



State of Rhode Island and Providence Plantations
State House, Room 224
Providence, Rhode Island 02903
401-222-2080

Lincoln D. Chafee
Governor

August 28, 2013

Via Facsimile and United States Mail

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Information Collection Mandated by the New and Emerging Technologies 911
Improvement Act of 2008*

Dear Mr. Turetsky:

Thank you for your recent letter. Enclosed please find responses to your questions from William Gasbarro and Gregory Scungio, co-directors of the State's E 911 operations. If you have any additional questions, please do not hesitate to get in touch directly with either Mr. Gasbarro or Mr. Scungio.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. D. Chafee".

Lincoln Chafee

cc: William P. Gasbarro, Co-Director
Gregory M. Scungio, Co-Director

Enclosure



RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY
RI E-911 Uniform Emergency Telephone System

311 Danielson Pike, North Scituate, RI 02857-1907
Telephone: (401) 459-0911 — Fax: (401) 459-0933

Colonel Steven G. O'Donnell
Commissioner, Department of Public Safety
Superintendent, Rhode Island State Police

August 15, 2013

Mr. David S. Turetsky
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

SUBJECT: INFORMATION COLLECTION MANDATED BY THE NEW AND EMERGING TECHNOLOGIES IMPROVEMENT ACT OF 2008

Dear Mr. Turetsky,

In response to your recent request, below please find the responses from the Department of Public Safety (DPS) with respect to the Federal Communications Commission (FCC) inquiry under the "New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act).

According to the FCC, the intent of the NET 911 Act is to collect information, "detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified." The FCC questions and DPS responses are as follows:

- Q. 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, has 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)?
- A. 1. The State of Rhode Island has established a funding mechanism of \$1.00 per wireline per month (RIGL 39-21.1-14) and \$1.00 (RIGL 39-21.1-14) plus .26-cents (RIGL 39-1-62) (for a total [monthly] wireless 911 surcharge of \$1.26) per month for every wireless "...instrument, device or means ... which has access to, connects with, or activates or interfaces or any combination thereof with the E 9-1-1 Uniform Emergency Telephone System." (RIGL 39-1-62 (d)(1) entitled "E-911 Geographic Information System (GIS) and Technology Fund" and RIGL 39-21.1-14(a) entitled "Funding"). Pursuant to RIGL 39-1-62 (d) (1), these funds are deposited into the R.I. General Fund as general revenue.

Additionally, the State of Rhode Island collects a prepaid wireless E9-1-1 charge at the point of sale for every retail transaction for prepaid wireless telecommunications service. This prepaid E9-1-1 charge is the only E9-1-1 funding obligation imposed with respect to prepaid wireless telecommunications service in this state. This prepaid wireless charge

is collected from the consumer at the point of sale by the seller. The charge rate is 2.5% per retail transaction for prepaid wireless telecommunications service. This statutory language, rate and remittance is found at RIGL 39-21.2-2(2), (7), (8), RIGL 39-21.2-3(2), (4), RIGL 39-21.2-4(a), (b), and RIGL 39-21.2-5(a), (b).

Q. 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

A. 2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services are as follows: \$1.00 per month for each wireline device, \$1.26 per month for each wireless device, and 2.5% per retail transaction for any prepaid wireless device. These fees are further identified in RIGL 39-1-62, RIGL 39-21.1-14, and RIGL 39-21.2-4.

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

A. 3. The State of Rhode Island tabulates fee collection on a fiscal year basis. The most recent fiscal year completed (FY 2013) encompasses the period from July 1, 2012 through June 30, 2013. The total fees collected for wireline, wireless, and GIS services for FY 2013 totaled approximately \$15,200,000.00 dollars.

Q. 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.

A. 4. RIGL 39-1-62 establishes a funding mechanism for a number of wireline devices. Additionally, RIGL 39-21.1-14, establishes a funding mechanism for both Voice Over Internet Protocol (VoIP) and other wireline devices and all wireless devices. Lastly, RIGL 39-21.2-4 establishes a funding mechanism for prepaid wireless devices. These funding mechanisms prescribe the manner by which the funds are collected, transferred to the State's Division of Taxation, and ultimately deposited into the General Fund for eventual disbursement. RIGL 39-1-62(c), (d), (e), RIGL 39-21.1-14(g) and RIGL 39-21.2-2(2) identifies the allowed uses for 911 collected surcharge funds. Additionally, § 35-3-1 (1) of the General Laws directs the State Budget Officer to "exercise budgetary control over all state departments and agencies and perform management analyses;" Because RI E911 falls within the purview of the Rhode Island Department of Public Safety (DPS), E911's budget is managed on a day-to-day basis by the DPS's Central Business Office with oversight by the State Budget Officer and the Department of Administration – Division of Purchasing.

Q. 5. 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. 5. Under § 35-3-2 of the Rhode Island General Laws, the Rhode Island General Assembly has the authority to annually appropriate general revenue funds as it deems necessary to pay the administrative and other expenses of state government. Additionally, § 35-3-1 (1) of the General Laws directs the State Budget Officer to "exercise budgetary control over all state departments and agencies and perform management analyses."

- Q. 6. 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.
- A. 6. Because RI E911 falls within the purview of the Rhode Island Department of Public Safety (DPS), E911's budget is managed on a day-to-day basis by the DPS's Central Business Office with oversight by the State Budget Officer and the Department of Administration - Division of Purchasing.
- Q. 7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2012.
- A. 7. The Department of Public Safety Central Business Office with oversight by the State Budget Officer and the Department of Administration-Division of Purchasing oversees the account activities of RI E 9-1-1. RI E 9-1-1 is not aware of any enforcement or other corrective actions undertaken in connection with this oversight, for the annual period ending December 31, 2012.
- Q. 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.
- A. 8. All of the funds collected for 911 or E911 have not been made available for the purposes designated by the funding mechanism.
- Q. 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 (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.
- A. 9. During the most recently completed fiscal year that ended June 30, 2012 (FY 2013), a total of approximately \$16,500,000.00 was collected by the State of Rhode Island for E911 surcharges. E911 expended approximately \$4,800,000.00 from state appropriations. The remainder, approximately \$11,700,000.00 went to the State's General Fund and was used for purposes other than for E911's operation. Additionally, the agency is supported by the Department of Administration for many administrative services that it is not charged for. This includes payroll processing, accounts payable processing, and financial reporting.
- Q. 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.
- A. 10. The E-911 program operating budget is approximately 5.2 million dollars. In accordance with RI General Law, the surcharge funds are collected by the RI Division of Taxation and remitted into the RI General Fund.

- Q. 11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?
- A. 11. Authorized expenditures for 911 are broadly classified. Due to this broad classification, expenditures on Next Generation 911 are within the scope of permissible expenditures (RIGL 39-21.1-14(g)).
- Q. 12. Has your state has expended such funds on Next Generation 911 programs?
- A. 12. Three years ago RI E 9-1-1 purchased a Solacom Switch for the price of \$155,000.00. That switch is instrumental in being one of the components necessary for the receipt of Next Generation 911 services.
- Q. 13. If so, how much has your state has expended in the annual period ending December 31, 2012 on Next Generation 911 programs?
- A. 13. RI E 9-1-1 has expended approximately \$16,000.00 on our annual maintenance and updates for our Solacom Selective Router, which is a piece of hardware that supports our NG911 initiative.
- Q. 14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.
- A. 14. None

Respectfully submitted,



William P. Gasbarro
Contracts and Specifications Officer
Co-Director, RI E 9-1-1



Gregory M. Scungio
Principal Project Manager
Co-Director, RI E 9-1-1

cc: Colonel Steven O'Donnell
Danica Iacoi, Esq.
Lisa Holley, Esq.
Captain Brian Casilli
Major Wilfred Hill
Colleen Halloran-Villandry
Claire Richards