

# Reauthorizing E911 in Massachusetts

## Massachusetts Major City Police Chiefs Recommendations

July 2007

Massachusetts has a unique, once-in-5-year opportunity to improve its 911 Program. The opportunity arises because the current 911 wireless statute - and its "companion" wireline 911 statute - now sunset (expire) on June 30, 2008. (The statute is at MGL Chapter 6A Sections 18A through 18I; the FY08 state budget pushed the sunset date until the end of FY08 ).

A successor statute must be passed prior to June 30, 2008 for the 911 program (and the related monthly surcharges on consumer telephone bills) to continue.

The current 911 laws derive from the early 1990's with some important changes having been made in 2002. It is now time to make additional changes to improve and expand this most critical of local government programs.

A study effort led by the State Department of Telecommunications and Energy (DTE) under Docket 06-33 has proposed some common-sense changes that should be included in the new statute. These include:

- a. making the monthly surcharge rate the same regardless of the technology (cell phones now get surcharged differently (\$0.30/mo.) than wired phones (\$0.99/mo.) and
- b. imposing the same surcharges and 911 rules on any new technologies that can call 911 such as Voice-over-IP phones (VOIP) and text messages.

We support these changes.

However, in addition to these obvious changes, the Major City Chiefs - as well as many in the 911 community - believe the scope of the 911 program needs to be broadened. The statutory language needs to be updated to not only help support 911 telephone equipment - as it currently does well - but also to more flexibly support the 911 call processing personnel, equipment, training, and supply needs of local communities that operate 911 centers. The part of our current statute that governs wireline 911 expenditures - unlike in most other states - restricts 911 funds to reimbursing telephone companies for 911 equipment and network services (and the state agency that oversees 911) and does not allow directly supporting local community efforts at 911 call handling

and processing. This concept needs to be changed so BOTH PSAPs as well as telephone companies can gain reimbursement for providing E911 services.

We have examined the E911 statutes of the 6 states most similar in size to Massachusetts (Georgia, North Carolina, Virginia, Indiana, Washington, and Tennessee) and find that:

- all of them fund many more PSAP E911 costs than Massachusetts
- all of them have PSAPs as the principal recipients of E911 funds, not telephone companies.

See the charts below for a comparison.

Proposed new statutory language is at section E below.

#### A. Brief History of E911 in Mass.

The current statute - the one that now expires on 6/30/08 - was essentially written in the mid-1990s with its primary focus on the installation of Enhanced 911 telephone equipment in local communities that would show the number, address, and name of the wired telephone calling 911. For 10 years, the 911 program was (insufficiently) funded through a unique-in-the-US surcharge on the 11th and subsequent 411 call in a month. About \$7 million each year was raised in surcharge revenues, but the state's selected 911 telcom vendor (Verizon) actually spent about \$12 million each year.

In about 2002, the state owed its vendor Verizon about \$40 million dollars in accumulated 911 system expenses and thus passed a change to the 911 wireline statute that created a different funding approach (similar to 90% of the other states) in which a monthly charge was assessed on every wired telephone line. The charge was set by the state for 4 recent years at \$0.85/mo (with the DTE approving the state 911 agency budget) and 911 wireline revenues jumped from the \$7 million/year figure to about \$40 million/year. In the last year of the 911 Program (2007) the DTE has approved a rate increase to \$0.99/mo.

Also in 2002 the legislature added separate statutory language to create and fund the ability to handle wireless 911 calls from cell phones. The legislature - using different language than for the regulated wireline approach - set out a relatively broad scope for this program and set the 911 wireless (cell) phone rate at \$0.30/mo. allowing it to rise up to \$0.70/mo should needs require - it has remained at \$0.30 since its inception in 2003). The funds - now estimated at about \$12M million/year - go primarily to equip and staff the 3-4 state-police-operated wireless PSAPs as well as to pay for mapping and other systems that

allow local PSAPs handling transferred cell 911 calls to spot the location of cell callers on map displays.

This huge increase to the Wireline Fund resulting from the shift to monthly surcharging the 4.5 million wired phone lines - as well as the creation of the separate Wireless Fund charging \$0.30 for a rapidly increasing number of cell phones - did several things: it paid down the debt to Verizon and it allowed new computerized 911 telephone equipment to be acquired and installed by Verizon in the state's 911 centers during the period from 2003-2007. This installation started about 3 years ago, was halted for about 18 months due to a tragic equipment failure that involved the death of a 911 caller who could not be located, and is now back-on-track with 3 municipal system 911 phone system installs each week to conclude with the end of the program in December 2007.

### B. The Need for Change to our 911 Statute and What Other States Do

The problem with the current statute in Massachusetts is that ONLY the 911 telephone system vendor is allowed to be reimbursed from 911 wireline surcharges for the 911 program. This is NOT the case in most other states; municipalities and counties that operate 911 centers are also able to benefit from and use 911 surcharges to process 911 calls. For example, in the 6 other states similar in size to Massachusetts (Georgia, North Carolina, and Virginia that are somewhat larger - plus Indiana, Washington and Tennessee that are somewhat smaller) they all - EXCEPT Massachusetts - allow local communities that operate 911 centers to share in the use of 911 surcharge revenues. The following table shows the current status of E911 surcharges in states like Massachusetts:

State	Census 2005 Pop.	Approx Number of PSAP's	Ave or Set Wireline Monthly	Wireline Switched Access Lines (FCC 2005)	Max Projected Wireline Revenue	Wireless Monthly Charge (ave.)	Cell Suscribers (FCC 2005)	Max Projected Wireless Revenue	Actual Projected Wireless Revenues	Total Projected 911 Surcharges Based on FCC Data * Rate	PSAPs Share in 911 Funds for Call Processing
Georgia	9,072,576	250+	\$1.50	4,828,787	\$86,918,166	\$1.50	6,103,234	\$109,858,212		\$196,776,378	Yes
North Carolina	8,683,242	258	\$1.00	4,866,597	\$58,399,164	\$0.80	5,784,334	\$55,529,606		\$113,928,770	Yes
Virginia	7,567,465	200+	\$1.70	4,937,573	\$100,726,489	\$0.75	5,126,651	\$46,139,859	43 million	\$146,866,348	Yes
Mass	6,398,743	266	\$0.85	4,139,035	\$42,218,157	\$0.30	4,544,572	\$16,360,459	12 million	\$58,578,616	No
Indiana	6,271,973	150+	\$0.70	3,471,093	\$29,157,181	\$0.70	3,540,375	\$29,739,150		\$58,896,331	Yes
Washington	6,287,759	87+	\$0.70	3,576,939	\$30,046,288	\$0.70	4,177,196	\$35,088,446		\$65,134,734	Yes
Tennessee	5,962,959	150+	\$1.25	3,249,862	\$48,747,930	\$1.00	4,114,401	\$49,372,812	40 million	\$98,120,742	Yes

The following table shows what 911 expenditures can and do support in states similar in size to Massachusetts.

State	Telco Network, DB, CPE	PSAP Personnel	PSAP Facilities	PSAP Call Processing Technology	Dispatcher Training	PSAP Supplies
Georgia	Yes	Yes	Yes	Yes	Yes	Yes
North Carolina	Yes	No	some	Yes	Yes	Yes
Virginia	Yes	Yes	Yes	Yes	Yes	Yes
Massachusetts	Yes	Only state police wireless	Only state police wireless	No	Yes	No
Indiana	Yes	Yes	No	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	Yes	Yes	Yes	Yes

We propose that the 911 Program in Massachusetts become a BALANCED program - not only telephony equipment oriented - and that the statute simply include a provision that allows local, regional or state "PSAPs" to be able to obtain granted 911 surcharge funds that they can spend for carefully authorized 911 purposes. In any given year, the state 911 agency which oversees the 911 Program (the SETB or Statewide Emergency Telecommunications Board which is an agency within the state Executive Office of Public Safety or EOPS) would decide what are the key goals for that year given the needs of the PSAPs and 911 System statewide. In certain periods the focus might be more on replacement of 911 telephone equipment; but in other years - after a cycle of equipment modernization for example - the focus might be more on domestic violence call handing skill building, or using an Emergency Medical Dispatch protocol to give life-saving instructions to callers, or speeding the handing of 911 calls in busy 911 centers, or in training of 911 center supervisors, or in developing regional centers where local communities find they can collaborate more effectively than operating alone, or in service to the disabled caller, or in adapting to new technologies like VoIP telephony or IP messaging of emergency information, or even in transitioning 911 cell calls from the state police to local PSAPs where that makes operational and technical sense. Many other programs and initiatives could be supported as 911 Program needs evolved.

This change is in EVERYONE's interest, especially the interest of the 911 callers. 911 is NOT JUST telephony! The current program has done a good job of insuring that a 911 call can be reliably routed to and answered in a local 911 center. But as we all know, 911 is much more. A caller also wishes to be assured that the 911 Dispatcher that answers her emergency call has the equipment, training, supplies, and organizational support necessary to provide the highest level of service. Many police and fire leaders see that the processing of 911 calls needs improvement; greater access to specific 911 funds is critical to helping PSAPs solve these problems at the local level.

### C. The "Companion" 911 Cell Phone Statute

We note that the Massachusetts 911 WIRELESS statutory language - different from WIRELINE 911 language but also part of Chapter 6A, Sect 18A-I - CURRENTLY allows this directed support for PSAPs in that it allows for BOTH PSAPs and telcoms to receive wireless-only funds for 911 purposes PLUS it says that PSAP wireless call handling needs have to be satisfied first before telcom needs can be met. It should also be noted that the wireless statutory framework provides well over 1 million dollars per year to the personnel and equipment costs of the state police in operating their 3-4 wireless PSAPs (places that first receive 911 cell calls and then transfer them to local 911 centers for handling). So the concept of PSAPs receiving 911 funds for authorized 911 purposes as overseen by the SETB is not foreign to Mass. (and again it is the norm in most states).

### D. The SETB Has Initiated Direct Funding of PSAPs for Dispatcher Training

The state 911 agency recently (Dec 2006) made a change to its program by adopting the Major City Chiefs proposal to create a PSAP Training Fund allowing towns that operate PSAPs to be reimbursed for 911 Dispatcher Training according to a formula (that blends population served and 911 call volume). The size of the Fund is about 4.5% of the total 911 surcharge revenues. Municipalities are currently applying to be eligible for such reimbursement, but it is expected that the initiative will dramatically increase the level and quality of the training of 911 Dispatchers in the state. Initially, the funds will be used by most towns to defray the expense of sending all personnel that answer 911 calls to 16 hours of mandatory training in the operation of the newly installed 911 computer telephone equipment. But in the future, the Fund can support a wide range of in-service and pre-service training needs such that all 1600+ dispatchers in the state can get, keep and build their skills. We urge that this Fund be continued. We do note that simply continuing this fund does NOT in itself broaden the scope of the 911 Program as we propose above.

### E. Issues in Drafting Language that accomplish the broadening of scope

The current statutory language that defines what the scope of funds can support is only found in the wireless section of the 911 laws. Presumably, when the new statute is drafted to consolidate and merge the wireless and wireline programs, the scope language would need to be made able to support PSAPs as well as telco components of an overall 911 program. The current (wireless) scope is at subpart c1 of Section 18H of Chapter 18H; note that it only now applies to the use of funds disbursed from the Wireless Fund:

(c) (1) The board shall disburse funds from the Wireless Enhanced 911 Fund for the acquisition, upgrade or modification of public safety answering point equipment to be capable of receiving wireless enhanced 911 service information, including necessary computer hardware, software and database provisioning; personnel costs of approved public safety answering points and emergency communications centers which process wireless calls based on reports required in subsection (d); network development, operation and maintenance; database development, operation and maintenance; on premise equipment maintenance; the acquisition, provisioning, operation, and maintenance of any additional hardware, software, database or data connectivity needed to implement the FCC order throughout the commonwealth; training emergency service personnel regarding the receipt and use of wireless enhanced 911 service information; educating consumers regarding the operation, limitation, role and responsible use of wireless enhanced 911 service; and any expenses incurred by the statewide emergency telecommunications board in administering and operating the wireless enhanced 911 project.

If this section would be changed to reflect the broadened and combined wireline and wireless program scope it might appear as follows if it was to allow the discretion to more directly support authorized municipal, county and state PSAPs:

#### PROPOSED NEW LANGUAGE FOR SCOPE OF COMBINED WIRELINE- WIRELESS E911 PROGRAM (adapted from Georgia and Virginia E911 statutes)

(c) (1) The board **shall** disburse funds from the [Combined Wireline-Wireless] 911 Fund for the:

(1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and data base provisioning; addressing; and nonrecurring costs of establishing a 9-1-1 system;

(2) The rates associated with the service supplier's 9-1-1 service and other service supplier's recurring charges;

(3) The actual cost of salaries, including benefits, of employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and the actual cost of training such of those employees who work as 911 dispatchers;

(4) Office supplies of the public safety answering points used directly in providing emergency 9-1-1 system services;

(5) The cost of 911 dispatch consoles and furniture used directly in providing emergency 9-1-1 service;

(6) The lease, purchase, or maintenance of computer hardware and software used at a public safety answering point, including computer-assisted dispatch systems;

(7) Supplies directly related to providing emergency 9-1-1 system services, including the cost of printing emergency 9-1-1 public education materials; and

(8) The lease, purchase, or maintenance of logging recorders used at a public safety answering point to record telephone and radio traffic.

(9) and any expenses incurred by the statewide emergency telecommunications board in administering and operating the enhanced 911 project.

#### F. What These Recommendations Do Not Mean

This does not mean spending 911 surcharge money for non-911 purposes or giving only large cities a chance to get funding to help them improve 911 call handling. In addition, this proposal says nothing about the level of the 911 surcharge (which in Massachusetts is less than the average surcharge assessed in many other states); the surcharge would vary as program needs change, but be carefully overseen by the SETB and only prudent expenses would be allowed.