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September 30, 2011

To: Federal Communications Commission

Re: Proceeding 06-229 / NG-911Comments

To Whom It May Concern:

I represent 20 Emergency Communications Districts (ECDs) in the State of Tennessee. These are entities created pursuant to Tennessee Code, Title 7, Chapter 86, for the purpose of implementing the life-saving enhanced 9-1-1 ("E-911") service within each District. I also represent the Tennessee Valley Regional System (TVRS), created to implement Public Safety Interoperable Communications ("PSIC") pursuant to a grant from the U.S. Homeland Security Department through the Tennessee Emergency Management Agency ("TEMA").

My primary purpose is to recommend approval of a LTE waiver petition by the TVRS that is now pending. The waiver would enable the TVRS to more fully meet the needs of the region presently and in the future, which complements the mission of the ECDs that receive emergency calls from the public through the E-911 system, and maintain communication with responders (Fire, Police, EMS) in the field. The TVRS is now functional and USDHS has rated it among the best models of interoperability in the nation. We understand the FCC prefers to grant waivers on statewide basis, but do not see how a regional, interstate waiver would limit or adversely affect a subsequent waiver, should Tennessee seek same. We would remind that emergencies and disasters are not jurisdictionally limited, and agency response and coordination often crosses municipal, county, and state lines.

My second purpose is to commend the FCC for its most-recent initiative relating to 'next generation' 9-1-1 ("NG-911"), which is the migration of E-911 to a digital,

IP-based platform, allowing the interconnection of "public safety answering points" ("PSAPs"), or dispatch centers, providing redundancy, and enabling the public to send text and streaming video to the PSAP. Also, I wish to commend Ms. Jennifer Manner and staff for the recent production of a thoughtful and insightful Cost Study document concerning the national implementation of NG-911.

My third purpose is to respectfully express concern from the local level, where the proverbial 'rubber meets the road,' and where emergency response occurs, that NG-911 may challenge and threaten to overwhelm PSAP staff resources with a plethora of data and imagery. Higher skill sets will be required of communicators / dispatchers, with greater training and heightened technical proficiency mandated. More staffing may be needed. These upgrades will mandate fiscal resources that local governments cannot provide in the current economic environment, or the foreseeable future. We do not ask for federal funding to meet this rising tide, but, rather, for FCC understanding in two (2) specific areas that limit our current ability to help ourselves.

We respectfully request the FCC to review the SafeLink program, begun no doubt with the best of intentions for the ostensible purpose of expanding access to the cellular network by aiming so-called 'free' phones to persons meeting certain federal income guidelines. This initiative rolled-out in Tennessee circa 2008, without any study, to our knowledge, to determine and assess whether, in fact, there was a genuine need. During 25+ years of E-911 experience in this state, serving very rural and urban communities, we've never had the first complaint that a person was denied access due to income. In fact, to the contrary, we found that citizens of all income strata had cell access.

The SafeLink initiative disregarded state laws that required all users, without exception, to pay the emergency telephone service charge ("ETSC"). Confer T.C.A. 7-86-106, in pertinent part: "Charges for services authorized in this chapter shall not be construed as taxes and shall be payable as bona fide service charges by all service users, whether private or public, profit making, or not-for-profit, including governmental entities." This was a federal mandate with a negative un-funding impact.

We receive no SafeLink reports as to customers served, so we are left to estimate the following information. It was reported at the time of SafeLink roll-out, prior to the current and continuing recession, that over 800,000 Tennessee citizens would be eligible for the program. Since roll-out, our previously robust growth in cell revenue began to plateau, perhaps due, in part, to the impact of SafeLink. ECDs in Tennessee are losing \$9,600,000 annually in 911 fees (ETSC \$1.00/month), if SafeLink is reaching its target market. At a minimum, the FCC should require a cost-effectiveness study of this program to assess the impact at the local and state levels, and determine whether the beneficiaries are beyond the vendor level. Further, it should condition future authorization on compliance with applicable state laws.

Third, we seek FCC understanding of our self-help efforts, where we have tried to move our funding more to a user-based system to alleviate continued reliance upon the already strained financial foundation of Tennessee local government, the ad valorem or property tax, for the support of ECD PSAP operations. Previous legislative initiatives have been opposed by wireless carriers. Ironically, those carriers customers rely upon a robust E-911 system to meet their needs, yet do not want to pay a fair share of the cost, leaving a disproportionate burden on the legacy customers who use the 'POTS," (the plain-old-telephone-system), or landline.

The ETSC was applied to cell phones in 1998 when cell phones were a small percentage of the total E-911 call volume. Now, the 911 call volume average in most ECDs shows over 65% from cell users. The '98 cell rate (\$1.00/month/user) has remained the same, as compared to the landline rate for residential customers (authorized at \$1.50 / \$3.00 business). We encourage the FCC to seek neutrality from carriers, and for the FCC to affirmatively support local ECDs and PSAPs that are working to implement NG-911.

Respectfully submitted,

Michael J. Mahn

MICHAEL J. MAHN, General Counsel

TENNESSEE EMERGENCY COMMUNICATIONS DISTRICTS, Counties of Bedford, Bledsoe, Bradley, Cannon, Coffee, Cumberland, Franklin, Grundy, Hamilton, Jackson, Meigs, Morgan, Overton, Pickett, Polk, Scott, Sequatchie, Rhea, Van Buren, Warren; and City of LaFollette (Campbell County)

TENNESSEE VALLEY REGIONAL SYSTEM, Tennessee Counties of Anderson, Bradley, Blount, Hamilton, Knox, Loudon, McMinn, Meigs, Monroe, Rhea, and Roane; Georgia Counties of Catoosa, Dade, and Walker.

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