



The Commonwealth of Massachusetts

**DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY**

D.T.E. 06-33

April 28, 2006

Investigation by the Department of Telecommunications and Energy on its own motion to develop a long term plan for funding Enhanced 911 services.

VOTE AND ORDER TO OPEN INVESTIGATION

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I. BACKGROUND

In the early 1990's, Massachusetts established enhanced 911 ("E911") service to facilitate emergency communications. Specifically, E911 service allows users of the public telephone system to reach a public safety answering point by dialing "911," and, in turn, allows the answering point to automatically identify the user's telephone number and location. G.L. c. 166, § 14A; G.L. c. 6A, § 18A. E911 service, along with three disability access programs,¹ were originally funded through directory assistance charges by charging telephone subscribers for each directory assistance call that exceeds a subscriber's monthly allowance of ten free calls. Directory Assistance Charges, D.P.U. 91-68 (1991); Acts of 1990, c. 291, § 7. Initially, the revenues from directory assistance were sufficient to support E911 services and the disability access programs; however, due to a decline in directory assistance revenues, the Wireline E911 Fund began operating at an annual deficit in 1995. At the end of 2002, the deficit was estimated at \$43.1 million. E911 Interim Surcharge Order² at 5.

¹ The three disability access programs are: (1) relay services for hearing and speech impaired persons; (2) specialized communications equipment distribution program for hearing, speech, vision and mobility impaired persons; and (3) amplified handsets at pay telephones.

² Investigation by the Department of Telecommunications and Energy to establish a surcharge to recover prudently incurred costs associated with the provision of wireline Enhanced 911 services, relay services for TDD/TTY users, communications equipment distribution for people with disabilities, and amplified handsets at pay telephones, D.T.E. 03-63 - Phase I (2003) ("E911 Interim Surcharge Order").

In 2002, the Legislature directed the Department to establish a new funding mechanism for recovery of costs associated with the provision of E911 service and disability access programs.³ Acts of 2002, c. 239, § 1; G.L. c. 6A, § 18H½. In the E911 Interim Surcharge Order at 18, the Department approved an interim surcharge of \$0.85 per month on each voice grade residential and business line for the recovery of expenses, including recovery of the accumulated deficit, in providing E911 and disability access programs. The Department will review and establish a permanent E911 surcharge in D.T.E. 06-4. See Investigation by the Department of Telecommunications and Energy to establish a permanent surcharge to recover prudently incurred costs associated with the provision of wireline Enhanced 911 services, relay services for TDD/TTY users, communications equipment distribution for people with disabilities, and amplified handsets at pay telephones, D.T.E. 06-4, Vote and Order to Open Investigation (2006). The permanent surcharge will remain in effect through December 31, 2007. Acts of 2002, c. 239, § 1; Acts of 2004, c. 149, § 24; G.L. c. 6A, § 18H½.⁴

³ The Legislature also created a separate funding mechanism for the provision of wireless E911 service by imposing a surcharge of \$0.30 per month per wireless mobile telephone number. See Acts of 2002, c. 61, § 6; G.L. c. 6A, § 18H. Based upon the actual expenditures incurred in implementing a wireless E911 system, the Statewide Emergency Telecommunications Board (“SETB”) is authorized to increase the monthly surcharge to a maximum of \$0.75 per month. Id. A Wireless E911 Fund was also created. See Acts of 2002, c. 61, § 8; G.L. c. 10, § 35W. The Department has no role in establishing the wireless E911 surcharge or in administering the Wireless E911 Fund.

⁴ Revenues received by the Commonwealth from E911 surcharges imposed under G.L. c. 6A, § 18H½ are deposited to the Wireline E911 Fund and are available for expenditure by SETB for the purposes described in G.L. c. 6A, § 18H½.

The Legislature also required the Department to develop a long term plan for funding E911. Acts of 2002, c. 239, § 3. In developing a long term plan for funding E911, the Legislature directed the Department to consider any and all issues affecting the E911 system, including the equitable payment of the costs of the system by all its beneficiaries and the changes and projected changes in technology comprising the E911 system. Id. The Legislature directed the Department to submit its recommendations and assessments no later than December 31, 2006. Id.

II. VOTE TO OPEN INVESTIGATION

Consistent with the mandate in the Acts of 2002, c. 239, § 3, the Department votes to open an investigation to develop a long term plan for funding wireline E911 services.⁵ Specifically, this proceeding will identify and address any and all issues affecting the E911 system, including the equitable payment of the costs of the system by all its beneficiaries and the changes and projected changes in technology comprising the E911 system. The purpose of this proceeding is to develop recommendations to submit to the Legislature pursuant to the Acts of 2002, c. 239, § 3. This proceeding is docketed as D.T.E. 06-33.

The Department invites all interested persons who are substantially and specifically affected by the issues under investigation to petition to intervene in this proceeding. Any person who desires to intervene in this proceeding shall submit an original and three (3) copies of a petition for leave to intervene in this proceeding with Mary L. Cottrell, Secretary,

⁵ This proceeding will not address funding for wireless E911 service. See n.3, above.

Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, no later than the close of business on **Wednesday, May 17, 2006**.

The Department will hold a public hearing on **Wednesday, May 24, 2006 at 10:00 a.m.** at the Department's offices located at One South Station, Boston, Massachusetts 02110. A procedural conference will be held immediately following the public hearing to establish a procedural schedule for the orderly conduct of this investigation. Additionally, to assist the Department in developing a long term plan for funding E911 service, the Department invites interested persons to file written comments to identify and address any and all issues affecting the E911 system, including the equitable payment of the costs of the system by all its beneficiaries and the changes and projected changes in technology comprising the E911 system no later than close of business on **Wednesday, May 17, 2006**.

III. **ORDER**

Accordingly, the Department

VOTES: To open an investigation to develop a long term plan for funding E911 services; and it is

ORDERED: That the Secretary of the Department shall publish the accompanying legal notice; and it is

FURTHER ORDERED: That petitions to intervene in this investigation shall be filed with the Secretary of the Department by Wednesday, May 17, 2006; and it is

FURTHER ORDERED: That a public hearing and procedural conference in this proceeding will be held at the offices of the Department on Wednesday, May 24, 2006 at 10:00 a.m.

By Order of the Department,

/s/
Judith F. Judson, Chairman

/s/
James Connelly, Commissioner

/s/
W. Robert Keating, Commissioner

/s/
Paul G. Afonso, Commissioner

/s/
Brian Paul Golden, Commissioner

NOTICE OF INVESTIGATION AND PUBLIC HEARING

D.T.E. 06-33

Investigation by the Department of Telecommunications and Energy on its own motion to develop a long term plan for funding Enhanced 911 services.

To facilitate emergency communications, the enhanced 911 ("E911") service allows users of the public telephone system to reach a public safety answering point by dialing "911," and, in turn, allows the answering point to automatically identify the user's telephone number and location. G.L. c. 166, § 14A; G.L. c. 6A, § 18A. Wireline E911 service is funded by a monthly surcharge on each voice grade residential and business line. G.L. c. 6A, § 18H½. The statutory funding mechanism for wireline E911 service runs through December 31, 2007. Id..

In the Acts of 2002, c. 239, § 3, the Massachusetts legislature required the Department of Telecommunications and Energy ("Department") to develop a long term plan for funding E911, and to submit its recommendations and assessments for the long term funding of E911 no later than December 31, 2006. Consistent with that mandate, the Department opens an investigation to develop a long term plan for funding wireline E911 services. Specifically, this proceeding will identify and address any and all issues affecting the E911 system, including (1) the equitable payment of the costs of the system by all its beneficiaries and, (2) the changes and projected changes in technology comprising the E911 system. The purpose of this proceeding is to develop recommendations to submit to the Legislature pursuant to the Acts of 2002, c. 239, § 3. This proceeding will not address funding for wireless E911 service. This proceeding is docketed as D.T.E. 06-33.

The Department will hold a public hearing to receive comments on any and all issues affecting the long term funding of E911 service on **Wednesday, May 24, 2006, at 10:00 a.m.** at the Department's offices at One South Station, Second Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter.

The Department invites all interested persons who are substantially and specifically affected by the issues under investigation to petition to intervene in this proceeding. Any person who desires to intervene in this proceeding shall submit an original and three (3) copies of a petition for leave to intervene in this proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, no later than the close of business on **Wednesday, May 17, 2006**. Additionally, to assist the Department in developing a long term plan for funding E911 service, the Department invites interested persons to file written comments on the long term funding for E911 service no later than close of business on **Wednesday, May 17, 2006**.

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All written pleadings, nonproprietary comments, letters of intent or petitions to intervene must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and Tina.Chin@state.ma.us; or (2) on a 3.5" floppy disk. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding, D.T.E. 06-33; (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's web site: <http://www.mass.gov/dte>.

Any person desiring further information regarding this notice should contact: Tina W. Chin, Hearing Officer, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, tel. (617) 305-3500.

By Order of the Department,

/s/
MARY L. COTTRELL, SECRETARY