

Changes in 9-1-1



Summary of Final Report and Legislation: SB0096/P.A. 99-0006

99th General Assembly

9-1-1 Services Advisory Board

Disclaimer: This presentation is based on the best information at the time of authorship.

The Board's actual Report, applicable statewide except in Chicago, is available at icc.illinois.gov, and is the only definitive source for the 9-1-1 Services Advisory Board's recommendations.

Definitions

- **JCAR** – Joint Committee on Administrative Rules: a bipartisan legislative oversight committee created by the General Assembly. Pursuant to the Illinois Administrative Procedure Act, the committee is authorized to conduct systematic reviews of administrative rules promulgated by State agencies.
- **JETSB**- Joint Emergency Telephone System Board: A new organization that is derived from the consolidation of ETSBs and/or Qualified Governmental Entities.
- **STATEWIDE 9-1-1 ADVISORY BOARD:** Appointed by the governor, having additional powers, and different from the current “911 State Advisory Board” (911SAB). The new Board is headed by the Administrator under the Illinois State Police. The Statewide 9-1-1 Administrator is a position appointed by the Governor, separate and apart from the Illinois State Police.
- **UNITARY MONTHLY STATEWIDE SURCHARGE:** A unified per-line rate for all devices and methods (wireline, wireless, VoIP) to support 9-1-1 services.

Public Act 98-634 (last year), SAB to plan for a State-Wide NG911 System (Due date was 4/1/2015)

- (1) defines the structure of the statewide network;
 - SB0096 creates an RFI/RFP to define it
- (2) a plan and timeline for the transition to a statewide network;
 - 96 establishes a 5-Year Plan (2022)
- (3) consolidation of 9-1-1 systems and services;
 - SB0096 contains a formula to reduce # of PSAPs, merge ETSBs, provides grants
- (4) plan for the implementation of the Statewide Next Generation 9-1-1;
 - SB0096 create an RFI/RFP to implement NG911
- (5) list of costs for which the moneys from the Wireless Service Emergency Fund should not be used;
 - Remains with the current language we have today.

Public Act 98-634 (last year), SAB to plan for a State-Wide NG911 System (Due date 4/1/2015)

- (6) costs necessary for the 9-1-1 systems to adequately function;
 - P.A. 99-0006, as part of the RFI/RFP process, will define it
- (7) the adequate amount of the wireless surcharge in order to support sufficient 9-1-1 services throughout the State (except for Chicago);
 - Determined to be \$0.87 for both wireless and wireline, can/will/may increase
 - Prepaid increases to 3% at Point-of-Sale
- (8) a plan and timeline for the payment of past due Wireless Carrier Reimbursement Fund invoices to wireless carriers;
 - Resolved and WCRF will be tapered off over 5 years
- (9) the proper division of responsibilities between the Statewide 9-1-1 Administrator and the Illinois Commerce Commission for the oversight of funding distribution, technological standards, and system plan authorizations, modifications and consolidations going forward;
 - Outlined in P.A. 99-0006 , other relationships between ICC and ISP to be determined in JCAR

Combine Three Laws into One Within P.A. 99-0006

- Wireline 9-1-1
 - (50 ILCS 750/) Emergency Telephone System Act.
 - Eliminate referenda language and cease the setting of local rates for wireline
 - Cease the creation of any new ETSBs, unless they are Joint ETSBs
- Wireless 9-1-1
 - (50 ILCS 751/) Wireless Emergency Telephone Safety Act.
- Pre-Paid 9-1-1
 - (50 ILCS 753/) Prepaid Wireless 9-1-1 Surcharge Act.

All aspects of 9-1-1 combined into one Act:
(50 ILCS 750/) Emergency Telephone System Act.

Statewide 9-1-1 Network by 2022

- **Illinois State Police (ISP) will conduct two requests for proposals (RFPs)**
 - (1) RFP issued by July 1, 2016 to select a consultant to conduct a feasibility study on the implementation of a statewide Next Generation 9-1-1 network in Illinois. Suggested completion date of July 1, 2017.
 - (2) Within 12 months of receiving the consultant's completed study an RFP should be issued. This will involve the ISP contracting with a single 9-1-1 system provider who will actually design, build and potentially share in the operation of the *Statewide NG9-1-1 Network*. This Network should be completed no later than July 1, 2022.

Assurance of Ubiquitous 9-1-1 Services Statewide

- Within two years, the areas not served by E9-1-1 will be required to provide Enhanced 9-1-1.
- Currently, nine (9) counties without 9-1-1 service
- Five (5) have never enacted a referendum for a wireline surcharge under the Emergency Telephone System Act
- Four (4) of these counties have enacted referenda but have yet to create and operate a 9-1-1 system.
- P.A. 99-0006 mandates the provision of 9-1-1 services within all of these areas by requiring the respective county authorities to join with nearby ETSBs to create joint systems within two (2) years.
- P.A. 99-0006 provides funds for these counties to implement 9-1-1 as a priority.

Consolidation of 9-1-1 Systems and Services by July 1, 2017

- A **county with at least 250,000** (but < 1M) , **having more than one ETSB**, JETSB, or QGE, each system shall reduce the number of PSAPs by at least 50% or to 2 PSAPs, whichever is greater. Nothing shall preclude consolidation of ETSBs, JETSBs, or QGEs in forming one JETSB. (i.e. circumstances in DuPage, Lake, and Kane).
- A **county with at least 250,000** population **having a single ETSB** and more than 2 PSAPs, the number of PSAPs must be reduced by at least 50% or to 2 PSAPs, whichever is greater.
- A **county with at least 250,000 population** having **more than one ETSB** serving a population of less than 25,000 shall be consolidated such that no ETSB in the county serves a population less than 25,000.
- Any **ETSB that does not have a PSAP** within its jurisdiction shall be consolidated through an intergovernmental agreement with an existing ETSB that has a PSAP to create a joint board.

Consolidation of 9-1-1 Systems and Services by July 1, 2017 (Continued)

- Any county with a population of less than 250,000 having a single ETSB and more than 2 PSAPs, the number of PSAPs must be reduced by at least 50% or to 2 PSAPs, whichever is greater.
- Any county with a population of less than 250,000 that has more than one ETSB and more than 2 PSAPS, the boards must be consolidated into a single joint board, and the number of PSAPs must be reduced by at least 50% or to 2 PSAPs, whichever is greater.
- The corporate authorities of each county that has no 9-1-1 service must enter into an intergovernmental agreement with an existing ETSB.

Approvals and Exemptions from Consolidation

- The entities subject to consolidation shall submit consolidation plans for approval by July 1, 2016 to the State 9-1-1 Administrator (ISP).
- An entity could receive a waiver from the consolidation requirement if it demonstrates that the consolidation:
 - would result in a substantial threat to public safety, or
 - would be economically unreasonable, or
 - would be technically infeasible.
 - The waiver would be considered by the Statewide 9-1-1 Administrator after recommendation of the Statewide 9-1-1 Advisory Board.
- Grants will be made available to assist in consolidation efforts. Grants may be extended back to consolidations occurring since 2010.

New Format for Surcharges

- **Create a uniform statewide surcharge**, to be applied on an equitable basis to all purchasers of wireline, postpaid wireless, Interconnected Voice over Internet Protocol (VoIP), and cable-provided telecommunications services; **\$0.87/line/month, and 3% Point-of-Sale for pre-paid wireless (except Chicago)**
- **Centralized collection and distribution of 9-1-1 revenues 9-1-1 Administrator**; Illinois could forfeit Federal grant funds if surcharge funds are diverted.
- **Centralized payment of network costs for local systems**;
- **“Hold harmless”** Systems will receive at least the average of the monthly fees collected per the previous year’s reported surcharge revenue.
- **Funding the Statewide 9-1-1 Advisory Board**, and provide for staffing expense and for other State expenses necessary to procure NG9-1-1 and to provide and administer discretionary grants that will facilitate consolidation and pave the way for NG9-1-1 at the local level.

Uniform and Equalized Rate aka “Single Rate”

One surcharge for any device. It is a single, equalized rate. Per the ICC attorney, a “*unitary monthly statewide surcharge*”.

• OLD WAY

- Wireline (fixed location & VoIP)
 - Rate set by local referendum:
 - **\$0.00 to \$5.00/month/line** across the state
- Wireless
 - Rate was set by law at **\$0.73/month/line** statewide
- Prepaid Wireless
 - **1.5%** Point-of-Sale

• NEW WAY (all devices/methods)

- Wireline (fixed location & VoIP)*
 - Rate set by law:
 - **\$0.87** statewide for all ETSBs and 9-1-1 Authorities
- Wireless
 - Rate set by law at **\$0.87** statewide
- Prepaid Wireless (to support NG and Consolidation)
 - **3%** Point-of-Sale

* Distribution formula makes adjustments to have all ETSBs “made whole” where current rates may be over \$0.87, aka “**Hold Harmless**”.

Priority of Surcharge Distribution – Part 1

“subject to appropriations”

- Of the \$0.87 collected by each carrier, they can deduct up to 3% for Administrative fees (Section 20)
- The carriers may add any additional compliance or regulatory costs (no cap, no limits) over and above the 3% Administration costs, to the subscriber’s phone bill. (Section 20)

THEN....

- A – \$0.013 distributed to the 87 counties under 100,000 population
- B – \$0.033 for the Wireless Carrier Reimbursement Fund, tapered off to zero by June 31, 2021
- C – \$0.007 for the 9-1-1 Administrator
- A, B, and C derived from Section 30, then distributed per Part 2...

Priority of Surcharge Distribution – Part 2

...of the remainder after Part 1

- A – Established ETSBs that reported last year, the average monthly payments from the previous reporting year, or monthly payment of 1/12 of what was reported last year. (Hold Harmless/Made Whole)
- B – The state will pay for all network connections (currently CAMA trunk costs and toll charges) previously paid by each ETSB/system
- C – All administrative costs to support the Administrator, the cost of the RFP for a design consultant, all costs for the RFP for network build-out, any procurement approved by the Administrator and Board
- D – Funds may be held in reserve each year (with caps) for grants for consolidation (15.4a and 15.4b)
- E – Established ETSBs handling wireless calls receive what is left

Pre-July 2015 Wireless Rate

Fund	Rate	Admin	ICC	
Wireless Carrier Fund	\$ 0.05	0.01		20% of the total \$0.05
Wireless Services Emergency Fund	\$ 0.66		\$0.01	ICC oversight and regulation
Wireless Services Emergency Fund	\$ 0.02			Divided up by low-pop counties, ~\$24,00/87 counties.
Total	\$ 0.73			
ETSB HI Population	\$ 0.65			Populations over 100,000
ETSB LO Population	\$ 0.65	Plus share		Population under 100,00 plus ~\$24,000

Phase out of Wireless Carrier Fund

- **OLD**-Current, **\$0.05** of the current \$0.73
 - **\$0.04** for cellular system improvements for wireless call handling and other purposes
 - **\$0.01** for administration and compliance
- **NEW** – Shift Carrier Reimbursement Fund to grants funds for consolidation and NG911 over time
 - Change rate to **\$0.033**
 - After year 2, start to phase out
 - Eventually eliminate altogether over the following 5 years.
 - Shift funds to grants as it is phased out

The Wireless Carrier Reimbursement Fund (WCRF) is to be phased out--eliminated by July 1, 2022. After its elimination, wireless carriers would be able to deduct 3% of the surcharge to pay for administrative costs in the same manner as wireline carriers.

Allowable Costs, Audits and Financial Reports

- The allowable costs will continue as described in the current WETSA and ETSA, included in P.A. 99-0006 .
- Annual audit submissions will continue.
- Continue to submit Financial Reports.

9-1-1 Oversight Responsibilities of the State

- The legislation creates a new Office of the Statewide 9-1-1 Administrator within the Department of State Police.
- The Office will include a State 9-1-1 Administrator to be appointed by the Governor for a 2 year term.
- It is not clear if the State 9-1-1 Administrator needs be from existing staff within the Illinois State Police. (20 ILCS 2605-52).
- The Statewide 9-1-1 Advisory Board is to advise the Department of State Police Office of Statewide 9-1-1 Administration on oversight of 9-1-1 in Illinois.
- It appears the legislation removes most of the day-to-day 9-1-1 oversight authority from the ICC and transfers it to the Illinois State Police. (50 ILCS 750/75).
- The Department of State Police is authorized to use and enforce the current Administrative Code, Parts 725 and 726, until it can revise those codes. (JCAR)
- The details of the transfer of oversight authority from the ICC to ISP will be not totally understood until the rulemaking process is completed. (JCAR)

Sunset: July 1, 2017

- Two (2) years.
- Gives ISP time to organize, come up to speed, and settle in to their new role; gives the ICC time to settle into their modified role.
- Coincides with consolidation mandates/guidelines for ETSBs and PSAPs.
- Coincides with provisioning 9-1-1 to areas that do not currently have E9-1-1.
- Allows for a status check for overall NG911 progress.
- Allows for establishing a history of work for the new Statewide 9-1-1 Advisory Board.
- Allows for review the adequacy of funding

Milestones:

- The final report was approved by all members of the 9-1-1 Services Advisory Board on March 26, 2015.
- The report was distributed to all legislators.
- A summary of the report was distributed 4/20/2015.
- Legislative language introduced/presented on May 25, 2015.
- House Amendments #3 and #4 were added to Senate Bill 0096 “SURFACE MINING-BONDS”.
- The House passed Amendments #3 and #4 on May 29, 2015, and SB96 passed the Senate on May 31, 2015.
- Governor vetoed SB2032 (appropriations bill for ISP/9-1-1) June 25, 2015.
- Governor signed SB0096 and became Public Act 99-0006, June 29, 2015. Article 2 delayed implementation to January 1, 2016.
- Watch for Emergency Rulemaking at JCAR to implement the new law.

Additional information: P.A. 99-0006

- Wireless Sunset reset on July 1, 2015.
- New Sunset, July 1, 2017
- Article II of the Act starts January 1, 2016.
- SB2032 funds the Illinois State Police office of 9-1-1 Administrator and funding of all 9-1-1 improvements was VETOED June 25, 2015.
- Motion filed to override the veto of SB2032, July 1, 2015.
- Watch for activity on this bill during the Summer as part of the Budget Negotiations in Springfield.
- CMS/ICC issued letters that August 2015 may be the last payment until the state's budget battle is completed. ETSBs are preparing to take out loans, use reserves, and/or cut back spending during the crisis.

SUMMARY:

- THE PROPOSED LEGISLATION WAS A **COMPROMISE** THAT PROVIDES SOME ASSISTANCE TO PUBLIC SAFETY COMMUNICATIONS.
- ALL LEGISLATION, WHETHER IT IS THIS CURRENT BILL OR THE WIRELESS LEGISLATION IN THE 1990'S, IS A **COMPROMISE** AND WAS SUBJECT TO **NEGOTIATION**.
- THE **SERVICE PROVIDERS AND THE I.C.C. HAD PROPOSALS** THAT WERE NOT INCLUDED IN THE PROPOSED LEGISLATION OR WERE **CHANGED THROUGH THE NEGOTIATION PROCESS**.
- ***A SURCHARGE INCREASE, MOVEMENT TOWARD NG 9-1-1, NO CHANGE IN THE AUTHORIZED EXPENDITURES OF SURCHARGE FUNDS, AND CREATION OF A STATEWIDE 9-1-1 AUTHORITY ARE ALL PRINCIPALS WE HAVE FOUGHT FOR, AND SOON WILL HAVE.***