination Office (ICO); Department of Health and Human Services (HHS); Department of Justice (DOJ); Department of Homeland Security (DHS); 9-1-1 service providers and vendors

JURISDICTION: Federal, State, Local

BACKGROUND AND DISCUSSION: Today's E9-1-1 systems are dedicated, closed, single purpose systems. The amount of information currently delivered with a landline, voice-over IP (VoIP) or wireless 9-1-1 call is limited compared with the information that will be available through NG9-1-1 systems. Since information associated with a 9-1-1 call in today's E9-1-1 system is generally stored in a single restricted location, preserving the confidentiality of the information and retaining appropriate records as required by local or state law is a relatively straight forward process.

Next Generation (NG) 9-1-1 systems will not be dedicated, closed, single purpose systems. They will be shared systems comprised of multiple entities. 9-1-1 will be only one part of a much larger system shared with general government, private sector entities and other public safety services/agencies. The amount and types of information (voice, text or video) that may be received by PSAPs and shared with emergency response agencies will greatly surpass current E9-1-1 systems. In addition to the increased amount of data, the nature of the content of data will be dramatically different in some instances. For example, NG9-1-1 will make it possible to transmit video, still images, medical information and a host of other data with a 9-1-1 call. Additionally, the architecture of NG9-1-1 systems will significantly increase the amount of data that is contained in shared databases with data residing in the network rather than in single-purpose databases housed locally. Finally, next generation systems can allow increased security of

[1] In this Transition Policy Brief, the term 9-1-1 emergency "call" refers to any real-time communication – voice, text or video and related data. The term also includes non-human-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text or video communications to a PSAP or other emergency response agency.

information through role-based access control and data rights management that limits access to information only to authorized entities. Existing local, state, and federal confidentiality, retention and disclosure laws were not designed to address these types of information and systems.

NG9-1-1 will make it possible to transfer the voice and data records associated with a 9-1-1 call, and ensuing actions in response, from the PSAP to other agencies, in real-time during an emergency, and to archive them (or portions of them) in a decentralized location (or locations) off site.

NG9-1-1 will make it possible for aggregate or anonymized information to be shared outside the bounds of the parties involved in the local response to a specific emergency. Governmental agencies such as the Centers for Disease Control, state/local health departments, state or federal departments of homeland security, emergency management agencies may have a legitimate need to be aware of a situation, and to have adequate information to assess the situation, anticipate what is likely to happen next, and decide what action(s) to take.

In this environment, states and the federal government need to be careful not to unnecessarily restrict access to critical emergency information. Privacy advocates and emergency responders can almost always agree on exceptions for life-saving situations, as they have done in the federal health records law, the Health Insurance Portability and Accountability Act (HIPPA), and with E9-1-1 location information in Section 222 of the Communications Act and comparable state laws. Similar exceptions to privacy laws for emergency purposes should be extended to all types of data. The last thing we want to do is limit the availability of information for which the NG9-1-1 system is specifically being designed to receive and share among authorized entities. Real time crash data from telematics/event data recorder systems in cars sent to 9-1-1 centers and emergency medical entities is a growing example.

Similarly, there need to be exceptions for legitimate research regarding improving end-to-end emergency response, assuming appropriate protections ensuring anonymous and aggregate use of data. For example, NG9-1-1 will make possible the collection and analysis of data from the beginning of an incident to the discharge of a patient from the hospital. Such data will enable research that will be invaluable in improving emergency response. Properly anonymized, it needs to be encouraged. In short, as NG9-1-1 systems are implemented that enable a much more data rich 9-1-1 and emergency response environment, laws should be crafted in a manner that enable the most effective real-time emergency response, as well as providing for appropriate anonymous data sharing, data mining and research.

ACTION PROPOSED TO RESOLVE ISSUE: 9-1-1 and emergency response authorities are encouraged to work with State Attorneys General, elected leaders and other stakeholders to:

- Ensure that a uniform and suitably broad definition of "9-1-1 call" is established in statutes and rules taking into account all types of information that may make up a 9-1-1 request for assistance.
- Analyze the applicability of current state confidentiality, disclosure and retention laws/rules to all types of 9-1-1 calls and call content and, as necessary, modify such laws/rules to treat all types of 9-1-1 calls and call content in a consistent manner.
- Ensure statutes and rules make clear the responsibility of all parties in situations in which 9-1-1 call information will be stored in non-local shared databases and networks.
- Ensure rules enable the simultaneous receipt of 9-1-1 call information from originators of such data by multiple emergency response agencies, as well as access to relevant information about individuals involved in emergency incidents, and the simultaneous sharing of such information among multiple authorized emergency response entities at all levels of government during and after incidents as appropriate. Sharing information with some parties in the chain of response, such as emergency operations centers (EOCs) or the Centers for Disease Control (CDC) may require anonymization of specific information in certain cases.
- Ensure that non-local agencies or local PSAP telecommunicators answering 9-1-1 calls outside of a physical PSAP (e.g. a virtual PSAP) may legally access 9-1-1 call data when necessary, while requiring adherence to appropriate confidentiality, disclosure and retention statutes and rules. This may require anonymization in certain cases.
- Require state and local 9-1-1 governing authorities to develop standard operating procedures (SOP's) establishing rules governing who has access to 9-1-1 call information, under what circumstances, and how they may be incorporated in data rights management, identity management and access control applications.
- Provide education and awareness of confidentiality issues in an NG9-1-1 environment for users of the system. The US Department of Commerce's National Institute of Standards and Technology (NIST) Special Publication 800-122 provides additional information that may be beneficial.

NENA Next Generation Partner Program
NG9-1-1 Transition Policy Brief

NUMBER: Seven

SUBJECT: Next Generation 9-1-1 Liability Issues

OBJECTIVE: Ensuring that state/federal liability statutes cover all public and private entities who provide Next Generation 9-1-1 and emergency communications systems and services

TARGET AUDIENCE: 9-1-1 and Public Safety Authorities, Legislatures, Governors' Offices, Congress

JURISDICTION: State/Federal

BACKGROUND AND DISCUSSION:
Experience in the deployment of E9-1-1 has shown that a lack of legal clarity on the issue of liability can lead to delays in the provisioning of E9-1-1 service. NG9-1-1 will promote a more complex service delivery environment, with more types of services able to connect to NG9-1-1 systems, more external data sources available to PSAPs, and increased information sharing options among emergency response agencies. These technological possibilities will potentially complicate how liability protection is appropriately provided for new and future services. Service providers and emergency response agencies that are prepared to transition to NG9-1-1 systems will likely more rapidly do so with the legal certainty that their good faith efforts to improve 9-1-1 and emergency communications services will not expose them to further liability.

Recently passed federal legislation (the New and Emerging Technologies Improvement Act of 2008—PL 110-283[1]) provides liability protection for PSAPs, service providers, and their vendors consistent with existing state liability protection provided through statute, tariff or judicial decision.[2] This protection applies to all communications services that are required by the FCC to provide 9-1-1/E9-1-1 (today and in the future), as well as for services that voluntarily provide information to PSAPs, in the absence of an FCC requirement, with approval from the appropriate state or local 9-1-1 governing authority. Thus, where there is existing state 9-1-1 liability protection, federal law now covers communications to PSAPs from new types of services enabled by NG9-1-1. This should encourage the entry of new service providers and provision of innovative data solutions that could result in more effective emergency response.

It is important to note that in some states liability protection may not be provided through a statute, but rather through the tariff of a Local Exchange Carrier (LEC). In such states, if the LEC is permitted to withdraw its tariff (which includes liability protection), and that is the only source of liability protection in the state, then no liability protection will be in place for any providers or PSAPs. Therefore, it is increasingly important for states to ensure liability protection is provided through a statutory mechanism, particularly since NG9-1-1 will potentially be provisioned without the use of tariffs.

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[1] Available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ283.110.pdf (last accessed January 14, 2009).

[2] 47 U.S.C. 615a.

Even where current liability statutes are in place, other liability issues may still need to be addressed through state or federal statutes. For example, NG9-1-1 is designed to increase choices and opportunities to empower 9-1-1 governing authorities and PSAP Administrators to design 9-1-1 systems that enable the sharing and receipt of information consistent with local needs. One region may choose to receive all possible information (voice, text, images, and video) from all devices. Another area may choose to filter and limit receipt of certain information and to route calls differently based on unique local capabilities and needs. Differing 9-1-1 system policies and structures, enabled by standards-based NG9-1-1, is an advantage of NG9-1-1. However, it could also raise possible liability concerns if individual PSAPs choose not to receive all information (e.g., direct video communications) despite the technical availability of such information.

NG9-1-1 will also enable 9-1-1 call routing based on caller characteristics, not just the location of the call. For example, a 9-1-1 call might be made via a video-enabled device by a deaf caller whose native language is American Sign Language (ASL). Rather than route to the closest "geographically appropriate" PSAP that is not video enabled, it may be preferable to enable an intelligent 9-1-1 system to route the video 9-1-1 call to a PSAP that is video-enabled with a 9-1-1 telecommunicator prepared to respond to the caller using the caller's native sign language.

NG9-1-1 will also enable informed dispatch decisions to be made based on information about the incident and caller available from external sources that is not possible with today's E9-1-1 system. An example is a 9-1-1 call that arrives at a PSAP from a telematics equipped vehicle with information on the severity of a crash along with information from the vehicle occupant's electronic health record. Based on that information, algorithms may be able to predict the probability of severe injury and suggest a certain type of response[3]. These capabilities are intended to result in the appropriate level of care quickly being sent to victims in need of assistance. This should lead to lives saved. However, it may also result in unintentional errors despite the best efforts of all parties involved in the response. Liability protection statures should extend to intentional non-location-based routing capabilities and the use of incident and personal data for emergency dispatch.

Another example of a possibility created by NG9-1-1, with liability implications, is the ability to utilize a "virtual PSAP." Today's 9-1-1 system generally requires 9-1-1 telecommunicators to answer calls from within the walls of a physical PSAP. With a connection to a high-speed broadband network and access to the necessary software needed to connect to the NG9-1-1 system, a 9-1-1 telecommunicator can answer local 9-1-1 calls from virtually any location. This capability is particularly advantageous during disasters and high call volume situations. However, liability laws were not written with this capability in mind and may need to be updated to ensure that 9-1-1 calls being answered "virtually" in potentially non-local locations separate from the physical PSAP do not create liability exposure.

A final example of a potential liability issue is the ability to transfer calls and data among multiple national N-1-1/800 numbers (e.g. 2-1-1, 3-1-1, 8-1-1, 9-1-1, suicide hotline, poison control centers). The current ability to transfer calls/data among the multiple N-1-1 entities is

[3] See http://www.comcare.org/urgency.html..

limited, but should not be as NG9-1-1 systems are deployed and N-1-1 calls are able to be routed over shared networks. This ability should not open these entities up to liability exposure when they are making good faith efforts to get information to the right people to enable an effective emergency response.

ACTIONS PROPOSED TO RESOLVE ISSUE:

- Congress and State legislatures should review liability protection statutes to ensure that existing liability protection for PSAPs, users of technology, communications service providers and third party vendors will continue to effectively apply as new services and technologies are enabled by NG9-1-1
- Modify current liability statutes, as necessary, to be technology neutral, rather than applying to any particular technology (e.g. CMRS wireless, VoIP, traditional landline), and ensure the liability protection extends to all forms of information pushed to a PSAP or pulled from external sources by a PSAP, regardless of the platform over which information travels
- Ensure that such liability protection extends beyond the PSAP to all entities appropriately involved in the emergency response
- Modify current liability statutes, as necessary, so that the protections apply to any entity playing the role of the 9-1-1 System Service Provider (SSP), and their third party vendors, regardless of whether that SSP is a traditional regulated local exchange carrier (LEC) or an unregulated IP-based SSP
- Ensure that liability protections apply to the acquisition and use of data from external sources that do not come with the call, but that are added to the 9-1-1 call record
- Review FCC requirements that 9-1-1 calls be routed to the "geographically appropriate" PSAP to assure they do not prevent 9-1-1 calls from being intelligently routed to the "situationally appropriate" PSAP, even if it is not the geographically closest PSAP
- Ensure that "functional equivalency" requirements of the Americans with Disabilities Act, in its current forms or as modifications to the statute are made, do not have the unintended consequences of requiring all 9-1-1 calls to be treated the same, when an NG9-1-1 system can uniquely route calls from identified individuals with disabilities in a different manner than a typical 9-1-1 call (e.g. call routing based on caller characteristics and needs, rather than location-based routing)

Kansas Federal E-911 Grant Program Application
Updated August 31, 2009

During the 2004 Kansas Legislative Session, the Wireless Enhanced 911 Act legislation, was passed and signed into law (K.S.A. 12-5321 et seq). Based on the law, effective July 1, 2004, a 50-cent fee was added per month per wireless subscriber account. The State of Kansas receives 25-cents of the fee to fund the Wireless Enhanced 911 state grant program (E911). The Kansas Association of Counties receives the other 25-cents and the League of Kansas Municipalities disperses the money to local units of government based on the access line's zip-plus-four number. In addition, the E911 state grant program receives one-percent of the retail price for any prepaid wireless phone service sold in Kansas. The law requires statewide implementation of wireless enhanced 911 by 2010.
In 2010, wireless and landlines funds will merge to be used for emergency calls. In addition, the 25-cent-grant fee will be abolished.

The 2004 Wireless Enhanced 911 Act legislation established the Kansas Wireless Enhanced Advisory Board (KWEAB) and gave the Kansas Governor the authority to appoint the members. The KWEAB membership is represented by one individual representing the Kansas Association of Counties; one individual representing the League of Kansas Municipalities; one individual representing local law enforcement; one individual representing local fire/emergency medical services; one individual representing PSAPs in counties having a population of less than 15,000; one individual representing PSAPs in counties having a population of 15,000 or more; one individual representing the wireless carriers industry; one individual representing local exchange service providers; and one individual representing the Kansas Highway Patrol. Of the nine individuals making up the KWEAB, two shall be individuals from counties having a population of more than 75,000; two shall be individuals from counties having a population from 15,000 up to 75,000; and two shall be individuals from counties having a population of less than 15,000.

The KWEAB's purpose is to ensure that the state grant funds generated by the law are provided to any county having a population of less than 75,000, any city located within such a county, or any two or more such counties or cities and that wireless enhanced 911 services are available throughout the state. The KWEAB developed an implementation plan and established its list of priorities for awarding state grant funds as follows:

1. Assist all PSAPs that have wireless enhanced 911 comprehensive plans;
2. Assist all PSAPs that are ready to implement wireless enhanced 911;
3. Assist all PSAPs with ongoing wireless enhanced 911 upgrades and maintenance needs; and
4. Assist all PSAPs with maintaining its wireless enhanced 911 projects.

(*Attachment A*)

In addition, the law authorized the Kansas Secretary of Administration to administer the provisions of the Kansas Wireless Enhanced 911 Act. The Secretary of Administration immediately contracted with the Kansas Governor's Grants Program (KGGP) to provide the administrative day-to-day management of the E911 state grant program and staffing of the KWEAB. In addition the KGGP tracks the use of the local E911 funds expended by PSAPs.

The KGGP has successfully administered the multi-million dollar E911 grant fund since its inception. The E911 grant fund underwent two statutorily required legislative post-audits in 2006 and 2008 respectfully. Both audits found that the E911 grant funds are being properly administered and allocated.

Kansas has 117 PSAPs. All 117 PSAPs are projected to be Phase II compliant by 2010. The KGGP staff will analyze and provide an assessment of the 106 PSAPs that are eligible to receive state grant funds in implementing E911 and VoIP (Voice Over Internet Protocol) services for Phase II compliance by July 2010. KGGP staff also will work with these 106 PSAP providers to determine short and long range planning for implementation of Phase II compliance.
(*Attachment B*)

Kansas will form a multi-jurisdictional governing body to provide oversight of the entire grant project beginning with the bid process to hire the consultant and continuing throughout the duration of the grant project period. The members of the multi-jurisdictional governing body will be representatives from the KWEAB, local PSAPs of varying sizes, Mid-America Regional Council, at least two information technology officers from larger governmental units with experience in VoIP and IP network management, vendors, carriers, Kansas Association of Counties, League of Kansas Municipalities and KGGP staff.

As the State of Kansas is approaching complete phase II compliance, it is the appropriate time to move toward implementing the operations of Next Generation (NG) 911 to keep Kansas' 911 technology up to date and its' citizens safe. Phase II compliant PSAPs are unable to receive data such as text, video, photographs or other digital information. Thus, the State of Kansas proposes to hire a consultant, in accordance with 49 CFR Part 18, to enable Kansas to establish regional, interfaced ESInets and therefore enable Kansas PSAPs to migrate to an IP enabled emergency network. The consultant will coordinate and assist the multi-jurisdictional governing body with implementation of the NG 911 system. The consultant will coordinate within the state and with adjacent states and federal authorities. The consultant will coordinate with other emergency service functions and other relevant stakeholders involved in the development and implementation of seamless, end-to-end NG emergency communication services. The consultant will ensure the adoption of industry-based standards, rules, policies and procedures by stakeholders necessary to support such deployment. The consultant will address all issues surrounding adequate funding to support state and local implementation of NG 911. The consultant's end goal will be to assist the multi-jurisdictional governing body with coordinating the implementation of a seamless Next Generation end-to-end emergency communication system.

Upon completion of establishing implementation, the consultant will assist the multi-jurisdictional governing body with implementing NG 911 technologies at three pilot project locations throughout Kansas. The pilot project locations will have various populations across Kansas to gain an accurate understanding of how NG 911 technologies will work across a diversely populated state.

Project	Activity	Persons Responsible	Time Frame
Appoint Multi-jurisdictional Governing Body	Members selected from various representative groups	KGGP Staff, and KWEAB advisory capacity	October 2009 - November 2009
Hire Consultant	Solicit Bids	KGGP Staff, Multi-jurisdictional Governing Body and KWEAB advisory capacity	October 2009 – December 2009
Establish ESInet / Migrate to an IP enabled emergency network in Kansas	Coordinate with state and adjacent states, federal authorities and relevant stakeholders.	Consultant and oversight by Multi-jurisdictional Governing Body	October 2009 - September 2012
Establish ESInet / Migrate to an IP enabled emergency network in Kansas	Address all issues surrounding adequate funding to support state and local preparation and implementation.	Consultant and oversight by Multi-jurisdictional Governing Body	October 2009 - September 2012
Establish ESInet / Migrate to an IP enabled emergency network in Kansas	Implement the adoption of industry based standards, rules, policies and procedures by stakeholders.	Consultant and oversight by Multi-jurisdictional Governing Body	September 2011 - September 2012
Three NG 911 pilot projects in Kansas	Implement and operate NG technologies at three pilot project locations.	KGGP Staff, Consultant, oversight by Multi-jurisdictional Governing Body and KWEAB advisory capacity	September 2011 – September 2012

During the 2009 Kansas Legislative Session, legislators indicated the need to move to NG 911 and are convening work groups to accomplish that end. The time table to accomplish full NG 911 throughout the State of Kansas is unknown at this time as Kansas is just in the beginning stages.

Steps Taken in the Development of the Federal E911 Grant Application

(i) The Governor's Grants Program requested input from local governments and local PSAPs regarding how E911 federal grant funds could best be used to benefit the largest number of PSAP's in the jurisdiction.

(ii) Kansas has four tribes and they currently use local government PSAP's to answer their 911 calls.

(iii) The Governor's Grants Program currently administers the State E911 grant fund. Therefore the Governor's Grants Program is equipped with an accounting system that will appropriately identify and monitor the grant funds.

(iv) All of Kansas PSAPs provide 911 services and it is projected that all PSAPs in Kansas will be phase II compliant by July 2010. Therefore the focus of the E911 federal grant request is moving Kansas toward NG 911 implementation.

(v) The consultant will employ involvement of integrated telecommunications services in the implementation and delivery of migration to an IP enabled network.

(vi) The consultant will research and employ the use of technologies to achieve migration to an IP enabled emergency network.

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 4
Expiration Date 04

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Implement	20.615	$	$	$ 235,000	$	$ 235,000
2. Operation	20.615			150,450	385,450	535,900
3.						
4.						
5. Totals		$	$	$ 385,450	$ 385,450	$ 770,900

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
	Implement	Operation			
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel	10,000				10,000
d. Equipment		535,900			535,900
e. Supplies					
f. Contractual	225,000				225,000
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)	235,000	535,900			$ 770,900
j. Indirect Charges					$
k. TOTALS (sum of 6i and 6j)	$ 235,000	$ 535,900	$	$	$ 770,900
7. Program Income	$	$	$	$	$

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- See Attachment One for Equipment List ($535,900)

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Project Implementation	$ 385,450	$	$	$ 385,450
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	$ 385,450	$	$	$ 385,450

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 228,333	$ 834	$ 75,833	$ 75,833	$ 75,833
14. Non-Federal	$				
15. TOTAL (sum of lines 13 and 14)	$ 228,333	$ 834	$ 75,833	$ 75,833	$ 75,833

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years) (b) First	(c) Second	(d) Third	(e) Fourth
16. Project Implementation	$ 228,334	$ 3,333	$ 3,333	$
17. Program Operation		75,225	75,225	
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	$ 228,334	$ 78,558	$ 78,558	$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

Attachment One

NG 9-1-1 Equipment List for Three Pilot Sites

$535,900

ESInet

Border Gateways

Border Control Software

ESRP (Emergency Services Routing Proxy) Servers

Server Racks

Servers to support Lost Local Database, Business Rules Database and Supportive Data

ESRP associated software

Lost Local Database associated software

Servers to support Local Validation Function and monitoring/management

Local Validation Function associated software

PSAP Workstation Function hardware/software

Router connections

Selective Router gateways

Data Management and Repository Services

PSAP IP Connectivity hardware

VOIP Trunk Interface Kit

9-1-1 Entity IP

Regional ESInet connection Routers

Regional ESInet connection Firewalls

PSAP Router

PSAP Firewall

PSAP Workstations

Deployment Costs

3rd Party Software

Vendor Installation/Services

3rd Party Hardware

Professional Services

Radio Integration Services

Oversight

SEDGWICK COUNTY, KANSAS
DEPARTMENT OF
EMERGENCY COMMUNICATIONS
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October 8, 2009

2009 Special Committee on Utilities
Chairman Senator Mike Petersen

Ref: Role of the Kansas Wireless Enhanced 9-1-1 Advisory Board.

The Kansas Wireless Enhanced 9-1-1 Advisory Board (KWEAB) was formed in the fall of 2004, with its first meeting held in October. This was a direct result of legislation passed in 2004. The first few meetings were used to develop a grant application and the process used to evaluate the grants received. Goals and objectives were set. Additionally, discussions were held on bringing board members up to speed on the subject. All members came from one entity or another associated with wireless 9-1-1 communications; either as a service provider, recipient of the 9-1-1 information for responses or actually processing calls through the 9-1-1 system.

It also became very evident there was a tremendous need for education on the subject of Enhanced Wireless 9-1-1 and significant number of agencies who were operating either a regular 10 digit number for emergencies or using a basic 9-1-1 service. Some counties were later contacted to help push them forward on implementing wireless 9-1-1 service. As of today, there are two counties who have not gone live with wireless 9-1-1, but they have taken steps toward implementation.

When the first grant applications were received, the need for education was further evidenced. APCO (Association of Public Communications Officials), KAC (Kansas Association of Counties) and the Governor's Grant program provided various educational sessions throughout the state. There were applications which indicated the local telephone company would be providing all the geographical data, which was a surprise to them. Some were not prepared for the undertaking of addressing their county to enable a geographical system to work.

The grant applications we are currently reviewing are from a much more well-versed public safety community. Additionally, we are much more aware of when requests don't meet the criteria of the grant program.
Though it might not be noticeable to outsiders, not all grant requests are approved. Some

are approved for partial funding, as the request would help the 9-1-1 center as a whole, not just the wireless 9-1-1 subscribers, such as requests to pay for an entire backup power system. In those situations, the grant would pay a percentage equal to the percentage of wireless 9-1-1 calls received in that PSAP.

Attempts have been made through the grant process to encourage sharing of resources within a county or region. Harper, Barber and Kingman counties actually worked together to purchase the same telephone system to enable them to be backups to each other. Other counties had multiple PSAPs and this didn't always work.

Over the past five years, annual reports have been generated on the status of the implementation. In 2008, an audit was conducted by Legislative Post Audit, with the information provided to legislators.

At the time the board was formed, Next Generation 911 wasn't something we had really heard of or understood. The issues surrounding this topic are very similar to those surrounding wireless 911 several years ago. The KWEAB is set up to go through those processes again, only with different technologies, but the same goal – providing access to 9-1-1 services everyone in our state. We can now expand that to NENA's mantra: "911 – any device, anywhere, any time.

I will be happy to stand for any questions.

Diane M. Gage
Director

KANSAS
DEPARTMENT OF TRANSPORTATION

Mark Parkinson, Governor
Deb Miller, Secretary
http://www.ksdot.org

TESTIMONY BEFORE THE
SPECIAL JOINT COMMITTEE ON UTILITIES

REGARDING THE STATEWIDE
INTEROPERABLE COMMUNICATION SYSTEM

October 8, 2009

Mr. Chairman and Committee Members:

My name is Edwin Geer, Communication System Administrator for the Kansas Department of Transportation (KDOT); and I am here to provide an update on the Statewide Interoperable Communication System.

This effort, which began in Fiscal Year 2005, was developed to facilitate seamless communications in critical events for public safety and other first responders operating on disparate radio systems. The P25 compliant wide-area trunk radio system in combination with the option to lease 800 MHz radios and tower space will provide users who desire to operate in this environment greater communications flexibility and interoperability. KDOT, the Kansas Highway Patrol (KHP), the Kansas Turnpike Authority (KTA), and various other local and state agencies comprise of users currently utilizing the communication system.

Radio System

The effort was broken down into several phases, which was determined in conjunction with the Governor's Council on Homeland Security. Driving factors in making those determinations included covering the majority of the state's population and critical state infrastructure (for example Wolf Creek). As of June 30, 2008, KDOT completed installation of the P25 wide-area trunk radio equipment along with the interoperability equipment for 37 tower sites identified in Phase I, Phase II-A, Phase II-B, and Phase II-C of the Statewide Interoperability Project. These sites included the locations listed below:

Phase I

Waverly (Coffey County)	Parker (Linn County)
Virgil (Greenwood County)	Severy (Greenwood County)
Sedan (Chautauqua County)	Paola (Miami County)
Xenia (Bourbon County)	West Mineral (Cherokee County)
Buffalo (Wilson County)	Independence (Montgomery County)

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Phase II-A

Easton (Leavenworth County)
Olathe (Johnson County)
Topeka (Shawnee County)
Reading (Lyons County)
Bennington (Ottawa County)
Wichita (Sedgwick County)
Dexter (Cowley County)
Bonner Springs (Wyandotte County)
Lawrence (Douglas County)
Eskridge (Wabaunsee County)
Cottonwood Falls (Chase County)
El Dorado (Butler County)
Mayfield (Sumner County)

Phase II-B

Huron (Atchison County)
Corning (Nemaha County)
Flush (Pottawatomie County)
Garden City (Finney County)
Troy (Doniphan County)
Blue Rapids (Marshall County)
Partridge (Reno County)

Phase II-C

Fellsburg (Edwards County)
Wilmore (Comanche County)
Preston (Pratt County)
Great Bend (Barton County)
Rush Center (Rush County)
Sharon (Barber County)
Lyons (Rice County)

In addition, control equipment was installed at two Master Sites, which divides the statewide system into two zones. Zone 1 is located at the KDOT facility in Wichita, KS; while Zone 2 is located at the Kansas Highway Patrol (KHP) Troop headquarters in Salina, KS.

At the completion of Phase II-C, approximately 85.9 percent of the state's population (or 2,310,615 people) may be served by the new system's coverage area. (Population counts are based on the 2000 Census.) Note: Local participation is required for the population to be serviced by the new radio system.

In Phase III of the project, KDOT is upgrading an additional sixteen sites to the 800 MHz P25 wide-area trunking system. The majority of equipment for these sites was purchased using funds provided through Rural Transit and the American Recovery and Reinvestment Act (ARRA).

Phase III

Zurich (Rooks County)
Ellis (Ellis County)
Modoc (Scott County)
Lakin (Kearny County)
Wakefield (Clay County)
Dillon (Dickinson County)
Montrose (Jewell County)
Beloit (Mitchell County)
Osborne (Osborne County)
Russell (Russell County)
Dighton (Lane County)
Syracuse (Hamilton County)
Concordia (Cloud County)
Ellsworth (Ellsworth County)
McPherson (McPherson County)
Haddam (Washington County)

Phase IV (and beyond) is neither scheduled nor funded at this time for additional 800 MHz P25 upgrades. However, there are federal funds that were made available through the Public Safety Interoperable Communications (PSIC) grant. This grant was awarded through the National Telecommunications and Information Administration, and has provided eligible public safety participants within the State of Kansas approximately $10.7 to utilize for interoperable communications.

Distribution of this funding to the Homeland Security Regions within the State of Kansas was determined by the KHP (the state administrating agency). Three regions returned their portion of the funds back to the state for use in development of the statewide interoperability system, while the remaining regions determined local projects that would best support their own interoperability efforts.

With the PSIC funding made available, KDOT has started the installation of the Motobridge Interoperability solution at the remaining thirty-nine tower sites. These sites include all sites listed in Phase III plus all remaining sites in northwest, southwest, and north Kansas.

PSIC Sites

Zurich (Rooks County)
Ellis (Ellis County)
Modoc (Scott County)
Lakin (Kearny County)
Wakefield (Clay County)
Dillon (Dickinson County)
Montrose (Jewell County)
Beloit (Mitchell County)
St. Francis (Cheyenne County)
Wallace (Wallace County)
Cora (Smith County)
Norton (Norton County)
Oakley (Logan County)
Oberlin (Decatur County)
Ashland (Clark County)
Ford (Ford County)
Astor (Greeley County)
Richfield (Morton County)
Moscow (Stevens County)
Dwight (Morris County)
Osborne (Osborne County)
Russell (Russell County)
Dighton (Lane County)
Syracuse (Hamilton County)
Concordia (Cloud County)
Ellsworth (Ellsworth County)
McPherson (McPherson County)
Haddam (Washington County)
Edson (Sherman County)
Halford (Thomas County)
McDonald (Rawlins County)
Phillipsburg (Phillips County)
Quinter (Gove County)
Morland (Graham County)
Jetmore (Hodge County)
Ingalls (Gray County)
Collano (Meade County)
Ness City (Ness County)
Aulne (Marion County)

Completion of both the Motobridge Interoperability solution utilizing PSIC funds and the 800 MHz P25 upgrades for Phase III utilizing ARRA funds are scheduled for September 30, 2010.

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Lease Program

The lease program, which began in July 2005, provides leasing opportunities to public agencies and private organizations for equipment and tower space. It is important to note that this is not a revenue generating endeavor, instead it was implemented with the intent to provide low cost interoperability solutions. KDOT has worked steadily with various public safety agencies to lease 800 MHz radio equipment and to lease tower space. KDOT has leased radios to the following agencies:

Kansas Bureau of Investigation
Kansas State Fire Marshall's Office
Kansas Department of Revenue - ABC
Kansas Department of Wildlife and Parks
Crawford County 911
Leavenworth County
Russell County
Basehor Police Department
BelAir Police Department

KDOT has also leased tower space to the following agencies:

Butler County Emergency Communications
Rice County Emergency Management
Mid America Regional Council
TradeWind Enengy
National Weather Service – Linn County
National Weather Service – Barber County
National Weather Service – Barton County

Currently, KDOT is working on a lease agreement to provide tower space to the National Weather Service – Leavenworth County.

Portable Interoperability

As part of the effort to provide interoperable communications in a timely manner KDOT has two Emergency Response Towers/Trailers (ERT's) that are ready for deployment to an emergency incident if needed. Each ERT is equipped with radio communications equipment to assist the public safety responders at the incidents with their communication requirements. While deployed at an incident, KDOT also provides personnel to operate and maintain the radio communications equipment within each ERT to assist the public safety users.

Recently, to improve on site communications for public safety users, each of the ERT's were updated with 700 MHz trunking systems and subscriber units utilizing PSIC funding.

Thank you for your time, I will gladly stand for questions.

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KANSAS
800Mhz Interoperability Phases

Phase I = Yellow
Phase II (A) = Blue
Phase II (B) = Green
Phase II (C) = White
Phase III = Light Blue
Phase IV = Orange
Phase V = Brown

interop100609.dgn

Testimony of:

James A.(Jimmy) Reed,
Member
Kansas Statewide Interoperability Executive Committee (SIEC)

October 8, 2009

Chairman Peterson and Members of the Special Committee on Utilities:

I am James A. (Jimmy) Reed and I am representing the Kansas Statewide Interoperability Executive Committee (SIEC). I am currently the Sumner County 911 Director and come from an extensive public safety communications background, from working as General Manager of STM/Ark Valley Communications as a Public Safety Radio Systems designer to owning my own Company that was geared toward sales and service of public safety radio systems.

The Kansas Statewide Interoperability Executive Committee (SIEC) is a multi-jurisdictional and multi-disciplinary group that provides policy and recommends standards to improve communications interoperability throughout our state. The SIEC operates under Governor's Executive Order #07-27. SIEC membership includes representatives of the following organizations or agencies:

- Kansas Adjutant General (Maj. Gen. Bunting / Col. Chris Stratmann)
- Kansas Highway Patrol (Col. Maple)
- Kansas Department of Transportation (Secretary Miller)
- Kansas Chapter of the Association of Public-Safety Communications Officials (APCO) (Kent Koehler, Sedgwick County) – chairman
- Kansas Sheriff's Association (Richard Old, Lyon County Sheriff's Office)
- Kansas Association of Chiefs of Police (Tyler Brewer, Augusta DPS)
- Kansas Fire Chiefs Association (Bob McLemore, Colby Fire Dept.)
- Kansas Board of Emergency Medical Services (Kerry McCue, Ellis Co. EMS)
- Kansas Emergency Management Association (Jimmy Reed, Sumner County)

There is one regulation that dramatically impacts radio equipment utilized by public safety agencies throughout Kansas. In order to free up space in the highly finite radio spectrum the FCC has required that by January 1, 2013, all public-safety and commercial land mobile radio users in the VHF high-band and UHF spectrum narrow the bandwidth in which they operate by half. Most systems currently operate on 25 kilohertz (KHz) of bandwidth. All users in the designated spectrum must change their systems to 12.5 KHz by the 2013 deadline. This requirement is generally known as "narrowbanding" (Exhibit "A" "Understanding FCC Narrowbanding Requirements "by the National Institute of Justice January 16, 2008). Roughly 90% of the emergency response agencies in the state operate communications systems that fall under this requirement (Exhibit "B" Kansas

Adjutant Generals Office, Office of Emergency Communications). Although not set in stone, there is already discussion on another requirement for 6.25 KHz operation in the future.

Although many agencies have been working for several years toward acquiring equipment to meet narrowbanding requirements, many others are still reviewing the functionality of their systems in order to make solid long-term investments. While doing so, they are also considering the ability of their equipment to interoperate with other jurisdictions. Planning for improved interoperability will create a more efficient response and the ability for multiple agencies and jurisdictions to share common radio infrastructure.

Over the past few years, we have been able to use Homeland Security Grant funds and Public Safety Interoperable Communications Grant (PSIC) funds to acquire radio equipment. The homeland security funds have been dwindling each year and there is increased competition for these funds within the regions for projects not related to communications. The PSIC grant was a onetime allocation of funds for the purpose of enhancing interoperable communications.

Thank you for the opportunity for me to present this testimony on an important public safety issue affecting jurisdictions of all sizes in Kansas.

Respectfully submitted,

Jimmy Reed

James A. (Jimmy) Reed,
Member
Kansas Statewide Interoperable Executive Committee
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Exhibit "A"

Understanding FCC Narrowbanding Requirements

By NIJ

Most current public safety radio systems use 25 kHz-wide channels.

Just a reminder that the Federal Communications Commission (FCC) has mandated that all non-Federal public safety licensees using 25 kHz radio systems migrate to narrowband 12.5 kHz channels by **January 1, 2013.**

Agencies that do not meet the deadline face the loss of communication capabilities.

Agencies need to start planning now to migrate to narrowband systems by assessing their current radio equipment and applying for new or modified licenses.

Private land mobile radio (LMR) systems—including municipal government and State and local public safety systems—use blocks of radio spectrum called channels. (See Radio Spectrum.) Historically, LMR systems have used 25 kHz-wide channels. In December 2004, the Federal Communications Commission mandated that all private LMR users operating below 512 MHz move to 12.5 kHz narrowband voice channels and highly efficient data channel operations by January 1, 2013. [1] This migration complements a National Telecommunications and Information Administration mandate for more rapid Federal agency migration to 12.5 kHz narrowband operation by January 1, 2008. The earlier Federal deadline affects State and local FCC licensees that interface or share frequencies with Federal radio systems. [2]

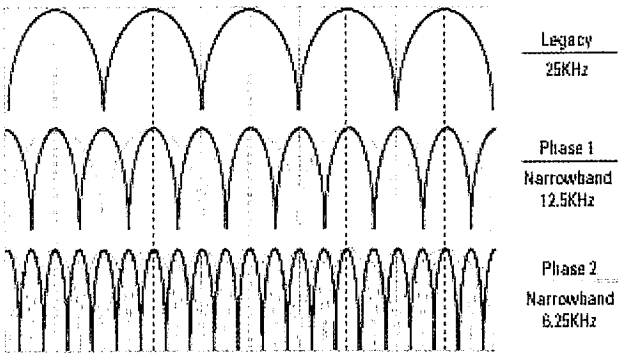


Figure 1: Narrowband channels allow additional channels to exist in the same spectrum.

Using narrowband channels will ensure that agencies take advantage of more efficient technology and, by reducing channel width, will allow additional channels to exist within the same spectrum space, as illustrated in figure 1.

Deadlines

To phase in the migration deadline of January 1, 2013, the FCC has established interim deadlines. The first important deadline is January 1, 2011, after which:

The FCC will not grant applications for new voice operations or applications to expand the authorized contour of existing stations that use 25 kHz channels. Only narrowband authorizations will be granted.

The FCC will prohibit manufacture or importation of new equipment that operates on 25 kHz channels. This will reduce the availability of new equipment for legacy radio systems and will affect how agencies maintain and upgrade older systems.

Planning for the Move to Narrowband

Public safety agencies need to aggressively develop a strategy to meet narrowband deadlines to avoid cancellation of existing wideband FCC authorizations. Although the migration deadline may seem far off, the long lead time and interim deadlines make it necessary for agencies to plan well in advance.

Assess current equipment and start planning.To prepare for the migration, public safety agencies should start assessing their radio systems and planning for replacements or upgrades. They should inventory their current equipment to ascertain what can be converted to 12.5 kHz and what will need to be replaced before January 1, 2013. Most new equipment has the capability for both 25 kHz and 12.5 kHz operation because any VHF/UHF radio equipment accepted by the FCC after February 14, 1997, had to have 12.5 kHz capability. The 2.5 kHz narrowband equipment is available in both conventional analog FM and digital formats (such as Project 25), so narrowband conventional FM systems will be compliant. Local governments should develop contingency plans to accommodate system changes for both public safety and nonpublic safety systems.

Obtain new or modified licenses.To move to narrowband operations, agencies must apply for new frequencies or modify existing licenses. An agency that is licensed for a 25 kHz-wide channel is not guaranteed two 12.5 kHz channels. Licensees will have to justify to the FCC why they need additional channels. Consideration of applications for new narrowband licenses will follow the same process as a new license application. As agencies migrate to narrowband

operation, however, the pool of available frequencies will increase.

Notes

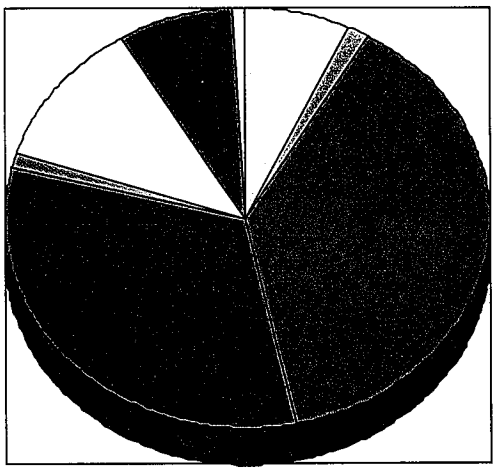
[1] Per the FCC mandate, post-narrowbanding data channels must have an efficiency of 4.8kbps/second/6.62KHz. See FCC Order 05–9, WT Docket No. 96–86, January 7, 2005: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-9A1.pdf; and FCC Order 04–292, WT Docket No. 99–87 and RM–9932, December 23, 2004: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-292A1.pdf.

[2] FCC narrowbanding rules for agencies operating with FCC licenses but using Federal spectrum are frequency specific and may follow a more aggressive

schedule. Those agencies may operate on these frequencies only on a secondary (unprotected and noninterfering) basis. See FCC Report and Order 05–69, ET Docket No. 04–243, March 11, 2005: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-69A1.pdf.

Exhibit "B"

(Communications assessment / system type used by PSAPS)



- VHF-L 12.7%
- VHF-air 2.4%
- VHF-H 70.6%
- UHF 58.7%
- UHF-T 2.4%
- 800MHz-conv 20.6%
- 800MHz-trk 14.3%
- 700MHz-conv&trk 1.6%

Note: Many of the dispatch centers use multiple bands.