

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
FCC Seeks Public Comment on Fifth) PS Docket No. 09-14
Annual Report to Congress on)
State Collection and Distribution of 911)
and Enhanced 911 Fees and Charges)

**REPLY COMMENTS OF THE
NEW JERSEY WIRELESS ASSOCIATION**

The New Jersey Wireless Association (“NJWA”)¹ hereby submits these reply comments in response to the above-captioned *Public Notice* regarding State collection and distribution of 911 and Enhanced 911 (collectively, “911”) related fees and charges.² NJWA wishes to call the Federal Communications Commission’s (“FCC” or “Commission”) attention to the State of New Jersey’s System and Emergency Response Trust Fund Account (“911 Trust Fund”).³ The 911 Trust Fund has collected \$110-\$137 million per year for the period 2006-2013. Attached as Appendix A is a

¹ NJWA is a volunteer member organization comprised of professionals from the wireless industry living and or working in the State of New Jersey.

² FCC Seeks Public Comment on Fifth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, *Public Notice*, 29 FCC Rcd 493 (Jan. 24, 2014), available at <http://apps.fcc.gov/ecfs/document/view?id=7521067727>

³ New Jersey Statutes, section 52:17C-19, establishes the 911 Trust Fund. In pertinent part, it reads:

- a) Funds credited to the "9-1-1 System and Emergency Response Trust Fund Account" shall be annually appropriated for the purposes of paying:
 - 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-19 (2013).

NJWA presentation titled “Issues Regarding NJ E911 Trust Fund”, which outlines the appropriations from this fund for “911 services”. As can be seen in this Appendix A, the vast majority of the \$1 billion of collected 911 fees have been appropriated to offset the operating budget of the NJ State Police. The State of New Jersey, Office of Information Technology states in its September 30, 2013 filing⁴ that “nearly 11% of the fees collected support the State’s cost of the Statewide 911 Emergency Telephone System”, which NJWA believes is consistent with the NET911 ACT. Conversely, nearly 89% of the 911 Fees collected by the State of New Jersey are used “to support emergency response Activities, including Homeland Security and State Police, consistent with the fees’s⁵ enabling legislation”, as also stated in the New Jersey 2013 filing. NJWA believes Congress, with its adoption of the NET911 Act of 2008, had not intended for 911 Fees to be used for funding of First Responder Operating Expenses, as outlined further herein. While the State Police certainly have a role in the response to some of the 911 calls in NJ, subsidizing this organization’s operating expenditures is neither consistent with the spirit nor the intent of the NET911 Improvement Act of 2008.⁶ Specifically, the Act⁷ and its context is geared toward the implementation and operation of 911 networks and call processing⁸. Further, under the Act⁹, the continued reference is to “Emergency Communications” and does not specifically include other emergency services or operating budgets.

As in the NJWA Reply Comments filed in the FCC NET911 2013 proceeding¹⁰, NJWA wants to highlight several issues with the prioritization and the administration of expenditures from the NJ 911 Trust Fund. First is the issue of the allocation of 911 Trust Fund expenditures between State Agencies/Departments and county/local municipalities. Both the State of New Jersey and county/local municipalities operate Public Safety Answering Points (“PSAPs”), with the vast majority¹¹ of 911 calls being handled by county/local PSAPs. There are approximately 200 PSAPs in the State, all of which operate under a plan from the State of New Jersey’s Office of Emergency Telecommunications¹². During the years 2006-2009, a portion of the 911 Trust Fund provided grants to New Jersey counties/municipalities. After 2009, no funds were granted to New Jersey

⁴ See letter filed by the State of New Jersey September 30, 2013 in response to FCC Annual Information Collection as mandated by the New and Emerging Technologies Improvement Act of 2008, included in Appendix C of the Commission’s fifth annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, December 31, 2013.

⁵ The New Jersey filing refers to New Jersey Statutes, section 52:17C-19 as the enabling legislation.

⁶ See New and Emerging Technologies 911 Improvement Act of 2008, Pub L. No. 110-283, 122 Stat. 2620 (2008) (NET911 ACT).

⁷ *id.* Page 1 “An Act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the nation’s transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities”.

⁸ *id.* Sec 6 (h) Development of Standards – This section outlines the promotion of standards for call delivery, call handling, overflow, PSAP certification and testing and procedures; all network related implementation and operational issues.

⁹ *id.* Sec 6 (d) Delegation of Enforcement to State Commissions.

¹⁰ See New Jersey Wireless Association Reply Comments in NET911 proceeding, Fourth Annual FCC Report to Congress, dated March 15, 2013.

¹¹ See “New Jersey 9-1-1 Consolidation Study; Profile of the New Jersey E9-1-1 System” prepared by Rutgers University, Edward J. Bloustein School of Planning and Public Policy, New Brunswick, NJ, 2005.

¹² See N.J.A.C. 17:24 – “9-1-1 Emergency Telecommunication System Readoption and Recodification with Amendments N.J.A.C. 13:81 as 17:24”.

counties and municipalities. While grants to locally run PSAPs have been eliminated, the State has allocated 911 Trust Funds to agencies and expense categories that NJWA believes are not consistent with the Act's¹³ spirit and intent.

This year again in the State of New Jersey, no funds from fees collected have been allocated to the planning or implementation of a statewide NG911 network¹⁴. This is of great concern as this enhancement to current 911 services will provide the ability for wireless devices to text 911 calls as well as video messages and other currently available communications methods not served by today's PSAPs. Currently, there is no ability for text 911 messages to be processed and delivered to PSAPs. This lack of attention and funding will greatly reduce the First Responders' ability to address calls for help from the public.

Further, the Act¹⁵ specifies nothing within the Act shall prevent States from collecting 911 fees, "provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services". The State of New Jersey collects these fees under the pretense of the Act, however, its statute governing the appropriation of these collected fees can and has been broadly interpreted to include 911 policing and related emergency services which are beyond the definition of communications¹⁶ as noted above.

Finally, the Act¹⁷ seeks to ensure efficiency, transparency and accountability in the collection of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services. NJ Statute (52:17C1-19) confers responsibility of the 911 System to the Office of Information of Technology ("OIT") of the Department of Treasury. The 911 Statute also established the Office of Emergency Telecommunications ("OETS") reporting to OIT. OETS is responsible for planning, designing, implementing and coordinating the statewide 911 system. OETS provided an annual report in compliance with the requirements of N.J.S.A. 52:17C-3b (3). The purpose of this report is to apprise the Senate Budget and Appropriations Oversight Committee and the Assembly Appropriations Committee of OETS' progress toward implementing the Act and the expenditure of funds appropriated for that purpose. NJWA was able to obtain copies of the reports for the years 2005-2009 through an Open Public Record Act ("OPRA") request. OETS has not produced any reports since 2009.

Additionally there are two Commissions established to advise the actions of OIT and OETS regarding implementation of the 911 Statute. The first is The Statewide Public Safety

¹³ See New and Emerging Technologies 911 Improvement Act of 2008, Pub L. No. 110-283, 122 Stat. 2620 (2008) (NET911 ACT).

¹⁴ See attached letters from several NJ Counties indicating no such funds have been allocated and letter filed by the State of New Jersey September 30, 2013 in response to FCC Annual Information Collection as mandated by the New and Emerging Technologies Improvement Act of 2008.

¹⁵ See New and Emerging Technologies 911 Improvement Act of 2008, Pub L. No. 110-283, 122 Stat. 2620 (2008) (NET911 ACT), Sec 6 (f) (1) – State Authority Over Fees.

¹⁶ *id.*, Sec 6 (d) - Delegation of Enforcement to State Commissions.

¹⁷ *id.*, Sec 6 (f) (2) - Fee Accountability Report.

Communications Commission which provides advice to OIT. There is also The Statewide Public Safety Commission Advisory Council that provides advice to OETS. NJWA requested through OPRA copies of meeting agendas and meeting minutes for both Commissions to understand the information used to determine the fee allocation methodology and appropriation¹⁸ in order to better understand how and why 911 fee monies are administered. As can be seen from the State of New Jersey's responses, these records are exempt from OPRA and therefore, no transparency actually exists. The only information NJWA has received from the State of New Jersey are copies of the annual reports it is required to file with the FCC in this ongoing proceeding.

We applaud the FCC and Congress for this proceeding, for requiring the States to report their 911 revenues and making the use of 911 fees publicly available. NJWA firmly believes the enforcement of the NET911 Act should remain with the states. To that end, last year, NJWA indicated there was no need for an FCC or Congressional mandate in order to address these issues. This year however, we have presented new found information which we believe clearly demonstrates that the New Jersey's statutes have been too broadly interpreted in a manner which NJWA feels is inconsistent with the NET911 Act. Also, the lack of transparency, is inconsistent with the NET911 Act and does not afford the general public within the State of New Jersey the ability to understand how and if their fees are being properly allocated as directed by the NET911 Act. NJWA believes the FCC and Congress should clarify the definitions within or related to the NET911 Act and more specifically the definition of "expenditures" and the intended use of those "expenditures" under the Act as originally contemplated and subsequently adopted. These clarifications will help New Jersey and other states modify and adopt legislation which is consistent with the spirit and intent of the NET911 Act as put forth by Congress. Once the State legislation consistent with the NET911 Act is adopted, NJWA believes the State of New Jersey will have the capacity to execute accordingly to assure the relevant funds are first and foremost available and appropriated properly for the required and necessary 911 infrastructure improvements. The NJWA is further concerned that if immediate steps are not taken to assure New Jersey's 911 fees are appropriated properly, the NJ Consumer could be facing an additional tax to cover a potential shortfall in the projected costs to construct and implement an emergency system consistent with expectation of the industry and the Public. If an additional tax were to be levied on the public for a project that was expected to be in place already using currently existing funds, the NJWA believes there could be serious public consequences and questions raised as to the prior use of the millions of dollars previously collected.

¹⁸ See attached NJWA OPRA request C76177, C76179, and C76180 responses from the State of New Jersey.

APPENDIX A

Issues Regarding New Jersey E911 Trust Fund

March 2014

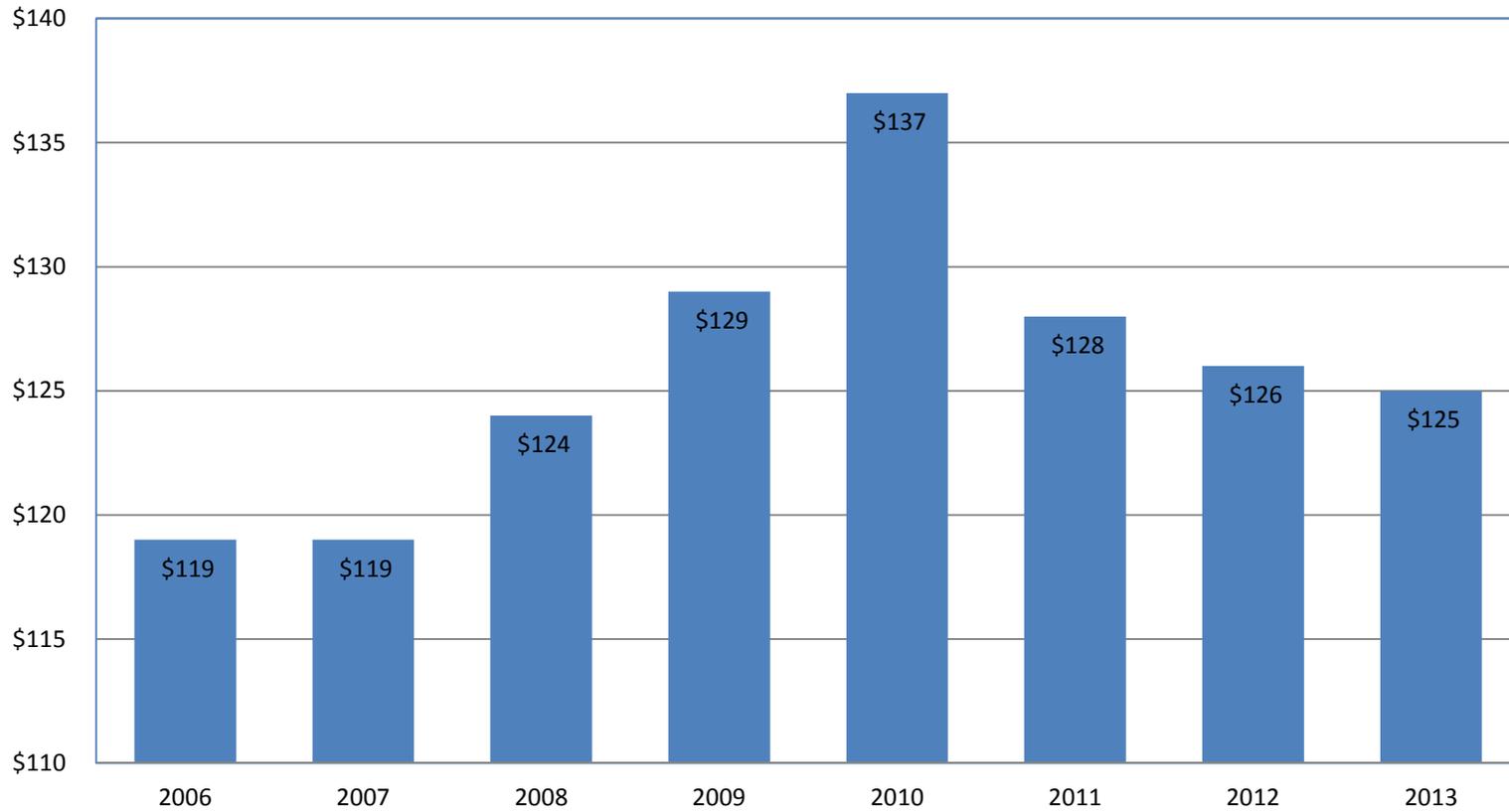


OVERVIEW

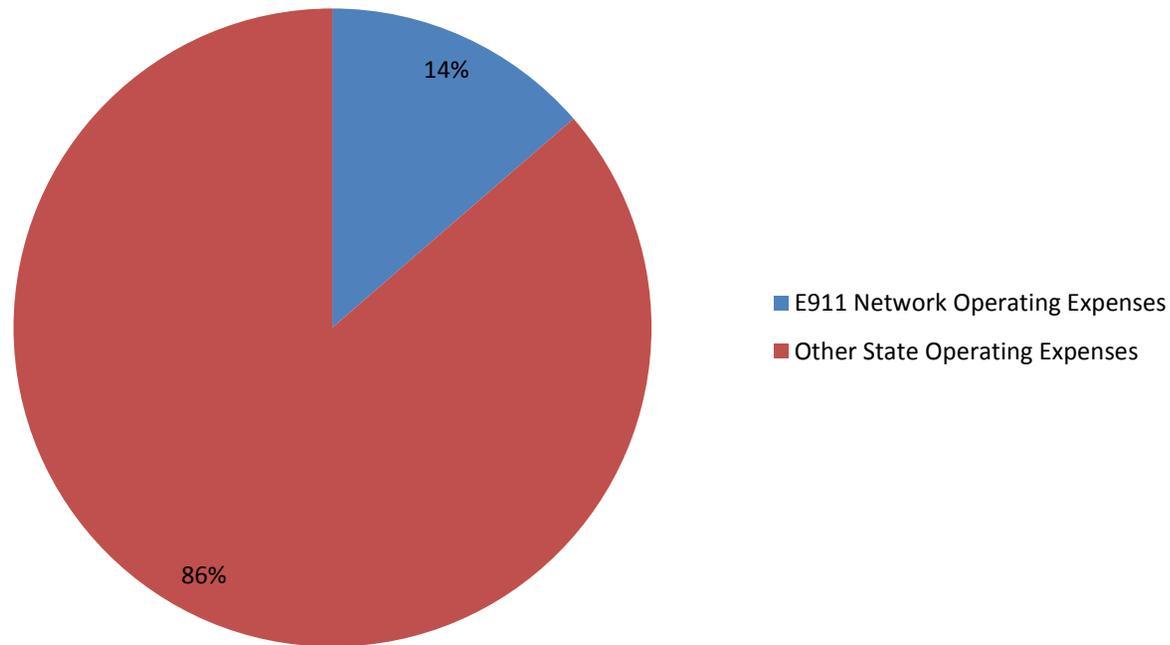
- Vast majority of appropriations from the E911 Trust Fund favor general operating expenses over E911 Expenses
- The E911 Trust Fund dramatically favors State Operations over Local/Municipal Operations
- Very little planning and funding to new technologies and NextGen911 (text messaging to 911)
- Public transparency has been reduced with the E911 Trust Fund Allocation controlled by a Commission exempt from NJ “Sunshine Laws”

One Billion Dollars have been collected for the E911 Trust Fund

Annual Rev From E911 Fees (\$Millions)



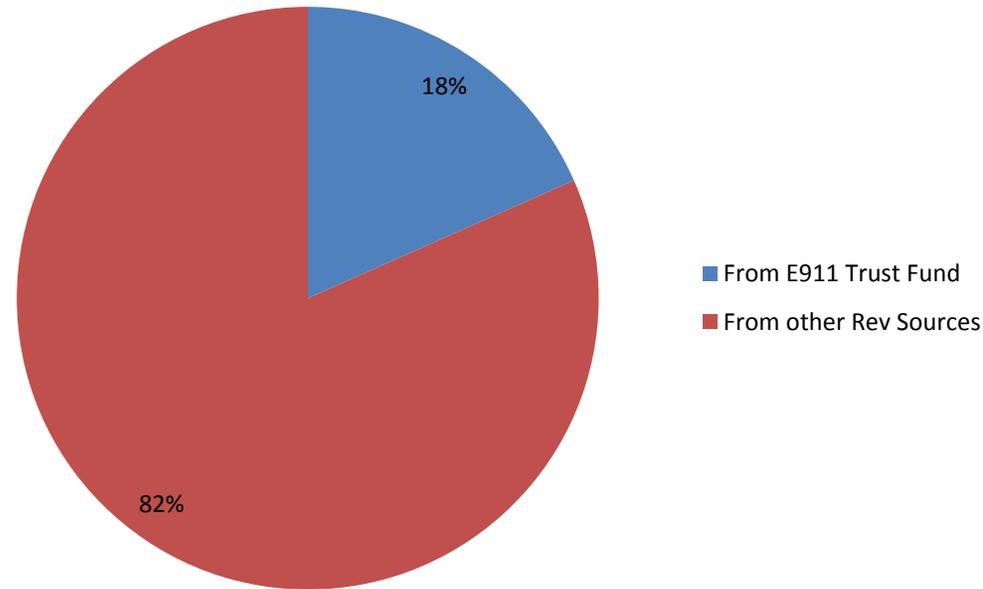
Allocation of E911 Trust Fund



Only 14% of E911 Trust Fund is allocated to Network Operating Expenses

- OETS and E911 Statewide Telephone System (Dept of Treasury)
- Emergency Operations Center and Hamilton TechPlex Maintenance (Dept of Law and Public Safety)
- Information derived from 2013 NJ Budget

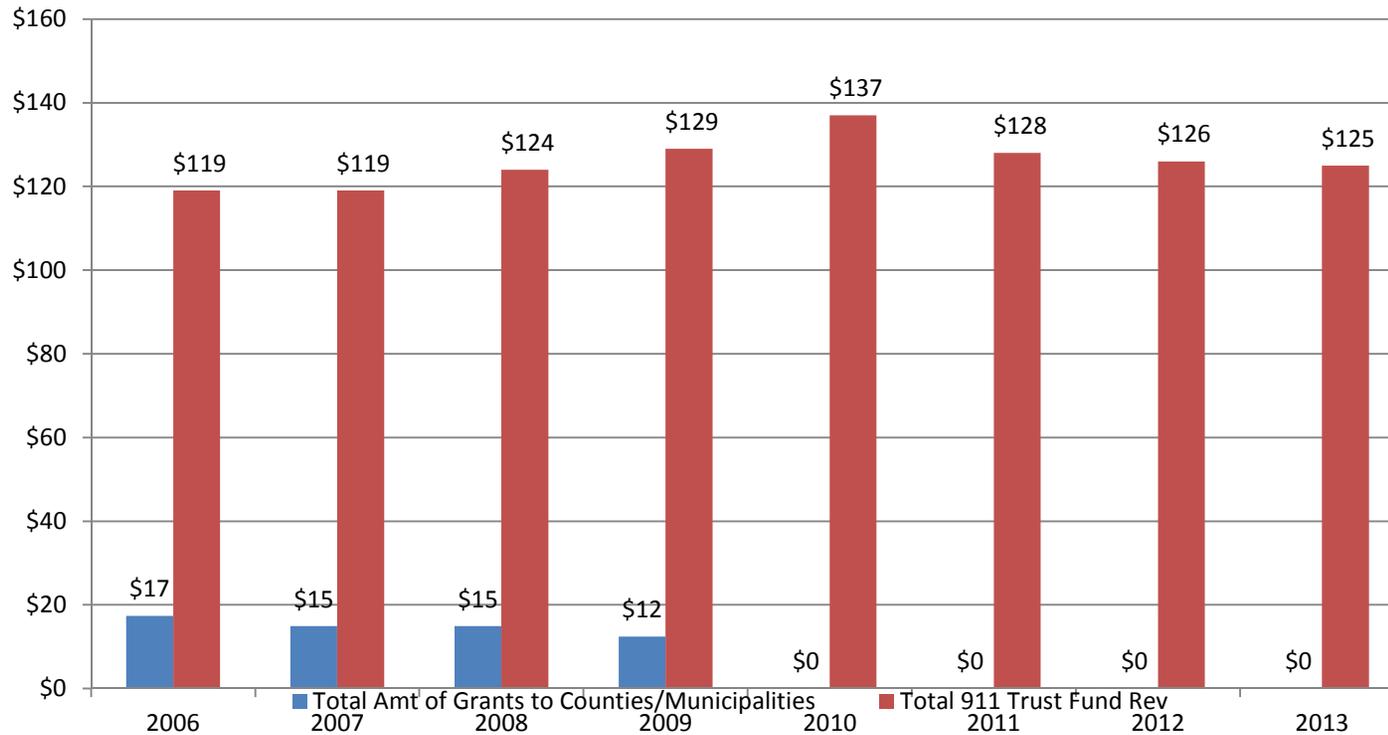
E911 Trust Fund is major source of Law and Public Safety Expenditures



2013 Law and Public Safety Budget \$567M

Funding to State Organizations Dominate the Funding to Local Municipalities

E911 Trust Fund Rev is not shared with Local PSAP's



New Jersey



State of New Jersey

Office of Information Technology
P.O. Box 212
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

E. STEVEN EMANUEL
Chief Information Officer

September 30, 2013

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

RE: Annual Information Collection As 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 Notice dated September 18, 2013. This information outlines the status of collections and expenditures of the fees established in connection with E911 services for calendar year 2012. Chief Turetsky's letter requests specific information to the following thirteen items:

1) Has 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, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include 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:

- 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 "911 System/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.

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.

3) The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2012.

Response:

The total amount collected in calendar year 2012 was \$126 million.

4) 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. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

Response:

Through the annual 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 (FY2014), the State anticipates that

revenue from the 9-1-1 System & Emergency Response Fee will generate \$123 million. Of that amount there was no funding made available to county and local PSAPs.

5-7) 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, 2012.

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.

8) In the annual period ending December 31, 2012, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

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 (~\$110M) are used to support emergency response activities, including Homeland Security and State Police, consistent with the fee's enabling legislation.

9) 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.

10) A statement identifying with specificity 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 2014 totals \$123 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's)
Emergency Operations Center and Hamilton TechPlex Maintenance.....	3,773
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.....	234,138
Department of Military and Veterans' Affairs	
Military Services – National Guard Support Services.....	3,663
Department of Treasury	
Office of Emergency Telecommunications Service (OETS).....	900
Statewide 911 Emergency Telephone System.....	12,372
Total, State Appropriations.....	312,939

11) Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

Response: Yes

12) Has your state expended such funds on Next Generation 911 programs?

Response: No

13) If so, how much has your state expended in the annual period ending December 31, 2012 on Next Generation 911 programs?

Response: N/A



Dennis Levinson
County Executive

Atlantic County

Anthony "Tony" Canale Training Center

Department of
Public Safety

Office of Emergency
Preparedness
609/407-6742

Office of Fire Safety
609/407-6741

Police Training Center
609/407-6715
Fax 609/407-6717

March 21, 2014

Dominic C. Villecco
Chair, Public Safety Committee
New Jersey Wireless Association
1480 Route 9 North, Suite 303
Woodbridge, New Jersey 07095

Mr. Villecco,

Please allow this letter to serve as our support for the New Jersey Wireless Association's efforts to direct the approximately \$130 million in revenue collected annually by the State of New Jersey to those Counties who manage the 911 emergency calls.

Atlantic County was allocated funding from the 9-1-1 System and Emergency Response trust Fund Account up until 2008. These funds were used to support our County and Municipal 911 Emergency Communications centers with offsetting costs associated with operations, training and communication equipment upgrades and improvements. We are currently in the process of consolidating our municipal PSAP's and PSDP's into a County operated facility. In order to have an effective and robust facility that will meet the ever changing and demanding communications needs of the County and the surrounding region funding will most certainly come into play. The cost of purchasing and maintaining these critical systems is why the Trust fund was established.

With all of the documented after action reports that were compiled as a result of both Hurricane Irene and Superstorm Sandy, I find it very concerning that those who are charged with managing the Trust fund don't see the importance of providing the funding necessary to make improvements and to assist with enhancing our State-wide 911 capabilities so that we don't find ourselves again unable to provide critical emergency communications to our citizens and visitors during these times of disaster and emergencies.

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Should you have any questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Jones". The signature is written in a cursive style with a prominent initial "V" and a long, sweeping underline.

Vincent Jones
Director



Board of Chosen Freeholders County of Burlington New Jersey



Public Safety Services

1 Academy Drive
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Mailing Address:
P.O. Box 6000
Mount Holly, N.J. 08060

Telephone # (609) 261-3900

Fax # (609) 265-1323

March 21, 2014

Dominic C. Villecco
Chair, Public Safety Committee
New Jersey Wireless Association
1480 Route 9 North, Suite 303
Woodbridge, New Jersey 07095

Dominic:

Please allow this letter to serve as an expression of support for the New Jersey Wireless Association's efforts to direct approximately \$130 million in revenues annually collected by the State of New Jersey to counties who process 911 emergency calls.

As we know, this revenue stream was created for the State to invest directly into improvements needed in 911 emergency call systems. However, very little of this revenue has been invested back into its original purpose – to make improvements in the emergency call systems throughout New Jersey. In fact, in 2012 and 2013, not a single penny of this revenue – over a quarter of a billion dollars – has been earmarked for improvements in our emergency systems. In addition, no monies have been allocated to the planning or the implementation of Next Generation 911 technology, putting New Jersey needlessly and unnecessarily many years behind on this important issue.

It is time for emergency management coordinators and leadership throughout the State to speak up on this issue and no longer remain silent. The ultimate response to any emergency depends on the first call, the initial contact to emergency dispatchers throughout the State. New Jersey set up a system to direct this revenue to make improvements in our emergency call systems, and it hasn't happened. Instead, the funding has been used in other areas and not for its intended purpose.

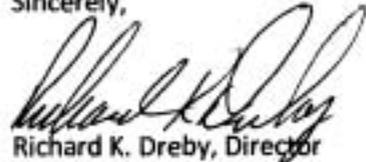
To date, over \$1 billion has been collected by the Emergency 911 Trust Fund. This fund is now a major source of funding for the Law and Public Safety Budget and is not shared with local PSAP's. Since 2006, the amount of funding diminished each year until 2009. Since then, no grants have been provided to counties and municipalities. The Fund continues to dramatically favor State operations over local and municipal operations.

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The County of Burlington is a consolidated communications center servicing all Municipal Police, Fire and EMS First Responders. We are the only county wide dispatch center in the State of New Jersey and the grant funding is critical to continue necessary upgrades.

I am personally contacting legislators from our district to alert them to this important issue. We must not stop until these funds are directed towards its mandated purpose: The improvement of municipal and county 911 emergency call systems. Your efforts to make this happen are deeply appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard K. Dreby". The signature is stylized with large, flowing loops and is positioned above the printed name.

Richard K. Dreby, Director
Public Safety Services
County of Burlington

cg

**Department of Public Safety
and Juvenile Justice**

Scot N. McCray
Freeholder Liaison

Robin J. Blaker
Director



Making It Better, Together.

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rblaker@camdencounty.com

March 20, 2014

Michael Lee Foster
President, Board of Trustees
New Jersey Wireless Association
3 Lyle Farm Lane
Millstone, NJ 08535

Mr. Foster,

The Camden County Communications Center (CCCC) is the regional Public Safety Answering Point (PSAP) for the County's 37 municipalities. Additionally, the CCCC is a countywide public safety communications facility which provides dispatch service for fire and EMS in 37 municipalities and police operations in 33 municipalities. During the next two years, the CCCC will be adding dispatch responsibilities for two (2) additional police departments, including the City of Camden. Since 2008 Camden County has not received any funding from the State of New Jersey's 9-1-1 System and Emergency Response Trust Fund Account. The State of New Jersey collects approximately \$130 million annually from mobile telephone user surcharge fees which is subsequently used to fund the 9-1-1 System and Emergency Response Trust Fund Account.

During and prior to 2008, Camden County received various grant funding from the 9-1-1 System and Emergency Response Trust Fund Account which enabled it to maintain, upgrade, and operate its 9-1-1 system. With the assistance of the 9-1-1 System and Emergency Response Trust Fund Account, Camden County was able to fund 9-1-1 system and equipment upgrades, countywide PSAP consolidation, and the continued sustainability of the County 9-1-1 Coordinator position which is mandated by state law, with limited liability to the taxpayers of Camden County.

Since the funding from the 9-1-1 System and Emergency Response Trust Fund Account ceased after 2008, Camden County has been forced to be self-reliant in maintaining and improving its 9-1-1 system. In 2010, Camden County funded over \$200,000 in improvement projects for its 9-1-1 system's recording capability. Camden County has also continued to fully fund its successful countywide PSAP consolidation and its County 9-1-1 Coordinator position without the assistance of state funding.

Over the past year, Camden County upgraded its radio system to a 700 MHz system at a cost of approximately \$40 million, a majority of which was funded by Camden County. During 2013, Camden County also upgraded its aging 9-1-1 system to a "Next Generation" system (to include 9-1-1 texting capabilities) which cost approximately \$800,000, again fully funded by Camden County.

Camden County is committed to being fiscally responsible to its over 500,000 residents in 37 municipalities, while at the same time being committed to providing those citizens the safest and most effective and efficient public safety communications system, including its 9-1-1 operations. Camden County has successfully consolidated its 9-1-1 operations into a regional PSAP which provides significant

operational and fiscal efficiencies, but still necessitates a significant ongoing funding investment. Without the funding assistance provided by the 9-1-1 System and Emergency Response Trust Fund Account, it has become increasingly difficult for Camden County to continue its committed investment into its public safety communications operations and 9-1-1 system as a result of fiscal constraints, including the state's 2% property tax cap.

Obviously we in Camden County are disappointed the 9-1-1 System and Emergency Response Trust Fund Account funding to our PSAP was discontinued in 2008. We believe the purpose and mission of the 9-1-1 System and Emergency Response Trust Fund Account was to assist all of the state's PSAPs in providing the best possible 9-1-1 services to all of the state's residents. It is our belief that the surcharge money contained in the 9-1-1 System and Emergency Response Trust Fund Account would be used more effectively if it continued to be shared amongst all of the state's PSAPs. This would ensure that every PSAP in the state would be able to provide the most state-of-the-art 9-1-1 systems available which would subsequently enhance public safety throughout the state while continuing to be fiscally responsible.

Should you or your colleagues on the New Jersey Wireless Association have any questions or concerns regarding this issue as it relates to Camden County's PSAP operations, please feel free to contact me.

Very truly yours,



Robin J. Blaker
Director

CAPE MAY COUNTY



EMERGENCY MANAGEMENT COMMUNICATIONS CENTER

30 WEST MECHANIC STREET, CAPE MAY COURT HOUSE, NJ 08210

{O} 609.463.6570 {F} 609.463.0252 {Email} mpagliughi@co.cape-may.nj.us

Gerald M. Thornton, Freeholder

Martin L. Pagliughi, Director

Arthur E. Treon, Deputy

February 24, 2014

Dominic C. Villecco
Chair, Public Safety Committee
New Jersey Wireless Association
1480 Route 9 North, Suite 303
Woodbridge, New Jersey 07095

Dominic:

Please allow this letter to serve as an expression of support for the New Jersey Wireless Association's efforts to direct approximately \$130 million in revenues annually collected by the State of New Jersey to counties who process 911 emergency calls.

As we know, this revenue stream was created for the State to invest directly into improvements needed in 911 emergency call systems. However, very little of this revenue has been invested back into its original purpose—to make improvements in the emergency call systems throughout New Jersey. In fact, in 2012 and 2013, not a single penny of this revenue—over a quarter of a billion dollars—has been earmarked for improvements in our emergency systems. In addition, no monies have been allocated to the planning or the implementation of Next Generation 911 technology, putting New Jersey needlessly and unnecessarily many years behind on this important issue.

It is time for emergency management coordinators and leadership throughout the State to speak up on this issue and no longer remain silent. The ultimate response to any emergencies depends on the first call, the initial contact to emergency dispatchers throughout the State. New Jersey set up a system to direct this revenue to make improvements in our emergency call systems, and it hasn't happened. Instead, the funding has been used in other areas and not for its intended purpose. As Mayor of Avalon since 1991, I have personally seen dedicated revenue streams raided before to help balance a budget. It took a vigorous fight to restore monies that were taken away from the State's beach replenishment fund. As Emergency Management Director for Cape May County, I am prepared to participate in a similar discussion that is needed to direct this revenue back into improving New Jersey's emergency call system.

To date, over \$1 billion has been collected by the Emergency 911 Trust Fund. This Fund is now a major source of funding for the Law and Public Safety Budget and is not shared with local PSAP's. Since 2006, the amount of funding diminished each year until 2009. Since then, no grants have been provided to counties and municipalities. The Fund continues to dramatically favor State operations over local and municipal operations.

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Cape May County currently has no countywide dispatch for emergency calls. This year we have begun an innovative pilot partnership with both Avalon and Stone Harbor to have the county handle all emergency fire calls. Interest in the program is extraordinary, and funding from this program could be dedicated and used to enhance these services; instead, the State raids the program for general expenses.

I am personally contacting legislators from our 1st District in New Jersey to alert them to this important issue. We must not stop until these funds are directed towards its mandated purpose: The improvement of municipal and county 911 emergency call systems. Your efforts to make this happen are deeply appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin L. Pagliughi". The signature is stylized and somewhat cursive, with a prominent flourish at the end.

Martin L. Pagliughi
Mayor Avalon, NJ
Director, Cape May County Office of Emergency Management



Cumberland County

Department of
Emergency Services & Public Protection

James R. Matlock, Sr.
Director

March 14, 2014

Michael Lee Foster, President
New Jersey Wireless Association
1480 Rt. 9 North, Suite 303
Woodbridge, NJ 07095

Dear Mr. Foster,

First let me introduce myself and then delve into the motivation behind this letter. My name is James R. Matlock Sr. and I am the Director for the Department of Emergency Services & Public Protection in Cumberland County, NJ.

One of the Divisions within my department is the 9-1-1 Emergency Communications Center which process emergency 9-1-1 mobile and landline calls throughout Cumberland County. I was pleased to learn that your organization, "*N J Wireless Association*" is challenging the distribution of over \$130 million dollars in revenues collected annually by the State of New Jersey, earmarked for an "*Emergency 9-1-1 Enhancement Trust Fund*".

I, along with the majority of my co-emergency management professionals, have watched this money be re-directed to other areas within the State Budget, and taken away from its intended purpose ...that of making improvements to our emergency 9-1-1 call systems throughout the State at all levels, (State, County & Municipal).

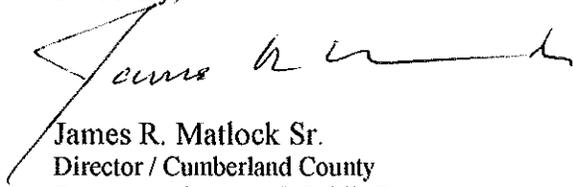
I personally have seen the significant impact to my own budget when this grant money was taken away from County 9-1-1 Centers in 2009 and diverted to other state budgets. As you are aware all local, county and state PSAPs are formatting their plans for the switch over to "*Next Generation 9-1-1*" in the near future. This technical undertaking will involve major equipment changeovers at a significant cost to already financially strapped government budgets. No money thus far has been allocated from the State or this fund to help the PSAPs throughout the state in implement this new technology.

The system set in place to collect this revenue from telephone subscribers was under the pretense that this money would be directed at maintaining efficiency levels and making improvements to our emergency 9-1-1 call system, at both state and local levels. I believe the public is being misinformed when they receive their monthly phone bill and are being charged the \$0.90 per line for "*9-1-1 Enhancement*".

Cumberland County
Department of
Emergency Services & Public Protection

I strongly support your efforts and I have discussed this with members of my County's Board of Chosen Freeholders in order to alert them of this issue. My hope is that they too will support your associations' efforts to direct the collected annual revenues by the State of New Jersey back to the counties who handle and process 9-1-1 emergency calls on a daily basis.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Matlock Sr.", written in black ink. The signature is positioned above the typed name and address.

James R. Matlock Sr.
Director / Cumberland County
Emergency Services & Public Protection
637 Bridgeton Ave.
Bridgeton, NJ 08302
856-455-8526; ext. 490



State of New Jersey

Office of Information Technology
P.O. Box 212
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

E. STEVEN EMANUEL
Chief Information Officer

May 20, 2013

Robert Ivanoff
Vice President
New Jersey Wireless Association
8 White Rd
Flemington, NJ 08822
rivanoff@newjerseywireless.org

RE: Open Public Records Act (OPRA) Request C76177

Dear Mr. Ivanoff:

Following is a response to OPRA request C76177 for State Compliance Plan in response to FCC Proposed Rulemaking.

Your request for copies of “the most recent plan (including cost estimates and estimated timelines) to design, procure, install, and operate a system for the State of New Jersey in compliance with this Order” is denied. No final FCC rule or "Order" has been identified "regarding the implementation of a “Next Generation 911” system. Therefore, the Office of Information Technology ("OIT") has no responsive documents that can be produced in response to this request.

Should you have any questions, please contact me at 609.633.9605 or shelley.bates@oit.state.nj.us.

Regards,

Shelley Bates
OPRA Custodian
NJ Office of Information Technology



State of New Jersey

Office of Information Technology
P.O. Box 212
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

E. STEVEN EMANUEL
Chief Information Officer

May 20, 2013

Robert Ivanoff
Vice President
New Jersey Wireless Association
8 White Rd
Flemington, NJ 08822
rivanoff@newjerseywireless.org

RE: Open Public Records Act (OPRA) Request C76179

Dear Mr. Ivanoff:

Following is a response to OPRA request C76179 for New Jersey Statewide Public Safety Advisory Council agenda and minutes.

Your request for copies of the agenda and meeting minutes of the New Jersey Statewide Public Safety Advisory Council ("SPSAC" or "Council") for the period January 1, 2011 through March 31, 2013 is denied. Established by N.J.S.A. 52:17C-3.3, the SPSAC is charged with providing advice to the Statewide Public Safety Communications Commission, ("SPSCC") regarding issues specified in the statute. See N.J.S.A. 52:17C-3.2 "Records made or maintained" by the SPSCC are not considered "government records" under the Open Public Records Act according to the express terms of State law. See N.J.S.A. 52:17C-3.2 (j). Because SPSAC records by definition pertain to proposed or actual advice to the SPSCC, confidential treatment must be accorded to the SPSAC records, including agendas and meeting minutes, to ensure full protection of the SPSCC records.

The same result is reached under the Open Public Records Act ("OPRA") exemption from the definition of "government records" that protects "inter-agency and intra-agency advisory, consultative or deliberative material." See N.J.S.A. 47:1A-1.1. SPSAC agenda and meeting minutes constitute proposed or actual advice to the SPSCC and, therefore, are not "government records" subject to disclosure under OPRA.

Should you have any questions, please contact me at 609.633.9605 or shelley.bates@oit.state.nj.us.

Regards,

Shelley Bates
OPRA Custodian
NJ Office of Information Technology



State of New Jersey

Office of Information Technology
P.O. Box 212
Trenton, New Jersey 08625-0212

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

E. STEVEN EMANUEL
Chief Information Officer

May 20, 2013

Robert Ivanoff
Vice President
New Jersey Wireless Association
8 White Rd
Flemington, NJ 08822
rivanoff@newjerseywireless.org

RE: Open Public Records Act (OPRA) Request C76180

Dear Mr. Ivanoff:

Following is a response to OPRA request C76180 for Statewide Public Safety Communications Commission agenda and minutes.

Your request for copies of the agenda and meeting minutes of the New Jersey Statewide Public Safety Communications Commission ("SPSCC" or "Commission") for the period January 1, 2011 through March 31, 2013 is denied. By the express terms of State law, "records made or maintained" by the Commission are not "public" or "government records" under the New Jersey Open Public Records Act. See N.J.S.A. 52:17C:3.2 (j). This broad exemption includes agendas and meeting minutes. Consequently, for these reasons, no records can be produced in response to your request for SPSCC agendas or meeting minutes.

Should you have any questions, please contact me at 609.633.9605 or shelley.bates@oit.state.nj.us.

Regards,

Shelley Bates
OPRA Custodian
NJ Office of Information Technology