

2013 Legislative Proposals 9-1-1 Program Issues: Stranded Funds and HB 575 Implementation

63rd Montana Legislature
Energy and Telecommunications Interim Committee

November 8, 2013

Quinn Ness, Bureau Chief
Public Safety Communications Bureau
Department of Administration



INFORMATION TECHNOLOGY SERVICES DIVISION



What is 9-1-1?

9-1-1 is the three digit telephone number assigned throughout the United States as the universal number to call for emergency assistance.



INFORMATION TECHNOLOGY SERVICES DIVISION



What is Enhanced 9-1-1?

Enhanced 9-1-1 automatically directs a call to the appropriate Dispatch Center and identifies the caller's location and originating phone number.



INFORMATION TECHNOLOGY SERVICES DIVISION



What is Wireless Enhanced 9-1-1?

Use of Wireless Phones Statistics, 2012:

- 326.4 million Wireless Subscribers in the U.S.
- 35.8% of U.S. Households are Wireless Only
- >400,000 Wireless 9-1-1 Calls Per day in U.S.



FCC: Over 70% of all 9-1-1 calls are made with a Wireless Phone

The majority of wireless phone subscribers buy their phones for safety reasons.

Since Wireless Phones are mobile they create unique challenges for emergency response personnel and wireless service providers.



INFORMATION TECHNOLOGY SERVICES DIVISION



What is Wireless Enhanced 9-1-1?

Since wireless phones are mobile, they are not associated with one fixed location or address. Initially wireless phones were not capable of providing emergency dispatchers with specific enhanced-9-1-1 information, such as the phone location and phone number.

FCC's wireless Enhanced 9-1-1 (E9-1-1) rules have improve the effectiveness and reliability of wireless 9-1-1 services by requiring wireless carriers to provide 9-1-1 dispatchers with Enhance 9-1-1 information, including the phone number and the physical location of the phone.

Currently, all of the Wireless Providers doing business in Montana are in compliance with FCC rules and Wireless Enhanced 9-1-1 is available in all of the areas that currently have wireless service.



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1: Legislative History

2005 Legislature: HB 775 : Tabled in Committee

2005 Legislature: HJ 45: Not Assigned to Interim Committee

2007 Legislature: HB 27: Passage; Effective July 1, 2007

HB 27:

- Authorized a Wireless Enhanced 9-1-1 Emergency telephone System;
- Provided for the Administration of the Program;
- Provided Funding of the System by Levying a Wireless Enhanced 9-1-1 Fee;
- Established Accounts for the deposit of Fess Collected;
- Provided for the Distribution of the Fess Collected; and
- Defined Eligibility Criteria for Wireless Cost Recovery by Wireless Providers



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1: Legislative History

HB 27 Fiscal Note:

- Increased the 9-1-1 fee from \$0.50 per subscriber; per month to \$1.00 per subscriber; per month;
- \$0.25 of the increase was directed to be deposited in an account for distribution to 9-1-1 Jurisdictions (Counties) to support the costs of 9-1-1 Dispatch Centers in deploying wireless enhanced 9-1-1; and
- \$0.25 of the increase was directed to be deposited in an account for reimbursement to Wireless Providers for eligible costs incurred in deploying wireless enhanced 9-1-1.

The account for the reimbursement to Wireless Providers is the account, which currently holds the “stranded funds”.



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

Excess or “Stranded Funds” Developed Due To REVENUES EXCEEDING DISTRIBUTIONS

HB27 Fiscal Note: 100% of the additional revenues were projected to be distributed to wireless providers for cost recovery.

Total Revenue Received was significantly Greater than the Total Reimbursement Requests and Distributions to Wireless Providers, which Resulted in a Growing Account Balance.

The Account Balance was Not Due To the Department Denying any Cost Recovery Requests by Wireless Providers



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

**Wireless Provider Cost Recovery Account
Total Revenues, Disbursements & Account Balance
SFY 2008 - 2013**

SFY	Total Revenues	Total Disbursements	Difference	Account Balance
2008	\$ 3,144,950.24	\$ 322,156.27	\$ 2,822,793.97	\$ 2,822,793.97
2009	\$ 3,239,789.31	\$ 1,264,555.09	\$ 1,975,234.22	\$ 4,798,028.19
2010	\$ 3,372,984.77	\$ 969,066.95	\$ 2,403,917.82	\$ 7,201,946.01
2011	\$ 3,266,418.80	\$ 1,238,363.90	\$ 2,028,054.90	\$ 9,230,000.91
2012	\$ 3,228,393.38	\$ 3,401,630.25	\$ (173,236.87)	\$ 9,056,764.04
2013	\$ 3,307,529.36	\$ 1,173,743.85	\$ 2,133,785.51	\$ 11,190,549.55

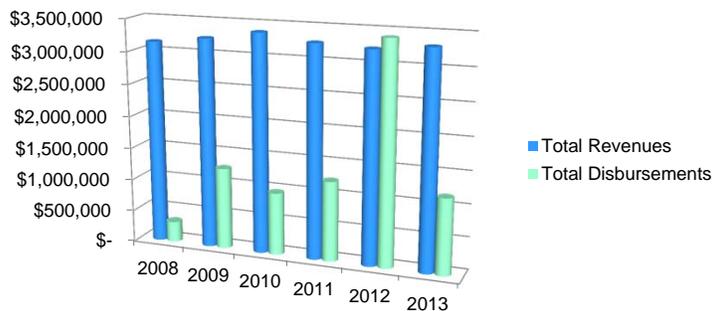


INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

**Wireless Provider Cost Recovery Account
Total Revenue and Disbursements
SFY 2008 -2013**

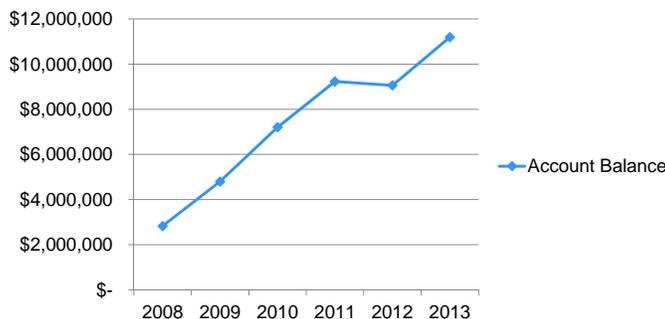


INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

**Wireless Provider Cost Recovery Account
SFYE Account Balance
SFY 2008 - 2013**



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

Wireless Provider Cost Recovery “Carry-Over Balances”

Wireless Providers could not be fully reimbursed each calendar quarter due to the unforeseen consequences of prescriptive statutory funding allocation and reimbursement processes. This is the “Carry-Over-Balance” Issue

In general the statute directed the Department to allocate 84% of the funding in the account on a County per capita basis; with a 1% minimum for each County. MCA 10-4-313(1)(a)

The balance, 16% of the account, was directed to be allocated to Counties with 1% or less of the total population of the state.

All of the County allocations are directed to be converted into 9-1-1 Jurisdictions, which are County or Multi-County Dispatch Center geographical coverage areas.

In summary, a Wireless Provider could only get reimbursed up to the total amount of funding allocated to a 9-1-1 Jurisdiction for costs incurred in that Jurisdiction.



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

Wireless Provider Cost Recovery “Carry-Over Balances”

This issue was compounded by the unforeseen consequences of prescriptive statutory reimbursement processes.

The statute directs the Department to reimburse a Wireless Provider for an amount equal to the Percent of the Total Wireless Subscribers that each Wireless Provider is serving in a given 9-1-1 Jurisdiction. MCA 10-4-313(1)(e)

THE PREScriptive STATUTORY ALLOCATION AND REIMBURSEMENT PROCESSES RESULTED IN “CARRY-OVER BALANCES” THAT WERE DUE TO WIRELESS PROVIDERS FOR APPROVED COST RECOVERY REQUESTS.

At SFYE 2013 the Department owed Wireless Providers \$975,972 for Approved Cost Recovery Requests, but could not distribute the funds from the account due to the statutory requirements.



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

HB 575 Implementation

One of the purposes of House Bill 575 was to remedy the “Carry-Over Balances” Issue. MCA 10-4-313(2)

Implementation: Collaboration with 9-1-1 Stakeholders

- Telecommunications Industry;
- Counties;
- Emergency response Agencies; and
- 9-1-1 Dispatch Centers

By August 14, 2013 the Department Distributed \$975,972 to Wireless Providers Eliminating their Carry-Over Balances.



INFORMATION TECHNOLOGY SERVICES DIVISION



Wireless Enhanced 9-1-1 Wireless Provider Cost Recovery Account

HB 575 Implementation

Re-Allocation of Funds From Wireless Provider Account To 9-1-1 Jurisdiction (County's) Account. MCA 10-4-313(4)

HB575 also included a "transfer" of a portion of the funds in the account.

Approximately \$1.1 million will be transferred for distribution to the Counties.

The Balance in the Account after the funding transfer is projected to be \$9.5 million.



INFORMATION TECHNOLOGY SERVICES DIVISION



Questions?



INFORMATION TECHNOLOGY SERVICES DIVISION





Consumer Guide

911 Wireless Services

Background

The number of 911 calls placed by people using wireless phones has significantly increased in recent years. It is estimated that about 70 percent of 911 calls are placed from wireless phones, and that percentage is growing.

For many Americans, the ability to call 911 for help in an emergency is one of the main reasons they own a wireless phone. Other wireless 911 calls come from "Good Samaritans" reporting traffic accidents, crimes or other emergencies. The prompt delivery of wireless 911 calls to public safety organizations benefits the public by promoting safety of life and property.

Unique Challenges Posed by Wireless Phones

While wireless phones can be an important public safety tool, they also create unique challenges for emergency response personnel and wireless service providers. Since wireless phones are mobile, they are not associated with one fixed location or address. While the location of the cell site closest to the 911 caller may provide a general indication of the caller's location, that information is not usually specific enough for rescue personnel to deliver assistance to the caller quickly.

The FCC's Wireless 911 Rules

The Federal Communications Commission has adopted rules aimed at improving the reliability of wireless 911 services and the accuracy of the location information transmitted with a wireless 911 call, as part of our efforts to improve public safety. Such improvements enable emergency response personnel to ensure that Public Safety Answering Points (PSAPs) receive meaningful, accurate location information from wireless 911 callers in order to dispatch local emergency responders to the correct location and to provide assistance to 911 callers more quickly.

The FCC's wireless 911 rules apply to all wireless licensees, broadband Personal Communications Service (PCS) licensees and certain Specialized Mobile Radio (SMR) licensees. Mobile Satellite Service (MSS) providers, however, are currently excluded.

The FCC's basic 911 rules require wireless service providers to transmit all 911 calls to a PSAP, regardless of whether the caller subscribes to the provider's service or not.

Phase I Enhanced 911 (E911) rules require wireless service providers to provide the PSAP with the telephone number of the originator of a wireless 911 call and the location of the cell site or base station transmitting the call.

Phase II E911 rules require wireless service providers to provide more precise location information to PSAPs; specifically, the latitude and longitude of the caller. This information must be accurate to within 50 to 300 meters depending upon the type of location technology used.

The FCC recently required wireless carriers to provide more precise location information to PSAPs. As a result, wireless carriers will be required to comply with the FCC's location accuracy rules at either a



county-based or PSAP-based geographic level. The new standards apply to outdoor measurements only, as indoor use poses unique obstacles.

Compliance

The FCC recently established benchmarks that wireless service providers must meet over a period of eight years – providing wireless carriers with a reasonable amount of time to meet the agency’s more stringent location accuracy requirements.

Beginning in 2011, wireless service providers have been required to file with the FCC a list of counties, or portions of counties, that they seek to exclude from the location accuracy requirements. The FCC will permit wireless carriers to exclude counties, or portions of counties, only where wireless carriers determine that providing location accuracy is limited, or technologically impossible, because of either heavy forestation or the inability to triangulate a caller’s location. Wireless carriers must report any changes to their exclusion lists within thirty days of such changes. The exclusion lists and changes must be reported in the record of the FCC’s docketed proceeding addressing location accuracy, PS Docket No. 07-114, (<http://apps.fcc.gov/ecfs/proceeding/view?name=07-114>) which is publicly available on the FCC’s Electronic Comment Filing System (ECFS) webpage.

Tips for Consumers

As stated above, a wireless service provider may not be able to accurately and automatically determine a 911 caller’s location. As a result, when replacing your handset, you should always ask about the new handset’s E911 capabilities. Some providers may offer incentives to encourage customers without location-capable phones to obtain new location-capable phones. For example, they may offer location-capable handsets at a discount.

Some providers may choose to prevent reactivation of older handsets that do not have E911 capability, or they may adopt various other measures.

If a provider declines to reactivate a handset that is not location-capable, the FCC still requires the provider to deliver a 911 call from that handset to the appropriate PSAP.

Tips for 911 Calling

Consumers making a 911 call from a wireless phone should remember the following:

- Tell the emergency operator the location of the emergency right away;
- provide the emergency operator with your wireless phone number, so if the call gets disconnected, the emergency operator can call you back;
- PSAPs currently lack the technical capability to receive texts, photos and videos;
- if your wireless phone is not “initialized” (meaning you do not have a contract for service with a wireless service provider), and your emergency call gets disconnected, you must call the emergency operator back because the operator does not have your telephone number and cannot contact you;
- to help public safety personnel allocate emergency resources, learn and use the designated number in your state for highway accidents or other non life-threatening incidents (States often



reserve specific numbers for these types of incidents. For example, “#77” is the number used for highway accidents in Virginia.);

- refrain from programming your phone to automatically dial 911 when one button, such as the “9” key, is pressed. Unintentional wireless 911 calls, which often occur when auto-dial keys are inadvertently pressed, cause problems for emergency call centers;
- if your wireless phone came pre-programmed with the auto-dial 911 feature already turned on, turn this feature off (consult your user manual for instructions);
- lock your keypad when you’re not using your wireless phone to help prevent accidental calls to 911;
- and, consider creating a contact in your wireless phone’s memory with the name “ICE” (in Case of Emergency), which lists the phone numbers of people you want to have notified in an emergency.

Filing a Complaint with the FCC

If you have a problem completing a 911 call from your wireless phone, first try to resolve the problem with your service provider. If you cannot resolve it directly, or if you think your wireless service provider is not complying with the FCC’s wireless 911 requirements, you can file a complaint with the FCC using an online complaint form found at www.fcc.gov/complaints. There is no charge for filing a complaint.

You can also file your complaint with the FCC’s Consumer Center by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322); or writing to:

Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554

For More Information

For information about other communications issues, visit the FCC’s Consumer website at www.fcc.gov/consumers.

###

For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print or audio), please write or call us at the address or phone number below, or send an email to FCC504@fcc.gov.

This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

Last Reviewed 1/17/13

