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February 11, 2015

David Simpson  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC 20554

Re: PS Docket No. 09-14, SIXTH ANNUAL REPORT TO CONGRESS ON STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND CHARGES.

Mr. Simpson:

The Washington State APCO & NENA Chapter offer the following comments in response to the Commission's sixth annual report to Congress on collection and distribution of 911 fees and charges.

The release of the report is timely for Washington State because the State Legislature convened early in January with the major goal to set the next biennial budget for the State. Washington State is no different than the rest of the states in the union in that the economic challenges from the great recession are still providing enormous pressure on the State's ability to meet obligations and balance the budget. The pressure is evidenced by the Governor's proposed budget which includes diverting 911 funds from their intended and legislated purpose.

We are opposed to the Governor's proposed budget; specifically how it manages the Enhanced 911 program within the Military Department's budget. We have three areas we want to address:

1. The use of 911 funds for non-911 purposes
  - Enhanced 911 is partially funded through excise taxes collected from telephone access devices.
  - State law establishes that 911 excise taxes are dedicated solely for this purpose. RCW 38.52.540 states: "Moneys in the [911] account must be used only to support the statewide coordination and management of the enhanced 911 system..."



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- The Governor’s proposed budget continues a disturbing trend of diverting E911 funds from 911 for other purposes.
  - In the last biennium budget \$10 million were diverted to the Military Department budget from the E911 fund.
  - The current Governor’s proposed budget continues this activity with an Emergency Operations fund shift of \$8 million and funding for two Emergency Management positions from the 911 fund to WMD for these non-911 purposes.
2. The E911 Program Office maintenance spending authority level
- The State E911 Program Office is transitioning traditional 911 services to the next generation of 911.
  - The transition requires maintaining both the new system and the legacy system to ensure that there are no gaps in 911 service delivery.
  - The State Office requested an additional \$6.3 million spending authority in the coming biennium just to meet those increased maintenance costs.
  - This funding request is fully supported by current excise taxes.
  - The Governor’s proposed budget only extended the Office’s spending authority by \$3.2 million.
  - The reduction in spending authority threatens the ability of the E911 Program Office to maintain the 911 telephone system throughout the State which could result in critical failures.
3. The E911 Program Office performance level funding for NG911 Modernization.
- The State E911 Program Office requested \$10 million from the E911 fund to complete the modernization initiative.
  - There are 25 public safety answering points that are in immediate need to replace their legacy phone systems.
  - The best cost estimates to replace the 15 most critical systems is \$5.1 million.
  - This funding request is fully supported by current excise taxes.
  - In 2011 excises taxes were increased to implement modernization.
  - The Governor’s proposed budget reduced the modernization decision package to only \$5 million over the biennium.
  - Inadequate funding for NG911 modernization could result in many county level 911 centers experiencing 911 failures due to aging equipment and will result in additional on-going transitional expenses.



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We urge the legislature to take the following three actions:

1. Comply with RCW 38.52.540 by using 911 funds only for 911 purposes; eliminate the Emergency Operations fund shift of \$8 million for WMD purposes and the funding for two non-911 Emergency Management positions.
2. Increase the E911 Program Office spending authority by \$6.328 million as requested and justified by the E911 Program Office.
3. Increase the Enhanced 911 Modernization line item from \$5 million to \$10 million as requested and justified in the E911 Program Office decision package.

These funding requests are fully supported by the existing E911 excise tax. No new taxes are necessary to fulfill these funding requests.

Further questions may be directed to Keith Flewelling, Thurston County 911 at 360-704-2732 or [Keith.flewelling@tcomm911.org](mailto:Keith.flewelling@tcomm911.org).