

September 29, 2006

MAINE PUBLIC UTILITIES COMMISSION
PSAP Consolidation Filings in Compliance
With Chapter 1 Section 4

ORDER

ADAMS, Chairman; REISHUS, Commissioner

I. SUMMARY

In this Order, the Maine Public Utilities Commission (MPUC or the Commission) designates the entities listed in Attachment A to this Order as Public Safety Answering Points (PSAPs) in accordance with Section 4 of Chapter 1 of the rules of the Emergency Services Communication Bureau (ESCB or the Bureau) and 25 M.R.S.A. § 2926(2-A). The Commission also provides a further process to determine what PSAPs should be designated in Kennebec and York Counties.

II. BACKGROUND

On May 19, 2005, the Commission issued an Order Adopting Rule Amendments and Statement of Factual and Policy Basis which amended Section 4 of Chapter 1 of the Bureau's rules. The amendment established the process for reducing the number of PSAPs in Maine from 48 to 26. The Commission adopted the rule in order to comply with 25 M.R.S.A. § 2926 (2-A) which provides that the Bureau shall attempt to reduce the number of PSAPs to between 16 and 24 and to coordinate the reduction with any contractual obligations it may have that could be affected by the reduction.¹

Section 4(2)(B) of the Rule states that as of October 15, 2007, the Bureau will support no more than 5 PSAPs in Cumberland County, 3 in York, 2 in Androscoggin, 2 in Penobscot and 1 in all other counties, in addition to the Department of Public Safety PSAPs in Gray and Orono. Section 2(C) states that PSAPs answering on average less than 10 calls per day, during the year 2004, must submit plans by July 1, 2006 on how they plan to consolidate.² In addition, Androscoggin, Cumberland, Hancock, Kennebec,

¹ The Legislature adopted these provisions in the Spring of 2003 (P.L. 2003, ch. 359). The amendments also transferred the ESCB to the jurisdiction of the Commission.

² The following PSAPs received on average less than 10 calls per day: Kennebunkport PD, Cape Elizabeth PD, Yarmouth PD, Cumberland PD, Lisbon PD, South Berwick PD, Falmouth PD, Kittery PD, Kennebunk PD, Bar Harbor PD, Freeport PD, York PD, Gardiner PD, Gorham PD, Windham PD, Old Orchard Beach PD, and Wells PD.

and York Counties were to submit plans by July 1, 2006, describing how they would achieve the PSAP limits specified in the Rule.

In response to the July 2006 deadline, the following submitted written information regarding plans for consolidation:

Town of Falmouth
Town of Hiram
Town of Dayton
Town of York
Town of Lebanon
City of Biddeford
City of Saco
Town of Kennebunk
Town of Cornish
City of Sanford
Town of Buxton
Town of Acton
Town of Alfred
Town of Newfield
Town of Hollis
Town of Wells
Town of Kennebunkport
Town of North Berwick
Town of Lyman
Town of Limerick
Town of Waterboro
Town of Brunswick
Town of Parsonsfield
Town of Lisbon
Town of Shapleigh
City of Waterville
City of South Portland
Town of Cape Elizabeth
Town of Scarborough
Town of Old Orchard Beach
Kennebec County Sheriff's Office
County of York
Hancock County Commissioners
Department of Public Safety
Lewiston/Auburn 911
Oxford County Regional Communications Center
First County Communications Center

On September 6, 2006, the Staff issued a recommendation on how consolidation should proceed. The following filed comments on the Staff's Recommendation:

Town of Alfred
Cape Elizabeth, South Portland, Old Orchard Beach. Scarborough
Department of Public Safety
Town of Hollis
Town of Limerick
Town of Lisbon
Jack Reetz
City of Waterville
York County

The Commission considered the Staff Recommendation and comments at its Deliberative Session on September 25, 2006.

III. DECISION

A. Androscoggin County

The Rule requires no more than 2 PSAPs in Androscoggin County. Androscoggin County reports that the Androscoggin Sheriff and Lewiston/Auburn RCC will continue as two PSAPs until a consolidation study currently underway is completed. Lisbon PD reported on September 21, 2006 that it designated the Androscoggin Sheriff's Department as its PSAP for call answering and will continue to dispatch its calls. We accept this plan. Throughout this PSAP consolidation process we have attempted to limit the number of occasions where calls would be transferred between a PSAP and dispatch center. We are concerned that delays, and the increased potential for human or technology failure that could result from transfers, could diminish the public safety enhancements offered by E-911. However, we are not public safety experts. Therefore, where a local community opts to separate a PSAP from a dispatch center, we will respect their judgment.

B. Cumberland County

The Rule requires no more than 5 PSAPs in Cumberland County. Portland PD and Cumberland County Communications Center report they intend to remain PSAPs. Gorham PD PSAP has already consolidated into the Cumberland County PSAP. Westbrook PD requests PSAP status. Westbrook intends to perform PSAP-only duties for the Falmouth and Windham Police Departments.

South Portland PD requests PSAP status and will perform PSAP and dispatch duties for Cape Elizabeth PD. Scarborough and South Portland are working on total consolidation plans. Scarborough PD requests PSAP status and will perform PSAP and dispatch duties for Old Orchard Beach PD (OOB), as OOB intends to discontinue its current PSAP and dispatch facility. Two other York County towns, Buxton and Hollis,

indicate an interest in having Scarborough perform PSAP duties. As long as Buxton has its own full-time police department and operates its own dispatch center, Staff recommended that this arrangement be accepted. The Staff recommended that the Hollis arrangement be rejected and that its calls continue to go to the PSAP used by the York County Sheriff's Office.

Brunswick PD requests PSAP status. It will perform PSAP-only duties for Yarmouth PD and Freeport PD. Cumberland PD PSAP has already consolidated into the Yarmouth PD PSAP.

At this time we approve the 6 PSAPs as described above. We approve PSAPs in South Portland and Scarborough with the condition that South Portland and Scarborough provide the Commission with a plan for a single operation by October 1, 2007, with the actual consolidation to occur no later than October 1, 2009. We also approve both Buxton and Hollis moving to Scarborough. This is a local choice and we assume that the towns have considered the impact any additional call transfers may have on their services.

C. Hancock County

The Rule requires 1 PSAP in Hancock County. Bar Harbor PD calls are now going to Hancock County. We approve this plan.

D. Kennebec County

The Rule requires 1 PSAP in Kennebec County. Affected parties have met and discussed for many years the feasibility of consolidating dispatching efforts within Kennebec County. This long-term planning culminated in the passage of Public Law Chapter 678 during the Second Special Session of the 121st Legislature, P.L. 2003, ch. 678. This legislation contemplates one county communication center in Kennebec County. That center has been established as the Central Maine Regional Communication Center (CMRCC) located at the Central Maine Commerce Center on Civic Center Drive in Augusta. In July, the Kennebec County Sheriff's Office and Waterville Police Department sent letters opposing elimination of their PSAPs. The Gardiner PD PSAP has already integrated into the CMRCC facility and discussions have begun with the Augusta PD PSAP and Winthrop Communications Center personnel. The Staff recommended that funds only be provided for 1 PSAP in Kennebec County at CMRCC beginning October 1, 2007. Waterville continues to express concerns about whether the regional center can provide service at the same or lower cost than Waterville's own center. Kennebec County Sheriff is also concerned about costs and technological issues with the interface between vehicle communication equipment and CMRCC equipment, which are provided by different vendors. Even though these are local issues beyond our jurisdiction to resolve, we agree with the commenters that these issues should be explored further before we make a decision about consolidation.

We understand progress has been made by the CMRCC Board as to what it will charge for call answering and dispatch. We will provide a forum so affected parties have access to the same financial and factual information. CMRCC should communicate cost information to Waterville, Augusta and Kennebec County and file it with the Commission by October 16, 2006. By October 30, Waterville, Kennebec County and Augusta may file any dispute with, or exceptions to, the cost information or any possible alternatives. The parties should also file any agreements they have reached. After receipt of this information we will decide whether further process is needed to determine PSAP designations.

We also understand the Department of Public Safety will coordinate efforts to overcome any impediments to communication for dispatch centers using CAD systems that are not compatible with Motorola Systems. We expect a report back by October 16, 2006 on plans to overcome such problems with a proposed solution to be in place by November 13. We urge parties to file a consensus document by October 16, 2006, reflecting agreements reached and any outstanding issues, if any exist. If consensus is not reached, individual reports should be filed.

Therefore, we take no action on Kennebec County consolidation at this time, other than to approve the consolidation of Gardiner PD into the CMRCC, which has already occurred.

E. York County

The Rule requires 3 PSAPs in York County. York PD plans to perform PSAP duties for Kittery PD and South Berwick PD and the communities of Ogunquit, Eliot and Berwick. They intend to build a consolidated PSAP and dispatch center in the next two years. Biddeford PD requests PSAP status. It plans to perform PSAP duties for Saco PD and Kennebunkport PD.

On August 18, 2006, a letter and draft document for the establishment of the First County Communications Center as a PSAP was submitted to the PUC. The County of York and the Towns of Sanford, Waterboro, Lebanon and Arundel are working to form a regional dispatching organization. The position of Manager of the York County PSAP was recently eliminated and county PSAP administration has been turned over to the York County Sheriff's Office for the foreseeable future.

A group of towns (previously dispatched from York County PSAP) have requested to have PSAP and dispatching services provided for a fee by the Department of Public Safety at the Gray RCC. Substantive negotiations have taken place and interlocal agreements have been prepared.

Kennebunk PD, by letter dated June 30 and Wells PD, by letter dated June 28, request PSAP services from DPS Gray RCC at no cost to the communities. Based upon discussions with DPS, this service cannot be provided at no cost. Therefore this arrangement will not be possible. Staff recommended that Wells and Kennebunk be

required to submit a new proposal for PSAP services to the Commission for consideration by October 15, 2006. If an acceptable arrangement is not forthcoming, the Commission could consider seeking bids/proposals from other neighboring PSAPs (e.g., Biddeford, York PD, First County Communication Center, or DPS Gray).

We will approve York PD as a PSAP (so called Southern York Group) and the consolidation of Biddeford with Kennebunkport and Saco.³ We also approve those towns⁴ who wish to be dispatched by the Gray RCC. We accept this as a local choice and we will not interfere even though in some instances it may create additional call transfers than under the present system. We do not approve the so-called First County Communications Center (FCCC) at this time.

The remaining existing PSAPs (Wells, Kennebunk, York County and Sanford) need to determine where their calls will be answered. We will provide York County, Gray RCC and the Southern York Group an opportunity to provide bids/proposals for how much it will charge for call answering and call dispatch. These bids/proposals should be submitted to the Commission by October 16, 2006. With the costs available, interested parties should be able to make informed decisions. If any agreements are reached by October 16, 2006, those should be communicated to the Commission.

FCCC has worked diligently toward consolidation and should be commended for so doing. It is our expectation that our decisions in this order will facilitate FCC's consolidation efforts and result in a PSAP proposal being filed with us shortly.

F. Department of Public Safety

DPS plans to continue to operate four regional PSAPs at Houlton, Orono, Augusta (CMRCC) and Gray. We approve their continued operation.

III. CONCLUSION

As described above, we designate the entities listed in Attachment A to this Order as PSAPs. The final designation of PSAPs in York and Kennebec County will occur following the processes outlined in this Order in sections D and E.

³ During Deliberations we indicated that we understood from news reports that Kennebunkport was reconsidering its decision to join Biddeford. Following Deliberations we received a communication from Kennebunkport renewing its intent to join Biddeford and Saco. Therefore we approve this arrangement.

⁴ The towns are Acton, Alfred, Cornish, Hiram, Limerick, Lyman, Newfield, Parsonsfield, North Berwick, and Shapleigh

Dated at Augusta, Maine, this 29th day of September, 2006.

BY ORDER OF THE COMMISSION

Karen Geraghty
Administrative Director

COMMISSIONERS VOTING FOR: Adams
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Designated PSAPs

Androscoggin SO
Bangor PD
Biddeford PD
Brunswick PD
CMRCC
Cumberland County
DPS-Gray
DPS-Houlton
DPS-Orono
Franklin County SO
Hancock County RCC
Knox County RCC
Lewiston/Auburn 911 RCC
Lincoln County
Oxford County RCC
Penobscot RCC
Piscataquis County SO
Portland PD
Sagadahoc County
Scarborough PD/South Portland PD (through October, 2009)
Somerset County SO
Waldo County SO
Washington County SO
Westbrook PD
York PD

To be Determined:

Augusta PD
Waterville
Kennebec County
Wells
Kennebunk
Sanford
York County