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FCC Mail Room

# State of New Jersey

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July 26, 2012

Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**RE: PS Docket No. 09-14, Initial Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008**

Dear FCC:

The following information is being submitted for the State of New Jersey as required by the NET 911 Act, outlined in correspondence received from Mr. David S. Turetsky, Chief, Public Safety and Homeland Security Bureau, and FCC Public Notice DA 12-908, dated June 8, 2012. This information outlines the status of collections and expenditures of the fees established in connection with E911 services for calendar year 2011. Chief Turetsky's letter requests specific information to the following eight items:

***1) A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).***

**Response:**

On June 29, 2004 the Governor of New Jersey signed into law Assembly Bill A3112, creating the 9-1-1 System and Emergency Response Fee, amending the 9-1-1 Statute N.J.S.A 52:17C. The law also created a special account, known as the "9-1-1 System and Emergency Response Trust Fund Account" in the Department of the Treasury within the General Fund. The 9-1-1 System and Emergency Response Fee placed a monthly assessment of \$.90 on each wireline, wireless and VoIP telephone in the state (with some limited exemptions).

**Pertinent citation to the legal authority:**

**N.J.S.A. 52:17C-19. 9-1-1 System and Emergency Response Trust Fund Account**

- a. There is established in the Department of the Treasury within the General Fund a special account to be known as the "9-1-1 System and Emergency Response Trust Fund Account."
- b. Funds credited to the "9-1-1 System and Emergency Response Trust Fund Account" shall be annually appropriated for the purposes of paying:

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LIST ABOVE

- 1) eligible costs pursuant to the provisions of sections 13 and 14 of P.L.1989, c. 3 (C.52:17C-13 and 52:17C-14);
- 2) the costs of funding the State's capital equipment (including debt service), facilities and operating expenses that arise from emergency response;
- 3) the cost of emergency response training, including any related costs or expenses of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety;
- 4) the cost of operating the Office of Emergency Telecommunications Services created pursuant to section 3 of P.L.1989, c. 3 (C.52:17C-3); the cost of operating the 9-1-1 Commission created pursuant to section 2 of P.L.1989, c. 3 (C.52:17C-2);
- 5) any costs associated with implementing any requirement of the Federal Communications Commission concerning 9-1-1 service that is not otherwise allocated to a carrier and not eligible for reimbursement under law or regulation;
  
- 6) any costs associated with planning, designing or implementing an automatic location identification technology that is not otherwise allocated to a wireless carrier and not eligible for reimbursement under law or regulation; and any costs associated with planning, designing or acquiring replacement equipment or systems (including debt service) related to the enhanced 9-1-1 network as defined by subsection e. of section 1 of P.L.1989, c. 3 (C.52:17C-1).

**N.J.S.A. 52:17C-20. Itemized billing for emergency response fee**

A mobile telecommunications company and a telephone exchange company collecting the fee imposed pursuant to section 2 of P.L.2004, c. 48 (C.52:17C-18) shall itemize and separately identify the fee set forth on each periodic bill received by the customer as the "9-1-1 System and Emergency Response Assessment," which identification may be abbreviated as "911System/Emerg.Resp.Fee." Provided however, that a mobile telecommunications company or telephone exchange company may commence the separately identified itemization of the periodic charge on a periodic bill issued to a customer not later than October 1, 2004, but only if the customer's first periodic bill issued on and after that date includes the separately identified itemization for the periodic bills issued for the customer during the months of July, August and September of 2004, if any, and the fee imposed for the bills for those months is also set forth separately for collection thereon from the customers.

***2) The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2011.***

**Response:**

The 9-1-1 System and Emergency Response Fee places a monthly assessment of \$.90 on each wireline, wireless and VoIP telephone in the state. The total amount collected in calendar year 2011 was \$127 million.

***3) A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.***

**Response:**

Through the budgeting process, the Office of the State Treasurer, the Office of Management and Budget (OMB), and the State Legislature determine how to allocate the revenue generated by the 9-1-1 System & Emergency Response Fee. In the current State fiscal year (FY2013), the State anticipates that revenue from the 9-1-1 System & Emergency Response Fee will generate \$125 million. Of that amount there was no funding made available to county and local PSAPs.

**4) A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes; a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support. 911; and a statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2011.**

**Response:**

Through the annual budgeting process, the Office of the State Treasurer, OMB, and the State Legislature determine how to allocate the revenue generated by the 9-1-1 System & Emergency Response Fee.

**5) A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.**

**Response:**

As allowed by the enabling legislation, funds have been made available or used for the purposes designated by the funding mechanism. Nearly 11% of the fees collected support the State's cost of the Statewide 911 Emergency Telephone System (~\$12M) and the operating budget of the Office of Emergency Telecommunications Services (~\$1M). Beyond the amounts provided to E9-1-1 programs, the remaining funds (~\$112M) are used to support emergency response activities, including Homeland Security and State Police, consistent with the fee's enabling legislation.

**6) A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.**

**Response:**

The funds collected from the 9-1-1 System and Emergency Response Fee are deposited in the 9-1-1 System and Emergency Response Trust Fund Account and applied to offset the costs of the specific departmental programs and activities outlined below.

**7) A statement identifying all activities, programs, and organizations for whose benefit your State, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.**

**Response:**

The funds collected from the 9-1-1 System and Emergency Response Fee are deposited in the 9-1-1 System and Emergency Response Trust Fund Account and applied to offset the costs of the specific departmental programs and activities outlined below.

The estimated revenue from the mobile telecommunications service and telephone exchange service fee in fiscal 2013 totals \$125 million. In accordance with the enabling legislation (P.L.2004, c.48), these funds will be deposited into the 911 System and Emergency Response Trust Fund account and applied to offset a portion of the cost of related programs listed below:

Department of Law and Public Safety	(000)
Emergency Operations Center, Operating .....	2,157

Hamilton TechPlex Maintenance . . . . .	1,616
Office of Homeland Security and Preparedness . . . . .	3,695
Rural Section Policing . . . . .	53,398
Urban Search and Rescue . . . . .	1,000
Division of State Police – Remaining Operating Budget . . . . .	234,858
Department of Military and Veterans’ Affairs	
Military Services – National Guard Support Services . . . . .	3,672
Department of Treasury	
Office of Emergency Telecommunications Service (OETS) . . . . .	900
Statewide 911 Emergency Telephone System . . . . .	12,372
<b>Total, State Appropriations . . . . .</b>	<b>313,668</b>

**8) A statement regarding whether your State classifies expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes, whether your State has expended such funds on Next Generation 911 programs, and if so, how much your state has expended in the annual period ending December 31, 2011 on Next Generation 911 programs.**

**Response:**

Expenditures on Next Generation 9-1-1 would be permissible; however, no funds have been expended in the annual period ending December 31, 2011.

Sincerely,



Gloria J. Broeker  
Chief Operating Officer  
New Jersey Office of Information Technology

Cc: OMB