



METROPOLITAN EMERGENCY SERVICES BOARD BOARD MEETING AGENDA

March 10, 2021, 10:00 a.m.

WebEx Meeting: [Meeting Link](#)

Phone Number: (408) 418-9388

Access Code: 126 759 9439

Password: RYi8rPCAx88 (79487722 from phones and video systems)

1. **Call to Order** – Board Chair, Commissioner Joe Atkins
2. **Approval of Agenda** – Commissioner Atkins
3. **Oath of Office** – Commissioner Atkins
4. **Consent Agenda** – Rohret (**page 5**)
 - A. Approval: January 13, 2021 Meeting Minutes
 - B. Correspondence
5. **Radio Items** – Tracey Fredrick, Radio Services Coordinator
 - A. Approval of North Memorial ARMER Participation Plan Amendment (**page 39**)
 - B. Approval of Metro. Airports Comm. ARMER Participation Plan Amendment (**page 41**)
 - C. Approval of Amendments to Metro ARMER Standards Appendix C (**page 43**)
 - D. Approval of Eagan Fire Department Request for Waiver (**page 49**)
 - E. Approval of Interoperability Participation Plan for Washburn Co., WI (**page 51**)
 - F. Acceptance of Telephone CPR Grant (**page 59**)
6. **9-1-1 Items** – Pete Eggimann, Director of 9-1-1 Services
 - A. Ratification of Approval of Award of RFP for Telecommunicator Resiliency Training (**page 61**)
 - B. Approval of Authority to Execute 9-1-1 Traffic Delivery Agreement (**page 67**)
 - C. Approval of Resolution 2021-1 – Resolution Advising Against Terminating Requests for Event-Related Public Information at Emergency Communications Centers (**page 75**)
7. **EMS Items** – Ron Robinson, EMS Coordinator
 - A. Approval FY2022-2023 EMSRB Grant Budget (**page 79**)
 - B. Approval of Amendment to Contract with Ron Bombeck for MCI Bus Maintenance (**page 81**)
8. **Administrative Items** – Jill Rohret, Executive Director
 - A. Discussion – FCC NPRM on 9-1-1 Fee Diversion (**page 83**)
9. **Reports**
 - A. Legislative Report – Margaret Vesel/Matthew Bergeron
 - B. Statewide Emergency Communications Board (SECB) Reports:
 - 1) Finance – Commissioner W. Johnson/Fredrick
 - 2) Legislative – Commissioner Meisner/Rohret
 - 3) Steering – Commissioner Fernando/Rohret
 - 4) Other SECB Committees – Eggimann/Fredrick
 - 5) Board – Commissioner Matascastillo/Rohret



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10. **Old Business** – None
11. **New Business** – None
12. **Adjourn**



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Metropolitan Emergency Services Board Members

Anoka County

Commissioner Mike Gamache*
Commissioner Mandy Meisner

Carver County

Commissioner Gayle Degler*
Commissioner John Fahey

Chisago County

Commissioner Rick Greene*

City of Minneapolis

Council Member Andrew Johnson*

Dakota County

Commissioner Joe Atkins* (2021 Chair)
Commissioner Mary Hamann-Roland

Hennepin County

Commissioner Irene Fernando* (2021 Vice Chair)
Commissioner Chris LaTondresse

Isanti County

Commissioner Greg Anderson* (2021 Secretary)

Ramsey County

Commissioner Trista Matascastillo* (2021 Treasurer)
Commissioner Jim McDonough

Scott County

Commissioner Dave Beer
Commissioner Tom Wolf*

Sherburne County

Commissioner Felix Schmiesing*

Washington County

Commissioner Wayne Johnson
Commissioner Fran Miron*

*Denotes Executive Committee member



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date:
Agenda Item:
Presenter:

March 10, 2021
4. Consent Agenda
Rohret

- A. **Minutes** – The minutes of the January 13, 2021 meeting of the Board are attached for review and approval.
- B. **Correspondence** – Correspondence includes a letter from to the Department of Public Safety containing the MESB's 2021 appointments to the SECB and its committees; a letter to Goff Public stating they were not awarded the RFP for lobbying services; a letter to Sen. Bill Ingebrigtsen stating the MESB's support for SF 565; and a letter from Pete Eggimann, announcing his retirement date in September 2021.
- C. **Informational Only** – Minutes from the February 10, 2021 Executive Committee meeting and the updated tracking sheet for the AAR recommendations resulting from the 2020 civil unrest.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL

METROPOLITAN EMERGENCY SERVICES BOARD

BOARD MEETING MINUTES

January 13, 2020

Meeting held via WebEx

Commissioners Present

Greg Anderson, Isanti County
Joe Atkins, Dakota County
Dave Beer, Scott County
Gayle Degler, Carver County
Irene Fernando, Hennepin County
Mike Gamache, Anoka County
Richard Greene, Chisago County
Mary Hamann-Roland, Dakota County
Andrew Johnson, City of Minneapolis - **absent**

Wayne Johnson, Washington County
Chris LaTondresse, Hennepin County
Trista Matascastillo, Ramsey County
Jim McDonough, Ramsey County
Mandy Meisner, Anoka County
Fran Miron, Washington County
Felix Schmiesing, Sherburne County
Tom Wolf, Scott County

Staff Present: Marcia Broman; Pete Eggimann; Tracey Fredrick; Ron Robinson; Jill Rohret; and Martha Ziese.

Others Present: Jay Arneson, *MESB Board Counsel.*

1. Call to Order

The meeting was called to order at 10:00 a.m. by the 2020 MESB Chair, Commissioner Trista Matascastillo.

2. Approval of Agenda

Motion by Commissioner Miron seconded by Commissioner Degler to approve the January 13, 2021 agenda. Motion carried.

Roll call for approval of agenda item 2

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

METROPOLITAN EMERGENCY SERVICES BOARD

3. Election of 2021 Officers and Executive Committee Designation

Motion by Commissioner Wolf, seconded by Commissioner Meisner to approve the 2021 Officers and Executive Committee Designation. Motion carried.

Roll call for approval of agenda item 3

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

4. Oath of Office

Commissioner Matascastillo administered the 2021 Oath of Office to members.

Commissioner Atkins administered the 2021 Oath of Office to Commissioner Matascastillo.

5. Thank you to 2020 Chair

Commissioner Joe Atkins thanked Commissioner Matascastillo for her service as chair and presented her with a thank you gift.

6. MESB Policy 17

Jill Rohret reminded members of the MESB's conflict of interest policy.

7. Approval of Consent Agenda

Motion made by Commissioner McDonough, seconded by Commissioner Wolf to approve the January 13, 2021 consent agenda. Motion carried.

Roll call for approval of agenda item 7

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	

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Gamache, M.	Anoka	X	
Greene, R	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

8. Radio Items – None.

9. 9-1-1 Items

A. Approval of Amendment 1 to Five Agency Consortium Vesta Maintenance Agreement

Pete Eggimann stated the Executive Committee recommends the Board approve the contract amendment for the shared 9-1-1 answering application owned jointly by Hennepin County, Hennepin EMS, City of Minneapolis, City of Edina, and Allina. When this shared system was implemented five years ago, the owners requested that the MESB act as the fiscal agent and contract manager for the system, which is why the agreement is before the Board today. The amendment extends the current maintenance agreement until December 31, 2021. There is no cost associated with this agreement to the Board. The joint owners are responsible for all costs associated with the shared system.

Motion made by Commissioner Matascastillo, seconded by Commissioner Fernando to approve Amendment 1 to the Five Agency Consortium Vesta Maintenance Agreement. Motion carried.

Roll call for approval of agenda item 9A

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	

METROPOLITAN EMERGENCY SERVICES BOARD

Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

10. EMS Items

A. Approval of Amendment to Agreement for MCI Bus Maintenance

Ron Robinson said this amendment agreement extends the agreement with Ron Bombeck to provide monthly MCI bus maintenance through to April 20, 2021.

Motion made by Commissioner Miron, seconded by Commissioner Degler to approve the amendment to the agreement for MCI bus maintenance. Motion carried.

Roll call for approval of agenda item 10A

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

B. Approval of 2020-21 Subgrant Agreement with West Central EMS (WCEMS) for Opiate Antagonists

Robinson said staff recommend approval of the 2020-2021 subgrant agreement with WCEMS for opiate antagonists. This grant is valid through September 29, 2021. The MESB has been participating in naloxone reimbursement grants allocation since 2017.

Commissioner Meisner asked if other boards choose to use these funds for administrative purposes.

Robinson responded yes, some other regions do use the administrative portion of the grant funds for administrative purposes. The MESB has chosen to use the administrative funds for naloxone distribution so more naloxone doses are available.

Motion made by Commissioner Hamann-Roland, seconded by Commissioner Fernando to approve the 2020-2021 subgrant agreement with West Central EMS for opiate antagonists. Motion carried.

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Roll call for approval of agenda item 10B

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

11. Administrative Items

A. Approval of 2021 Appointments to SECB/SECB Committees

Rohret stated that the MESB makes its annual appointments to the Statewide Emergency Communication Board (SECB) and its committees in January. Statute provides a seat on the SECB to be filled by the MESB Chair or its designee. Commissioner Matascastillo served on the SECB in 2020 and is willing to continue as MESB representative for 2021. Rohret was and is willing to remain the alternate.

Commissioner McMahon sat as representative on the SECB Finance Committee last year. Commissioner Egan sat as representative on the Legislative Committee. Both seats are open for 2021.

Commissioner Meisner volunteered to sit as primary on the Legislative Committee. Commissioner Johnson volunteered to sit as primary on the Finance Committee.

Motion made by Commissioner Degler, seconded by Commissioner Wolf to approve the slate of representatives to the SECB and SECB committees, including the additions of Commissioners Meisner and Johnson to the Legislative and Finance Committees, respectively. Motion carried.

SECB

Primary: Commissioner Trista Matascastillo
Alternate: Jill Rohret

SECB Finance

Primary: Wayne Johnson
Alternate: Tracey Fredrick

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SECB Legislative

Primary: Mandy Meisner

Alternate: Jill Rohret

SECB Steering

Primary: Commissioner Irene Fernando

Alternate: Jill Rohret

SECB NG9-1-1

Primary: Heidi Hieserich (MAC)

Alternate: Chad Loeffler (Metro Transit)

SECB Land Mobile Radio

Primary: Nate Timm (Washington Co.)

Alternate: Mike Mihelich (Ramsey Co.)

SECB Grants Workgroup

Primary: Tracey Fredrick

Alternate: Jill Rohret

SECB Interoperability

Primary: Jake Thompson (Chisago Co.)

Alternate: Nate Timm (Washington Co.)

SECB Wireless Broadband & Applications

Primary: Rod Olson (Minneapolis)

Alternate: Jake Thompson (Chisago Co.)

SECB IPAWS

Primary: Scott Haas (Scott Co.)

Alternate: Nancie Pass (Ramsey Co.)

SECB COMU Workgroup

Primary: Dan Anderson (Hennepin Co.)

Alternate: Nate Timm (Washington Co.)

SECB STR Workgroup

Primary: Curt Meyer (Hennepin Co.)

Alternate: Mark VandenBerghe (Eden Prairie)

Roll call for approval of agenda item 11A

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	

METROPOLITAN EMERGENCY SERVICES BOARD

Greene, R	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

B. Approval of Award for RFP for Lobbying Services

Rohret said the MESB received two responses for the lobbying services RFP. Larkin Hoffman and Goff Public gave presentations at the December Executive Committee. The Executive Committee made the recommendation that the board award the lobbying services to Larkin Hoffman.

Motion made by Commissioner Greene, seconded by Commissioner Degler to approve awarding the lobbying services RFP to Larkin Hoffman. Motion carried.

Roll call for approval of agenda item 11B

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

C. Approval of 2021 MESB Legislative Agenda

Rohret said the 2021 legislative agenda has many carry-over items from 2020. She stated the items which are included on the proposed 2021 MESB legislative agenda.

Commissioner Fernando said the Hennepin County legislative agenda has not yet been approved. However, given all the executive orders, Hennepin County is aware of the

METROPOLITAN EMERGENCY SERVICES BOARD

emerging EMS/ 9-1-1 issues and in particular the re-classification of the front-line workers.

Rohret said the Minnesota Sheriff's Association supports the effort to reclassify 9-1-1 telecommunicators as a public safety profession. There will likely be an initiative to amend MS 403 to keep the 9-1-1 at 95 cents.

Commissioner Matascastillo asked if the definition of the metro region in MS 403 will affect any other subject areas.

Rohret said the definitions included in MS 403 are expressly stated to be for the purposes of Chapter 403 alone. She noted however that EMS regions have changed to include all ten counties.

Motion made by Commissioner Fernando, seconded by Commissioner Meisner to approve the 2021 MESB legislative agenda. Motion carried.

Roll call for approval of agenda item 11C

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J.	Dakota	X	
Beer, D.	Scott	X	
Degler, G.	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R	Chisago	X	
Hamann-Roland, M.	Dakota	X	
Johnson, A.	Minneapolis		
Johnson, W.	Washington	X	
LaTondresse, C.	Hennepin	X	
Matascastillo, T.	Ramsey	X	
McDonough, J.	Ramsey	X	
Meisner, M.	Anoka	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 16 Nay: 0 Motion passes.

12. Reports

A. Legislative – No Report

B. Statewide Emergency Communications Board (SECB) Reports:

1. Finance

Rohret said the Finance Committee met in December and will meet in January as well. One top of discussion will be changes to the grants process.

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2. Legislative – meetings cancelled.

3. Steering

Commissioner Fernando said the Steering Committee has completed the revisions of the SECB bylaws. Each region has agreed to regional planning efforts to precede statewide strategic planning efforts.

4. Other SECB Committees

Eggimann said that the NG9-11 Committee met in December. The committee continued working to assist the PSAPs to become compliant with the Telephone Cardiopulmonary Resuscitation requirements which go into effect in 2022. The committee also discussed changes ECN wants to make in handling changes to county 9-1-1 plans. ECN wants staff to review and approve the plan changes and not utilize the SECB regional and NG9-1-1 committees in the review and approval process.

Fredrick said that the LMR Committee met last week but had no items impactful to the metro region. Interoperability and WBBA Committees will meet next week.

5. SECB

Commissioner MatasCastillo said that the SECB met in December. The board discussed the Telephone CPR issue and the Best Practices for selection of wireless broadband.

13. Old Business – None.

14. New Business

A. Regional/Statewide Strategic Planning Meetings

Rohret said ECN invited regions to participate in a regional strategic planning process, which will be worked into the state-wide planning effort. Rohret said more information will be forthcoming for these planning meetings.

B. Format for 2021 Meetings

Commissioner Atkins said he suggests holding the first quarter MESB meetings via WebEx and revisit the discussion in March.

15. Adjournment

Motion to adjourn made by Commissioner Hamann-Roland, seconded by Commissioner Degler. Motion carried.

Meeting adjourned at 11:03 a.m.



METROPOLITAN
EMERGENCY SERVICES BOARD

2099 UNIVERSITY AVENUE WEST
SAINT PAUL, MINNESOTA
55104-3431

PHONE 651-643-8395
WWW.MN-MESB.ORG

January 13, 2021

Mr. Andrew Hasek
Goff Public
444 Cedar Street, Suite 910
St. Paul, MN 55101

Dear Mr. Hasek:

Thank you for the proposal submitted in response to the Metropolitan Emergency Services Board's Request for Proposals for Lobbying Services. The thought Goff Public put into the response was appreciated.

I regret to inform you that your proposal was not chosen for this project. I do hope that the Metropolitan Emergency Services Board will get to work with you and your firm in the future.

Thank you for your interest in this project.

Jill Rohret
Executive Director



METROPOLITAN
EMERGENCY SERVICES BOARD

2099 UNIVERSITY AVENUE WEST
SAINT PAUL, MINNESOTA
55104-3431

PHONE 651-643-8395
WWW.MN-MESB.ORG

January 13, 2021

Commissioner John Harrington
Minnesota Department of Public Safety
North Central Life Tower, Suite 1000
445 Minnesota Street
St. Paul, MN 55101-5000

Dear Commissioner Harrington:

At the January 13, 2021 Metropolitan Emergency Services Board (MESB) meeting, the MESB made appointments to the SECB and its committees. The appointments are listed on the enclosed pages.

Please contact me with any questions regarding these appointments. I can be reached at (651) 643-8394 or jrohret@mn-mesb.org.

Thank you for your time and consideration.

Sincerely,

Jill Rohret
Executive Director

cc: Asst. Commissioner Bruce West
Dana Wahlberg, ECN

Enclosure

MESB 2021 Appointments to SECB/SECB Committees

SECB

Primary Representative:

Commissioner Trista Matascastillo
Ramsey County
220 Courthouse, 15 W. Kellogg Blvd., St. Paul, MN 55102
trista.matascastillo@co.ramsey.mn.us

Alternate:

Jill Rohret, Executive Director
Metropolitan Emergency Services Board
2099 University Avenue West, St. Paul, MN 55104
(651) 643-8394
jrohret@mn-mesb.org

SECB Finance:

Primary Representative:

Commissioner Wayne Johnson
Washington County
PO Box 6
14949 62nd Street North
Stillwater, MN 55082
wayne.a.johnson@co.washington.mn.us

Alternate:

Tracey Fredrick, Radio Services Coordinator
Metropolitan Emergency Services Board
2099 University Avenue West, St. Paul, MN 55104
(651) 643-8398
tfredrick@mn-mesb.org

SECB Interoperability:

Primary Representative: Same as 2020; note new email address

Jake Thompson
jake.thompson@chisagocounty.us

Alternate: Same as in 2020

Nate Timm
nate.timm@co.washington.mn.us

SECB IPAWS: Same as 2020

Primary Representative:

Scott Haas
shaas@co.scott.mn.us

Alternate:

Nancie Pass
nancie.pass@co.ramsey.mn.us

SECB Land Mobile Radio:

Primary Representative: Same as 2020

Nate Timm

nate.timm@co.washington.mn.us

Alternate:

Mike Mihelich

michael.mihelich@co.ramsey.mn.us

SECB Legislative:

Primary Representative:

Commissioner Mandy Meisner

Anoka County

2100 Third Ave., Suite 700

Anoka, MN 55303-5024

mandy.meisner@co.anoka.mn.us

Alternate:

Jill Rohret (see contact info above)

SECB NextGen 911

Primary Representative: Same as 2020

Heidi Hieserich

heidi.hieserich@mspmac.org

Alternate:

Chad Loeffler

chad.loeffler@metrotransit.org

SECB Steering:

Primary Representative: Same as 2020

Commissioner Irene Fernando

irene.fernando@hennepin.us

Alternate:

Jill Rohret

jrohret@mn-mesb.org

SECB Wireless Broadband & Applications: Same as 2020

Primary Representative:

Rod Olson

rodney.olson@minneapolismn.gov

Alternate:

Jake Thompson

jake.thompson@chisagocounty.us

The MESB also has a new 2021 chair, which will require a change to your website and some email lists.

Please remove Commissioner Trista Matascastillo and replace with Commissioner Joe Atkins.
Commissioner Atkins' contact information is as follows:

Commissioner Joe Atkins
Dakota County
1590 Highway 55
Hastings, MN 55033-2343
(651) 438-4430
joe.atkins@co.dakota.mn.us



METROPOLITAN
EMERGENCY SERVICES BOARD

2099 UNIVERSITY AVENUE WEST
SAINT PAUL, MINNESOTA
55104-3431

PHONE 651-643-8395
WWW.MN-MESB.ORG

February 16, 2021

Senator Bill Ingebrigtsen
3207 Minnesota Senate Building
St. Paul, MN 55155

RE: Support for SF 565 – Establishing a 9-1-1 Telecommunicator Working Group Regarding
Statewide Standards for Training and Certification

Dear Senator Ingebrigtsen:

The Metropolitan Emergency Services Board writes in support of SF 565, which would establish a 9-1-1 telecommunicator working group to establish statewide standards for training and certification.

Public safety 9-1-1 telecommunicators serve as the first, first responder for those requesting emergency services response. Daily, they provide life-saving information to 9-1-1 callers, in the form of medical procedures, such as CPR or putting pressure on wounds, or instructions on how callers can keep themselves and others safe. Public safety telecommunicators serve as a calming influence on callers, which can keep them safe and prepare them for the arrival of law enforcement, fire, and EMS responders, and their questions. This calming influence saves lives.

The State of Minnesota requires specified training for law enforcement, fire and EMS responders, but currently has no such training requirements, or a certification process, for public safety 9-1-1 telecommunicators, the first, first responder. Public safety 9-1-1 telecommunicators require extensive training. During 9-1-1 calls, they remain calm and collected despite the events they hear on the phone and radio system. They monitor the background noises and provide potentially life-saving information to other public safety responders. They provide information on how to perform CPR or put pressure on wounds, both of which can save lives.

In the Twin Cities region, upon initial hiring most public safety telecommunicators are required to go through, on average, 25 weeks of training. Public safety telecommunicators must be trained on procedures for answering phones, handling calls, including dealing with difficult or distressed people, how to dispatch, proper police/fire/EMS procedures, use of radio systems and protocols for use of shared resources. Telecommunicators must know what mutual aid resources exist in their area, including personnel and equipment, and how to access them. They do all this while documenting the entire incident from start to finish.

The citizens of Minnesota expect to receive the same level of service when they call 9-1-1, regardless of their location in the state; this is best accomplished by establish statewide training standards and a certification process for public safety 9-1-1 telecommunicators. With the extensive training they receive, public safety 9-1-1 telecommunicators deserve to have a certification process which may serve to validate their vital role as the first, first responder.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, reading "Jill Rohret".

Jill Rohret
Executive Director



**METROPOLITAN
EMERGENCY SERVICES BOARD**

2099 UNIVERSITY AVENUE WEST
SUITE 201
SAINT PAUL, MINNESOTA
55104-3431

PHONE 651-643-8395
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February 9, 2021

Jill Rohret, Executive Director
Metropolitan Emergency Services Board
2099 University Ave W
St. Paul, MN 55104

Re: Retirement

Jill,

With some joyful anticipation and a little sadness thrown in, I am announcing that I intend to retire effective September 10, 2021. I want to let you and the Board know several months in advance to permit a smooth transition and not have a negative impact on my 9-1-1 system work. This advance notice should give us time to execute an effective transition plan before I leave.

I started in my current role with the MESB, then known as the Metropolitan 9-1-1 Board, on September 11, 2000. I want to applaud the Board for their recognition that this organization's structure and role has been a national model for how 9-1-1 systems can be managed. This has made it possible for the MESB staff to influence the national professional and technical standards in the 9-1-1 industry, as well as here at the regional and state levels. It has been a privilege for me to be a part of this industry-wide effort, and I am grateful for that opportunity. By retiring on September 10, 2021, I will have completed 21 years of service with the Board, over 25 years specifically in 9-1-1, and 20 years in law enforcement before concentrating on 9-1-1. It has been a good run for me! Thank you for the opportunity to serve.

Sincerely,

Pete Eggimann

METROPOLITAN EMERGENCY SERVICES BOARD

EXECUTIVE COMMITTEE MEETING MINUTES

February 10, 2021

Meeting held via WebEx

Commissioners:

Greg Anderson, Isanti County
Joe Atkins, Dakota County
Gayle Degler, Carver County
Irene Fernando, Hennepin County
Mike Gamache, Anoka County
Rick Greene, Chisago County

Andrew Johnson, City of Minneapolis
Trista Matascastillo, Ramsey County
Fran Miron, Washington County
Felix Schmiesing, Sherburne County
Tom Wolf, Scott County

Staff Present: Marcia Broman; Pete Eggimann; Tracey Fredrick; Ron Robinson; Jill Rohret; and Martha Ziese.

Guests Present: Kevin Anderson, Metro Transit; and Jay Arneson, Board Counsel.

1. Call to Order:

The meeting was called to order at 10:00 a.m. by MESB Chair Commissioner Joe Atkins.

2. Approval of February 10, 2021 Agenda

Motion made by Commissioner Miron, seconded by Commissioner Matascastillo, to approve the MESB February 10, 2021 Executive Committee agenda. Motion carried.

Roll call for approval of agenda item 2

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver		
Fernando, I.	Hennepin		
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis		
Matascastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne		
Wolf, T.	Scott	X	

Yea: 7 Nay: 0 Motion passes.

3. Oath of Office

Commissioner Atkins administered the Oath of Office to Council Member Andrew Johnson.

4. Approval of Minutes

Motion made by Commissioner Wolf, seconded by Commissioner Anderson, to approve the MESB Executive Committee December 9, 2020 minutes. Motion carried.

METROPOLITAN EMERGENCY SERVICES BOARD

Roll call for approval of agenda item 4

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver		
Fernando, I.	Hennepin		
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis		
Matascastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne		
Wolf, T.	Scott	X	

Yea: 7 Nay: 0 Motion passes.

5. Radio Items

A. Approval of North Memorial ARMER Participation Plan Amendment

Tracey Fredrick said the Radio TOC recommends the Executive Committee recommend approval of the amendment to the North Memorial ARMER participation plan. North Memorial requests approval to add eight Motorola MCC 7500e consoles to the new Contingency Center under construction at its Robbinsdale location. This brings the total consoles to 16, all of which would be using the network link at the hospital. MnDOT has reviewed the plan has no issue.

Motion made by Commissioner Matascastillo, seconded by Commissioner Anderson to approve the amendment to the North Memorial ARMER participation plan. Motion carried.

Roll call for approval of agenda item 5A

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver		
Fernando, I.	Hennepin		
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis	X	
Matascastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne		
Wolf, T.	Scott	X	

Yea: 8 Nay: 0 Motion passes.

B. Approval of Metropolitan Airports Commission ARMER Participation Plan Amendment

Fredrick said the Radio TOC recommends the Executive Committee recommend approval of the amendment to the Metropolitan Airport Commission (MAC) ARMER participation plan. The MAC uses a full ARMER participation plan with DPS-ECN. The MAC requests the addition of one Motorola MCC 7500e console to be used for several remote and training opportunities. MnDOT has reviewed the plan has no issue.

METROPOLITAN EMERGENCY SERVICES BOARD

Motion made by Commissioner Miron, seconded by Commissioner Wolf to approve the Metropolitan Airports Commission ARMER participation plan amendment. Motion carried.

Roll call for approval of agenda item 5B

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver	X	
Fernando, I.	Hennepin		
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis	X	
Matascastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne		
Wolf, T.	Scott	X	

Yea: 9 Nay: 0 Motion passes

C. Approval of Amendments to Metro ARMER Standards Appendix C

Fredrick said the Radio TOC recommends the Executive Committee recommend approval of amendments to Metro Radio Standards Appendix C. The MESB established 43 standards for operating the ARMER system in the Metro Region. The requested amendments to Appendix C make it equivalent to a similar state standard.

Motion made by Commissioner Wolf, seconded by Commissioner Anderson to approve amendments to Metro ARMER Standards Appendix C. Motion carried.

Roll call for approval of agenda item 5C

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis	X	
Matascastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne		
Wolf, T.	Scott	X	

Yea: 10 Nay: 0 Motion passes

6. 9-1-1 Items

A. Approval of Award of RFP for Telecommunicator Resiliency Training

Pete Eggimann said the RFP evaluation workgroup recommends awarding the RFP to the sole respondent. In its response, the vendor included some items that cannot be completed before the grant deadline in June; the vendor is reworking its proposal to omit those items. The cost is approximately \$1,000.00 per PSAP and includes an assessment of health and wellness training needs for each PSAP. The assessments include recommendations on training curriculum,

METROPOLITAN EMERGENCY SERVICES BOARD

training schedule, and a quality assurance program. The proposal includes three days of virtual training because of the COVID-19 pandemic.

Rohret said as noted in the packet, staff requests the Executive Committee follow Article III, Section 1 of the MESB Bylaws which allows the MESB Executive Committee to approve contracts subject to ratification by the Board. There is a very short timeline to utilize the grant because of some delays in getting the grant contracts from the State. The notice of request to use the Article III approval process was sent to the full board.

Motion made by Commissioner Matascastillo, seconded by Commissioner Miron to approve the Award of RFP for Telecommunicator Resiliency Training. Motion carried.

Roll call for approval of agenda item 6A

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis	X	
Matascastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 11 Nay: 0 Motion passes

7. EMS Items – None

8. Administrative Items

A. Discussion: Legislation re: Mental Health Crisis Program

Rohret said since the MESB's 2021 legislative agenda was presented to the board in January, she was notified of a piece of legislation which may be introduced by the National Alliance on Mental Illness (NAMI) regarding language requiring training for PSAPs to collaborate with county mobile mental health crisis teams where available. She noted that she and the MESB lobbyists met with NAMI to discuss the bill and learned that there are other agencies which have concerns with the bill, so the language will be re-written. Rohret has not yet seen any changes to the proposed NAMI bill.

Commissioner Matascastillo asked if this meant NAMI would design the training. She said she felt Dakota County has the best model and would like for Dakota County to have input.

Rohret said that based on the discussion with NAMI, it is likely that a seat will be added to the 9-1-1 telecommunicator workgroup representing the mental health community, but that does not necessarily mean NAMI.

Commissioner Fernando said that Hennepin County has formed a mental health taskforce that will introduce recommendations later this year, and that PSAPs should be involved in the process. She said she thought the remainder part of the bill is to form an additional response team. She interprets this language to say that the counties that already have mental health

METROPOLITAN EMERGENCY SERVICES BOARD

resources would be called on to interact with other state agencies and if it impacts multiple areas it will have to go through the various state agency committees.

B. Discussion: Regional Strategic Planning Commissioner Session

Rohret said that at the January board meeting it was announced that ECN would be offering regional strategic planning to each region in advance of the statewide strategic planning sessions which will be done in the second quarter. The MESB has accepted that offer and has scheduled three two-hour sessions on February 22, March 8 and March 15. Rohret asked if there was an interest from members to have a separate session solely for MESB board members.

Commissioner Atkins said he was comfortable with MESB staff, Radio and 9-1-1 TOC to attend the planning especially since the MESB would have the final say on the outcome of the planning sessions.

Rohret said there is already a good representation with metro area GIS, 9-1-1 and radio staff.

Commissioner Miron agreed the participation from the interested parties is sufficient and noted that any work product will come to the board for approval.

9. Old Business – None

10. New Business – None

11. Adjournment

Motion made by Commissioner Wolf, seconded by Commissioner Degler to adjourn. Motion carried.

The meeting adjourned at 10:42 a.m.

Roll call for approval for adjournment

Name	County/City	Yes	No
Anderson, G.	Isanti	X	
Atkins, J	Dakota	X	
Degler, G	Carver	X	
Fernando, I.	Hennepin	X	
Gamache, M.	Anoka	X	
Greene, R.	Chisago	X	
Johnson, A.	Minneapolis	X	
MatasCastillo, T.	Ramsey	X	
Miron, F.	Washington	X	
Schmiesing, F.	Sherburne	X	
Wolf, T.	Scott	X	

Yea: 11 Nay: 0 Motion passes

**Civil Unrest AAR
Recommendation Status**

February 26, 2021

Tracking #	Recommendation	Person/Agency Responsible	Status
1	Establish the governance structure, on-going funding model, training, and procedures to deploy and utilize 9-1-1 call workload sharing between cooperating .	PSAPs/Cities/Counties/MESB	12/20 911 TOC Workgroup established to develop an implementation plan. The workgroup is meeting twice per month and is currently focused on defining the functional requirements the workgroup members believe the workload sharing system must be capable of providing. (as of 2/22)
2	Identify and implement workload sharing applications that will permit 9-1-1 calls to overflow to neighboring ECCs which have agreed to work together cooperatively, permitting calls to be answered, triaged, classified (type or nature code assignment), and sent electronically into the original destination ECC's CAD dispatch queue, permitting the original destination ECC to coordinate the emergency response to incidents within its jurisdiction.	PSAPs/Cities/Counties/MESB	(combined with #1)
3	Identify and implement workload sharing applications that will establish a regional CAD incident display map showing the location of emergency responders (both personnel and units) and incidents in progress, permitting the appropriate personnel to have a big picture understanding of what is happening at the regional level in real time.	PSAPs/Cities/Counties/MESB	(combined with #1)
4	Identify telecommunicator resources to support any ECC personnel that have been involved in prolonged or horrific emergency events and may not recognize the extent they have been impacted mentally and emotionally, and those that recognize they need help.	9-1-1 TOC/MESB	RFP for resiliency training closed on 1/22/21. The staff and four PSAP managers reviewed the only response received and recommended going forward with that vendor. The MESB Executive Committee approved the recommended vendor proposal at the February meeting, subject to review by the full board at the March 2021 meeting. (as of 2/22)

5	Establish procedures to support the use and staffing of community tip lines that do not terminate in or interfere with ECC operations or negatively impact the 9-1-1 system whenever law enforcement or fire establish a joint command facility (e.g. MACC).	PSAPS/Cities/Counties/Other agencies	Not started
6	Establish or update an existing metro region 9-1-1 standard to block “anonymous” calls to admin lines that terminate in the ECC to reduce harassing, abusive, or denial of service attack calls that can negatively impact ECC operations.	9-1-1 TOC/PSAPS/MESB	Not started
7	Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff. a. Response agency command staff need to be trained on the existence and need/use of the Metro Region Communications Response Task Force (CRTF). i. Command staff turnover is a problem; special training directed specifically for command staff be should be developed.	CRTF/Duty Officer/Statewide Training	Looking into virtual options for INTD/INCM training; should be able to schedule in March 2021
8	Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff. a. Response agency command staff need to be trained on the existence and need/use of the Metro Region Communications Response Task Force (CRTF). ii. Include State Duty Officer training to assist in understanding the communications resources and processes to be utilized as part of the ICS structure.	CRTF/Duty Officer	Contacted Duty Officer in November 2020 with desire to get these resources included. Have had more recent discussions with the SWIC and that person is also aware of the CRTF team and how to use them. Duty Officer has not responded; sent email again 2/23/21.

9	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>b. Build relationships between the CRTF and agency command staff.</p>	CRTF/Metro EM Agencies	CRTF Steering Team has begun having internal meetings in their own entities, doing more outreach to partner entities.
10	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>c. Ensure that ECC management personnel are included in all EOC/MACC operations at the same level, and at the same time, as law enforcement, fire, and EMS management personnel are included.</p>	MESB, HSEM	With the upcoming spring/summer 2021 trials, more pre-planning with these teams has been happening.
11	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>d. Include COMU representatives at the MACC at the beginning of MACC operations.</p>	CRTF/Duty Officer/MACC	With the upcoming spring/summer 2021 trials, more pre-planning with these teams has been happening.
12	Create or update an existing standard to require ARMER talkgroups to be labeled using the same talkgroup names system wide. Currently, different agencies label the same talkgroup by different names.	Radio TOC Standards Workgroup/Statewide Standards Workgroup	MESB standards workgroup and state standards workgroup discussed in November 2020. System limitations make this difficult to do.

13	Conduct on-going ARMER training for law enforcement, fire, and EMS responders, both for new-hires and as part of regular in-service training, as required in SECB Standards LMR-29, LMR-30, and LMR-31.		Videos posted to MESB site in October 2020. On-going training statewide being discussed.
14	Create better advertisement of available resources, such as equipment caches, CRTF, etc. at a state level.	Duty Officer/MACC/CRTF	Reached out to Duty Officer in October 2020 to discuss resources; no response received. Emailed again 2/23/21.
15	Identify regional, or statewide, EOC or MACC locations that can be properly equipped in advance.	HSEM	Not started
16	Establish regional communications plans that can be practiced and implemented by the appropriate COMs as soon as an incident escalates into a multi-agency, multi-jurisdictional event. This should be incorporated into the ICS implementation plans but could be activated before the ICS structure is established beyond the initial response. This response should also include the distribution of a consolidated ICS 205 form and can include additional forms in the future, such as an ICS 205a or ICS 217 form.	CRTF	Metro has these common forms on the ARMER standards page and the CRTF page. Current method for distribution of region-wide ICS205s is to send through the Radio Services Coordinator.
17	Create or update an existing metro region ARMER standard that recommends requesting the deployment of CRTF resources when an incident escalates to include multi-jurisdiction coordination or multi-agency responses from more than one ECC service area. This should not be dependent on whether law enforcement or fire establish a joint command facility (e.g. MACC). a. Define how CRTF is activated. b. Notify the State Duty Officer as soon as a request to deploy the CRTF is received. c. Ensure the State Duty Officer documentation related to CRTF deployment is current. d. Define how the regional ECCs will be notified.	Radio TOC Standards Workgroup/CRTF	Updated Large Event Communications Standard 3.21.0; approved by MESB Board September 2020

18	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>a. Response agency command staff need to be educated on the existence and need/use of the CRTF.</p> <p>i. Command staff turnover is a problem; special training directed specifically for command staff should be developed.</p> <p>ii. Include State Duty Officer training to assist in understanding the communications resources and processes to be utilized as part of the ICS structure.</p>	CRTF/Duty Officer/Metro EM Agencies	Have had continued discussions with SWIC on making sure this resource can be used properly. Reached out to Duty Officer in November 2020; no response received. Emailed again 2/23/21.
19	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>b. Build relationships between the CRTF and agency command staff.</p>	CRTF/Agency Command Staff	See #9
20	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>c. During the event, some agency heads expressed concern that their responders would not be able to find the talkgroups specified in the ICS 205s on their radio.</p>	CRTF/Metro COML	This concern is also part of the on-going training mentioned in other areas of recommendation. Videos and documents have been added to the MESB website as of October 2020, and on-going training at a state level is being discussed in several workgroups.

21	<p>Provide training to agency heads and elected officials regarding the role of the emergency communications centers and COMLs in the emergency response continuum. Work together with other emergency responder agencies to include an emergency communications and response coordination training module to be incorporated into new hire training, as well as in-service training, provided by the law enforcement, fire, and EMS agencies to their staff.</p> <p>d. Add the MESB's ARMER training video on changing zones on subscriber units uploaded to the MESB website. (As of the final draft of this document, this video is available on the MESB's website and the link has been distributed to metro region ARMER system administrators.)</p>	MESB	Complete, October 2020
22	For jurisdictions where there are separate management structures for 9-1-1 and ARMER, regular coordination meetings need to be established so that the two teams identify issues proactively and work together to address the issues. This coordination should include contingency planning for system failures and multi-agency events.	Regional Emergency Communications Boards	Not started
24	Establish a timeline for requiring encryption-capable radios for response agencies within the metro area.	Cities/Counties/Radio TOC/MESB/Regional Emergency Communications Boards	Change Management group has begun meeting



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date:

March 10, 2021

Agenda Item:

**5A. Approval of Amendment to
North Memorial Participation Plan**

Presenter:

Fredrick

RECOMMENDATION

The Executive Committee recommends the Board approve the amendment to the North Memorial ARMER participation plan.

BACKGROUND

North Memorial has been an ARMER participant since 2000. It currently utilizes a full ARMER participation plan with DPS-ECN.

ISSUES & CONCERNS

North Memorial requests approval of an amendment to its ARMER participation plan to add eight Motorola MCC 7500e consoles.

North Memorial is planning a new construction project for a Contingency Center, which will be used primarily for training and continuity of operations. North Memorial already has eight consoles, so the additional consoles would bring its total to 16. The Contingency Center is being built at its hospital location in Robbinsdale.

The plan also includes using the network link at the hospital, with plans to update to a diverse network path for redundancy. North Memorial has discussed the plan change with MnDOT, which saw no issues with the plan.

FINANCIAL IMPACT

None to MESB.

MOTION BY:

SECONDED BY:

MOTION:

PASS/FAIL

Bob Shogren
Chair, Radio Technical Operations Committee
Metropolitan Emergency Services Board

Dear Mr. Shogren,

North Memorial Health Ambulance beginning a project to build out a Contingency Center for our 911 Communications and Dispatch Center. The Contingency Center will be used for training and continuity of operations planning. We would like to update our ARMER participation plan to include eight additional MCC7500e dispatch consoles.

We have a project proposal from Motorola for this new location, which includes the appropriate hardware for the consoles, switches, and gateways. The consoles will not be used for remote connection into the ARMER network. The consoles are being ordered with the full suite of encryption protocols. We are anxiously awaiting Motorola's testing and ARMER standards regarding encryption on the MCC7500e. The consoles will connect to our existing console site through private connections until diverse connections can be made to other sites.

There are some details that need to be finalized but would like to bring this plan change to the committee for approval.

Sincerely,

Michael Melby

Communications System Administrator

North Memorial Health



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 5B. Approval of Amendment to Metropolitan Airports Commission Participation Plan
Presenter: Fredrick

RECOMMENDATION

The Executive Committee recommends the Board approve the amendment to the Metropolitan Airports Commission ARMER participation plan.

BACKGROUND

Metropolitan Airports Commission (MAC) has been an ARMER participant since 2004. It currently utilizes a full ARMER participation plan with DPS-ECN.

ISSUES & CONCERNS

MAC requests approval of an amendment to its ARMER participation plan to add one Motorola MCC 7500e console and the associated system configuration changes to add this console.

The new MCC 7500e console will be used for several remote opportunities, such as the Incident Command Post, Emergency Operations, and Situation Room. Training opportunities may also be available to be utilized with the new console.

The system changes include a firewall update and logging changes for the console. The new remote console will connect to the MAC network or via VPN. MnDOT has reviewed the changes and found no issues with them.

FINANCIAL IMPACT

None to MESB.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL



Metropolitan Airports Commission

6040 - 28th Avenue South, Minneapolis, MN 55450 • 612-726-8100 • metroairports.org

January 19, 2021

MESB Radio TOC
Attn: Bob Shogren, Chair
2099 University Ave W
St Paul, MN 55104

Mr Chair and Committee Members:

The Metropolitan Airports Commission (MAC) is writing this to formally request approval to add one portable MCC7500E console to our console site at the Airport PSAP, as well as system configuration changes to support this request. This portable console will be used to support public safety operation in our Incident Command Post, Situation Room, Emergency Operations Center and other various locations by our Tactical Dispatchers as required by the event.

The MAC will be purchasing the console package, as well as implementation services directly from Motorola and will include the following items:

- Zbook 15 G6 laptop
- CRYPTR module for encryption
- PRX 7000 Proxy Application
- HP Z2 G4 workstation for proxy server
- Juniper Firewall Appliance
- Full package of peripherals to support the console (speakers, microphone jacks, foot switch etc)
- Installation and support

The MAC currently runs a Fortinet firewall appliance that is used for logging between the ARMER system and the MAC's internal network. This appliance is not supported for use by the MCC7500E and will be replaced with the Juniper appliance and will serve as the firewall connection between ARMER and the MAC for both logging and the remote console. The console will connect to ARMER via the MAC's network, either internal or via VPN provided by the MAC.

Thank you for your consideration of this matter.

Kind Regards,

Jeff Bjorklund, Sr Telecommunications Analyst



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date:

March 10, 2021

Agenda Item:

**5C. Approval of Amendments to
Metro Radio Standards Appendix C**

Presenter:

Fredrick

RECOMMENDATION

The Executive Committee recommends the Board approve the amendments to Metro Radio Standards Appendix C.

BACKGROUND

The Metropolitan Emergency Services Board established 43 standards for operating the ARMER system in the Metro Region. These standards range from how utilities are billed to how to request changes on the system. Several standards were updated after the merger of the 9-1-1 and Radio Boards and the creation of the MESB but have not had language or content changes for over ten years.

ISSUES & CONCERNS

One Metro Radio Standard has been reviewed for content and language changes.

Appendix C was amended so it reads similarly to its equivalent state standard. The sections for clear talkgroups and encrypted talkgroups have been separated. The encryption section also has added language for patching resources. Its formatting has also been made ADA-compliant.

The Radio TOC has reviewed the standard and has approved the changes outlined.

FINANCIAL IMPACT

None to MESB.

MOTION BY:

SECONDED BY:

MOTION:

PASS/FAIL

Metro Region ARMER Standards

Section Appendices – Appendix C Talkgroup Permission Letter Template

Date Established

5-12-01

Date Revised/Reviewed

1-27-21

1. Purpose or Objective

The purpose of this template is to provide a guide for requesting the use of another owner's talkgroup resources. Procedure for use of this letter is found in SECB Standard LMR-13 *Use of Shared Talk Groups*. (See next page)

AUTHORIZATION TO USE TALKGROUPS
NOT OWNED BY THE REQUESTING AGENCY

Date: _____

Requesting Agency: _____

Authorizing Agency: _____

Reason for Request ☐ Add Talkgroup(s) to Radios
 ☐ Add Talkgroup(s) to Dispatch Console
 ☐ Scan/Monitor Talkgroup(s)
 ☐ Other _____

I. Request permission to ADD the following clear talkgroup(s)

Talkgroup	Installation: Console, Portable, Mobile, Command Post	# of Work Units
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

II. Request permission to SCAN/MONITOR the following clear talkgroup(s)

Talkgroup	Installation: Console, Portable, Mobile, Command Post	# of Work Units
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Encrypted Talkgroup Requests

A. If you are given permission for a talkgroup that is encrypted, neither the talk group nor the encryption key will be shared without written permission from the grantor entity.

B. The encrypted talkgroup will be granted and programmed via:

☐ In-person encryption key transfer
☐ Keyloader to Keyloader transfer
☐ Loaded by granting agency Keyloader only
☐ Other: please specify _____

C. Request permission to ADD the following encrypted talkgroup(s)

Talkgroup	Talkgroup Hex ID	CKR #	Patching Capability (Gateway, Dispatch, LTE)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. Request permission to SCAN/MONITOR the following encrypted talkgroup(s)

Talkgroup	Talkgroup Hex ID	CKR #	Special Notes
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IV. Other Request/Requirements (Explain)

V. Reason for Request

Note: If given permission for talkgroups on a temporary or event basis, the permission will be rescinded on dd/mm/yyyy.

(Attach supporting documentation)

Name of individual completing application _____

Address _____

Phone _____ Email _____

This Page for Authorizing Agency Only

AUTHORIZATION TO USE TALK GROUPS
NOT OWNED BY THE REQUESTING AGENCY

Request Approved _____ **Approved with Conditions** _____ **Denied** _____

Conditions:

Authorized Signature _____

Name of Authorizing Individual _____

Address _____

Phone _____ **Email** _____



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 5D. Approval of Eagan FD Waiver
to SECB Standard IOP-11
Presenter: Fredrick

RECOMMENDATION

The Radio TOC recommends approval of a waiver to SECB Standard IOP-11 "Use of ARMER Statewide Law Enforcement Interoperability Talkgroups" for one additional radio for the Eagan Fire Department to use for SWAT operations.

BACKGROUND

SECB Standard IOP-11 (formerly known as ARMER Standard 3.19.0) restricts the Law Enforcement Talk-around Channel (LTAC) ARMER talkgroups to Law Enforcement use only. Any requests for use other than Law Enforcement must be done by obtaining a waiver.

LTACs have encrypted channels that are used widely by SWAT teams to prevent anyone with a scanner from listening to these radio communications.

Encrypted talkgroups are not allowed to be patched to non-encrypted talkgroups.

ISSUES & CONCERNS

Eagan Fire Department has a firefighter who serves on the Eagan SWAT team. Because fire radios are not allowed to have LTACs programmed in the radios, a waiver must be approved. The LTAC talkgroups would only be used by this firefighter during SWAT team activations.

This request will go before the State Emergency Communications Board (SECB) at its March 2021 meeting, pending approval by the MESB.

FINANCIAL IMPACT

None to MESB.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL



MEMO

To: Metro TOC, Chair Jake G. Thompson
CC: Tracey Fredrick
From: Ron Jansen \ Dakota County
Date: 25 January 2021
RE: LTACE's for 1 Eagan SWAT Team Member

Dakota County is seeking a waiver to State Standard 3.19.0 "Use of 800 MHz Statewide LTAC and SIU Interoperability Talkgroups". The Eagan Fire department has a single member that is currently assigned to the Eagan SWAT team. This radio is assigned specifically to this person for both their job functions. Dakota County is seeking permission to program this unit with the LTACE's. All three of the SWAT Teams in Dakota County utilize the same zone for communications. Allowing this waiver would significantly reduce the risk of members not being on the same resource and reduce a safety risk for lost or missed communications.

Thank you for your consideration on this item.

Best Regards,
Ron



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 5E. Approval of Washburn County, WI
ARMER Interoperability Plan
Presenter: Fredrick

RECOMMENDATION

The Radio Technical Operations Committee recommends the approval of the Washburn County, WI plan to become an Interoperability ARMER participant.

BACKGROUND

The State of Minnesota has approved interoperability participation plans for several bordering counties and agencies to Minnesota. As defined by SECB Standard LMR-41, "Requesting Participation and Participation Plan Changes," ARMER Interoperability participants utilize another service for their day-to-day operations. Washburn County, WI is located in northwest Wisconsin and is near the eastern Minnesota border.

ISSUES & CONCERNS

Washburn County, WI is seeking interoperability participation to allow for Land Mobile Radio (LMR) communications during expanding incidents. The County's plan is presented as a way for communications to occur smoothly when Minnesota resources may be called in for assistance. Recently Washburn County has had events and large-scale incidents which required outside assistance. The system administrator from Washington County (MN) has been designated as the local Minnesota system administrator for the plan. The Washburn County plan includes utilizing 20 radios and some telecommunications trailer equipment; no talkgroup or radio IDs are requested at this time.

FINANCIAL IMPACT

None to MESB.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL

ARMER SYSTEM PARTICIPATION REQUEST

Date: 01/29/2021

Requesting Entity: Washburn County, Wisconsin Emergency Management

Entity Type: Emergency Management

Participation Level: Interoperability

Area of Operation: Northeast Minnesota Emergency Communications Board (ECB) Region
and
Metro Minnesota Emergency Communications Board (ECB) Region

Section 1: Overview

WASHBURN COUNTY EMERGENCY MANAGEMENT is a recognized public safety entity that has a regional communication team that serves Northwest Wisconsin with trained COML, COMT, INTD, and logistics personnel for expanding incidents. Included in the counties we serve are several border counties with Minnesota.

WASHBURN COUNTY EMERGENCY MANAGEMENT is seeking ARMER system interoperability plan participant status to achieve interoperable Land Mobile Radio (LMR) communications with Minnesota public safety agencies that operate within the Northeast and Metro Minnesota Emergency Communications Board (ECB) regions.

Section 2: ARMER System Participation Eligibility

As a public safety service provider, WASHBURN COUNTY EMERGENCY MANAGEMENT is eligible to utilize the ARMER system for interoperable LMR communication purposes under Statewide Emergency Communications Board (SECB) Standard 1.10.0 (Requesting Participation and Participation Plan Changes).

Section 3: Governance

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will:

- Not utilize ARMER system equipment and resources until this plan has been approved by the SECB and a fully executed agreement with the contracting entity (Minnesota Department of Transportation) has been completed.
- Engage in regular communication and interaction with representatives from the SECB, the Northeast/Metro Minnesota ECBs, the Minnesota Department of Public Safety, division of Emergency Communication Networks (MN DPS-ECN), and the contracting entity regarding matters related to ARMER system interoperability and their participation status.
- Seek the approval of the SECB, the Northeast/Metro Minnesota ECBs, MN DPS-ECN, and/or the contracting entity prior to making any changes to the provisions of this plan.

Section 4: Standard Operating Procedures

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will not utilize ARMER system equipment and resources until such time as they have developed internal standard operating procedures (SOPs) governing the use of ARMER system equipment and resources in situations requiring interoperable LMR communications with Minnesota public safety agencies. These SOPs will be consistent with established best practices governing the use of ARMER system equipment and resources by interoperability plan participants.

Section 5: Technology - ARMER System Equipment (Subscriber)

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will furnish the following subscriber equipment to support their access to the ARMER system:

Quantity	Equipment	Assignment
1	Motorola APX8000 Portable	COML/COMT/INTDs
1	Motorola APX7000 Portable	COML/COMT/INTDs
5	Motorola XTL-2500 Mobiles	COML/COMT/INTDs & Comm Trailer
4	Motorola XTL-5000 Mobiles	COML/COMT/INTDs & Comm Trailer
2	Motorola XTS-2500 Portable	COML/COMT/INTDs

WASHBURN COUNTY EMERGENCY MANAGEMENT will be responsible for all initial and ongoing costs associated with the purchase, configuration, security, and maintenance of equipment necessary to operate on the ARMER system. This equipment will be maintained in accordance with applicable SECB Standards and Equipment Specifications.

Section 6: Technology - ARMER System Radio User IDs

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT is requesting the following quantity of ARMER system radio user IDs to support their access to the ARMER system:

Quantity	Assignment
13	Current Needs
7	Projected Future Needs (replacing VHF to dual band mobiles)

TOTAL ARMER System Radio User IDs Requested = 20

Section 7: Technology - ARMER System Talkgroups/Channels

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will utilize the ARMER system talkgroup/channel resources noted in 'Attachment A' to achieve interoperable LMR communications with Minnesota public safety agencies.

Notes:

- Permissions to utilize the ARMER system talkgroup/channel resources noted in 'Attachment A' will be obtained by submitting an 'ARMER System Talkgroup Authorization Request' form to the appropriate entity.

- Additional ARMER system talkgroup/channel authorizations may be sought and obtained through controlling authorities such as individual cities, counties, and other entities authorized to grant these permissions. These authorizations will be obtained as prescribed by applicable SECB Standards.
- As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT is not authorized to create and/or utilize any ARMER system talkgroups/channels that are specific to their organization/entity.
- Usage of ARMER system talkgroup/channel resources will be limited to areas within the geographic boundaries of the State of Minnesota.
- At this time, WASHBURN COUNTY EMERGENCY MANAGEMENT is capable and prepared to utilize encrypted ARMER system interop talkgroups upon approval from regional or state authorities.

Section 8: Technology - ARMER System Equipment (Other)

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will furnish the following other equipment to support their access to the ARMER system:

Quantity	Equipment	Assignment
1	JPS Interoperability Solutions ACU-1000	Communications Trailer
1	JPS Interoperability Solutions ACU-1000	Portable Interop Gateway Box
1	Midian IS-2 Interoperability Gateway	Communications Trailer - Dedicated VHF to 800mhz Patch
1	Motorola APX JPS Interoperability Cable	Communications Trailer

Note: Washburn County will not patch encrypted resources per ARMER standards.

WASHBURN COUNTY EMERGENCY MANAGEMENT will be responsible for all initial and ongoing costs associated with the purchase, configuration, security, and maintenance of equipment necessary to operate on the ARMER system. This equipment will be maintained in accordance with applicable SECB Standards and Equipment Specifications.

Section 9: Technology - ARMER System Loading and Other Adverse Impacts

At this time, there are no known or anticipated system loading or other adverse impacts on ARMER system performance associated with WASHBURN COUNTY EMERGENCY MANAGEMENT operating as an ARMER system interoperability plan participant.

Representatives from WASHBURN COUNTY EMERGENCY MANAGEMENT will collaborate with the SECB, the contracting entity, and any other impacted party to identify and mitigate any system loading and/or other adverse impacts on ARMER system performance that their participation as an ARMER system interoperability plan participant may create.

Section 10: ARMER System Training

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will:

- Not utilize ARMER system equipment and resources until such time as they have been provided appropriate training as required by applicable SECB Standards.
- Participate in regular training and exercise activities with Minnesota public safety agencies to ensure that they remain proficient in the operation of the equipment and resources used to access the ARMER system.

Section 11: ARMER System Usage

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT will not utilize ARMER system equipment and resources for any purposes other than achieving interoperable LMR communications with Minnesota public safety agencies involved in emergency and disaster response operations.

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT is not authorized to utilize the ARMER system for internal day-to-day, administrative, and non-emergency communications purposes, except where otherwise approved by the SECB.

Section 12: Point of Contact (Technical Services)

Washburn County

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT has designated the following individual(s)/entity(s) to serve as the technical services point of contact for matters related to public safety LMR communications. This individual/entity will meet the requirements of SECB Standard 1.11.01 (System Administrators Definition) and will be responsible for addressing any technical issues related to the configuration, deployment, and maintenance of the ARMER system equipment and resources described herein.

Tucker McCumber
Radio Tech / Field Comm Coordinator
Washburn County Emergency Mgmt
421 Highway 63
Shell Lake, WI 54871

Telephone: (715) 416-2791
E-Mail: tmccumbe@co.washburn.wi.us

Local Minnesota System Administrator

The following individual/agency will serve as the ARMER System Manager for WASHBURN COUNTY EMERGENCY MANAGEMENT and will be responsible for system record creation/maintenance, disabling radios, and reporting:

Nate Timm
Radio System Manager
Washington County Sheriff's Office
15015 62nd St North, Stillwater, MN 55082
Telephone: O: 651-430-7863 M: 651-764-5185
E Mail: Nate.Timm@co.washington.mn.us

Section 13: Point of Contact (Administrative)

As an ARMER system interoperability plan participant, WASHBURN COUNTY EMERGENCY MANAGEMENT have designated the following individual(s) to serve as their administrative point of contact for matters related to their usage of ARMER system equipment and resources:

Carol Buck
Emergency Management Director
Washburn County Emergency Mgmt
421 Highway 63
Shell Lake, WI 54871

Telephone: (715) 468-4730

E-Mail: cbuck@co.washburn.wi.us

Section 14: Plan Submittal

Submitted by WASHBURN COUNTY EMERGENCY MANAGEMENT on the 29th day of January, 2021.

Carol Buck, Washburn County Emergency Management (Designated Agency Administrator Signature)

Attachment A: Requested ARMER System Interoperability Talkgroups/Channels

MN Statewide Public Safety	Northeast MN Regional	Metro MN Region	National 800 MHz	700 MHz ARMER Conventional	700 MHz ARMER Conventional Encrypted	800 MHz ARMER Conventional
STAC-1	NE CALL	ME TAC 1	8CALL90	7SOA-1	7SOA-1E	8SOA-1
STAC-2	NE-2	ME TAC 2	8TAC91	7SOA-2	7SOA-2E	8SOA-2
STAC-3	NE-3	ME TAC 3	8TAC92	7SOA-3	7SOA-3E	8SOA-3
STAC-4	NE-4	ME TAC 4	8TAC93	7SOA-4	7SOA-4E	8SOA-4
STAC-5	NE-5	ME TAC 5	8TAC94	7SOA-5	7SOA-5E	FSOA-1
STAC-6	NE-6	ME TAC 6	8CALL90D	7SOA-6	7SOA-6E	FSOA-2
STAC-7	NE-7	ME TAC 7	8TAC91D	7SOA-7	7SOA-7E	---
STAC-8	NE-8	ME TAC 8	8TAC92D	7SOA-8	7SOA-8E	---
STAC-9	NE-9	ME TAC 9	8TAC93D	7SOA-9	7SOA-9E	---
STAC-10	NE-10	ME TAC 10	8TAC94D	7SOA-10	7SOA-10E	---
STAC-11	NE-11	---	---	7SOA-11	7SOA-11E	---
STAC-12	NE-12	---	---	7SOA-12	7SOA-12E	---
STAC-13E	WISMIN-1	---	---	---	---	---
STAC-14E	WISMIN-2	---	---	---	---	---
MN-COML	NE EM TAC	---	---	---	---	---
MSP CALL	---	---	---	---	---	---



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 5F. Acceptance of FY2021 T-CPR Grant
Presenter: Fredrick/Eggimann

RECOMMENDATION

Staff recommend the Board accept the 2021 Telephone Cardiopulmonary Resuscitation (T-CPR) Grant to the MESB.

BACKGROUND

Minnesota State Statute 403.03 (2) requires all Public Safety Answering Points (PSAPs) to implement a telephone cardiopulmonary resuscitation program no later than July 1, 2021. Funding for training telecommunicators was approved by the Legislature when the T-CPR requirement was passed. ECN decided to provide this funding via a grant process.

The SECB NG 9-1-1 Committee recommends that the PSAPs utilize one of the following training options to achieve compliance with the T-CPR provisions of Minnesota State Statute 403.03:

- Option #1: T-CPR Protocols (Virtual Academy) - \$49 per student
- Option #2: T-CPR Protocols (PowerPhone) - \$329 per student
- Option #3: T-CPR Recognition (IAED) - \$99 per student
- Option #4: Emergency Medical Dispatcher (EMD) Certification (PowerPhone)
 - \$399 per student (1-3 students), \$359 per student (4-7 students), \$329 per student (7+ students)
- Option #5: Emergency Medical Dispatcher (EMD) Certification (APCO)
 - \$439 per student, \$419 per student (APCO member)
- Option #6: Emergency Medical Dispatcher (EMD) Certification (IAED) - \$365 per student

ISSUES & CONCERNS

The specific dollar amount allocated to the MESB will be determined by what type of training each PSAP needs to comply with the legislation, as noted above. The MESB requested approximately \$40,000.00 in grant assistance for all partner entities to become compliant with the program.

Funds must be spent and financial statement reports (FSR) submitted to ECN no later than June 30, 2021.

FINANCIAL IMPACT

None to MESB, other than staff time to administer the grant.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 6A. Ratification of Award of RFP for
Telecommunicator Resiliency Training
Presenter: Eggimann

RECOMMENDATION

The Executive Committee recommends the Board ratify the Executive Committee's action which approved and authorized the Chair to execute an agreement awarding the RFP for Telecommunicator Resiliency Training to the sole respondent.

BACKGROUND

In late 2017, the Board approved a list of regional funding priorities for 2018 which included resiliency training for telecommunicators, which was identified by the 9-1-1 TOC as a high priority project. In spring 2018, an RFP for this training was issued; no responses were received and the grant funds were allocated to a different project. At industry conferences that year, staff discussed this project with a couple of training vendors.

ISSUES & CONCERNS

Staff once again listed this project as a high priority for the current Statewide Emergency Communications Board (SECB) grant funds. An RFP was issued in December 2020, with a due date of January 22, 2021. One response was received by one of the vendors with which staff discussed the project in the summer of 2018.

Staff and a group of PSAP managers in the region have reviewed the response and found that it meets the region's needs.

At the February 10, 2021 Executive Committee meeting, the Committee approved the RFP award pursuant to Article III, Section 1 of the MESB bylaws, which states:

The Executive Committee shall have the authority to authorize the Chair to sign any contracts which require approval prior to the holding of a Board meeting; provided that said approval is subject to ratification by the Board, and provided that the full membership of the Board is notified prior to any meeting at which the Executive Committee authorizes the Chair to sign a contract.

The SECB grant terminates on June 30, 2021, which currently only allows for four and a half months to complete the training; waiting until the March Board meeting for approval to enter a contract puts further time restrictions on an already small window to complete this project. The

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 6A. Ratification of Award of RFP for
Telecommunicator Resiliency Training
Presenter: Eggimann

entire Board received the Executive Committee meeting notice, where it was stated that this clause of the bylaws would be enacted.

FINANCIAL IMPACT

All costs for this project will be reimbursed by the grant, absent the charge to advertise the RFP in the State Register and staff time to administer the grant. However, the timeline to accomplish this project is quite fast due to grant deadlines.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL



METROPOLITAN EMERGENCY SERVICES BOARD

REQUEST FOR PROPOSALS (RFP)

**Comprehensive Stress Management Program Development
to Increase 9-1-1 Telecommunicator Mental and Emotional
Resiliency**

DUE DATE:
January 22, 2021

ISSUED BY:
METROPOLITAN EMERGENCY SERVICES BOARD

The Metropolitan Emergency Services Board (MESB) is soliciting proposals from qualified independent contractors to research and develop a Comprehensive Stress Management Program (CSMP) that can be implemented by 9-1-1 emergency communications centers (ECC) within the 10-county Minneapolis/St. Paul metropolitan region to reduce the impact of acute, traumatic, and chronic stress on the 9-1-1 telecommunicators. Implementation of the CSMP developed under this RFP may become the basis for additional request for proposals in future years, contingent on grant fund availability and 9-1-1 ECC participation.

Additional information about the MESB and the metro region 9-1-1 system may be found at www.mn-mesb.org

Scope of work:

Proposals should include the resources necessary to prepare the following deliverables, and may include additional deliverables you feel are necessary to the success of the project:

1. A white paper explaining the project methodology and benefits of an intentional and comprehensive approach to dealing with the impact of stress in the 9-1-1 ECC work environment. The intended audience for this paper is elected officials, policy makers, and 9-1-1 ECC managers.
2. Conducting a train-the-trainer course¹ for 9-1-1 ECC training staff that includes, but is not limited to:
 - a. The nature of stress, stress disorders (acute, traumatic, and chronic), and the mental and physical health impacts of unmanaged stress
 - b. Exposure to the above stress types specifically within the 9-1-1 ECC work environment
 - c. Examples of the negative impacts of traditional military denial of traumatic stress on personal health and work performance and the importance of supporting and personally embracing proactive stress management
 - d. Education on coping skills and strategies including therapeutic lifestyle changes
 - e. Utilization of the specific skills activating the relaxation response including progressive muscle relaxation, diaphragmatic and coherence breathing, and imagery/ visualization
 - f. Principles and skills for management of emotion and thinking under duress
 - g. Principles and skills for effective communication and conflict resolution within the 9-1-1 ECC work environment
3. Identification of or development of on-site 9-1-1 ECC educational materials and resources about stress related risks, information about available local and online resources to manage stress including traumatic stress disorders, chronic stress, and related health problems. Information on role of nutrition, exercise, and sleep in prevention of stress disorders and stress-related diseases.
4. Development of sample 9-1-1 ECC policies establishing procedures assuring participation of 9-1-1 ECC personnel in Critical Incident Stress Management (CISM) activities including debriefing sessions when involved in traumatic call events.

¹ National Emergency Number Association (NENA) Standard on 9-1-1 Acute/Traumatic and Chronic Stress Management, NENA-STA-002.1-2013

5. Identify local therapists specializing in treatment of stress and traumatic stress disorders who utilize evidence-based therapies recognized by the Department of Defense and the Veterans Administration to be effective in the treatment of PTSD.
6. Provide guidance on how to establish local or regional 9-1-1 ECC peer support programs utilizing ECC staff who are trained to provide confidential emotional support upon request of a telecommunicator without administering advice or solutions. The MESB recognizes that peer support is not a substitute for professional counseling but serves to defuse stress and staff conflicts while encouraging people to move toward responsible solutions and professional therapy assistance as needed.
7. Implementation timeline and identifiable milestones for the proposed CSMP development and training.
 - a. A breakdown of development costs per CSMP component sufficient to allow the MESB to prioritize component development dependent on available grant funding.
 - b. Identify your expectations for the MESB and the metro 9-1-1 ECC staff in the preparation and completion of the proposed CSMP and resource material.
8. Include optional pricing for ongoing support or coaching for the staff responsible for the CSMP at each ECC and ECC training material development for a period not to exceed five years from the date of contract.
9. Include training options that would address the possible limitation of face-to-face, in person training dependent on the pandemic health safety guidelines in place at the time of the desired training.

Submission Requirements:

1. Submissions will be accepted by email only. Submissions must be sent to Jill Rohret, Executive Director at jrohret@mn-mesb.org.
2. Experience of you or your organization in relation to other acute, traumatic, and/or chronic stress management programs in a workplace environment.
3. Identity and qualifications of the person, or persons, your organization would assign to the project.
4. A project timeline from the contract award to the presentation to the MESB of your draft CSMP, as well as an estimate on conducting the 9-1-1 ECC train-the-trainer in the use of the CSMP. The project must be complete and invoiced by May 31, 2021.
5. A list of three references from similar projects.
6. Known potential conflicts, if any.
7. Submissions shall not exceed ten pages.
8. Project pricing
 - a. Pricing options for portions of the project in case the total project cost proposed exceeds the amount of grant money available.
 - b. Pricing information should be submitted in a separate file from the proposal.

Selection Process:

The final decision of the selection of the person or organization to prepare the specified CSMP deliverables will be made by the Metropolitan Emergency Services Board, with recommendations from the MESB 9-1-1 Technical Operations Committee. The final agreement will be in the form of a written contract between the person or successful organization and the MESB. The MESB reserves the right to reject any, or all, proposals, and to request additional information from all proposers.

All questions and correspondence should be directed to Jill Rohret, Executive Director, in writing at jrohret@mn-mesb.org or via telephone at (651) 643-8394. Contact with MESB personnel other than Jill Rohret regarding this RFP may be grounds for elimination from the selection process.

Proposals are due by 4:00 p.m. on Friday, January 22, 2021, delivered via email to:
jrohret@mn-mesb.org.

PUBLIC DATA

Proposals submitted become a matter of public record. Information supplied by any proposer is subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Sections 13.01 et seq.

Public Record: Under Minnesota law, data submitted by a business to a government entity in response to a request for proposal are private and nonpublic until the responses are opened. Once the responses are opened, the name of the proposer becomes public. All other data in a proposer's response to a request for proposal are private or nonpublic data until completion of the evaluation process. Completion of the evaluation process means that the government entity has completed negotiating the contract with the selected proposer. After a government entity has completed the evaluation process, all remaining data submitted by all proposers are public except for trade secret data as defined and classified in Minn. Stat. Section 13.37. A statement by a proposer that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the response if such data does not qualify as trade secret data.



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date:

March 10, 2021

Agenda Item:

**6B. Approval of Authority to Execute
9-1-1 Traffic Delivery Agreements**

Presenter:

Eggimann

RECOMMENDATION

Staff recommend the Board approve the use of the 9-1-1 Traffic Delivery Agreement to be executed between the originating telecommunications service providers (OSPs), Inteliquent, the Emergency Communications Network Division (ECN), and the MESB as part of the OSP connection process to the NG9-1-1 system in Minnesota, and to authorize the Chair or Executive Director to execute the agreements without bringing each to the Board for approval.

BACKGROUND

The MESB continues to work with ECN to transition 9-1-1 service from legacy E9-1-1 systems and processes toward a fully NG9-1-1 standard-compliant system. The MESB and ECN have contracted with Inteliquent to provide the NG9-1-1 system interconnection points for the telephone companies, wireless carriers, and the VoIP telecommunications service providers. In addition, Inteliquent will perform the protocol conversions necessary to deliver all 9-1-1 calls in the standard NG9-1-1 format to the NG9-1-1 core services vendor once that contract is in place.

ISSUES & CONCERNS

The 9-1-1 Traffic Delivery Agreement will function much like a memorandum of understanding which itemizes the requirements and expectations of all parties involved in the agreement related to the connectivity and delivery of 9-1-1 calls to the state and metro area NG9-1-1 system. The agreement includes the relevant MESB network and database standard requirements for the OSPs that operate in the metropolitan region. This is not a contract for services in that no money is exchanged between the parties to the agreement. As such there is no cost to the MESB as a party to the agreement.

Because this will be the standard agreement with all the OSPs providing service in the metro area, staff recommend that the Board Chair or Executive Director be authorized to sign these agreements on behalf of the Board, rather than bringing each individual agreement before the Board for approval. Staff estimates there will be approximately 50 agreements for the metro region.

As of this writing, MESB Board Counsel reviewed the agreement and offered changes, which have been sent back to ECN and Inteliquent for review. If available prior to the Board meeting, an updated agreement will be provided to the Board.

FINANCIAL IMPACT

None to the MESB.

MOTION BY:

SECONDED BY:

MOTION:

PASS/FAIL

9-1-1 Traffic Delivery Agreement

This 9-1-1 Traffic Delivery Agreement (this “Agreement”) is made effective as of _____ (“Effective Date”) by and between Onvoy, LLC d/b/a Inteliquent (“Inteliquent”), with a principal place of business at 550 West Adams Street, Suite 900, Chicago, IL 60661, as the designated Next Generation 9-1-1 Call Aggregation Provider in Minnesota (the “NG-1-1 Call Aggregation Provider”) and agent of the Emergency Communication Networks (“ECN”) and Metropolitan Emergency Services Board (“MESB”), collectively the “9-1-1 Authority”, and _____ (“OSP”), with its principal place of business at _____ (individually, a “Party” and collectively the “Parties”).

In consideration of the mutual obligations set forth below, intending to be legally bound, the Parties agree as follows:

1. Definitions

- a. “9-1-1” means a three-digit telephone number to facilitate the reporting of an emergency situation requiring a response by a public safety agency.
- b. “9-1-1 Call Data” means information related to 9-1-1 calls, including, at a minimum, caller location (civic address and/or geodetic), callback number, caller information, class of service, and NENA company ID. 9-1-1 call data is typically stored in datasets of potential 9-1-1 call location and related information that would be delivered to the 9-1-1 telecommunicator at the time of the 9-1-1 call.
- c. “9-1-1 Traffic” means any call originating from a subscriber or customer of OSP dialing the three digits 9-1-1 that originates and terminates within the State of Minnesota, and that OSP delivers such call to a POI.
- d. “Applicable Law” means all current and future federal, state, and local laws, rules, and regulations governing Basic 9-1-1, Enhanced 9-1-1, and Next Generation 9-1-1 services (collectively, “9-1-1 Services”), including, but not limited to, the rules of the Federal Communications Commission (“FCC”) that address reliability, redundancy and continuity of 9-1-1 Services.
- e. “Demarcation Points” means the (1) TDM POIs and (2) SIP POIs available to OSP as documented in the State of MN NG9-1-1 OSP Interconnection Guide.
- f. “State of MN NG9-1-1 OSP Interconnection Guide” means the separate document provided by Inteliquent that describes and governs OSP interconnection to 9-1-1 Services, including but not limited to the locations and relevant details of POIs, as well as the interfaces available to OSP. Inteliquent may revise the State of MN NG9-1-1 OSP Interconnection Guide from time to time. Inteliquent will provide written notice of any revisions that materially impact OSP.
- g. Points of Interconnection (“POI”) means a physical demarcation between OSP’s network and Inteliquent’s network. OSP will use the POI to interface with and deliver 9-1-1 Traffic via TDM or SIP. Inteliquent will document the locations of the POIs in the State of MN NG9-1-1 OSP Interconnection Guide.
- h. Public Safety Answering Point (“PSAP”) means a facility in the State of Minnesota equipped and staffed to receive 9-1-1 Traffic.
- i. Session Initiation Protocol (“SIP”) means the protocol specified by the IETF (RFC3261) that defines a method for establishing multimedia sessions over the Internet. Used as the call signaling protocol in VoIP, NENA i2 and NENA i3.
- j. Signaling System #7 (“SS7”) means an out-of-band signaling system used to provide basic routing information and call management functions. Signaling is removed from the voice channel itself and put on a separate data network.
- k. “TDM” means Time-division multiplexing interconnectivity using Signaling System 7 (SS7)

2. Scope of Agreement. OSP provides telecommunications services, which includes the provision of 9-1-1 Services to its end user customers in accordance with Applicable Law. Under this Agreement, OSP will route its 9-1-1 Traffic to Inteliquent. Inteliquent will then deliver the 9-1-1 Traffic to the appropriate 9-1-1 delivery point.

3. Interconnection Arrangements. At its sole cost and expense, OSP will interconnect to a minimum of two diverse Demarcation Points for the routing of 9-1-1 Traffic utilizing either Direct Interconnection or Indirect Interconnection (each as defined below) arrangements as set forth in this Agreement and in accordance with the State of MN NG9-1-1 OSP Interconnection Guide.

OSP shall establish and maintain physically diverse interconnection trunks from its switching facilities to a minimum of two diverse Demarcation Points for the routing of 9-1-1 Traffic, and shall be responsible for ensuring that these trunks are properly tested and operational at all times. Physical diversity must be annually reviewed, confirmed, and documented. Documentation shall be provided to the State upon request. OSP shall also be responsible for monitoring growth of its subscribers and to ensure that new geographic areas it may serve have access to Demarcation Points from OSP’s switching facilities with an appropriate amount of capacity. OSP is responsible for maintaining trunk capacity at a P.01 grade of

Confidential

service, reviewed and documented annually, with documentation provided to the State upon request. All facilities used for 9-1-1 must be tagged or otherwise identified within the OSP network to prevent inadvertent removal from service during maintenance events.

In its role as the NG9-1-1 Call Aggregation Provider in Minnesota, after Inteliquent receives 9-1-1 Traffic at the Demarcation Points at which Inteliquent and the OSP have interconnected, Inteliquent shall route the 9-1-1 Traffic to the appropriate delivery point as defined by the 9-1-1 Authority. The 9-1-1 Authority, or its designee, will then route calls to the proper PSAP.

- a. Direct Interconnection. “Direct Interconnection” means when OSP provides its own facilities or obtains facilities from a third party to directly interconnect its switching facilities with Demarcation Points for the transport and delivery of 9-1-1 Traffic. One-way direct trunk group(s) for 9-1-1 Traffic will be established between OSP’s switching facilities and the Demarcation Points.

Orders between the Parties to establish, add, change or disconnect trunks shall be processed in accordance with the State of MN NG9-1-1 OSP Interconnection Guide. Both Parties will jointly manage the capacity of interconnection trunk groups. Either Party may send a request to the other Party to trigger changes to the interconnection trunk groups based on capacity assessments. The Parties agree that neither Party may alter trunk sizing without first conferring with and obtaining the consent of the other Party in writing (email is sufficient).

Nothing in this Agreement shall limit either Party's ability to upgrade its network through the incorporation of new equipment, new software or otherwise. Each Party agrees to provide reasonable notice of changes necessary for the transmittal and routing of 9-1-1 Traffic using facilities or networks, as well as other changes that affect the interoperability of those respective facilities or networks.

- b. Indirect Interconnection. “Indirect Interconnection” means when OSP transports and routes its 9-1-1 Traffic to Inteliquent through a third-party Gateway provider, to which both Parties’ networks are interconnected, directly or indirectly (“Gateway Provider”). OSP shall be responsible for delivering its 9-1-1 Traffic to the Gateway Provider and for ensuring that it establishes and maintains diverse interconnection facilities to each Gateway Provider that it uses to deliver its 9-1-1 Traffic to Inteliquent. Gateway Provider shall be responsible for ensuring that it establishes and maintains diverse interconnection facilities between the Gateway Provider and Inteliquent.
- c. Method of Interconnection. When using Direct Interconnection, Inteliquent and OSP agree to connect their networks using TDM SS7 and/or SIP interconnections. The Parties agree to cooperate in establishing configuration and setting parameters. This provision shall not be construed to require either Party to convert its networks to SS7 or IP.
- d. Support. OSP is responsible for the isolation, coordination, and restoration of all issues and maintenance events between the OSPs switching facilities and the Demarcation Points. The Parties agree to work cooperatively and expeditiously to resolve any outage impacting 9-1-1 Traffic.

OSP will be provided the option of reporting issues to the Inteliquent NOC using either phone, email or web portal. OSP shall report issues to the Inteliquent NOC in accordance with the State of MN NG9-1-1 OSP Interconnection Guide.

Support will be provided by Inteliquent to any OSP using Direct Interconnection. Inteliquent is not responsible for primary support or direct end-user support for any issues relating to OSP provided equipment. OSP is responsible for providing support to its end-users, customers and stakeholders.

OSP scheduled maintenance events that may potentially impact 9-1-1 Traffic will be reported by OSP to Inteliquent at least 72 hours in advance of event start time.

- e. 9-1-1 Database.
Regarding 9-1-1 call data, the OSP agrees to:
- Comply with applicable law, as well as 9-1-1 industry standards and best practices, regarding 9-1-1 call data content and maintenance.
 - Provide, through appropriate methods, 9-1-1 call data for all traffic delivered over OSP’s interconnection to the 9-1-1 system. No more than 0.5 percent of all calls received over the OSP’s interconnection to the 9-1-1 system will have no location and/or other 9-1-1 call data (e.g. No Record Found).

- Update 9-1-1 call data to maintain accurate information for the 9-1-1 telecommunicator at the time of the call. As applicable to the OSP's method of 9-1-1 call data delivery, updates may occur at the time of the subscriber's service initiation and/or change, 9-1-1 call initiation, or PSAP-initiated location rebid request.
- Provide call location as a valid civic address, a geodetic location, or both.
- Validate 9-1-1 civic address locations against the Minnesota 9-1-1 system authoritative location data and provide confirmation of compliance upon request. The authoritative location data to be utilized is the current Master Street Address Guide (MSAG), GIS-derived MSAG, or Location Validation Function (LVF) maintained by Minnesota 9-1-1 Authorities.
- Validate civic address locations against the 9-1-1 system's authoritative data upon placement into a legacy ALI database, Location Data Base (LDB), VoIP Positioning Center (VPC), or Location Information Server (LIS), as applicable, and re-validate against the 9-1-1 system's authoritative data whenever the location is changed or updated.
- Resolve any errors identified from 9-1-1 civic address validation or location database processing without undue delay.
- After a reasonable internal review, refer any valid 9-1-1 civic addresses the OSP believes to be missing from or inaccurate in the 9-1-1 system's authoritative location data to the appropriate Minnesota 9-1-1 Authority for resolution.
- Periodically revalidate OSP's 9-1-1 call data against source records and the Minnesota authoritative location data and appropriately resolve all anomalies. The minimum frequency for revalidation of legacy ALI and LDB data records is at least annually, and for VPC and LIS data records, at least every 60-90 days.
- Investigate and resolve, without undue delay, any 9-1-1 call related location, callback number, or subscriber name discrepancies reported to the OSP.
- Correct any civic addresses identified by 9-1-1 and/or Addressing Authorities as needing update (e.g. due to annexations, street renaming, PSAP data audits, etc.)
- Provide a mechanism for validation and reporting to Minnesota 9-1-1 Authorities that the OSP's data errors and anomalies have been corrected and will not reoccur.
- Monitor the quality of OSP's 9-1-1 call data and cooperate with Minnesota 9-1-1 Authorities for proactive quality assurance efforts, allowing reasonable access and visibility to OSP's data as needed to perform those functions.
- Provide the name and contact information for the OSP's point of contact for investigating and resolving 9-1-1 data errors and discrepancies, notifying Minnesota 9-1-1 Authorities should this change.

f. 9-1-1 Network:

Regarding the 9-1-1 network, the OSP agrees:

- To provide a network diagram depicting the OSP's interconnection to the Inteliquent POIs that identifies the demarcation points, type of facilities used, the number of trunks or bandwidth for each link, and the default PSAP assignments. The OSP agrees to update the diagram whenever changes are made and to review the diagram for accuracy annually. When an OSP chooses Indirect Interconnection and utilizes a third-party aggregator to provide the connectivity to the MN 9-1-1 system, the OSP must provide an interconnection network diagram to the aggregator. Third-party aggregators must provide network diagrams to Inteliquent for all OSPs delivering calls for customers located in MN through the aggregator's network. To identify their network facilities with sufficient detail to permit the 9-1-1 Authority to request Telecommunications Service Priority (TSP) codes to be assigned to a minimum of one circuit or link for each OSP.
- To comply, as a condition of using the Indirect Connection option, with the same requirements as if they were utilizing the Direct Connection option. Third-party aggregators providing 9-1-1 system connectivity for OSPs serving customers in MN agree, as a condition of being allowed to connect to the MN 9-1-1 system, that their OSP customers have been made aware of, and agree to, the provisions of the MN ICA with Inteliquent.
- To provide default PSAP assignments on all OSP trunk groups to Inteliquent and the 9-1-1 Authority for approval as a condition of connection to the MN 9-1-1 system. The OSP must compare the default PSAP assignments to actual customer concentrations within the serving area of the trunk group on an annual basis and report the results to Inteliquent for review by the 9-1-1 Authority. The PSAP serving the highest concentration of customers should be assigned as the default PSAP.

- To report to Inteliquent within 30 minutes of detection any outage or significant degradation in service that negatively affects the ability of the OSP's customers to originate and complete 9-1-1 calls (e.g. originating switch issues or isolations, facility outages, system components affecting the OSP's interconnection with Inteliquent, etc.)
 - To submit alternate routing plans for 9-1-1 calls to Inteliquent and the 9-1-1 Authority for approval as a condition of connection to the MN 9-1-1 system.
 - To maintain a 24x7x365 9-1-1 trouble reporting number for use by Inteliquent, the 9-1-1 Authority or its designates, or the PSAPs in MN when a 9-1-1 issue is identified involving the OSP's service.
 - To assist and collaborate with Inteliquent and the 9-1-1 Authority, or its designee(s), in the capture, configuration, and refinement of alarm and log data that will be used to reflect overall NG9-1-1 System health and performance.
 - To provide a plan for how the OSP supports their customer's multiline telephone service (MLTS) to enable customer compliance with MN statutes 403.15 regarding the delivery of accurate caller location and callback numbers when 9-1-1 calls are placed from the OSP customer's MLTS. The plan must include notification to the customer of the 9-1-1 requirements for MLTS owners serving users in MN.
4. Compensation. Neither Party will charge the other Party any amounts under this Agreement.
5. Business Records. Each Party is responsible for the accuracy of its data as submitted to the other Party.
6. Term and Termination. This Agreement shall commence on the Effective Date and shall terminate on August 31, 2023 ("Minimum Service Term"). Either Party shall have the right to terminate this Agreement with 60 days' written notice, or 30 days' notice in the event the termination is for cause. In the event either Party provides written notice of termination for cause (which means a failure to perform a material term of this Agreement), the Party receiving such written notice will have 30 days after receipt of such notice to cure any such cause for termination. If such cause for termination is not cured within the 30 day period, this Agreement will terminate.

This Agreement shall automatically renew for successive one-year periods (each a "Renewal Term") unless a Party provides written notice of termination at least 60 days prior to the end of the Minimum Service Term or any Renewal Term. In the event of any expiration or termination of this Agreement, OSP shall not block local traffic or ISP traffic except in accordance with Applicable Law. Notwithstanding anything else in this Agreement, during the pendency of any dispute and/or negotiations concerning the subject matter of this Agreement, neither Party shall discontinue or interrupt the exchange of 9-1-1 Traffic or the provision of any services under this Agreement.

This Agreement will immediately terminate in the event Inteliquent is ceases to serve as the NG9-1-1 Call Aggregation Provider.

7. Limitation of Liability. NEITHER PARTY NOR ITS AFFILIATES, OFFICERS, DIRECTORS, EMPLOYEES, AGENTS OR ASSIGNS, WILL BE LIABLE TO THE OTHER OR ANY THIRD PARTY, INCLUDING ANY CUSTOMERS OR END USERS, FOR ANY SPECIAL, INCIDENTAL, PUNITIVE, CONSEQUENTIAL OR OTHER INDIRECT DAMAGES, OR FOR ANY LOST PROFITS, LOSS OF BUSINESS OR ANY OTHER PECUNIARY LOSS, ARISING IN ANY WAY OUT OF OR UNDER THIS AGREEMENT, WHETHER IN TORT, CONTRACT OR OTHERWISE, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

IF INTELIENT IS EVER HELD LIABLE IN RELATION TO THIS AGREEMENT AND WHETHER THE CLAIM IS UNDER CONTRACT, NEGLIGENCE OR ANY OTHER THEORY OF LIABILITY, INTELIENT'S LIABILITY UNDER THIS AGREEMENT IS LIMITED TO PROVEN DIRECT DAMAGES AND WILL NOT EXCEED \$10,000.

8. Indemnification. Each Party (the "Indemnifying Party") shall indemnify and hold harmless the other Party ("Indemnified Party") from and against any loss, cost, claim, liability, damage expense (including reasonable attorney's fees) to third parties, to the extent relating to or arising out of the gross negligence or willful misconduct by the Indemnifying Party, its employees, agents, or contractors in the performance of this Agreement.

In connection with any claim for indemnification, the Indemnified Party will (i) promptly notify the Indemnifying Party in writing of any such claim and grant the Indemnifying Party control of the defense and all related settlement negotiations (using counsel reasonably acceptable to the Indemnified Party), (ii) cooperate with the indemnifying Party, at the Indemnifying Party's expense, in defending or settling such claim and (iii) obtain the indemnified Party's consent of any settlement; provided, however that no consent will be required if any settlement results in the unconditional release of the Indemnified Party and contains no admission of liability. At its own expense, the Indemnified Party may engage counsel to participate in (but not control) the defense of the claim.

9. Force Majeure. Neither Party shall be liable under this Agreement for delays, failures to perform, damages, losses or destruction, or malfunction of any equipment, or any consequence thereof, to the extent caused by any cause beyond that

Party's reasonable control (a "force majeure event"). The Party experiencing the force majeure event shall use reasonable efforts under the circumstances to avoid, limit and remove such causes of nonperformance and shall proceed to perform with reasonable dispatch whenever such causes are removed or cease.

10. Nondisclosure of Confidential Information. Except as provided below, the Parties will not, directly or indirectly, disclose any non-public information concerning the other's business methods, customers or finances, or any other non-public information which is disclosed to it by the other Party in connection with this Agreement, whether or not in writing and whether or not designated as confidential, without the prior written permission of the disclosing Party ("Confidential Information"). Inteliquent will only use personal information disclosed to it hereunder in order to provide the Services. Each Party acknowledges that any breach of its obligations under this Section will cause irreparable harm to the other for which its remedies at law will be inadequate and that, in the event of any such breach, the offended Party will be entitled to injunctive or comparable equitable relief (including without limitation, injunctive relief and specific performance) in addition to other remedies provided hereunder or otherwise available. The receiving Party will only disclose Confidential Information received from the other Party to its employees and contractors who have a need to know and who are bound by confidentiality obligations at least as strict as those contained in this Section. The receiving Party may disclose Confidential Information pursuant to a lawful requirement or request from a court or governmental agency

11. Notices. All notices required under this Agreement will be given in writing and either hand delivered or delivered by a nationally recognized next business day courier, postage paid, to the following addresses:

To Inteliquent:
Inteliquent
550 West Adams Street, Suite 900
Chicago, IL 60661
Attn: Legal Department

To OSP:

Notices will be deemed received on the date of delivery or when delivery is refused. A Party may change its notice address using the notice procedures described in this Section.

12. Miscellaneous. This Agreement shall be binding upon, and inure to the benefit of, the Parties hereto and their respective successors and permitted assigns. Neither this Agreement nor any right or obligation hereunder may be assigned, delegated or otherwise transferred, in whole or part, by either Party without the prior express written consent of the other Party, except that either Party may assign this Agreement without consent to any affiliate or to any party acquiring substantially all of the assets to which this Agreement relates. To the extent any provision of this Agreement shall be found to be invalid or unenforceable, or if any provision of this Agreement is invalidated or modified as a result of any order or finding by the FCC, such offending provision(s) shall be of no effect, and shall not affect the validity of the remainder of this Agreement or any of its provisions, and the Parties shall renegotiate the offending provision(s) to best accomplish the original intentions of the Parties. Nothing contained herein shall constitute the Parties as joint ventures, partners, employees or agents of one another, and neither Party shall have the right or power to bind or obligate the other.

The Parties agree that this Agreement will be governed by, interpreted, and construed in accordance with the laws of the State of Minnesota without regard to choice of law principles. Exclusive venue for any and all actions arising out of or related to this Agreement will be in the federal or state courts located in Hennepin County, Minnesota.

This Agreement, including all Schedules or other exhibits attached hereto or referenced herein, all of which are hereby incorporated by reference, constitute the entire subject matter hereof, and supersede all prior oral or written agreements, representations, statements, negotiations, understandings, proposals, and undertakings with respect to the subject matter thereof. No modification or waiver of any provisions of this Agreement shall be effective unless in writing and signed by both Parties. This Agreement may be executed in counterparts and such counterparts shall together constitute one and the same instrument. Electronic signature, e.g., DocuSign, shall be binding.

AGREED AND ACCEPTED:

Inteliquent, Inc.

OSP

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

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Date: _____

**MN Dept of Public Safety
Emergency Communications Network**

By: _____

Name: _____

Title: _____

Date: _____

Date: _____

(For OSPs serving the 10-County Metro Area)
Metropolitan Emergency Services Board

By: _____

Name: _____

Title: _____

Date: _____



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 6C. Approval of Resolution 2021-01 –
Resolution Advising Against Terminating Requests
For Event-Related Public Information at
Emergency Communications Centers
Presenter: Eggimann

RECOMMENDATION

Staff recommend the Board approve MESB Resolution 2021-01 – Resolution Advising Against Terminating Requests for Event-Related Public Information at Emergency Communications Centers.

BACKGROUND

The Civil Unrest After Action Report/Improvement Plan which was accepted by the Board at its October 29, 2020 meeting identified “agency heads and elected officials repeatedly advised the public to call 9-1-1 for inappropriate reasons (e.g. tip line calls on unlicensed vehicles) which contributed significantly to the spike in 9-1-1 call volume and interfered in the ECC personnel’s ability to receive, classify, prioritize, assess available emergency response resources, and coordinate the emergency response to the incidents as they were reported.”

ISSUES & CONCERNS

With the upcoming trials of the former Minneapolis police officers involved in the death of George Floyd on May 25, 2020, staff at the emergency communications centers across the metro region, are planning for an increased call volume which may occur during the trials.

One method of mitigating some of the calls is to discourage having the public call 9-1-1 for non-emergency events or information, or for having the public report non-emergency information to 9-1-1.

The resolution is intended to advise government officials against telling the public to call 9-1-1 for non-emergency events or information gathering.

FINANCIAL IMPACT

None to the MESB.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL

Metropolitan Emergency Services Board
RESOLUTION 2021-01
RESOLUTION ADVISING AGAINST TERMINATING REQUESTS FOR EVENT-RELATED
PUBLIC INFORMATION AT EMERGENCY COMMUNICATIONS CENTERS

WHEREAS, at its October 29, 2020 meeting, the Metropolitan Emergency Services Board (MESB) accepted the Civil Unrest After Action Review Report related to the civil unrest during May and June 2020 in the metropolitan region; and

WHEREAS, the Civil Unrest After Action Review Report identified citizens reporting suspicious activity which did not require an emergency response to 9-1-1 or telephone numbers which terminated within an emergency communications center in response to public safety agency leadership or elected officials requests for information in the news media which directed the public to call 9-1-1 interfered in emergency communications center staffs' ability to answer and respond to 9-1-1 calls; and

WHEREAS, the primary duties and responsibilities of emergency communication center staff in the emergency response continuum include, but are not limited to, answering the 9-1-1 call, identifying the incident location, classifying the incident type being reported, determining the emergency response appropriate to the incident, prioritizing the incident with other incidents in progress at that time, assessing available emergency response resources, and ongoing coordination of emergency responses to the incidents in progress; and

WHEREAS, diversion of emergency communications center staff from its primary duties and responsibilities increases risk to the safety of citizens and emergency responders; and

WHEREAS, requests for citizens to report information they believe to be related to a specific incident or event by public safety agency or elected officials through the use of social media or news media may result in significant numbers of calls to 9-1-1 which may or may not be useful.

NOW, THEREFORE BE IT RESOLVED, that the Metropolitan Emergency Services Board has determined that requests from governmental officials for citizens to report information related to a specific event or incident announced through social media or the news media must not direct citizens to make non-emergency reports by calling 9-1-1 or to a telephone number that terminates in an emergency communications center, but must include specific information about where and how the citizens are to report their information that will not divert emergency communications staff from its primary duties and responsibilities or negatively impact the emergency response continuum.

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Anderson	_____	_____	_____
Atkins	_____	_____	_____
Beer	_____	_____	_____
Degler	_____	_____	_____
Fahey	_____	_____	_____
Fernando	_____	_____	_____
Gamache	_____	_____	_____
Greene	_____	_____	_____
Hamann-Roland	_____	_____	_____

Johnson, A.	_____	_____	_____
Johnson, W.	_____	_____	_____
LaTondresse	_____	_____	_____
McDonough	_____	_____	_____
Matascastillo	_____	_____	_____
Meisner	_____	_____	_____
Miron	_____	_____	_____
Schmiesing	_____	_____	_____
Wolf	_____	_____	_____



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 7A. Approval and Acceptance of FY2022-23
EMS RB Grants and Budget
Presenter: Robinson

RECOMMENDATION

Staff recommend the Board approve and accept the FY2022-23 of the Emergency Medical Services Regulatory Board (EMS RB) Grants and the budget for the grants.

BACKGROUND

The EMS RB provides two grants to each of the eight (8) EMS regions on a bi-annual basis, the EMS System Support Grant and the EMS Relief Account Grant. The Relief Account Grant provides funds derived from seatbelt fines. The regional EMS grants are authorized in Minnesota Statutes 144E.50.

For fiscal years 2022-2023, the grant period is July 1, 2021 through June 03, 2023.

ISSUES & CONCERNS

In the past, these grants were awarded based on the responses to an EMS RB request for proposal (RFP). For FY 2022-23, the EMS RB has indicated that it will not require an RFP, therefore each region will have to submit a workplan and budget for the upcoming grant cycle. A definitive time for the grant application process has not been announced. Historically, the EMS RB announced the regional grants opportunity by mid-April with a response deadline two weeks later. Generally, grant applications have been approved at the May EMS RB meeting.

Given the timeline described above, it is possible that the MESB Board would not meet before the EMS RB grant deadline. The proposed budget is based on preliminary budget figures provided by the EMS RB for the EMS Relief Account Grant.

FINANCIAL IMPACT

The two EMS RB grants provide the entirety of the MESB's EMS budget, except for salary and benefits for the EMS Coordinator.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL

BUDGET FY2022-2023 PROPSAL BASED ON ESTIMATES

Revenues	Budget FY2022-2023
EMS System Support Act	\$ 146,250.00
EMS Relief Account	\$ 121,000.00
Total Revenues	\$ 267,250.00

FY2022-2023 Biennium

EMS System Support Act	EMS Relief Account (Seat Belt)	Totals
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EMS PERSONNEL TRAINING

EMS Personnel Training (Including) 3ECHO	\$ 68,000.00	\$ 30,000.00	
Total Personnel Training	\$ 68,000.00	\$ 30,000.00	\$ 98,000.00

TRANSPORTATION COORDINATION

Regional EMS System Coordination	\$ 12,000.00	\$ 24,780.00	
Transportation Coordination	\$ 12,000.00	\$ 24,780.00	\$ 36,780.00

PUBLIC SAFETY AGENCY COOPERATION

CISM, ICS and IMT Trainings	\$ 11,000.00	\$ 18,000.00	
Public Safety Agency Cooperation	\$ 11,000.00	\$ 18,000.00	\$ 29,000.00

COMMUNICATIONS SYSTEMS MAINTENANCE AND DEVELOPMENT

	\$ -	\$ -	
Communications Systems	\$ -	\$ -	\$ -

PUBLIC INVOLVEMENT

Website and Published Materials	\$ 11,700.00	\$ 11,700.00	
Public Involvement	\$ 11,700.00	\$ 11,700.00	\$ 23,400.00

HEALTHCARE FACILITIES INVOLVEMENT

	\$ -	\$ -	
Healthcare Facilities Involvement	\$ -	\$ -	\$ -

SYSTEMS MANAGEMENT

Regional Program Operations			
Local Travel to Meetings, Seminars, Etc.	\$ 4,000.00	\$ -	
Office Phones, Data lines, EMSMACC, Cell Phone	\$ 12,600.00	\$ -	
Meeting Expenses	\$ 4,410.00	\$ -	
Office Supplies	\$ 480.00	\$ -	
Printing & Copying	\$ 3,236.00	\$ -	
Postage	\$ 120.00	\$ -	
Conferences & Non-Local Travel	\$ -	\$ 8,310.00	
Dues & Subscriptions	\$ -	\$ 1,210.00	
Rent & Utilities	\$ 7,704.00		
Insurance	\$ 4,000.00	\$ -	
Indirect Office (Contracted Mgt. Services-MESB)		\$ 27,000.00	
Audit	\$ 7,000.00	\$ -	
	\$ 43,550.00	\$ 36,520.00	\$ 80,070.00

EQUIPMENT AND VEHICLE PURCHASES (169.686 FUNDS ONLY)

		\$ -	
Equipment and Vehicle Purchases	\$ -	\$ -	\$ -

OPERATIONAL EXPENSES OF EMERGENCY LIFE SUPPORT TRANSPORTATION (169.686 FUNDS ONLY)

		\$ -	
Transportation Operational Support	\$ -	\$ -	\$ -

TOTALS

EMS System Support Act	EMS Relief Account (Seat Belt)	Totals
\$ 146,250.00	\$ 121,000.00	\$ 267,250.00



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 7B. Approval of Amendment 4 to Agreement with Ron Bombeck for MCI Bus Maintenance
Presenter: Robinson

RECOMMENDATION

Staff recommend the Board approve Amendment 4 to the contract engaging Ron Bombeck to provide monthly MCI bus checks and maintenance.

BACKGROUND

The Metropolitan Emergency Services Board entered into a contract with Ron Bombeck in April 2017 to perform monthly vehicle and medical device maintenance checks, engine run-ups and vehicle drivability checks, be available to deploy the MCI bus upon request to respond to a scheduled or emergent event as well as provide MCI bus orientation and driver training and scheduling as requested.

ISSUES & CONCERNS

This is the fourth amendment to extend the contract with Mr. Bombeck. Staff recommend extending the contract for a final year, terminating April 30, 2022. April 2022 will complete the maximum five year term of the contract.

Staff will go out for RFP in early 2022 for these maintenance services.

FINANCIAL IMPACT

None to the MESB. The cost is included in the FY 2020-2021 EMSRB grant budget, and is also included in the proposed FY 2022-2023 EMSRB grant budget.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL

**AMENDMENT NO. 4 TO
AGREEMENT FOR CONTRACT SERVICES**

THIS AMENDMENT made and entered into by and between the METROPOLITAN EMERGENCY SERVICES BOARD, Metro EMS Region, 2099 W. University Ave., #201, Saint Paul, MN 55104 ("the MESB") and Ron Bombeck, 4654 Allendale Drive, White Bear Lake, Minnesota 55127 ("CONTRACTOR").

WITNESSETH

WHEREAS, the MESB entered into an agreement with the CONTRACTOR dated April 26, 2017 (the "Agreement") to provide perform monthly vehicle and medical device maintenance checks, engine run-ups and vehicle drivability checks of the mass casualty incident ("MCI") bus, be available to deploy the MCI bus upon request to respond to a scheduled or emergent event as well as provide MCI bus orientation and driver training and scheduling as requested by the MESB EMS Coordinator;

WHEREAS, the Agreement was amended January 13, 2021 to extend the termination date to April 30, 2021; and

WHEREAS, the parties wish to amend the Agreement to extend the contract one additional year.

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth herein, the MESB and the CONTRACTOR agree as follows:

1. Article V.A is amended to read:

A. The term of this Contract shall commence on May 1, 2017, or such other date as agreed to by the parties and shall terminate on **April 30, 2022** unless otherwise terminated as provided in this Contract. The parties may extend the terms of this Contract in yearly increments for up to five (5) years by written agreement.

This Amendment shall be effective May 1, 2021 – April 30, 2022.

Except as previously amended and hereinabove amended, the terms, conditions and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates set forth below.

**METROPOLITAN EMERGENCY
SERVICES BOARD**

CONTRACTOR

By: _____
Joe Atkins, Chair

By: _____
Ron Bombeck

Date: _____

Date: _____

Approved as to form:

Board Counsel



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date:

March 10, 2021

Agenda Item:

**8A. Discussion: FCC Notice of Proposed
Rule Making on 9-1-1 Fee Diversion**

Presenter:

Rohret

RECOMMENDATION

None – discussion only.

BACKGROUND

The Federal Communications Commission (FCC) has been concerned about 9-1-1 fee revenues being diverted to be used by non-9-1-1 projects/general fund projects for quite some time. States are required to submit information to the FCC stating whether 9-1-1 fees are diverted. In the Don't Break Up the T-Band Act of 2020, Congress directed the Commission to adopt rules defining what constitutes 9-1-1 fee diversion.

From a historical perspective, the 2001 Minnesota Legislature first authorized using 9-1-1 fee revenues to secure bonding for what is now known as the ARMER system. In 2007, the Minnesota Legislature authorized the increase of the 9-1-1 fee to .95 cents to allow for additional bonds to complete the ARMER system.

The ENHANCE 911 Act of 2004 required states and local jurisdictions to certify they did not divert 9-1-1 funds. The NET 911 Act of 2008 enacted additional measures to limit 9-1-1 fee diversion; these measures included requiring states to annually report the status of the collection and distribution of fees for the support or implementation of 9-1-1 services.

ISSUES & CONCERNS

On February 17, 2021, the FCC issued a Notice of Proposed Rule Making (NPRM) to propose rules addressing 9-1-1 fee diversion, as well as establishing an advisory committee to study 9-1-1 fee diversion and develop recommendations to Congress in an attempt to end 9-1-1 fee diversion.

The FCC is proposing to codify an existing definition of 9-1-1 fee or charge with some changes. The existing definition is: "a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State or taxing jurisdiction for the support or implementation of 9-1-1 services." The FCC would like to change that definition to include "other emergency services" which per the NET 911 Act means "the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service." This addition to the definition would allow text and

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SECONDED BY:

MOTION:

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METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 8A. Discussion: FCC Notice of Proposed Rule Making on 9-1-1 Fee Diversion
Presenter: Rohret

other non-voice applications to be included in a 9-1-1 fee in the future, if not already included by states' 9-1-1 fees.

The FCC proposes to define diversion as "with respect to a 9-1-1 fee or charge, the obligation or expenditure of such fee or charge for a purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act, as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable."

In the NPRM, the FCC is proposing rules which would clarify what 9-1-1 fees can be used for without being considered a fee diversion. The FCC proposes to codify acceptable purposes of the use of 9-1-1 fees to "(1) support and implementation of 911 services provided by or in the state or taxing jurisdiction imposing the fee or charge, and (2) operational expenses of PSAPs within such state or taxing jurisdiction." The FCC also wishes to provide examples of what is allowable. The proposed examples are:

- (1) PSAP operating costs, including lease, purchase, maintenance, and upgrade of customer premise equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility;
- (2) PSAP personnel costs, including telecommunicators' salaries and training;
- (3) PSAP administration, including costs for administration of 911 services and travel expenses associated with the provision of 911 services;
- (4) Integrating public safety/first responder dispatch and 911 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 911 and public safety dispatch operations; and
- (5) Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.

These examples are helpful for states to know what constitutes an acceptable use; it is important to see that CAD is included as an acceptable expense as it was previously unknown if it was an eligible expense or not.

One important item that is considered not acceptable is: "Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities, including public safety radio equipment and infrastructure, that does not have a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders." For the FCC, this

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MOTION:

PASS/FAIL



METROPOLITAN EMERGENCY SERVICES BOARD

Meeting Date: March 10, 2021
Agenda Item: 8A. Discussion: FCC Notice of Proposed Rule Making on 9-1-1 Fee Diversion
Presenter: Rohret

means land mobile radio (LMR) (i.e. ARMER). A previous report stated, "the purchase or upgrade of public safety radio equipment was not considered to be 911 related because 'radio networks used by first responders are technically and operationally distinct from the 911 call-handling system.'"

The effect here is that Minnesota's 9-1-1 special revenue fund could no longer be used to pay for ARMER backbone operating and maintenance costs, currently estimated to be \$9.75 million per year. This funding would need to either move to the state's general fund, or be made up by charging user fees to those on the ARMER system.

What seems to be incongruous is that CAD is an allowable expense due to its role in dispatching response to a 9-1-1 call, but LMR is not eligible. Today in Minnesota, the primary method of dispatch is the radio system, not CAD. CAD helps in assisting if responders have mobile data terminals in their response vehicles (not all do); and if the responder is in the response vehicle. Firefighters, for example, don't often have mobile data terminals in their fire stations and are alerted to a call via paging and announcements over the radio system.

One final item of note is that FCC seems to allow for some flexibility regarding the fee to be used for non-9-1-1 related programs. The NPRM states: "We therefore propose to adopt a safe harbor in our rules providing that the obligation or expenditure of such fees or charges will not constitute diversion so long as the state or taxing jurisdiction: (1) specifies the amount or percentage of such fees or charges that is dedicated to 911 services; (2) ensures that the 911 portion of such fees or charges is segregated and not commingled with any other funds; and (3) obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section."

It is possible that if the state were to charge a 9-1-1 and public safety communications fee, where the 9-1-1 portion is clearly defined and kept in a separate account, that the remaining fee portion could be used for ARMER. As of this writing, the intent of the Department of Public Safety is unknown regarding this possibility.

FINANCIAL IMPACT

None to the MESB at this time. There could be a financial effect on metro counties and cities should the rules as proposed be enacted.

MOTION BY:
SECONDED BY:
MOTION:

PASS/FAIL

FCC FACT SHEET*

911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008

Notice of Proposed Rulemaking - PS Docket Nos. 20-291 and 09-14

Background:

Each year people in urgent need of assistance place over 200 million emergency calls to 911 call centers in the United States. Funding for the 911 system is provided in part by dedicated 911 fees established by each state and territory that appear as charges on customer bills for wireless, wireline, and other communications services. Despite the critical importance of 911 service, the Commission's annual reports to Congress on 911 fees show that some states divert a portion of the fees collected for 911 to other purposes.

On December 27, 2020, new federal legislation (the Don't Break Up the T-Band Act of 2020) was signed into law that requires the Commission to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. In particular, section 902 of the new legislation directs the Commission to issue final rules within 180 days defining what uses of 911 fees by states and taxing jurisdictions constitute 911 fee diversion. The Notice of Proposed Rulemaking seeks comment on proposed rules to implement these provisions.

What the Notice of Proposed Rulemaking Would Do:

- Propose rules that would define the types of expenditures of 911 fees by states and taxing jurisdictions that are acceptable under the criteria established in section 902 and the types of expenditures that constitute 911 fee diversion.
- Propose rules that would allow states and taxing jurisdictions to petition the Commission for a determination that expenditures of 911 fees not previously designated as acceptable by the Commission should be treated as acceptable under section 902.
- Propose a rule providing that any state or taxing jurisdiction identified as a 911 fee diverter in the Commission's annual 911 fee report to Congress would be ineligible to serve on any committee, panel, or council established to advise the First Responder Network Authority (FirstNet) or any advisory committee established by the Commission.
- Propose a rule providing that if a state or taxing jurisdiction receives a federal 911 grant, as a condition of the grant it must provide information that the Commission requires in order to prepare the annual 911 fee report to Congress.

* This document is being released as part of a "permit-but-disclose" proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in PS Docket Nos. 20-291 and 09-14, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. See 47 CFR § 1.1200 *et seq.*

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
911 Fee Diversion)	PS Docket No. 20-291
)	
New and Emerging Technologies 911)	PS Docket No. 09-14
Improvement Act of 2008)	

NOTICE OF PROPOSED RULEMAKING*

Adopted: []

Released: []

Comment Date: (20 days after date of publication in the Federal Register)

Reply Comment Date: (30 days after date of publication in the Federal Register)

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I. INTRODUCTION

1. On December 27, 2020, the President signed the Don't Break Up the T-Band Act of 2020 as part of the Consolidated Appropriations Act, 2021.¹ Section 902 of the new legislation requires the

* This document has been circulated for tentative consideration by the Commission at its February open meeting. The issues referenced in this document and the Commission's ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Acting Chairwoman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission's *ex parte* rules apply and presentations are subject to "permit-but-disclose" *ex parte* rules. See, e.g., 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. See 47 CFR §§ 1.1200(a), 1.1203.

Commission to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. In particular, it directs the Commission to issue final rules, not later than 180 days after the date of enactment of section 902, designating the uses of 911 fees by states and taxing jurisdictions that constitute 911 fee diversion for purposes of 47 U.S.C. § 615a-1, as amended by section 902.² In this Notice of Proposed Rulemaking, we propose measures to implement section 902. We seek comment on these measures, which are designed to identify those uses of 911 fees by states and other jurisdictions that support the provision of 911 services.³

II. BACKGROUND

2. Congress has had a longstanding concern about the practice by some states and local jurisdictions of diverting 911 fees for non-911 purposes. In the ENHANCE 911 Act of 2004, Congress required states and local jurisdictions receiving federal 911 grants to certify that they were not diverting 911 funds.⁴ In the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), Congress enacted additional measures to limit 911 fee diversion, codified in 47 U.S.C. § 615a-1 (section 615a-1).⁵ Specifically, section 615a-1(f)(1) provided that nothing in the NET 911 Act, the Communications Act of 1934,⁶ or any Commission regulation or order “shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation . . . for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.”⁷

3. The NET 911 Act also required the Commission to begin reporting annually on the status in each state of the collection and distribution of fees for the support or implementation of 911 or E911 services, including findings on the amount of revenues obligated or expended by each state “for any purpose other than the purpose for which any such fees or charges are specified.”⁸ Pursuant to this provision, the Commission has reported annually to Congress on 911 fee diversion every year since

(Continued from previous page)

¹ Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Division FF, Title IX, Section 902, Don’t Break Up the T-Band Act of 2020 (section 902).

² Section 902(c)(1)(C).

³ Comments on this Notice of Proposed Rulemaking are due within 20 days after publication of a summary of the document in the Federal Register, and reply comments are due within 30 days after such publication in the Federal Register. The Commission considers this time period necessary given the 180-day statutory deadline for its rulemaking and given the scope of the issues raised.

⁴ Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004, Pub. L. No. 108-494, 118 Stat. 3986 (relevant grant provisions codified as amended at 47 U.S.C. § 942) (*ENHANCE 911 Act*). Congress provided another round of 911 grant funding, with similar non-diversion requirements, in the NG911 Act. Next Generation 9-1-1 Advancement Act of 2012 (Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, Title VI, Subtitle E), 126 Stat. 237 (relevant grant provisions codified at 47 U.S.C. § 942) (*NG911 Act*).

⁵ New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (*NET 911 Act*). The NET 911 Act enacted 47 U.S.C. § 615a-1 and also amended 47 U.S.C. §§ 222, 615a, 615b, and 942. See 47 U.S.C. § 615a-1 Editorial Notes.

⁶ 47 U.S.C. § 151 *et seq.*

⁷ 47 U.S.C. § 615a-1(f)(1). Under the NET 911 Act, the Commission’s annual 911 fee report covers states, as well as U.S. territories and the District of Columbia. See 47 U.S.C. § 615b(2).

⁸ 47 U.S.C. § 615a-1(f)(2).

2009.⁹ All 12 of the annual reports issued to date have identified some states that have diverted 911 fees to other uses.¹⁰

4. In October 2020, the Commission released a Notice of Inquiry seeking comment on the effects of fee diversion and the most effective ways to dissuade states and jurisdictions from continuing or instituting the diversion of 911/E911 fees.¹¹ Noting that publicly identifying diverting states in the Commission's annual reports has helped discourage the practice but had not eliminated fee diversion, the Commission sought comment on whether it could take other steps to discourage fee diversion, such as conditioning state and local eligibility for FCC licenses, programs, or other benefits on the absence of fee diversion.¹² The Commission received eight comments and seven reply comments in response to the Notice of Inquiry.¹³

5. The newly enacted section 902 requires the Commission to take additional action with respect to 911 fee diversion. Specifically, section 902(c)(1)(C) adds a new paragraph (3)(A) to section 615a-1(f) that directs the Commission to adopt rules "designating purposes and functions for which the obligation or expenditure of 9-1-1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable" for purposes of section 902 and the Commission's rules.¹⁴ The newly added section 615a-1(f)(3)(B) states that these purposes and functions shall be limited to "the support and implementation of 9-1-1 services" provided by or in the state or taxing jurisdiction imposing the fee or charge, and "operational expenses of public safety answering points" within such state or taxing jurisdiction.¹⁵ The new section also states that, in designating such purposes and functions, the Commission shall consider the purposes and functions that states and taxing jurisdictions specify as the intended purposes and functions for their 911 fees or charges, and "determine whether such purposes and functions directly support providing 9-1-1 services."¹⁶

6. Section 902 also amends section 615a-1(f)(1) to provide that the rules adopted by the Commission for these purposes will apply to states and taxing jurisdictions that impose 911 fees or

⁹ The Chairman of the Federal Communications Commission submits the annual report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, as mandated by the NET 911 Act and as prepared by the staff in the Public Safety and Homeland Security Bureau. See 47 U.S.C. § 155(a) (stating, inter alia, that "[i]t shall be [the Chairman's] duty ... to represent the Commission in all matters relating to legislation and legislative reports"). These annual reports can be viewed at <https://www.fcc.gov/general/911-fee-reports>.

¹⁰ The Twelfth Report found that five states diverted more than \$200 million in 911 fees or surcharges for non-911 purposes in 2019, or 6.6% of all fees collected. Federal Communications Commission (FCC), Twelfth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges at 49-50, para. 27, Table 16 (2020) (Twelfth Report), <https://www.fcc.gov/files/12thannual911feereport2020pdf>. Following release of the Twelfth Report, the Bureau sought "comment on the Twelfth Report and how it should impact the Commission's ongoing proceeding to end the practice of 911 fee diversion by states and localities." *Public Safety and Homeland Security Bureau Seeks Comment on Twelfth Annual Report to Congress on 911 Fee Diversion in Light of Ongoing Proceeding to Deter Such Practices*, PS Docket Nos. 20-291 and 09-14, Public Notice, 35 FCC Rcd 14144 (PSHSB 2020), <https://www.fcc.gov/document/pshsb-seeks-comment-twelfth-annual-report-911-and-e911-fees>.

¹¹ *911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008*, PS Docket Nos. 20-291 and 09-14, Notice of Inquiry, 35 FCC Rcd 11010, 11010, para. 1 (2020) (*Fee Diversion NOI*).

¹² *Fee Diversion NOI*, 35 FCC Rcd at 11011, 11016, paras. 5, 16.

¹³ These filings can be viewed in the FCC's electronic comment filing system (ECFS) at <https://www.fcc.gov/ecfs/>, under PS Docket Nos. 20-291 and 09-14.

¹⁴ 47 U.S.C. § 615a-1(f)(3)(A) (as amended).

¹⁵ 47 U.S.C. § 615a-1(f)(3)(B) (as amended); Section 902(c)(1)(C).

¹⁶ 47 U.S.C. § 615a-1(f)(3)(B) (as amended); Section 902(c)(1)(C).

charges. Whereas the prior version of section 615a-1(f)(1) referred to fees or charges “obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge,”¹⁷ the amended version reads as follows:

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, *consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.*¹⁸

7. In addition, section 902(c) establishes a process for states and taxing jurisdictions to seek a determination that a proposed use of 911 fees should be treated as having such an acceptable purpose or function even if it is for a purpose or function that has not been designated as such in the Commission’s rules.¹⁹ Specifically, newly added section 615a-1(f)(5) provides that a state or taxing jurisdiction may submit to the Commission a petition for a determination that an obligation or expenditure of a 911 fee or charge “for a purpose or function other than a purpose or function designated under [section 615a-1(f)(3)(A)] should be treated as such a purpose or function,” i.e., as acceptable for purposes of this provision and the Commission’s rules.²⁰ The new section 615a-1(f)(5) provides that the Commission shall grant the petition if the state or taxing jurisdiction provides sufficient documentation that the purpose or function “(i) supports public safety answering point functions or operations,” or “(ii) has a direct impact on the ability of a public safety answering point to . . . (I) receive or respond to 9-1-1 calls; or (II) dispatch emergency responders.”²¹

8. Section 902(d) requires the Commission to create an “interagency strike force” to study “how the Federal Government can most expeditiously end diversion” by states and taxing jurisdictions and to report to Congress on its findings within 270 days of the statute’s enactment.²² It further provides that if the Commission obtains evidence that “suggests the diversion by a State or taxing jurisdiction of 9-1-1 fees or charges,” the Commission shall submit such information to the strike force.²³ In addition, Section 902(c)(1)(C) provides that if a state or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. § 942) after the date of the enactment of the new legislation, “such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the [annual report

¹⁷ 47 U.S.C. § 615a-1(f)(1) (prior version).

¹⁸ 47 U.S.C. § 615a-1(f)(1) (as amended) (emphasis added); Section 902(c)(1)(A).

¹⁹ 47 U.S.C. § 615a-1(f)(5) (as amended); Section 902(c)(1)(C).

²⁰ *Id.*

²¹ 47 U.S.C. § 615a-1(f)(5) (as amended); Section 902(c)(1)(C).

²² Section 902(d)(3).

²³ Section 902(d)(1). In addition, Section 902(d)(2) provides that, beginning with the first annual fee report “that is required to be submitted after the date that is 1 year after the date of the enactment of this Act,” the Commission shall include in each report “all evidence that suggests the diversion by a State or taxing jurisdiction of 9-1-1 fees or charges, including any information regarding the impact of any underfunding of 9-1-1 services in the State or taxing jurisdiction.”

to Congress on 911 fees].”²⁴ Finally, section 902(d)(4) prohibits any state or taxing jurisdiction identified as a fee diverter in the Commission’s annual report from participating or sending a representative to serve on any committee, panel, or council established to advise the First Responder Network Authority (FirstNet) under 47 U.S.C. § 1425(a) or any advisory committee established by the Commission.²⁵

9. Section 902 does not impose any requirement on states or taxing jurisdictions to impose any fee in connection with the provision of 911 service. As revised, the proviso to Section 615a-1 states that nothing in the Act or the Commission’s rules “shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services” specifically designated by the taxing jurisdiction “for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, consistent with the purposes and functions designated in [the Commission’s forthcoming rules] as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.”²⁶

III. DISCUSSION

10. With this Notice of Proposed Rulemaking, we propose rules to implement the provisions of section 902 that require Commission action. Specifically, we propose to amend part 9 of our rules to establish a new subpart I that would address 911 fees and fee diversion in accordance with and for the purposes of the statute. Accordingly, we propose to (1) adopt rules that clarify what does and does not constitute the kind of diversion of 911 fees that has concerned Congress (and the Commission), (2) establish a declaratory ruling process for providing further guidance to states and taxing jurisdictions on fee diversion issues, and (3) codify the specific restrictions that section 902 imposes on states and taxing jurisdictions that engage in diversion as defined by our rules (i.e., a reporting requirement upon which eligibility for NTIA grants are to be conditioned, and the exclusion from eligibility to participate on certain committees, panels, councils, and Commission advisory commissions). We tentatively conclude that these proposed changes to part 9 would further Congress’s stated objectives in section 902 in a cost-effective manner that is not unduly burdensome to providers of emergency telecommunications services or to state and taxing jurisdictions. We seek comment on this tentative conclusion and on the proposed changes we set forth below.

A. Definitions and Applicability

11. As a preliminary matter, we note that section 902 defines certain terms relating to 911 fees and fee diversion. To promote consistency, we propose to codify these definitions in our rules with certain modifications, as described below. We seek comment on these proposed definitions.

12. *911 fee or charge.* Section 902 defines “9-1-1 fee or charge” as “a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State or taxing jurisdiction for the support or implementation of 9-1-1 services.”²⁷ We propose to codify this definition in our rules. However, we note that the statutory definition in section 902 does not address services that may be subject to 911 fees other than Commercial Mobile Radio Services (CMRS) and IP-enabled voice services. The reason for this omission is unclear. For example, virtually all states impose 911 fees on wireline telephone services and have provided information on such fees for inclusion in the Commission’s annual fee reports. In addition, as 911 expands beyond voice to include text and other non-voice applications, states could choose to extend 911 fees to such services in the future.²⁸

²⁴ 47 U.S.C. § 615a-1(f)(4) (as amended); Section 902(c)(1)(C).

²⁵ Section 902(d)(4).

²⁶ 47 U.S.C. § 615a-1(f)(1) (as amended); Section 902(c)(1)(A).

²⁷ 47 U.S.C. § 615a-1(f)(3)(d) (as amended); Section 902(c)(1)(C), (f)(1).

²⁸ For example, the Commission has extended 911 obligations to providers of text messaging services. *See Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket Nos. 10-255

(continued....)

13. To promote regulatory parity and avoid gaps that could inadvertently frustrate the rapid deployment of effective 911 services, including advanced Next Generation 911 (NG911) services, we propose to define “911 fee or charge” in our rules to include fees or charges applicable to “other emergency communications services” as defined in section 201(b) of the NET 911 Act. Under the NET 911 Act, the term “other emergency communications service” means “the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service.”²⁹ The proposed modification will make clear that the rules in subpart I extend to all communications services regulated by the Commission that provide emergency communications, including wireline services, and not just to commercial mobile services and IP-enabled voice services.

14. We tentatively conclude that adoption of this proposed expanded definition of “911 fee or charge” is reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities under section 902 and other federal 911-related statutes that, taken together, establish an overarching federal interest in ensuring the effectiveness of the 911 system.³⁰ The Commission’s general jurisdictional grant includes the responsibility to set up and maintain a comprehensive and effective 911 system, encompassing a variety of communication services in addition to CMRS and IP-enabled voice services. Section 251(e)(3) of the Communications Act of 1934, which directs the Commission to designate 911 as the universal emergency telephone number, states that the designation of 911 “shall apply to both wireline and wireless telephone service,” which evidences Congress’s intent to grant the Commission broad authority over different types of communications services in the 911 context.³¹ Similarly, RAY BAUM’S Act directed the Commission to consider adopting rules to ensure that dispatchable location is conveyed with 911 calls “regardless of the technological platform used.”³² In addition, section 615a-1(e)(2) provides that the Commission “shall enforce this section as if this section was a part of the Communications Act of 1934 [47 U.S.C. 151 et seq.]” and that “[f]or purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.”³³

(Continued from previous page)

and 11-153, Report and Order, 28 FCC Rcd 7556 (2013) (*Bounce-Back Report and Order*) (requiring covered text providers to provide consumers attempting to send a text to 911 with an automatic bounce-back message when the service is unavailable); *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, Second Report and Order and Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 9846 (2014) (*Text-to-911 Second Report and Order*) (requiring covered text providers to implement text-to-911 service no later than June 30, 2015 or six months from the date of a PSAP’s request, whichever is later). Further, in RAY BAUM’S Act, which directed the Commission to consider adopting rules to ensure that dispatchable location is conveyed with 911 calls, Congress specifically defined the term “9-1-1 call” to include a voice call “or a message that is sent by other means of communication.” See Section 506 of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (*RAY BAUM’S Act*), Pub. L. No. 115-141, 132 Stat. 348, 1095 (codified at 47 U.S.C. § 615 note).

²⁹ 47 U.S.C. § 615b(8).

³⁰ See, e.g., *Comcast Corp. v. FCC*, 600 F.3d 642, 646-47 (D.C. Cir. 2010).

³¹ 47 U.S.C. § 251(e)(3). Section 251(e)(3) was added as part of the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (1999) (911 Act), which established 911 as the national emergency number and required the Commission to provide for appropriate transition periods for areas in which 911 was not in use. Congress broadly stated the purpose of the 911 Act as “to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation’s public safety and other communications needs.” 911 Act § 2(b), codified at 47 U.S.C. § 615 note.

³² See *RAY BAUM’S Act*.

³³ 47 U.S.C. § 615a-1(e)(2).

15. Based on the foregoing, we tentatively conclude that including “other emergency communications services” within the scope of the definition of 911 fees we propose is also reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities for ensuring that the 911 system, including 911, E911, and NG911 calls and texts from any type of service, is available, that these 911 services function effectively, and that 911 fee diversion by states and other jurisdictions does not detract from these critical, statutorily recognized purposes.³⁴ Diverting fees collected for 911 service of any type, whether it be wireline, wireless, IP based, or text, undermines the purpose of these federal statutes by depriving the 911 system of the funds it needs to function effectively and to modernize 911 operations.³⁵ We seek comment on this tentative conclusion and on the extent to which our proposed rules would strengthen the effectiveness of a nationwide 911 service.

16. In addition, we seek comment on extending the definition of “911 fee or charge” to include fees or charges designated for the support of “public safety,” “emergency services,” or similar purposes if the purposes or allowable uses of such fees or charges include the support or implementation of 911 services.³⁶ This would be consistent with the approach taken in the agency’s annual fee reports, which found that the mere labelling of a fee is not dispositive and that one must examine the underlying purpose of the fee to determine whether it is (or includes) a 911 fee within the meaning of the NET 911

³⁴ See, e.g., 47 U.S.C. § 151 *et seq.*; 47 U.S.C. § 601; *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996); 911 Act § 3(a), and as codified at 47 U.S.C. §§ 222, 251, 615, 615a, 615b; 47 CFR § 64.3000 *et seq.*, renumbered as 47 CFR § 9.4 *et seq.*; 47 CFR § 20.18, renumbered as 47 CFR § 9.10; 47 CFR § 9.1 *et seq.*, renumbered as 47 CFR § 9.11 *et seq.*; *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 and 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005); *Nuvio Corp. v. FCC*, 473 F.3d 302, 312 (D.C. Cir. 2007) (Kavanaugh, J., concurring); NET 911 Act, as codified at §§ 222, 615a, 615a-1, 615b, 942; CVAA § 106, as codified in part at 47 U.S.C. § 615c(a), (g); *Bounce-Back Report and Order; Text-to-911 Second Report and Order; NG911 Act* §§ 6503-6509, and as codified at 47 U.S.C. §§ 942, 1471-1473; Kari’s Law Act of 2017, Pub. L. No. 115-127, 132 Stat. 326 (2018), codified at 47 U.S.C. § 623; *RAY BAUM’S Act*, codified at 47 U.S.C. § 615 note; *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules*, PS Docket Nos. 18-261 and 17-239, GN Docket No. 11-117, Report and Order, 34 FCC Rcd 6607 (2019), *corrected by* Erratum, 34 FCC Rcd 11073 (PSHSB Dec. 2, 2019).

³⁵ The 2016 report of the Task Force on Optimal PSAP Architecture (TFOPA) recounted how fee diversion practices have “delayed plans in several states to meet the deployment schedule for the transition to an NG9-1-1 system.” See TFOPA Report at 153-154; *see generally* Legal and Regulatory Framework for Next Generation 911 Services, Report and Recommendations, at Sec. 4.1.4 (2013) (Report to Congress Pursuant to the Next Generation 911 Advancement Act of 2012 (Pub. L. No. 112-96 (2012))), https://www.911.gov/pdf/FCC_Report_Legal_Regulatory_Framework_NG911_Services_2013.pdf. Other commenters have noted instances of fee diversion resulting in the delay of 911 improvements. See New Jersey Wireless Association Reply Comments, PS Docket No. 09-14, at 2 (rec. Feb. 12, 2019) (noting that instead of upgrading to NG911 technology, New Jersey is maintaining a 911 selective router system that is “past its useful life and is now costing more to maintain from previous years, due to its obsolescence”); Letter from Matthew Grogan, 1st Vice President, Nevada APCO at 1 (Feb. 15, 2019) (noting that Nevada 911 funds have been used to purchase police body cameras at a time when “several counties and jurisdictions ... are still not equipped with enhanced 9-1-1 services”), https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=36516&fileDownloadName=SB%2025_Testimony%20in%20Opposition_Matthew%20Grogan%20Nevada%20Fee%20Diverison.pdf.

³⁶ We also propose a safe harbor in the rules providing that the obligation or expenditure of such fees or charges will not constitute diversion so long as the state or taxing jurisdiction: (1) specifies the amount or percentage of such fees or charges that is dedicated to 911 services; (2) ensures that the 911 portion of such fees or charges is segregated and not commingled with any other funds; and (3) obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section. See *infra* para. 28.

Act.³⁷ We seek comment on these conclusions.

17. We propose that for purposes of implementing section 902, our definition of “911 fee or charge” should similarly extend to fees or charges that are expressly identified by the state or taxing jurisdiction as supporting 911, even if the fee is not labelled as a 911 fee. We tentatively conclude that this is consistent with the purpose of section 902 with respect to diversion of 911 fees and charges.³⁸ We seek comment on this proposal. Does the proposed definition of 911 fees or charges capture the universe of 911 fees or charges that can be diverted? Is the definition overinclusive or underinclusive? Are there other modifications to the definition that would help to prevent 911 fee diversion?

18. *Diversion.* Section 902(f) defines “diversion” as follows:

The term “diversion” means, with respect to a 9-1-1 fee or charge, the obligation or expenditure of such fee or charge for a purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act, as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.³⁹

We propose to codify this definition, with minor changes to streamline it. Specifically, we propose to define diversion as “[t]he obligation or expenditure of a 911 fee or charge for a purpose or function other than the purposes and functions designated by the Commission as acceptable pursuant to [the applicable rule section in subpart I].”⁴⁰ In addition, we propose to clarify that diversion also includes distribution of 911 fees to a political subdivision that obligates or expends such fees for a purpose or function other than those designated by the Commission. We believe this provision will clarify that states and taxing jurisdictions are also responsible for diversion of 911 fees by political subdivisions, such as counties, that may receive 911 fees. We seek comment on these proposals.

19. *State or taxing jurisdiction.* Section 902 defines a state or taxing jurisdiction as “a State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).”⁴¹ We propose to codify this definition in our rules. We note that the existing language in section 615a-1 directs the Commission to submit an annual report to Congress on the use of 911 fees by “each State or political subdivision thereof,” and section 902 does not revise this language. We also note that section 902 does not alter the definition of “State” in the existing legislation. Under section 615b, the term “State” means “any of the several States, the District of Columbia, or any territory or possession of the United States.”⁴² Accordingly, provisions in subpart I that apply to any “State or taxing jurisdiction” would apply to the District of Columbia and any United States territory or possession as well. To clarify this and to assist users of the regulations, we propose to add the definition of State to subpart I.

20. Regarding the scope of proposed subpart I, we propose that the rules apply to states or taxing jurisdictions that collect 911 fees or charges (as defined in that subpart) from commercial mobile

³⁷ E.g., Twelfth Report at 51-52, para. 31 (“We do not agree that a fee or charge must be exclusively designated for 911 or E911 purposes in order to constitute a fee or charge ‘for the support or implementation of 9-1-1 or enhanced 9-1-1 services’ under section 6(f)(1) of the NET 911 Act.”); see also Eleventh Report at 43, para. 34.

³⁸ See, e.g., Section 902(c), codified at 47 U.S.C. § 615a-1(f)(3)(A).

³⁹ Section 902(f)(4).

⁴⁰ As proposed for the new Subpart I, “[a]cceptable purposes and functions for the obligation or expenditure of 911 fees or charges are limited to: (1) Support and implementation of 911 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and (2) Operational expenses of public safety answering points within such State or taxing jurisdiction.”

⁴¹ 47 U.S.C. § 615a-1(f)(3)(d) (as amended); Section 902(c)(1)(C), (f)(5).

⁴² 47 U.S.C. § 615b(2).

services, IP-enabled voice services, and other emergency communications services. And as the proposed definitions make clear, such fees or charges would include fees or charges designated for the support of public safety, emergency services, or similar purposes if the purposes or allowable uses of such fees or charges include the support or implementation of 911 services. We seek comment on these proposals.

B. Designation of Obligations or Expenditures Acceptable for Purposes of Section 902

21. Section 902 requires the Commission to issue rules “designating purposes and functions for which the obligation or expenditure of 9-1-1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable” for purposes of the statute.⁴³ In addition, section 902 provides that the purposes and functions designated as acceptable for such purposes “shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction.”⁴⁴ Section 902 also provides that the Commission shall consider the purposes and functions that states and taxing jurisdictions specify as their intended purposes and “determine whether such purposes and functions directly support providing 9-1-1 services.”⁴⁵ Moreover, Section 902 provides states and taxing authorities with the right to file a petition with the Commission for a determination that an obligation or expenditure of a 911 fee or charge that is imposed for a purpose or function other than those designated as acceptable for purposes of the statute in the Commission rules should nevertheless be treated as having an acceptable purpose or function for such purposes.⁴⁶

22. We propose to codify the statutory standard for acceptable purposes and functions for the obligation or expenditure of 911 fees or charges by providing that acceptable purposes and functions for purposes of the statute are limited to (1) support and implementation of 911 services provided by or in the state or taxing jurisdiction imposing the fee or charge, and (2) operational expenses of PSAPs within such state or taxing jurisdiction. This proposed language tracks the language in section 902.⁴⁷ In addition, we propose to specify in the rules that examples of such acceptable purposes and functions include, but are not limited to, the following, provided that the state or taxing jurisdiction can adequately document that it has obligated or spent the fees or charges in question for these purposes and functions:

- (1) PSAP operating costs, including lease, purchase, maintenance, and upgrade of customer premises equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility;
- (2) PSAP personnel costs, including telecommunicators’ salaries and training;
- (3) PSAP administration, including costs for administration of 911 services and travel expenses associated with the provision of 911 services;
- (4) Integrating public safety/first responder dispatch and 911 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 911 and public safety dispatch operations; and

⁴³ 47 U.S.C. § 615a-1(f)(3)(A).

⁴⁴ 47 U.S.C. § 615a-1(f)(3)(B).

⁴⁵ 47 U.S.C. § 615a-1(f)(3)(B).

⁴⁶ 47 U.S.C. § 615a-1(f)(5). Such a petition must be granted if the Commission finds that the State or taxing jurisdiction has provided sufficient documentation to demonstrate that the purpose or function in question supports PSAP functions or operations, or that the purpose or function has a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders. *Id.*

⁴⁷ See 47 U.S.C. § 615a-1(f)(3)(B) (as amended); Section 902(c)(1)(C) (stating that “[t]he purposes and functions designated [by the Commission] shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction”).

- (5) Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.

23. We believe these purposes and functions are consistent with the general standard for designating acceptable uses of 911 fees and charges set out in section 902. They also are consistent with the Commission's past analysis of 911 fee diversion in its annual fee reports, and, as required under section 902, they reflect the Commission's consideration of the purposes and functions that states have specified for their 911 fees and charges. In particular, the Commission has stated in its annual fee reports that the requisite nexus to 911 includes expenditures that (1) support PSAP functions or operations, (2) have a reasonable nexus to PSAPs' ability to receive 911 calls and/or dispatch emergency responders, or (3) relate to communications infrastructure that connects PSAPs (or otherwise ensures the reliable reception and processing of emergency calls and their dispatch to first responders).⁴⁸ In addition, the Commission has stated that expenses associated with integrating public safety dispatch and 911 systems (e.g., purchase of CAD hardware and software to support integrated 911 and dispatch operations) may be 911 related, provided the state or other jurisdiction can document a connection to 911.⁴⁹ We seek comment on our proposed inclusion of these examples of acceptable purposes and functions and any additional examples that should be specified in the rules.

24. We also seek comment on specifying certain examples of purposes and functions that are *not* acceptable for the obligation or expenditure of 911 fees or charges for purposes of the statute. These would include, but are not limited to:

- (1) Transfer of 911 fees into a state or other jurisdiction's general fund or other fund for non-911 purposes;
- (2) Equipment or infrastructure for constructing or expanding non-public safety communications networks (e.g., commercial cellular networks); and
- (3) Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities, including public safety radio equipment and infrastructure, that does not have a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders.

25. Identifying these examples as unacceptable expenditures for purposes of the statute is consistent with the manner in which such expenditures were analyzed in our annual 911 fee reports. For example, the fee reports have repeatedly found that transferring 911 fees to the state's general fund or using 911 fees for the expansion of commercial cellular networks constitutes fee diversion.⁵⁰ The fee reports also have found that expenditures to support public safety radio systems, including maintenance, upgrades, and new system acquisitions, are not 911 related.⁵¹ The Eleventh Report explained that the purchase or upgrade of public safety radio equipment was not considered to be 911 related because "radio networks used by first responders are technically and operationally distinct from the 911 call-handling

⁴⁸ See Tenth Report at 49, para. 40. Under this analysis, funding for 911 dispatcher salaries and training would have a sufficient nexus to 911, but equipment and infrastructure for law enforcement, firefighters, and other first responders generally would not. See also Eleventh Report at 74, para. 59 ("CTIA supports the Commission in requiring documentation sufficient to demonstrate that the expenditures (1) support PSAP functions or operations, (2) have a reasonable nexus to PSAPs' ability to receive 9-1-1 calls and/or dispatch emergency responders, or (3) relate to communications infrastructure that connects PSAPs.").

⁴⁹ See Twelfth Report at 48-49, para. 26; Eleventh Report at 39, para. 26; Tenth Report at 42, para. 26.

⁵⁰ E.g., Twelfth Report at 52-54, paras. 32, 35, 37; Eleventh Report at 40, 42-43, paras. 28, 32, 35; Tenth Report at 43-44, 46-47, paras. 30, 32, 35, 37.

⁵¹ See Twelfth Report at 48-49, para. 26; Eleventh Report at 39, para. 26; Tenth Report at 42, para. 26.

system.”⁵² We seek comment on whether we should reexamine any of these prior findings in light of the impact of the coronavirus pandemic on public safety and emergency communications services, if any.

26. Our proposed designation of acceptable purposes and functions for purposes of the statute is also consistent with the legislative history of the NET 911 Act. In its report on H.R. 3403 (the bill that was enacted as the NET 911 Act), the House Committee on Energy and Commerce noted that several states were known to be using 911 fees for “purposes other than 911 or emergency communications services.”⁵³ The Report also noted that under section 6(f) of the proposed legislation, “[s]tates and their political subdivisions should use 911 or E-911 fees only for direct improvements to the 911 system. Such improvements could include improving the technical and operational aspects of PSAPs; establishing connections between PSAPs and other public safety operations, such as a poison control center; or implementing the migration of PSAPs to an IP-enabled emergency network.”⁵⁴ Further, “[t]his provision is not intended to allow 911 or E-911 fees to be used for other public safety activities that, although potentially worthwhile, are not directly tied to the operation and provision of emergency services by the PSAPs.”⁵⁵

27. We seek comment on our proposed designation of acceptable purposes and functions under the statute. Are the proposed purposes and functions that would be deemed acceptable overinclusive or underinclusive? If the proposed purposes are overinclusive, commenters should explain how and why. What purposes and functions have states and taxing jurisdictions specified as the intended functions for 911 fees and charges, and how should we take these specifications into account as we designate acceptable purposes and functions under section 902? CTIA contends that allowable 911 expenditures should include the nonrecurring costs of establishing a 911 system, the cost of emergency telephone and dispatch equipment, and costs for training for maintenance and operation of the 911 system but should exclude costs for leasing real estate, cosmetic remodeling of facilities, salaries or benefits, or emergency vehicles.⁵⁶ The Commission has found in its 911 fee reports, however, that some PSAP overhead costs, such as 911 telecommunicator salaries, are 911 related.⁵⁷ To the extent that the proposed purposes and functions are underinclusive, commenters should identify what additional purposes and functions should be deemed acceptable, and why.

28. We also propose to define acceptable purposes and functions under section 902 for states and taxing jurisdictions that impose multi-purpose fees or charges intended to support 911 services as well as other public safety purposes. In such instances, we believe states and taxing jurisdictions should have the flexibility to apportion the collected funds between 911-related and non-911 related programs, but that safeguards are needed to ensure that such apportionment is not subject to manipulation that would constitute fee diversion. We therefore propose to adopt a safe harbor in our rules providing that the obligation or expenditure of such fees or charges will not constitute diversion so long as the state or taxing jurisdiction: (1) specifies the amount or percentage of such fees or charges that is dedicated to 911 services; (2) ensures that the 911 portion of such fees or charges is segregated and not commingled with

⁵² See Eleventh Report at 42, para. 32; see also Eleventh Report at 44, para. 37 (finding that there was no 911 fee diversion where Virginia allocated a portion of its wireless E911 funding to the Virginia State Police for costs incurred for answering wireless 911 telephone calls and to support sheriff’s 911 dispatchers).

⁵³ See House of Representatives Committee on Energy and Commerce, Report on 911 Modernization and Public Safety Act of 2007 at 11 (Nov. 13, 2007), <https://www.congress.gov/110/crpt/hrpt442/CRPT-110hrpt442.pdf> (“The most recent data available indicate that four states use 911 fees, including wireless and wireline fees, for purposes other than 911 or emergency communications services.”).

⁵⁴ *Id.* at 15.

⁵⁵ *Id.*

⁵⁶ CTIA Comments on NOI at 5-6.

⁵⁷ See, e.g., Eleventh Report at 21, para. 18; Tenth Report at 44-45, para. 33.

any other funds; and (3) obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section. This provision would provide transparency in the use of 911 fees when a state or taxing jurisdiction collects a fee for both 911 and non-911 purposes. It would also enable the Commission to verify through the annual fee report data collection that the 911 portion of such fees or charges is not being diverted.⁵⁸

29. We seek comment on our proposal for determining whether there is diversion of a fee or charge collected for both 911 and non-911 purposes. Are the measures we propose sufficient to provide transparency with respect to diversion in the use of such fees? Are there other measures that would help ensure that 911 fees or charges are fully traceable in states or taxing jurisdictions with such funding mechanisms? In addition, some state laws and regulations provide that any excess 911 funds left over after all 911 expenditures have been covered can be used for non-911 related purposes.⁵⁹ Similarly, some state laws and regulations provide that if the 911 service is *discontinued*, the remaining 911 funds can be disbursed to non-911 uses, such as a general fund. Does the existence or implementation of such provisions for non-911 related disbursements constitute diversion?

C. Petition for Determination

30. Section 902(c)(1)(C) provides that a state or taxing jurisdiction may petition the Commission for a determination that “an obligation or expenditure of a 911 fee or charge for a purpose or function other than a purpose or function designated as 911-related under paragraph (3)(A) [support for 911 services/PSAP expenditures] should be treated as such a purpose or function.”⁶⁰ The state or taxing jurisdiction must demonstrate that the expenditure: (1) “supports public safety answering point functions or operations,” or (2) has a direct impact on the ability of a public safety answering point to “receive or respond to 911 calls” or to “dispatch emergency responders.”⁶¹ If the Commission finds that the state or taxing jurisdiction has provided sufficient documentation to make this demonstration, section 902 provides that the Commission shall grant the petition.⁶²

31. We propose to codify these provisions in new subpart I of the rules. We believe Congress intended this petition process to serve as a safety valve allowing states to seek further refinement of the definition of obligations and expenditures that are considered 911 related. At the same time, the proposed rule would set clear standards for what states must demonstrate to support a favorable ruling, including the requirement to provide sufficient documentation. To promote efficiency in reviewing such petitions, we also propose that states or taxing jurisdictions seeking such a determination

⁵⁸ This proposal is consistent with the agency’s review of the U.S. Virgin Islands’ “Emergency Service” surcharge, which is dedicated for both 911 and non-911 purposes. The Eleventh Report noted that under the U.S. Virgin Islands’ statute, surcharge funds are deposited in an Emergency Service Fund (ESF), with ESF funds allocated 40% to the Virgin Islands Emergency Management Agency (VITEMA) and the other 60% allocated to other specific public safety, non-911 uses. *See* Eleventh Report at 44-45, paras. 39-40. In addition, the percentage of the ESF allocated to VITEMA must be used entirely for 911/E911 support of PSAPs, and the ESF cannot be commingled with or redirected to the general fund or any other account. *See id.* at 45, para. 40. The Commission concluded that the collection and use of these surcharge funds did not constitute diversion of 911 fees. *See* Eleventh Report at 44-45, paras. 39-40.

⁵⁹ The Task Force on Optimal PSAP Architecture (TFOPA) report noted, “The legislative practice of sweeping uncommitted balances of 9-1-1-related accounts, especially those intended to fund NG9-1-1 system infrastructure generally occurs quietly without much public scrutiny.” FCC, Task Force on Optimal PSAP Architecture (TFOPA), Final Report at 153-154 (Jan. 29, 2016), <https://www.fcc.gov/about-fcc/advisory-committees/general/task-force-optimal-public-safety-answering-point> (TFOPA Final Report). The TFOPA Final Report proposed measures to deter such sweeps and advised “there should ultimately be consequences for *repeated* diversions.” *Id.* at 161-162.

⁶⁰ 47 U.S.C. § 615a-1(f)(5)(A).

⁶¹ 47 U.S.C. § 615a-1(f)(5)(B).

⁶² 47 U.S.C. § 615a-1(f)(5)(A).

must do so by filing a petition for declaratory ruling under section 1.2 of the Commission's rules.⁶³ The declaratory ruling process would promote transparency regarding the ultimate decisions about 911 fee revenues that legislatures and executive officials make and how such decisions promote effective 911 services and deployment of NG911. Consistent with the declaratory ruling process outlined in section 1.2(b), we anticipate docketing the petition within an existing or new proceeding.⁶⁴ In addition, we anticipate the Public Safety and Homeland Security Bureau will seek comment on petitions via public notice and with a comment and reply comment cycle.⁶⁵ We propose to delegate authority to the Bureau to rule on these petitions. We seek comment on these proposals and on any possible alternative processes for entertaining such petitions.

D. Other Section 902 Provisions

32. Pursuant to section 902(d)(4), any state or taxing jurisdiction identified by the Commission in the annual 911 fee report as engaging in diversion of 911 fees or charges "shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 . . . or any advisory committee established by the Commission."⁶⁶ We propose to codify this restriction in subpart I and seek comment on this proposal. We also seek comment on the extent to which state and local governments currently diverting 911 fees (based on the Commission's most recent report) now participate in such Commission advisory committees and the impact on them from being prohibited from doing so. Would it be helpful to provide a mechanism for states and taxing jurisdictions to raise questions regarding their eligibility to serve on an advisory committee?

33. Section 902(c)(1)(C) also provides that if a state or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after the date of enactment of Section 902, "such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare [the annual report to Congress on 911 fees]."⁶⁷ We propose to codify this provision in subpart I and seek comment on this proposal. What effect does this statutory provision and its proposed codification in the Commission's rules have on states or taxing jurisdictions that receive such grants? Does this provision, combined with other statutory anti-diversion restrictions that already apply to 911 grant recipients, increase the likelihood that diverting states and taxing jurisdictions will change their diversion practices?⁶⁸ Are there any aspects of our proposed implementation of section 902 that might create obstacles to state fiscal needs?

⁶³ See 47 CFR § 1.2.

⁶⁴ See 47 CFR § 1.2(b).

⁶⁵ See 47 CFR § 1.2(b).

⁶⁶ Section 902(d)(4) (internal citations omitted). The committees, panels, and councils referred to in section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 are those established to assist FirstNet. See 47 U.S.C. § 1425.

⁶⁷ 47 U.S.C. § 615a-1(f)(4) (as amended); Section 902(c)(1)(C).

⁶⁸ The ENHANCE 911 Act authorizes matching grants for eligible projects, required grant applicants to certify that no portion of 911 charges were obligated or expended for "any purpose other than the purposes for which such charges are designated or presented." See *ENHANCE 911 Act* (codified at 47 U.S.C. § 942(c)(2)). The Middle Class Tax Relief and Job Creation Act of 2012 requires grant recipients that improperly obligated or expended designated 911 charges to return all granted funds to the 9-1-1 Implementation Coordination Office. Sec. 6503, § 158(c)(3), 126 Stat. at 239 (codified at 47 U.S.C. § 942(c)(3)).

IV. PROCEDURAL MATTERS

34. *Initial Paperwork Reduction Act of 1995 Analysis.* This Notice of Proposed Rulemaking may contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995.⁶⁹ If the Commission adopts any new or modified information collection requirements, they will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, pursuant to the Small Business Paperwork Relief Act of 2002,⁷⁰ we seek specific comment on how we might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”⁷¹

35. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),⁷² requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”⁷³ Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this Notice of Proposed Rulemaking. The IRFA is contained in Appendix B.

36. *Ex Parte Presentations—Permit-But-Disclose.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filing in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the Commission’s rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable.pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

37. *Comment Filing Instructions.* Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before the dates indicated on the first page of this document in CG Docket No. 02-278. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).⁷⁵

⁶⁹ Pub. L. No. 104-13.

⁷⁰ Public Law 107-198.

⁷¹ 44 U.S.C. § 3506(c)(4).

⁷² 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁷³ *Id.* § 605(b).

⁷⁴ 47 CFR §§ 1.1200 *et seq.*

⁷⁵ *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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

39. *Additional Information.* For additional information on this proceeding, contact Brenda Boykin, Brena.Boykin@fcc.gov or 202-418-2062, or John A. Evanoff, John.Evanoff@fcc.gov or 202-418-0848 of the Public Safety and Homeland Security Bureau, Consumer Policy Division.

V. ORDERING CLAUSES

40. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), 4(j), 4(o), 201(b), 251(e), 301, 303(b), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 154(o), 201(b), 251(e), 301, 303(b), and 303(r), the Don't Break Up The T-Band Act of 2020, Section 902 of Title IX, Division FF of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Section 101 of the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 47 U.S.C. § 615a-1, and the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 47 U.S.C. §§ 615 note, 615, 615a, and 615b, that this *Notice of Proposed Rulemaking* is hereby ADOPTED.

41. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on the *Notice of Proposed Rulemaking* on or before 20 days after publication in the Federal Register, and reply comments on or before 30 days after publication in the Federal Register.

42. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Proposed Rules

The Federal Communications Commission proposes to amend part 9 of Title 47 of the Code of Federal Regulations as follows:

PART 9 – 911 Requirements

1. Revise the authority citation for part 9 to read as follows: [TO BE INSERTED PRIOR TO FEDERAL REGISTER PUBLICATION]
2. Amend part 9 by adding subpart I to read as follows:

Subpart I – 911 Fees

Sec.

9.21 Applicability.

9.22 Definitions.

9.23 Designation of acceptable obligations or expenditures.

9.24 Petition regarding additional purposes and functions.

9.25 Participation in annual fee report data collection.

9.26 Advisory committee participation.

§ 9.21 Applicability.

The rules in this subpart I apply to States or taxing jurisdictions that collect 911 fees or charges (as defined in this subpart) from commercial mobile services, IP-enabled voice services, and other emergency communications services.

§ 9.22 Definitions.

For purposes of this subpart I, the terms below have the following meaning:

911 fee or charge. A fee or charge applicable to commercial mobile services, IP-enabled voice services, or other emergency communications services specifically designated by a State or taxing jurisdiction for the support or implementation of 911 services. A 911 fee or charge shall also include a fee or charge designated for the support of public safety, emergency services, or similar purposes if the purposes or allowable uses of such fee or charge include the support or implementation of 911 services.

Diversion. The obligation or expenditure of a 911 fee or charge for a purpose or function other than the purposes and functions designated by the Commission as acceptable pursuant to § 9.23. Diversion also includes distribution of 911 fees to a political subdivision that obligates or expends such fees for a purpose or function other than those designated as acceptable by the Commission pursuant to § 9.23.

Other emergency communications services. The provision of emergency information to a public safety answering point via wire or radio communications, and may include 911 and E911 service.

State. Any of the several States, the District of Columbia, or any territory or possession of the United States.

State or taxing jurisdiction. A State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

§ 9.23 Designation of acceptable obligations or expenditures.

- (a) Acceptable purposes and functions for the obligation or expenditure of 911 fees or charges are limited to:
 - (1) Support and implementation of 911 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and
 - (2) Operational expenses of public safety answering points within such State or taxing jurisdiction.
- (b) Examples of acceptable purposes and functions include, but are not limited to, the following, provided that the State or taxing jurisdiction can adequately document that it has obligated or spent the fees or charges in question for these purposes and functions:
 - (1) PSAP operating costs, including lease, purchase, maintenance, and upgrade of customer premises equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility;
 - (2) PSAP personnel costs, including telecommunicators' salaries and training;
 - (3) PSAP administration, including costs for administration of 911 services and travel expenses associated with the provision of 911 services;
 - (4) Integrating public safety/first responder dispatch and 911 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 911 and public safety dispatch operations;
 - (5) Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.
- (c) Examples of purposes and functions that are not acceptable for the obligation or expenditure of 911 fees or charges include, but are not limited to, the following:
 - (1) Transfer of 911 fees into a State or other jurisdiction's general fund or other fund for non-911 purposes;
 - (2) Equipment or infrastructure for constructing or expanding non-public safety communications networks (e.g., commercial cellular networks);
 - (3) Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities, including public safety radio equipment and infrastructure, that does not have a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders.
- (d) If a State or taxing jurisdiction collects fees or charges designated for "public safety," "emergency services," or similar purposes that include the support or implementation of 911 services, the obligation or expenditure of such fees or charges shall not constitute diversion provided that the State or taxing jurisdiction:
 - (1) Specifies the amount or percentage of such fees or charges that is dedicated to 911 services;
 - (2) Ensures that the 911 portion of such fees or charges is segregated and not commingled with any other funds; and
 - (3) Obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section.

§ 9.24 Petition regarding additional purposes and functions.

- (a) A State or taxing jurisdiction may petition the Commission for a determination that an obligation or expenditure of 911 fees or charges for a purpose or function other than the purposes or functions designated as acceptable in § 9.23 should be treated as an acceptable purpose or function. Such a petition must meet the requirements applicable to a petition for declaratory ruling under § 1.2 of this chapter.
- (b) The Commission shall grant the petition if the State or taxing jurisdiction provides sufficient documentation to demonstrate that the purpose or function:
 - (1) supports public safety answering point functions or operations, or
 - (2) has a direct impact on the ability of a public safety answering point to:
 - (i) receive or respond to 911 calls, or
 - (ii) dispatch emergency responders.

§ 9.25 Participation in annual fee report data collection.

If a State or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)).

§ 9.26 Advisory committee participation.

Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission in the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging in diversion of 911 fees or charges shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1425(a)) or any advisory committee established by the Commission.

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Notice of Proposed Rulemaking (NPRM)*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *NPRM*. The Commission will send a copy of the *NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. The *NPRM* proposes and seeks comment on ways to implement section 902 of the Consolidated Appropriations Act of 2021.⁴ On December 27, 2020, the President signed the Don't Break Up The T-Band Act of 2020, which is Division FF, Title IX, Section 902 of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260). Section 902 directs the Commission to issue final rules 180 days after enactment on December 27, 2020 designating acceptable purposes and functions for the obligation or expenditure of 911 fees by states and taxing jurisdictions. Section 902 also provides that the use of 911 fees for any purpose or function other than those designated by the Commission constitutes 911 fee diversion.

3. To implement section 902 of the Act, the *NPRM* seeks comment on the Commission's proposals to amend part 9 of the rules to establish a new subpart I regarding "911 Fees." Section 902 defines several terms which the *NPRM* proposes to codify these definitions in the new subpart I of the rules. In addition, section 902 directs the Commission to issue final rules designating purposes and functions for which the obligation or expenditure of 911 fees is acceptable. It also provides that the purposes and functions identified by the Commission as acceptable "shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction." The *NPRM* seeks comments on proposals to develop an illustrative, non-exhaustive list of permissible and non-permissible uses for purposes of section 902.

4. Section 902 provides that a state or taxing jurisdiction may petition the FCC for a determination that an obligation or expenditure of a 911 fee for a purpose or function other than those deemed acceptable by the Commission should be treated as an acceptable expenditure. Per section 902, the petition must demonstrate that the expenditure: (1) supports public safety answering point (PSAP) functions or operations, or (2) has a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders. If the Commission finds that a state or taxing jurisdiction has provided sufficient documentation to make this demonstration, the statute provides that it shall grant the petition. In addition, the Commission seeks comment on amending the rules to require that if a state or

¹ See 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See 5 U.S.C. § 603(a).

³ *Id.*

⁴ Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, Division FF, Title IX, Section 902, Don't Break Up the T-Band Act of 2020 (section 902).

taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such state or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the annual report to Congress required by the NET 911 Act. The *NPRM* seeks comment on proposals to codify these provisions in subpart I of part 9 of the rules.

B. Legal Basis

5. This action was taken pursuant to Sections 1, 4(i), 4(j), 4(o), 201(b), 251(e), 301, 303(b), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 154(o), 201(b), 251(e), 301, 303(b), and 303(r), the Don't Break Up The T-Band Act of 2020, Section 902 of Title IX, Division FF of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Section 101 of the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 47 U.S.C. § 615a-1, and the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 47 U.S.C. §§ 615 note, 615, 615a, and 615b.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

6. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁵ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁶ In addition, the term “small business” has the same meaning as the term “small-business concern” under the Small Business Act.⁷ A “small-business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁸

7. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.⁹ First, while there are industry-specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA's) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.¹⁰ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 30.7 million businesses.¹¹

8. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”¹² The

⁵ See 5 U.S.C. § 603(b)(3).

⁶ See *id.* § 601(6).

⁷ See *id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁸ See 15 U.S.C. § 632.

⁹ See 5 U.S.C. § 601(3)-(6).

¹⁰ See SBA, Office of Advocacy, “What's New With Small Business?”, <https://cdn.advocacy.sba.gov/wp-content/uploads/2019/09/23172859/Whats-New-With-Small-Business-2019.pdf> (Sept 2019).

¹¹ *Id.*

¹² 5 U.S.C. § 601(4).

Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.¹³ Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.¹⁴

9. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹⁵ U.S. Census Bureau data from the 2017 Census of Governments¹⁶ indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.¹⁷ Of this number there were 36,931 general purpose governments (county¹⁸, municipal and town or township¹⁹) with populations of less than 50,000 and 12,040 special purpose governments - independent school districts²⁰ with enrollment populations of less than 50,000.²¹ Accordingly, based on the 2017 U.S. Census of Governments data, we

¹³ The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number small organizations in this small entity description. See Annual Electronic Filing Requirement for Small Exempt Organizations — Form 990-N (e-Postcard), “Who must file,” <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

¹⁴ See Exempt Organizations Business Master File Extract (EO BMF), “CSV Files by Region,” <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf>. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO BMF data for Region 1-Northeast Area (76,886), Region 2-Mid-Atlantic and Great Lakes Areas (221,121), and Region 3-Gulf Coast and Pacific Coast Areas (273,702) which includes the continental U.S., Alaska, and Hawaii. This data does not include information for Puerto Rico.

¹⁵ 5 U.S.C. § 601(5).

¹⁶ See 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Census of Governments, <https://www.census.gov/programs-surveys/cog/about.html>.

¹⁷ See U.S. Census Bureau, 2017 Census of Governments – Organization Table 2. Local Governments by Type and State: 2017 [CG1700ORG02]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). See also Table 2. CG1700ORG02 Table Notes_Local Governments by Type and State_2017.

¹⁸ See *id.* at Table 5. County Governments by Population-Size Group and State: 2017 [CG1700ORG05]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 2,105 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

¹⁹ See *id.* at Table 6. Subcounty General-Purpose Governments by Population-Size Group and State: 2017 [CG1700ORG06]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 18,729 municipal and 16,097 town and township governments with populations less than 50,000.

²⁰ See *id.* at Table 10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2017 [CG1700ORG10]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 12,040 independent school districts with enrollment populations less than 50,000. See also Table 4. Special-Purpose Local Governments by State Census Years 1942 to 2017 [CG1700ORG04], CG1700ORG04 Table Notes_Special Purpose Local Governments by State_Census Years 1942 to 2017.

²¹ While the special purpose governments category also includes local special district governments, the 2017 Census of Governments data does not provide data aggregated based on population size for the special purpose governments (continued....)

estimate that at least 48,971 entities fall into the category of “small governmental jurisdictions.”²²

10. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services.²³ The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.²⁴ For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year.²⁵ Of this total, 955 firms employed fewer than 1,000 employees and 12 firms employed 1000 employees or more.²⁶ Thus, under this category and the associated size standard, the Commission estimates that the majority of Wireless Telecommunications Carriers (except Satellite) are small entities.

11. *Wired Telecommunications Carriers*. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.”²⁷ The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.²⁸ U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year.²⁹ Of this total, 3,083 operated with fewer than 1,000 employees.³⁰ Thus, under

(Continued from previous page) _____

category. Therefore, only data from independent school districts is included in the special purpose governments category.

²² This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,931) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (12,040), from the 2017 Census of Governments - Organizations Tables 5, 6, and 10.

²³ See U.S. Census Bureau, *2017 NAICS Definition*, “517312 Wireless Telecommunications Carriers (except Satellite)”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517312&search=2017+NAICS+Search&search=2017>.

²⁴ See 13 CFR § 121.201, NAICS Code 517312 (previously 517210).

²⁵ See U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517210, <https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012>.

²⁶ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

²⁷ See U.S. Census Bureau, *2017 NAICS Definition*, “517311 Wired Telecommunications Carriers”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517311&search=2017>.

²⁸ See 13 CFR § 121.201, NAICS Code 517311 (previously 517110).

²⁹ See U.S. Census Bureau, *2012 Economic Census of the United States*, Table ID: EC1251SSSZ5, *Information: Subject Series - Estab & Firm Size: Employment Size of Firms for the U.S.: 2012*, NAICS Code 517110, <https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517110&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false>.

this size standard, the majority of firms in this industry can be considered small.

12. *All Other Telecommunications.* The “All Other Telecommunications” category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.³¹ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.³² Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.³³ The SBA has developed a small business size standard for “All Other Telecommunications,” which consists of all such firms with annual receipts of \$35 million or less.³⁴ For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year.³⁵ Of those firms, a total of 1,400 had annual receipts less than \$25 million, and 15 firms had annual receipts of \$25 million to \$49,999,999.³⁶ Thus, the Commission estimates that the majority of “All Other Telecommunications” firms potentially affected by our action can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

13. As indicated in Section A above, the *NPRM* seeks comment on proposed rules to implement section 902. The *NPRM* generally does not propose specific reporting or recordkeeping requirements. The *NPRM* does, however, propose and seek comment on codifying the requirement that states or taxing jurisdictions seeking a Commission determination on 911 fee diversion satisfy certain criteria established in section 902. In such cases, a state or taxing jurisdiction would have to show that a proposed expenditure: (1) supports PSAP functions or operations, or (2) has a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders. If the Commission finds that a state or taxing jurisdiction has provided sufficient documentation to make this demonstration, the statute provides that it shall grant the petition. The information and documentation that a state or taxing jurisdiction will have to provide the Commission to make the requisite showing will impact the reporting and recordkeeping requirements for small entities and others subject to the requirements. The Commission proposes to apply the existing declaratory ruling procedures and obligations under section 1.2 of the Commission’s rules, which small entities may already be familiar with, to petitions for determination.

14. In addition, the *NPRM* seeks comment on amending the rules to require that if a state or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such state or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the

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³⁰ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

³¹ See U.S. Census Bureau, 2017 NAICS Definition, “517919 All Other Telecommunications”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017>.

³² *Id.*

³³ *Id.*

³⁴ See 13 CFR § 121.201, NAICS Code 517919.

³⁵ See U.S. Census Bureau, 2012 Economic Census of the United States, Table ID: EC1251SSSZ4, Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012, NAICS Code 517919, <https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517919&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false>.

³⁶ *Id.*

Commission to prepare the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)). This proposed requirement is consistent with the requirements of Section 902. Under OMB Control No. 3060-1122, the Office of Management and Budget previously approved and renewed the information collection requirements associated with filing annual 911 fee reports as mandated by the NET 911 Act.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The RFA requires an agency to describe any significant specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.³⁷

16. In the *NPRM*, the Commission seeks to implement the provisions of section 902 that require Commission action by proposing changes to part 9 of our rules that would achieve the stated objectives of Congress's mandated rules in a cost-effective manner that is not unduly burdensome to providers of emergency telecommunication services or to states and taxing jurisdictions. Using this approach, we inherently take steps to minimize any significant economic impact or burden for small entities. Specifically, we propose to adopt and codify the definitions in section 902 for certain terms relating to 911 fees and fee diversion in part 9 of our rules. For a few terms, we make limited modifications to the definition to avoid gaps and promote the apparent intent of the new statute.³⁸ In addition to promoting consistency, we believe our proposals will help small entities and others who will be subject to section 902 and our rules avoid additional expenses for compliance which may have resulted if the Commission in the alternative proposed and adopted different definitions for certain terms in section 902 relating to 911 fees and fee diversion.

17. Similarly, to fulfill the Commission obligations associated with issuing rules designating acceptable purposes and functions, for consistency we propose to use language from section 902 codifying the statutory standard for which the obligation or expenditure of 911 fees or charges by any state or taxing jurisdiction is considered acceptable. We also propose to specify in the rules examples of both acceptable and unacceptable purposes and functions for the obligation or expenditure of 911 fees or charges. If adopted, identifying and including these examples in the Commission's rules should enable small entities to avoid unacceptable expenditures in violation of our rules, which could impact eligibility for federal grants and participation in federal advisory committees.

18. Finally, the Commission expects to more fully consider the economic impact on small entities, as identified in comments filed in response to the *NPRM* and this IRFA, in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

19. None.

³⁷ 5 U.S.C. § 603(c)(1) - (4).

³⁸ The definitions for the terms "911 fee or charge" and "Diversion" include modifications.