

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Ninth Annual Report to Congress on State) PS Docket No. 09-14
Collection and Distribution of 911 and)
Enhanced 911 Fees and Charges)

COMMENTS OF APCO INTERNATIONAL

The Association of Public-Safety Communications Officials-International, Inc. (APCO)¹ submits the following comments in response to the Commission’s Public Notice in the above-captioned proceeding.² APCO appreciates the Commission’s efforts to ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services. Public safety telecommunicators and emergency communications centers throughout the country face substantial challenges. Diverting 9-1-1 fees exacerbates resource limitations, which can translate into staffing, training, and technology issues that make an already difficult job even harder. Furthermore, misuse of funding intended for 9-1-1 makes obtaining much-needed federal funding for Next Generation 9-1-1 (NG9-1-1) more difficult.

¹ Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 30,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including Public Safety Answering Points (PSAPs), dispatch centers, emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

² FCC Seeks Public Comment on Ninth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, PS Docket No. 09-14, *Public Notice*, DA 18-116 (rel. Feb. 7, 2018) (“Notice”).

Here, APCO adds to its previous comments³ with suggestions on how to make the annual reports more useful with regard to ensuring seamless interoperability for NG9-1-1, determining whether 9-1-1 fees have been diverted, and detailing the approaches to NG9-1-1 deployment.

I. Ensuring Seamless Interoperability for NG9-1-1

APCO previously urged the Commission to clearly define NG9-1-1 as part of the information collection and to request information about how states and their vendors are ensuring NG9-1-1 components are interoperable.⁴ The need for a common understanding of NG9-1-1 and interoperability has only become more important in the past year. As evidenced by a recent report by the Government Accountability Office, 9-1-1 officials have reported that differences in equipment, software, applications, or service providers can make connecting with neighboring jurisdictions difficult.⁵

Full implementation of NG9-1-1 should be defined as end-to-end (from the caller to the telecommunicator) IP connectivity enabling current voice communications, future multimedia, and other data capabilities to flow from the 9-1-1 caller to the PSAP and be properly reported, archived, and further transmitted between the PSAP and first responders. To illustrate, this means a member of the public can send a multimedia message (e.g., photo or video) to a PSAP that in turn is capable of receiving, analyzing, and sharing this data with a field responder or another PSAP to render an emergency response. PSAPs should also be able to dynamically share resources and reroute calls, which is particularly valuable during high call volume periods and major disasters affecting PSAP operations. These capabilities depend on seamless

³ Comments of APCO, PS Docket No. 09-14 (filed Feb. 13, 2017); Comments of APCO, PS Docket No. 09-14 (filed Feb. 8, 2016).

⁴ Comments of APCO, PS Docket No. 09-14, at 2-3 (filed Feb. 13, 2017).

⁵ U.S. Gov't Accountability Office, GAO-18-252, Next Generation 911: National 911 Program Could Strengthen Efforts to Assist States, 15-16 (2018).

interoperability, meaning PSAPs can (1) receive calls and related data from origination networks, (2) share calls and related data among connecting ESInets, including across state boundaries, and (3) hand off calls and related data with each other, regardless of call handling or computer aided dispatch solutions and without the need for costly after-the-fact integrations or specialized interfaces.

Seamless interoperability is increasingly becoming part of a shared vision for achieving NG9-1-1. For example, legislation introduced in both the Senate and House of Representatives has recognized that, as a matter of policy, NG9-1-1 services “should have seamless interoperability.”⁶ For the forthcoming federal 9-1-1 grant program⁷, APCO urged the National 9-1-1 Office to condition grant funds on achieving and maintaining interoperability consistent with the capabilities described above.⁸ By clearly defining NG9-1-1 and requesting information about how states are ensuring interoperability, the Commission’s reports will better illustrate the progress toward achieving seamlessly interoperable NG9-1-1 services across each of the states.

II. Determining Whether 9-1-1 Fees Have Been Diverted

As the Commission’s annual reports on fee diversion have demonstrated, there may be disagreement about what qualifies as fee diversion.⁹ APCO commends the Commission for its well-reasoned fee diversion determinations contained in the most recent and prior reports. States should receive clear notice as to what constitutes 9-1-1 fee diversion in order to properly document and combat this practice. In this regard, it may be helpful for the Commission to

⁶ Next Generation 9-1-1 Act of 2017, S. 2061, 115th Cong. § 4(2) (2017); Next Generation 9-1-1 Act of 2017, H.R. 4672, 115th Cong. § 4(2) (2017).

⁷ 911 Grant Program, 82 Fed. Reg. 44131-43 (proposed Sep. 21, 2017) (to be codified at 47 C.F.R pt. 400).

⁸ Comments of APCO, Docket No. 170420407-7407-01, at 2 (filed Nov. 6, 2017).

⁹ Ninth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, PS Docket No. 09-14, at 43-47 (Dec. 29, 2017); Eighth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, PS Docket No. 09-14, at 61, 63-65 (Dec. 30, 2016).

provide additional guidance on what constitutes fee diversion in advance of future information collections, for example, by including a record of its previous determinations.¹⁰

III. Detailing the Approaches to NG9-1-1 Deployment

Finally, given the ongoing innovation for NG9-1-1 solutions, APCO recommends that the Commission revise its questions about NG9-1-1 services and expenditures to recognize additional, “non-traditional” architectural and technological options being made available, and seek more detailed information about the approaches states are taking to NG9-1-1. For example, rather than asking respondents to describe the type and number of emergency service IP networks (ESInets) operated, the Commission could ask an open-ended question about the nature and functions provided by NG9-1-1 solutions adopted by the state. This could include information such as ESInet deployment, cloud-based call handling or dispatch services, real-time text solutions, etc. As more diverse, innovative NG9-1-1 solutions are deployed, policymakers and states considering their own deployments will benefit from a clearer picture of the approaches early adopters are taking.

Respectfully submitted,

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¹⁰ Note that, in implementing the 9-1-1 grant program created by the NG9-1-1 Advancement Act, the National 9-1-1 Office has proposed that states that have diverted fees collected for 9-1-1 services during the 180 days immediately preceding an initial grant application would be ineligible and that a state or jurisdiction that diverts fees during the term of the grant must repay all grant funds awarded. There should be a common approach to defining fee diversion for purposes of the FCC’s reporting requirement and the duties assigned to the 9-1-1 Office. Accordingly, APCO recommends that the Commission and the 9-1-1 Office work from a common standard for fee diversion that can be communicated to states for reporting to the Commission and for submitting grant applications to the 9-1-1 Office.

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