

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

In the Matter of)
)
FCC Seeks Public Comment on Fourth) 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 NJWA applauds the State of New Jersey for recognizing the need for a mission critical 911 system and

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 Fourth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, *Public Notice*, 28 FCC Rcd 183 (Jan. 14, 2013), available at http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-13-45A1_Rcd.pdf.

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).

for setting up the 911 Trust Fund dedicated to the financial support of this system. The 911 Trust Fund has collected \$110-\$137 million per year for the period 2006-2013.

However, NJWA wants to highlight several issues with the prioritization and the administration of expenditures from the 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 majority⁴ of 911 calls being handled by county/local PSAPs. The PSAPs all operate under a plan from the State of New Jersey’s Office of Emergency Telecommunications. 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 counties and municipalities. See the attached letters from two counties within the State regarding the current situation and its effect. While grants to locally run PSAPs have been eliminated, the State has allocated 911 Trust Funds to agencies and expense categories that may not be consistent with the 911 Trust Fund’s spirit and intent.

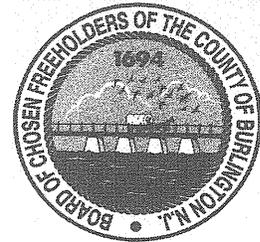
Also, it appears that no funds have been allocated to the planning or implementation of a statewide NG911 network⁵. This is of great concern as this enhancement to current 911 services will provide the ability for wireless devices to text 911 calls as well as video messages and other currently available 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.

⁴ 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

⁵ See attached letters from two NJ Counties as well as the State of NJ filing to the FCC in this current proceeding indicating no such funds have been allocated.



Board of Chosen Freeholders County of Burlington New Jersey



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March 12, 2013

Michael Lee Foster
President, Board of Trustees
New Jersey Wireless Association
#3 Lyle Farm Lane
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Dear Sir:

I am writing to provide you with information that may be used by the NJ Wireless Association in a filing of comments with the FCC with respect to its Report to Congress and the use of 911 fees.

The County of Burlington is a full regional PSAP for all forty (40) Municipalities, taking all 9-1-1 calls and dispatching all Fire and EMS, along with thirty-two (32) municipal police agencies and two County police agencies. The remaining municipalities are covered by the New Jersey State Police. We are the leaders in the field of Shared Services as we do not charge outside of the county tax structure for 9-1-1 and dispatching services.

The County of Burlington has not received any disbursement of funds from the State of New Jersey from the 9-1-1 System and Emergency Response Trust Fund Account or any other grant/funding source in the past 4 to 5 years. Previously, we had received grant funding for equipment in 2008, general assistance in 2007, and general assistance in 2006. These grants were recorded as "Reserve E 9-1-1 and Public Education".

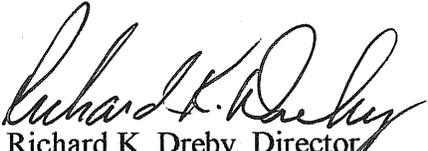
In 2007, Burlington County purchased and installed a Cassidian (formerly Plant CML) Sentinel CM 9-1-1 system while concurrently upgrading its Avaya infrastructure to (2) S8710 IP Media Servers, G650 w/IPSII carrier boards, (2) AES servers, (37) call instruments and upgraded UPS system with 8 hours of standby time.

In 2011, using a small amount of unspent grant money left over from 2008, Burlington County purchased (12) phones and leased (20) Direct Inward dial lines for use as a backup call center located in a classroom at Burlington County College's Mount Laurel campus. This center will be used when the main communications center in Westampton Township needs to be evacuated. These lines and equipment only enable Public Safety Telecommunicator to receive basic ten digit calls redirected from other 9-1-1 centers. The cost to purchase and install at least (10) 9-1-1 workstations for use at this site is estimated \$700,000 and has not been pursued due to lack of funds.

To address end of support timelines on the County's existing Avaya and Cassidian systems and to commence Next Generation 9-1-1 system transition, we anticipate minimum expenditures in a budgetary range from 2 to 2.5 million dollars. We anticipate a timeline of 3-5 years for this project. With the discontinued allocation of the 9-1-1 funds from the State of New Jersey it may be virtually impossible to move towards programs like text to 9-1-1 Centers and more importantly, any assistance for moving to the 700 MHz Spectrum mandated by the FCC.

To the best of our knowledge each of the improvements and expansions to Burlington County's 9-1-1 Emergency Response System was funded through local taxpayer monies via bond referendums or through Federal Grants. No money has come from the State of New Jersey 9-1-1 System and Emergency Response Trust Fund Account since the State of New Jersey stopped distribution of the dedicated 9-1-1 funds collected from the end users. The funds that were derived from the 9-1-1 assessment on the phone bills was used to improve our Communications Center and provide training that is required by state regulations on annual basis. Due to budget constraints that everyone is facing in today's economic times, it is very difficult to accomplish training and upgrades with the funds provided by Burlington County.

Respectfully,


Richard K. Dreby, Director
Public Safety Services

**Department of Public Safety
and Juvenile Justice**

Scot N. McCray
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Director



Making It Better, Together.

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March 14, 2013

Michael Lee Foster
President, Board of Trustees
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Mr. Foster,

The Camden County's Communications Center (CCCC) is the Public Safety Answering Point (PSAP) for 33 of the County's 37 municipalities and is also responsible for all mobile 9-1-1 calls within the County's borders. Additionally, the CCCC is a countywide public safety communications facility which provides dispatch service for 37 municipalities' fire and EMS agencies and 32 municipalities' police operations. Within the next two years, the CCCC will be adding dispatch responsibilities for three more 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 grants 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, the Camden County funded over \$200,000 in improvement projects for its 9-1-1 system 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.

Currently, Camden County is upgrading its radio system to a 700 MHz system at a cost of approximately \$40 million, a majority of which has been funded by Camden County. Camden County is also in the process of upgrading its aging 9-1-1 system to a "Next Generation" system (to include 9-1-1 texting capabilities) which will 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, most

effective and efficient public safety communications system, including its 9-1-1 operations. Camden County has successfully consolidated our 9-1-1 operations into a countywide 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 its funding is 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