



911 Coordinating Council
Walter Way, Chair

PRESENTATION TO THE SENATE UTILITIES COMMITTEE ON
THE IMPLEMENTATION OF THE KANSAS 911 ACT

JANUARY 23, 2012

Chairman Apple and Members of the Committee:

Thank you for this opportunity to provide the Committee with an update on the implementation of the *Kansas 911 Act (911 Act)* which was passed by the 2011 legislature as Substitute for Senate Bill No. 50 and signed by Governor Brownback on May 18, 2011. We appreciate the work of the Senate Utilities Committee on this important piece of legislation last year and appreciate your continued interest.

The *911 Act* enacted new law related to 911 and replaced the older statutes enacted from 1980 for wireline 911 telephone service through 2004 and 2006 when Wireless Enhanced 911 and VoIP 911 Acts were passed. The *911 Act* acted upon by this Committee last year represented a significant advance in the statutory and funding framework necessary to transition Kansas 911 Public Safety Answering Points (PSAP) from the 1970's legacy analog telephone technologies with its limited functional capabilities to the emerging Next Generation digital 911 systems that will be capable of receiving, processing and transmitting digital voice, text messages, photos, video and data sent from cell phones and other devices routinely used by a majority of our citizens every day. In my opinion, the *Kansas 911 Act* provides model legislation that will serve Kansas well in modernizing its 911 systems and services.

The *911 Act* created a 911 Coordinating Council comprised of 26 members of which 22 are appointed by the Governor and four are appointed by legislative leadership. Legislative members are Senator Pat Apple, Senator Marci Francisco, Representative Annie Kuether and Representative Kyle Huffman. Other members represent PSAPs of varying sizes, law enforcement and fire chiefs, Information Technology directors, GIS specialists, telecommunications providers, Emergency Medical Services, Commission for the Deaf and Hard of Hearing, Kansas Association of Counties, League of Kansas Municipalities, Kansas Office of

Technology Services, and the Kansas City area 911 regional system. Governor Brownback appointed Walter Way to chair the 911 Coordinating Council. The Council met for the first time on July 20, 2011, and then met four additional times that year. Excellent administrative support was provided throughout 2011 to the Council by the Governor's Grants Office managed by Jennifer Cook.

The Coordinating Council has a number of very broad statutory responsibilities that include monitoring the delivery of 911 services, developing strategies for future enhancements to the 911 system, and distribution of available grant funds to PSAPs. The Council also has numerous specific duties that required action in 2011 which include adopting a number of administrative rules and regulations, selecting the Local Collection Point Administrator, and developing the 911 expenditure reporting form that PSAPs will use to report their 2011 911 expenditures by the March 1, 2012 deadline. The Council also worked on a number of other activities such as the development of a communications plan with PSAPs and telecommunications providers, coordinating with KDOR on the implementation of the prepaid wireless 911 fee of 1.06% per retail transaction, assisting PSAPs with clarification questions concerning the use of 911 funds for various types of expenditures, and oversight of various technical projects associated with the Federal Enhanced 911 Grant awarded to Kansas in 2009.

At its July 20, 2011 meeting, the Coordinating Council approved a 2011 Work Plan with specified objectives and also approved an organizational structure that established Administration, Technical, NG911 Pilot Project, and Operations Committees assigned specific tasks contained in the Work Plan.

The Administration Committee began work in late July on the development of Administrative Rules and Regulations and on the development of a competitive selection process for the Local Collection Point Administrator (LCPA) that is statutorily required to be in place by January 2012. The committee reviewed the range of authorized rules that could be adopted by the Council and decided to minimize rule-making to the two actions that were required by statute. Those were to establish a rule for the terms and conditions of the contract with the LCPA and a rule concerning compliance by telecommunications providers with the provisions of the *911 Act*. Proposed rules were drafted and processed through the appropriate state offices and then were reviewed by the Joint Committee on Administrative Rules and Regulations on November 21, 2011. That Committee did express a concern that the Council had selected the LCPA prior to adoption of the Administrative Regulation related to contract terms. The Council Chairman did explain to the Committee that the Request for Proposal and the contract with the Kansas Association of Counties did contain the same terms and conditions that are in the proposed administrative regulation, and that the Council had to have the LCPA in place by January 2012 to fulfill a number of its statutory responsibilities. On January 17, 2012, the public hearing was

held on the two administrative regulations and no public comment was received on them. The two Administrative Regulations will be submitted to the 911 Coordinating Council at its February 3, 2012 meeting for adoption and approval of the appropriate actions to publish the regulations.

As referenced above, the Administration Committee developed a set of service specifications for the LCPA that were incorporated into a Request for Proposal (RFP) issued by the Kansas Office of Procurements and Contracts. The RFP was published and available for vendor responses for most of September, 2011. The Committee utilized the services of a consultant in the structured evaluation of the two responses to the RFP, and then recommended to the full Council on November 4, 2011 the selection of the Kansas Association of Counties (KAC) to provide the LCPA services beginning in 2012 at the cost of \$134,539.53 in 2012 and \$110,509.52 in 2013. On November 15, 2011, the Legislative Coordination Council provided its consent to the selection of KAC as required by the *911 Act*.

The Operations Committee spent a considerable amount of time in the development of the Council communications plan and in the development of the reporting document to be used by PSAPs to report their 2011 expenditures of 911 funds as required by statute. This Committee involved PSAP practitioners from around the state on the content of the form and to further provide guidance to PSAPs on how to report their expenditures to the LCPA. This Committee also participated in the development of the "Guidance on Use of 911 Funds Usage" that was created to assist local jurisdictions in making decisions in accordance with the *911 Act* about the use of 911 funds. The Council adopted that guidance document at its October 7, 2011 meeting. Work was also started on the criteria for the award of 911 State Grant funds and the Council agreed at its November 4, 2011 meeting to defer the establishment of award criteria until more information is obtained concerning NG911, GIS, and implementation costs. The Council did express a philosophy of awarding 911 State Grant Funds in a manner that leverages regional and shared emergency service system approaches that can create an equitable level of service statewide and that offer cost efficiencies from using existing networks in the state.

In August 2009, the Kansas Governor's Grants Program (KGGP) submitted an application for Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act) Federal Grant. The KGGP received the award in September 2009.

The grant activities proposed and subsequently approved by the federal governing body (National Highway Traffic Safety Administration, Department of Transportation, National Telecommunications and Information Administration, Department of Commerce) are:

1. Formation of a Federal E911 grant oversight committee; this committee is now a subcommittee of the council;

2. Hire a consultant to assist with the creation of an Emergency Services Information (ESI) net and migration to an Internet Protocol enabled emergency network in Kansas; L.R. Kimball was hired in September 2010 through a competitive bid process; and
3. Implement three Next Generation (NG) pilot projects.

The first step before pilot testing can begin was to conduct the GIS analysis of the 911 digital maps used by five selected counties. The purpose of the GIS map study was to determine the estimated cost to enhance local jurisdiction 911 maps to meet national data standards, which will be essential for the implementation of NG911 service in Kansas. A GIS vendor was selected to conduct that study and its report was delivered in early January, 2012.

The final step before pilot testing can begin is to build the ESI net. A technical requirements RFP was released in November 2011 and closed on January 3, 2012. The technical RFP was issued to solicit bids from companies to provide the service to build the ESI net that will be used by all three pilot sites. The Committee is now evaluating RFP responses for technical equipment needed to equip three pilot sites in Kansas for NG911 network testing.

The pilot testing is scheduled to begin in April 2012. The testing is scheduled to conclude in July 2012. In August 2012, a report is anticipated from L.R. Kimball setting forth the lessons learned and recommendations for Kansas to move to a statewide NG 911 system.

The grant period ends September 30, 2012 and a final project report is due by December 31, 2012.

The Council also agreed at its December 23, 2011 meeting to maintain the continuity of staffing by the Governor's Grants Office for the Federal Enhanced 911 Grant project because that Office had directly received the federal grant and staffed it since 2009. It was agreed that continuity of support services by the Governor's Grants Office for the grant project through its conclusion in September 2012 was appropriate and would not incur any additional 2012 cost to the Council. A Memorandum of Agreement for such support by the Grants Office was approved and later executed.

The Coordinating Council approved a 2012 Work Plan, a meeting schedule, and a 2012 Budget at its December 9, 2011 meeting. The 2012 Work Plan is attached as an exhibit to this report. The adopted 2012 operating budget for the Council is \$224,151.52 which includes reimbursements for Council member expenses at meetings, the LCPA contractual expenses, audit of the LCPA, and the remaining matching funds for the Federal Enhanced 911 Grant. It is projected that approximately \$75,000 in remaining revenue authority may be available to the Council as part of the 1.5% of total 911 revenues that can be expended by the Council.

The new Local Collection Point Administrator -- the Kansas Association of Counties -- has contacted the wireline, wireless and VoIP providers and notified them of the new law and provided the information necessary to begin receipt and distributions of the 911 funds. KAC issued a Request for Proposal for banking services for the 911 fees in November, 2011. The KAC Governing Board notified the 911 Coordinating Council in December of its recommended bank, and the 911 Coordinating Council approved the selection of Intrust Bank, a Kansas chartered bank. The State 911 Fund and the State 911 Grant Fund are both set up with Intrust and are pledged /collateralized in accordance with Kansas law on public monies. KAC is currently working with the Department of Administration and the Department of Revenue to transfer the current grant fund to the new 911 state grant fund and to ensure the transfer of the prepaid phone monies to the State 911 Grant Fund in accordance with SB 50. The League of Kansas Municipalities transitioned its hosting of the "Kansas911.org" website to KAC in December, and at that time, the ownership of the website was transferred to the 911 Coordinating Council. Although owned by the 911 Coordinating Council, KAC maintains and updates the website as requested by the Council.

The 911 Coordinating Council has not experienced significant challenges with the implementation of the *911 Act*. It has successfully addressed a number of implementation issues such as how telecommunications providers would identify the jurisdiction of customers from whom they collect the 911 Fee so that it was not necessary to cause significant modifications to customer billing databases, and it established procedures for the minimum distribution of \$50,000 911 revenues annually to counties that do and do not have a PSAP.

During the course of implementing the *911 Act*, it was learned that telecommunications providers were very concerned about an adverse fiscal impact upon customers having significant quantities of Direct Inward Dial (DID) ten-digit phone numbers behind a VoIP or Multi-line phone switch. The concern was that the former 911 wireline tax had been imposed upon up to 100 trunk lines serving those phone switches and not upon the many phone numbers behind them, and if the new 911 Fee were to be collected upon each ten-digit phone number behind a phone switch, businesses and other large customers may experience a 1,000% or greater increase in 911 fees. Telecommunications providers of varying sizes advised that the industry standard has been to assess the 911 Fee upon the talk paths or trunk lines serving the phone switch because the number of such trunk lines would control the number of concurrent 911 calls that could be made through the phone switch. A survey upon this issue was conducted in early January 2012 with the 911 administrators in other states and it was learned from six out of the eight responses received that other states imposed the 911 Fee upon the talk paths or trunk lines serving a phone switch. Based upon the potential for varying interpretations as to how the 911 Fee should be imposed upon ten digit phone numbers behind

a phone switch, we recommend the Committee consider clarifying the definition for "Subscriber Account" within the *911 Act*.

Thank you for this opportunity to update this Committee upon the implementation of the *911 Act* and I would be pleased to answer any questions.

Walter Way, Chairman
911 Coordinating Council

Approved 2012 Work Plan for 911 Coordinating Council

Scheduled Council Meetings for 2012:

February 3, 2012

March 23, 2012

May 11, 2012

August 3, 2012

October 12, 2012 (May consider October 14th to coincide with APCO Conference)

December 7, 2012

OBJECTIVES:

A. Performance of Council Responsibilities.

ACTIVITIES: Oversight of LCPA contract services; monitor 911 revenue collection and disbursements; approve Council budget; identify Administrative Regulations needed; address procedures to distribute prepaid wireless 911 fees in excess of \$2 million/year; provide guidance to PSAPs on use of 911 funds; monitor service provider compliance with 911 Act requirements and Regulation.

DUE DATE: Ongoing

ASSIGNED: Administration Committee

B. Provide Annual Report to Legislative Committees

ACTIVITIES: LCPA compiles PSAP financial report information for 911 expenditures; Identify additional information for report content and prepare report.

DUE DATE: March 23, 2012

ASSIGNED: Administration Committee

C. Facilitate communication between the Council and its stakeholders

ACTIVITIES: Ongoing refinement of Council's Communications Plan and web-site services to provide timely and relevant information to PSAPs and to provide access by stakeholders to information, guidance, standards, and general information from the Council; facilitate training standard discussion with PSAPs; assist in provision of technical guidance to PSAPs.

DUE DATE: Ongoing

ASSIGNED: Operations Committee

D. Federal Enhanced 911 Grant Project

ACTIVITIES: Implement, monitor and evaluate results of NG911 Pilot Project; collaborate with consultant on close-out of NG911 pilot project grant and develop technical recommendations with consultant for NG911 implementation plans for Kansas that include network architecture design, equipment, security policies, network administration, and recommended functionality.

DUE DATE: September 30, 2012

ASSIGNED: Pilot Project Sub-Committee and Technical Committee

E. Develop Policies and Criteria for Usage of 911 State Grant Funds

ACTIVITIES: Develop GIS and NG911 system implementation costs to guide development of grant award criteria; evaluate Pilot Project technical recommendations to guide grant criteria; identify statewide priority plan for addressing GIS enhancements at the local level; develop statewide map with PSAP boundaries; coordinate grant criteria development with development of statewide planning and strategies for NG911 service; Formalize Council philosophy and policies for usage of 911 State Grant Funds.

DUE DATE: March 23, 2012 for cost identification, GIS enhancements, and general policy.

May. 2012. Provide Briefing on GIS enhancements and needs to KAC Conference.

December 7, 2012 for Final Council policies and criteria adoption.

ASSIGNED: Administration, Operations and Technical/Pilot Project Committees

F. Develop Statewide Strategic Plan for Implementation of NG911 Service

ACTIVITIES: Incorporating NG911 Pilot Project close-out report, 911 Grant Fund usage policies and criteria, develop a draft strategic plan for transitioning Kansas PSAPs to an ESInet and to NG911 services.

DUE DATE: October 1, 2012 for draft document.

December 7, 2012 for revised document

ASSIGNED: All Committees.