

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. (APCO) hereby submits the following comments in response to the Commission’s *Public Notice* in the above-captioned proceeding.¹

Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 25,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems—including Public Safety Answering Points (PSAPs), dispatch centers, emergency operations centers, radio networks, and information technology—for law enforcement, fire, emergency medical, and other public safety agencies.

APCO supports the Commission’s work to fulfill its statutory mandate “[t]o ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services”² with the “Seventh Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees

¹ Seventh Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, PS Docket No. 04-91, *Public Notice*, DA 16-22 (rel. Jan. 8, 2016), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0108/DA-16-22A1.pdf.

² New Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, § 101 (2008).

and Charges.”³ Here, APCO offers insight into the impacts of fee diversion, suggestions for how the *Report* could provide more detailed information, and governance impediments to the deployment of Next Generation 9-1-1 (NG9-1-1).

I. Impacts of Fee Diversion

Diverting 9-1-1 fees exacerbates challenges that are already facing resource-constrained PSAPs. Additionally, as the deployment of NG9-1-1 and the nationwide public safety broadband network facilitate enhanced capabilities for emergency communications, PSAPs will serve an increasingly important role as the “nerve center” of emergency response. The growing importance and recognition of the 9-1-1 system as part of the nation’s critical infrastructure mandates a dependable, protected, and sustained source of funding.

The impacts of fee diversion are not limited to the diverting state. Significant federal grant funding is needed to support the nationwide transition to NG9-1-1. Not only can fee diversion render a state ineligible for federal grants, it also undermines the case for funding made by non-diverting states. Convincing Congress to provide additional funding will be a greater challenge while state funds are not being used for the purpose for which they were collected.

II. More Detailed Information Collection

The Commission asked respondents several questions designed to “provide a broader context for the information provided on collection and use of 911 fees.”⁴ APCO commends the Commission for its efforts to gather more detailed, useful information relating to NG9-1-1 readiness and cybersecurity. It is important to have a clear picture of current NG9-1-1 deployments, as well as the challenges facing states, in order to facilitate the transition to NG9-1-

³ FCC, SEVENTH ANNUAL REPORT TO CONGRESS ON STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND CHARGES (2015) [*Report*], available at https://transition.fcc.gov/pshs/911/Net%20911/NET911_Act_7thReport_to_Congress_123115.pdf.

⁴ *Id.* para. 9.

1 nationwide. With minor clarifications to the questionnaire the Commission provides to states, the *Reports* could be an even more valuable resource.

a. NG9-1-1

APCO notes that there is still no consensus-based, standardized definition of NG9-1-1, which makes data analysis and planning the transition to NG9-1-1 more difficult. Without a common definition, the responses received for the *Report* may present an unclear picture of NG9-1-1 expenditures.⁵ For example, some states reported funds and efforts related to text-to-911 as NG9-1-1 expenditures. However, APCO notes that the current, interim SMS text-to-911 solution available in some areas today is more accurately defined as an enhancement to a legacy system as opposed to an initial capability of NG9-1-1.

APCO agrees with the Commission, “that deployment of ESInets is an indicator that the state or jurisdiction is transitioning to IP-based routing of 911 calls, but by itself, does not mean that the state has completed its transition to NG911 service.”⁶ This is an important point, as limiting the definition of NG9-1-1 to IP-based routing overlooks additional needs for staffing, technologists, cybersecurity, records management systems, logging, and a variety of other requirements. APCO urges the Commission to take a proactive role in properly defining NG9-1-1 as end-to-end (from the caller to the telecommunicator) IP connectivity enabling current voice communications, future multimedia, and other data capabilities to flow from the 9-1-1 caller to the PSAP and be properly reported, archived, and further transmitted between the PSAP and first responders. The definition must be both clear and comprehensive to ensure adequate funding and planning.

⁵ *Id.* Table 18.

⁶ *Id.* at n.63.

In addition to clarifying the definition of NG9-1-1, the Commission should request further information about what standards, if any, states and their vendors are employing for NG9-1-1 components. For example, several states and regions reported having deployed ESINets.⁷ Though standards do exist and are being used for ESINets, questions remain as to what these standards entail, how they are applied, and whether they ensure interoperability between systems. If ESINets lack interoperability, the benefits of a true NG9-1-1 system will not be realized. Collecting additional information about standards will help stakeholders identify gaps and determine whether there's a need to complete or refine NG9-1-1 standards.

b. Cybersecurity

The Commission asked states whether they “expended funds on cybersecurity programs for PSAPs,” and if so, the number of PSAPs that either implemented or participated in “cybersecurity programs.”⁸ As states and jurisdictions continue to transition to IP-based networks and equipment, cybersecurity is an increasingly critical consideration.

APCO notes that “cybersecurity programs” may be interpreted to encompass a vast array of practices and initiatives, such as cyber hygiene, workforce training, hiring cybersecurity consultants, and more. Accordingly, the Commission should provide guidance about what constitutes a “cybersecurity program” and seek more focused information about the types of cybersecurity programs states and PSAPs are participating in and implementing. Understanding the cybersecurity efforts underway may assist with the development of cybersecurity plans to achieve economies of scale, real time capabilities, and operational efficiencies. This information

⁷ *Id.* Table 20.

⁸ *See id.* at paras. 46-47.

will also be useful for promoting increased awareness, transparency, information sharing, and related educational efforts among public safety stakeholders.⁹

It is important to note that while the deployment of IP networks and equipment increases the cyber risk, vulnerabilities also exist for legacy systems. Both legacy and next generation PSAPs must be equipped to identify, defend against, and recover from cyberattacks.

c. Text-to-911

The Commission asked that respondents specify the number of PSAPs that have implemented or plan to implement text-to-911.¹⁰ APCO suggests that the Commission also ask for the number of texts received, broken down by emergency and non-emergency, as well as the methods PSAPs use to receive texts. Improving our understanding how text-to-911 is being used will inform educational efforts and implementation considerations.

III. Governance

Finally, the *Report* indicates that for some states, “their funding mechanism does not allow for the use of 911 funds for NG911 implementation.”¹¹ To the extent practical, the Commission should seek additional information to better understand how states should amend any laws or regulations that act as impediments to the deployment of NG9-1-1. At a minimum, states must enact laws that protect 9-1-1 fees, expand permissible expenditures for NG9-1-1, and ensure sustainable and sufficient funding going forward.

⁹ APCO notes that the small number of states reporting expenditures on PSAP-related cybersecurity programs (para. 46) and small number of states reporting adherence to the NIST Framework (para. 48) are clear indications that additional education and resources are needed.

¹⁰ *Report* at para. 45.

¹¹ *Id.* at para. 41.

CONCLUSION

APCO supports the Commission's efforts to collect information and report on the use of 9-1-1 fees, consistent with its comments herein.

Respectfully submitted,

APCO INTERNATIONAL

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