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VIA FEDERAL EXPRESS

November 15, 1999

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Comments of Indiana Wireless Enhanced 911 Advisory Board Chair Tim Berry
(FCC Docket 94-102)

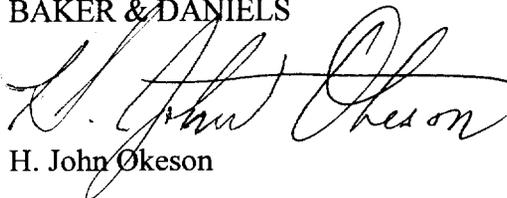
Dear Secretary:

Per the Commission's rules, enclosed are two copies of Indiana Wireless Enhanced 911 Advisory Board Chair Tim Berry's comments concerning the referenced matter. These copies are provided for inclusion in the public record.

Please call if you have any questions or concerns.

Sincerely,

BAKER & DANIELS



H. John Okeson

HJO:ftw

c: Hon. Tim Berry
c/o Mr. Chris Ternet, Policy Advisor

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TIM BERRY
TREASURER OF STATE

STATE OF INDIANA
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November 10, 1999

William E. Kennard, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Kennard:

As the elected Treasurer of the State of Indiana, I serve as Chair of Indiana's Enhanced Wireless 911 Board (the "Board"). I understand that the Federal Communications Commission is considering removing from its E911 rules (Docket 94-102) wireless carrier cost recovery mechanisms as a condition to a carrier's obligation to provide E911 service. I write with the Board's comments on that issue.

Indiana has worked hard to implement the FCC's wireless E911 rules. We enacted legislation imposing a flat fee ("surcharge") on all Indiana wireless subscribers to recover the costs of wireless E911. The legislation was competitively neutral, dedicated to a specific purpose, and was a basis for a fruitful alliance between wireless carriers and public safety officials. It received broad support from the wireless and public safety communities.

The Board commenced work in July 1998, and soon thereafter created a Cost Recovery Committee to review wireless carrier cost recovery plans. To date, the Board has received more than \$8.6 million in surcharges. The Board made its first distribution to a Public Service Answering Point ("PSAP") in November of 1998, and its first wireless carrier distribution in February of this year.¹

Indiana's cost recovery format has been a carrot to draw wireless carriers and PSAPs to a common table to advance public safety. The Board believes any action which would *force* a repeal of Indiana's existing (and largely successful) legislation would be inappropriate. The Board also believes the flexibility given the states under the present E911 rules fosters jurisdiction-specific solutions and strategies, an outcome the FCC should support.

All participants in Indiana have made a good faith effort to follow the FCC's guidelines. Presently, counties representing more than 46% of Indiana's population receive E911 service from

¹Written Ex Parte Presentation of the Indiana Enhanced 911 Advisory Board, September 1, 1999.

William E. Kennard
November 10, 1999
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at least one wireless carrier.² Because of our success, many other states are considering legislation similar to ours. I urge you to continue allowing states maximum flexibility in choosing the cost recovery system best suited to their circumstances.

Indiana Wireless Enhanced 911
Advisory Board

By: 
The Hon. Tim Berry, Treasurer

²Written Ex Parte Presentation of the Indiana Wireless Enhanced 911 Advisory Board, September 1, 1999.