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David Simpson
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: PS Docket No. 09-14, SEVENTH ANNUAL REPORT TO CONGRESS ON STATE COLLECTION AND DISTRIBUTION OF 911 AND ENHANCED 911 FEES AND CHARGES.

Mr. Simpson:

The Washington State APCO & NENA Chapter offer the following comments in response to the Commission's seventh annual report to Congress on collection and distribution of 911 fees and charges.

The annual report held some promising data and prompted continuing concerns for the Washington APCO/NENA Chapter. The Chapter is encouraged by the Washington State E911 Office beginning efforts in 2014 toward cyber security for the state-wide ESInet. These efforts are currently nearing actionable recommendations as the State recently issued an RFP for the second generation ESInet. As the FCC has noted, cyber vulnerability is a real and present danger that must be addressed in the NG911 environment.

We are, however, still concerned about the use of 911 funds for purposes other than 911 in Washington State. The FCC questionnaire asked, "were funds collected for 911 or E911 purposes in your state or jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 5?" Washington State correctly answered yes to this question because technically the Revised Code of Washington (RCW) permitted the uses. The APCO/NENA Chapter is not concerned that the answers to the questionnaire are not accurate but are concerned that Washington State routinely changes the funding mechanism to permit use of 911 funds for purposes other than 911. The RCW has been changed in the past several years to allow the expenditures listed below. According to a report given to the Washington State House of Representatives Public Safety Committee on November 20, 2015 by the State E911 Advisory Committee, 911 funds were used for these "other than 911" purposes during the reporting period. The following is a table excerpted from the presentation:

Legislative appropriations of the State E911 Fund for non-E911 requirements.

Examples:

- State Fiscal Year 2013-15 biennium

- \$10,842,000 to the Washington Military Department Operating Budget – replaced equivalent GF-S with dedicated State E911 Account Funding
 - \$3,867,000 to the Washington State Patrol – Mobile Office Platform
 - \$2,000,000 to the Department of Corrections – Radio Infrastructure Upgrade
- State Fiscal Year 2015-17 biennium
 - \$8,606,000 – to the Washington Military Department Operating Budget - replaced equivalent GF-S with dedicated State E911 Account Funding
 - \$3,230,000 to the Washington State Patrol –Criminal History Fingerprint System
 - \$ 633,000 for state government policy compensation changes
 - \$ 130,000 for a King County cardiac arrest response pilot project

(2015 Washington State NG911 Progress Report From The State E9-1-1 Advisory Committee To The: Washington State House of Representatives, Public Safety Committee, November 20, 2015)

Without a national standard definition for appropriate uses of 911 funds it is left to each state or jurisdiction to determine their own definition/boundaries and expenditure rules. The result of varying standards across the nation is evident in the section of the report describing the eight states which reported diversion or transfer of funds for other uses. Many of the descriptions by those states are similar to the uses of 911 funds by Washington State – the difference is that Washington State changed the legislation to permit these uses of 911 funds.

Most importantly, 911 funds generated from the current funding model do not entirely cover the cost of providing the 911/E911/NG911 services.

It is our intention to be a part of the solution in the 911 funds utilization question. We are hopeful that reports such as this one will inform decision makers of the importance of 911 funding dedication to 911 purposes.

Respectfully,

Jackie Jones, President
Washington State Chapter APCO – NENA