

BEFORE THE
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 03-24)
In the Matter of:)
Rulemaking by the Department of Telecommunications and Energy)
To Promulgate Regulations to Establish a Funding Mechanism for)
Wireline Enhanced 911 Services, Services for TDD/TYY Users,)
Communications Equipment for People with Disabilities, and)
Amplified Handsets at Pay Telephones)

COMMENTS OF
THE MASSACHUSETTS COMMUNICATIONS SUPERVISORS ASSOCIATION

I. Introduction

By issuance of an Order Instituting Rulemaking and a Notice of Public Hearing and Request for Comments (Docket No. DTE 03-24, March 13, 2003), in the above-captioned matter, the Department of Telecommunications and Energy (the Department) instituted a rulemaking to establish a surcharge to fund enhanced 911 services and certain telecommunications programs for disabled persons. The Department invited public comment on its proposed rules. Accordingly, on behalf of actual operators of Massachusetts 911 Centers (called Public Safety Answering Points or PSAPs), the Massachusetts Communications Supervisors Association herein submits comments on the Rulemaking, proposing certain clarifications and amendments.

The Massachusetts Communications Supervisors Association is a non-profit, voluntary association of PSAP and related emergency services dispatch center supervisors representing approximately 50 Massachusetts municipalities and other governmental entities. Among the principal aims of the Massachusetts Communications

Supervisors Association are: (i) promoting the training, equipping, and professional – status of call takers and dispatchers ; (ii) assisting its membership with the management issues of PSAP operations; and (iii) working in partnership with the SETB and other organizations, through research and planning, to assist in the ongoing development of the Massachusetts 911 program.

II. Rules Should Reflect that Applicable Law Mandates that Surcharge Expenditures Include Telephone Company Payment for Municipal PSAP Needs

The Massachusetts Communications Supervisors Association urges the Department that under applicable law, funds administered by the SETB in furtherance of E911 purposes must be for “prudent expenses” and in furtherance of statutory purposes set forth in Mass. Gen. Laws, c.6A, ss. 18B-18H, including adequate expenditure on municipal PSAP equipment and services. Accordingly, rules on reimbursement of telephone company expenditures must ensure that fund revenues continue to provide PSAP equipment, supplies, and services as the SETB determines necessary for the efficient answering and processing of 911 calls. In particular, the rules must ensure that PSAPs continue to receive the equipment and materials that has been provided under the direction of the SETB by and through telecommunications companies and their subcontractors such as phone instruments, computerized displays, call detail printers, headsets, call processing software, call handling guides, call taping devices, audio playback devices, TTY keyboards, and other devices and materials sufficient to insure that 911 calls are received and processed in accordance with SETB standards.

Similarly, rules on reimbursement of telephone company expenditures should ensure that telephone companies continue to support SETB-approved training and instruction of PSAP equipment operators including provision of 911 call-handling guides and training manuals. In connection with the foregoing, the rules should clarify that support of such training should include not only the costs of instructors and necessary training equipment and material, but shall also include out-of-pocket travel and related expenses arising from PSAP operator travel to such training.

In addition, the rules must ensure that reasonable and appropriate technical and procedural training is provided to all newly hired PSAP equipment operators as part of a Pre-Service Certification program established and maintained by the SETB.

Approximately 300 new full-time 911 equipment operators are hired in Massachusetts each year.

Further, the rules must ensure that reasonable and appropriate continuing in-service training is provided each year to every 911 equipment operator such that they may maintain, develop, and refresh their skills pursuant to SETB standards. There are approximately 2,000 full-time 911 equipment operators in Massachusetts. (See Appendix A for information on the number of 911 equipment operators by PSAP).

Inclusion of the foregoing expense categories should be referenced in the rules, as the proposed rules by their own terms seek to create a framework for reimbursement of “prudent expenses.” By outlining customary or necessary specific prudent expenses, while leaving flexibility for other expenses that may in the future be deemed necessary, the rules will better fulfill the objective of ensuring reasonable expenditure on an efficient 911 system.

III. Section by Section Comments

Definitions of Telecommunications Company and Voice Grade Exchange Telephone Service

In light of the intent of Chapter 239 of the Acts of 2002 to expand surcharge funding for telecommunications companies to financially strengthen 911 services, MCSA respectfully requests that the DTE consider whether the definitions of Telecommunications Company and VGETS encompass all telephone companies providing retail service in Massachusetts. MCSA is not aware of any exceptions to

jurisdiction, however, our point is to suggest careful deliberation on these definitions to ensure that they are all-encompassing.

Section 16.03(1). Application of the Surcharge, Description.

After the first sentence of Section 16.03(1), MCSA proposes adding the following:

“Prudently incurred costs shall include provision of PSAP equipment, 911 call taker training guides, and related materials and supplies as the SETB determines necessary for efficient answering and processing of 911 calls. Prudently incurred costs shall include support of training of PSAP equipment operators and shall include not only the costs of instructors and necessary training equipment and material, but shall also include out-of-pocket travel and related expenses arising from PSAP operator travel to such training.”

This changed language makes it clearer that PSAPs, certain 911-related equipment in them, and the skills and practices of 911 equipment operators, are an essential part of the 911 program, and have been - and should continue to be - included in the prudent scope of cost-recovery.

Section 16.03(4)(a). Application of the Surcharge, Level of Surcharge.

MCSA proposes changing the paragraph at (a) to the following new language:

“(a) Upon request by the Department, the SETB will provide a five-year projection of the reasonable and customary or necessary program costs expected to be incurred by the SETB in the provision of wireline enhanced 911 service for all wireline customers in Massachusetts, including but not limited to a detailed explanation of PSAP-related costs and any related administrative, training, and public education costs contained in those cost projections.”

This language would simply make more explicit the requirement to categorize the 911 program costs of PSAPs.

Section 16.03(5). Application of the Surcharge, Interim Surcharge

MCSA proposes changing the second sentence of the paragraph to the following new language:

“The interim surcharge will be based on estimated reasonable and customary or necessary program costs.”

This language would make it clear that the costs of the 911 program upon which the interim surcharge derives would not be limited to particular line-item costs included in a previous year’s 911 program. The 911 program must have the capability to meet any reasonable necessary program costs in the interim period based on SETB determination with DTE approval.

Proposed new Section 16.03(9)

MCSA proposes adding a new Section 16.03(9), requiring that expenditure of the surcharge for deficit reduction not adversely impact the reasonable and customary or necessary on-going or capital costs of operating any current year’s 911 program.

This section states that the requirement to repay any reasonable 911 program telecommunications from directory assistance revenues not reduce surcharge revenues required to operate any current year’s 911 program.

IV. Conclusion

In Massachusetts, 911 is one of the most essential services provided and supported by local government. By definition, all 3+ million of the state’s yearly

emergencies – plus millions of other lesser incidents - are reported to and handled by 911 PSAP personnel. In addition, in the post 9/11 era, PSAP's are at the very heart of the initial response to, and management of, terrorist, hazardous materials, or Weapons of Mass Destruction events. It is hard to overstate the fundamental importance of PSAPs to the everyday life of our communities or to our future.

By design, Massachusetts has chosen to locate its 911 centers (called PSAPs) in police, fire, and emergency communications buildings in local communities. Some regional 911 centers support groupings of neighboring towns or larger aggregations of towns at a county-wide level. The statewide 911 Program, managed by the SETB since the early 1990's, has been a successful – albeit underfunded - partnership among local, state, and contracted telephone company personnel, to provide a robust and failsafe telephone sub-network for 911 calling. The network has functioned reliably and effectively to route 911 calls to 911 equipment operators (dispatchers or telecommunicators) in local PSAPs. However, a great deal remains to be done, within the context of existing statutes, to insure that the network can continue to operate reliably, can be modernized as required, and – most importantly – that 911 equipment operators are provided the specific equipment, training, and coordinated statewide direction needed to properly receive, process, and service 911 calls to the reasonable satisfaction of 911 callers and telephone ratepayers. Chapter 239 of the Acts of 2002 provides an opportunity to put the 911 Program on a much firmer financial foundation and to further develop the capability of PSAPs to meet their 911 Program obligations.

Respectfully submitted,

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