



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT

151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-947-1455
www.mass.gov/e911



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

DANIEL BENNETT
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

VIA ELECTRONIC MAIL AND U.S. MAIL

April 10, 2018

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

RE: Petition of the State 911 Department for Approval of Fiscal Year 2018 Expenditures, Adjustment of the Enhanced 911 Surcharge, Approval of Fiscal Year 2019 Development Grant Amount, and Approval of Fiscal Year 2019 Incentive Grant Regional PSAP Three to Nine Communities Category Amount

Dear Ms. Clark:

Pursuant to Massachusetts General Laws ("G.L.") c. 6A, §18H(b), the State 911 Department hereby submits this Petition of the State 911 Department for Approval of Fiscal Year 2018 Expenditures, Adjustment of the Enhanced 911 Surcharge, Approval of Fiscal Year 2019 Development Grant Amount, and Approval of Fiscal Year 2019 Incentive Grant Regional PSAP Three to Nine Communities Category Amount.

The State 911 Department ("Department") offers the following in support of the Petition.¹

I. FISCAL YEAR 2018 EXPENDITURES

The Department is required to seek the approval of the Department of Telecommunications and Cable ("DTC") for projected total expenditures that exceed total expenditures of the previous fiscal year by ten (10) per cent or more. *See* G.L. chapter 6A, §18H(c), which provides in pertinent part, as follows:

¹Pursuant to G.L. c. 6A, § 18H(b), the Department is required to report annually to the DTC on the financial condition of the Enhanced 911 Fund and on the Department's assessment of the new developments affecting the enhanced 911 system. The Department respectfully requests that the DTC treat this petition as satisfying that requirement for Fiscal Year 2018.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

The department shall seek the approval of the department of telecommunications and cable for projected total expenditures that exceed total expenditures of the previous fiscal year by 10 per cent or more. The department of telecommunications and cable may investigate the reasonableness of the expenditures and shall conduct its review and issue a decision within 90 days from the date the department files its request for approval, but the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 days. The department of telecommunications and cable shall notify the department of its intent to investigate within 20 days of the date the department files its request for approval. The department's request for approval shall be deemed approved in the absence of the department of telecommunication and cable's notification to the department of its intent to investigate. If the department of telecommunication and cable notifies the department that it intends to investigate an expenditure, the department of telecommunications and cable may hire experts to assist in its investigation. The reasonable cost of the experts shall be charged to the Enhanced 911 Fund, but in no event shall such cost exceed \$200,000, which may be adjusted to reflect changes in the consumer price index.

An itemized breakdown of the Department's projected expenditures for Fiscal Year 2018 is set forth in Exhibit A, along with the final expenditures for Fiscal Year 2017, attached hereto and made a part hereof. The expenditures are described in more detail below.

As set forth in Exhibit A, the projected expenditures of the Department for Fiscal Year 2018 are \$171,224,995. This projected amount is more than ten (10) per cent greater than the actual expenditures of \$106,687,952 for Fiscal Year 2017. Accordingly, the Department hereby requests DTC approval of Fiscal Year 2018 expenditures.

II. ENHANCED 911 SURCHARGE ADJUSTMENT

The Department hereby petitions the Department of Telecommunications and Cable ("DTC") to adjust the Enhanced 911 Surcharge for each subscriber or end user whose communication services are capable of accessing and utilizing the enhanced 911 system, for expenses associated with 911 services, and to establish the new surcharge at \$1.50.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

As set forth more fully below, the adjustment to the Enhanced 911 Surcharge (“surcharge”) is requested to support the procurement of an interoperable, statewide radio system known as the Commonwealth of Massachusetts Interoperable Radio System (or CoMIRS) while allowing the Department to meet its statutory obligations and to continue to fulfill its responsibility to coordinate and effect the implementation of enhanced 911 service, to administer such service in the Commonwealth, and to administer and support the Department’s programs, including disability access programs, in the Commonwealth.

A. BACKGROUND AND OVERVIEW

Statutory Scheme

Chapter 223 of the Acts of 2008 (“the legislation”) established the Department and requires that the Department coordinate and effect the implementation of enhanced 911 service and administer such service in the Commonwealth. *See* G.L. c. 6A, § 18B(d).

The stated purpose of the legislation is to further protect the public's safety by improving the Commonwealth's ability to coordinate and administer the enhanced 911 system and to ensure the most efficient and consistent approach for enhanced 911 service to all cities and towns throughout the Commonwealth.

The legislation also directs the Department to review and assess new communications technologies that may include, but are not limited to, wireless, video, broadband, and IP-enabled applications that may serve as the next generation 911 technology platforms, consistent with Federal Communications Commission decisions and federal law. *See* G.L. c. 6A, § 18B(h).²

In addition to directing the Department to administer the enhanced 911 system, the legislation directs the Department to develop, administer, and fund grant programs to assist PSAPs and RECCs in providing enhanced 911 service and to foster the development of regional PSAPs, regional secondary PSAPs, and RECCs.³ The legislation also directs

²The statutory definition of “Next generation 911” is “an enhanced 911 system that incorporates the handling of all 911 calls and messages, including those using IP-enabled services or other advanced communications technologies in the infrastructure of the 911 system itself.” The statutory definition of “IP-enabled service” is “a service, device or application which makes use of Internet Protocol, or IP, and capable of entering the digits 911, or by other means as approved by the department, for the purposes of interconnecting users to the enhanced 911 system including, but not limited to, voice over IP and other services, devices, or applications provided through or using wireline, cable, wireless, or satellite facilities or any other facility that may be provided in the future.” *See* G.L. c. 6A, § 18A.

³The statutory definitions of “public safety answering point,” or “PSAP,” “regional emergency communication center,” or “RECC,” “regional PSAP,” “regional secondary PSAP,” and “wireless state police PSAP” are set forth in G.L. c. 6A, § 18A.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

the Department to provide and maintain disability access programs and to provide public education services.

Current Enhanced 911 Surcharge

The legislation replaced the prior scheme of separate wireline and wireless enhanced 911 surcharges to create a single surcharge and fund with the surcharge to be assessed on wireline, wireless, and other users. The legislation sets the single surcharge at seventy-five (75) cents per month. The legislation provides, in pertinent part, as follows:

. . . There shall be imposed on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system, a surcharge in the amount of 75 cents per month for expenses associated with services provided under sections 18A to 18J, inclusive, and sections 14A and 15E of chapter 166. *See* G.L. c. 6A, §18H (a).

The legislation sets forth the manner in which the surcharge shall be imposed, by type of service, as follows:

. . . For wireline enhanced 911 service, the charge shall be imposed on each voice grade exchange telephone line of business and residence customers within the commonwealth . . . For wireless enhanced 911 service, the charge shall be imposed per wireless mobile telephone number, based on the area code chosen by the subscriber or end user . . . For interconnected VoIP provider service, the charge shall be imposed on each voice grade telephone line of business and residence customers within the commonwealth. For IP-enabled service, the charge shall be imposed based on the subscriber's or end user's billing address in the commonwealth except for interconnected VoIP provider service, unless a different method is approved by the department. For prepaid wireless service, the department shall promulgate regulations establishing an equitable and reasonable method for the remittance and collection of the surcharge or surcharge amounts for such service. For all other services not identified above, the surcharge shall be imposed based on the subscriber's billing address in the commonwealth, unless a different method is approved by the department. *See* G.L. c. 6A, §18H (a).

The legislation provides that the surcharge shall be collected by the communication service provider and shall be shown on the subscriber's or end user's bill as "Disability

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Access/Enhanced 911 Service Surcharge,” or an appropriate abbreviation. The subscriber or end user is liable for the surcharge, and the communication service provider is not financially liable for surcharges billed on behalf of the Commonwealth but not collected from subscribers or end users. *See* G.L. c. 6A, §18H (a).

Accordingly, in accordance with G.L. c. 6A, §18H(b), effective July 31, 2008, there was imposed on each subscriber or user whose communication services are capable of accessing and utilizing an enhanced 911 system, a surcharge in the amount of seventy-five (75) cents per month for expenses associated with services provided under G.L. c. 6A, §§ 18A to 18J, inclusive, and §§ 14A and 15E of c. 166.

As noted above, the legislation provides that, for prepaid wireless telephone service, the Department shall promulgate regulations establishing an equitable and reasonable method for the remittance and collection of the surcharge or surcharge amounts. Effective July 1, 2009, the Department promulgated 560 CMR 3:00: Regulations Establishing an Equitable and Reasonable Method for the Remittance and Collection of a Surcharge on Prepaid Wireless Telephone Service (“prepaid regulations”). The prepaid regulations provide that, on or after July 1, 2009, there shall be a surcharge in the amount of seventy-five (75) cents per month imposed on each subscriber, end user, or customer whose communication services are capable of accessing and utilizing enhanced 911 service. The prepaid regulations provide two (2) options for the collection of the surcharge. The prepaid regulations permit the service provider to 1) collect the surcharge on a monthly basis from each subscriber, end user, or customer; or 2) to calculate and remit the monthly surcharge by use of a revenue formula. The numerator for the revenue formula is the total Massachusetts revenue for prepaid wireless telephone service for the month. The denominator for the formula is the service provider’s national average revenue per user (“ARPU”) for prepaid wireless telephone service, multiplied by seventy-five (75) cents.

The Department is required to seek the approval of the DTC for an adjustment in the surcharge. G.L. chapter 6A, § 18H(b) provides, in pertinent part, as follows:

. . . The department may petition the department of telecommunications and cable for an adjustment in the surcharge established in subsection (a). The department of telecommunications and cable shall be responsible for establishing the new surcharge, and all future surcharges, upon petition of the department . . . The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the commencement of the investigation, but the surcharge shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 days.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

On March 20, 2015, the Department petitioned the DTC for approval of the adjustment of the Enhanced 911 surcharge for each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system to \$1.25 effective July 1, 2015, with a reduction to \$1.00 effective July 1, 2016, to provide for expenses associated with 911 services. By Final Order dated June 18, 2015 in the matter of DTC 17-1, the DTC approved the Department's proposed adjustments to the Enhanced 911 surcharge.

Accordingly, conforming changes were made to the prepaid regulations to impose a surcharge in the amount of seventy-five (75) cents per month through June 30, 2015; \$1.25 per month commencing July 1, 2015 through July 1, 2016; and \$1.00 per month effective July 1, 2016.

B. ENHANCED 911 FUND

The legislation provides that the Department shall disburse funds from the Enhanced 911 Fund for prudently-incurred expenses associated with the following:

. . . the lease, purchase, upgrade or modification of primary and regional PSAP customer premises equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (i) and any other grant approved by the department associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth. *See* G.L. c. 6A, § 18B(f).

As set forth more fully below, the Department's expenditures are prudently incurred, statutorily authorized expenses necessary to administer and operate the 911 system in the Commonwealth.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Projected Revenues and Expenditures

The Department has projected revenues and expenditures for the Enhanced 911 Fund for Fiscal Year 2018 through Fiscal Year 2023.

Projected Surcharge Revenues

The revenue projection methodology is consistent with the Department's past revenue projection methods. The subscriber line counts are based on the average number of subscribers and assume no change in the number of access lines subject to the surcharge. The estimate of revenues for each fiscal year is derived from the beginning fund balance, the estimated net revenue, and interest earned. The total estimated revenue is reached by adding to the beginning fund balance the estimated total net revenue and the interest earned.

Beginning Fund Balance

The beginning fund balance of the Enhanced 911 Fund is arrived at by carrying over the Enhanced 911 Fund balance from the prior fiscal year.

Net Revenue

The estimate of the net revenue for each fiscal year is based on multiplying the then current surcharge and the estimated number of subscribers and subtracting carrier administrative fees and projected uncollected revenue. The projection assumes a one (1) per cent carrier administrative fee and a two (2) per cent uncollectible revenue rate.

Interest Earned

The Department does not earn interest on the total Enhanced 911 Fund balance. Interest is earned only on the invested funds. The interest earned each month is then reinvested, thereby increasing the invested funds. To estimate the interest earned, the Department utilizes the average interest rate as provided by the Office of the State Treasurer in its monthly reporting on the Massachusetts Municipal Depository Trust. The Department has applied an annual rate of 0.91 per cent as an estimate of the interest rate to be applied, on a monthly basis, to the fund balance.

Projected Expenses

The following is a description of the budgeted categories of expenses for the Enhanced 911 Fund. These expenses are prudently incurred and are necessary to meet the legislation's directives.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Administration

Salary Costs

The Department's projected expenses include salaries and overhead costs for employees and contract employees. The projected salary costs are attributable to full time employee ("FTE") and contract positions. These positions are necessary to fulfill the Department's statutory obligations. The Department has projected salary expenses that reflect contractual step increases and cost of living adjustments negotiated by the National Association of Government Employees union and the Commonwealth.

Agency Expenses

The category of agency expenses includes employee reimbursements, workers' compensation, administrative expenses, operational supplies, utilities/space rental, consultant services, operational services, equipment purchases, lease, maintenance, and repair services, building maintenance and repairs, and IT services and equipment.

Capital Projects

The Department's projections include replacement of vehicles as advised by Operational Services Division's Office of Vehicle Management.

Grant Programs

The legislation requires the Department to develop and administer grant programs to assist PSAPs and RECCs in providing enhanced 911 service and to foster the development of regional PSAPs, regional secondary PSAPs, and RECCs. See G.L. c. 6A, 18B(i). The legislation requires that the Department fund the following grant programs: the PSAP and Regional Emergency Communications Center Training Grant ("Training Grant"); the PSAP and Regional Emergency Communication Center Support Grant ("Support Grant"); the Regional PSAP and Regional Emergency Communication Center Incentive Grant ("Incentive Grant"); the Wireless State Police PSAP Grant; and the Regional and Regional Secondary PSAP and Regional Emergency Communications Center Development Grant ("Development Grant"). See G.L. c. 6A, § 18B(i)(1)-(5). The legislation also permits the Department to introduce new grants associated with providing enhanced 911 service in the Commonwealth. See G.L. c. 6A, § 18B(f). As discussed

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

below, as permitted by the legislation, in 2011, the Department introduced a new grant, the Emergency Medical Dispatch (“EMD”) Grant.⁴

The legislation provides that the State 911 Commission shall approve all formulas, percentages, guidelines, or other mechanisms used to distribute these grants. *See* G.L. c. 6A, § 18B(a). The eligibility requirements, purpose, use of funding, including categories of use of funds, application process, grant review and selection process, and grant reimbursement process for each of these grants are set forth in the Grant Guidelines that are approved by the State 911 Commission.

Training and EMD/Regulatory Compliance Grant

The Public Safety Answering Point and Regional Emergency Communication Center Training and EMD/Regulatory Compliance Grant (“Training and EMD/Regulatory Compliance Grant”) reimburses primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs for allowable expenses related to the training and certification of enhanced 911 telecommunicators. The EMD/Regulatory Compliance Grant provides funding, not provided under the Training Grant, for EMD services provided through a certified EMD resource and provides supplemental funding for expenses needed to meet the minimum training and certification requirements and minimum EMD requirements established by the Department.⁵

The Department’s projections maintain a funding level for the Training Grant to provide sufficient funding for primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs to meet the minimum training and certification requirements for enhanced 911 telecommunicators.

The Department’s projections maintain a funding level for the EMD/Regulatory Compliance Grant to provide sufficient funding for primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs to meet the minimum requirements governing EMD.

Support and Incentive Grants

The Support and Incentive Grants provide funding to primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs for allowable expenses related to enhanced 911 personnel and equipment costs. In addition to amounts allocated as part of the Support

⁴ The EMD Grant was approved by the DTC by Order dated May 27, 2011 in D.T.C. 11-2. The EMD Grant was renamed the EMD/Regulatory Compliance Grant in Fiscal Year 2014.

⁵ The statutory definition of “emergency medical dispatch,” or EMD, is set forth in G.L. c. 6A, § 18A.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Grant, incentive funds are awarded to regional PSAPs and RECCs that serve multiple communities.

The Department's projections maintain a funding level for the Support Grant to provide sufficient funding for primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs for personnel, equipment, and other allowable expenses.

The legislation requires that the Incentive Grant shall provide regional PSAPs and RECCs with funds, in addition to amounts allocated as part of the Support Grant, to be used for reimbursement of allowable expenses. *See* G.L. c. 6A, §18B(i)(4). The legislation uses a formula that applies a specified percent of total surcharge revenues for the previous fiscal year based on the number of municipalities to be served by the regional PSAP or RECC. *See* G.L. c. 6A, § 18B(i)(4).

The Department's projections maintain a funding levels for the Incentive Grant to provide additional funding for regional PSAPs and RECCs for personnel, equipment, and other allowable expenses, and to allow the Department to meet its statutory obligations to maximize effective enhanced 911 services and regional interoperability and will further the Department's goals of increased regionalization which will, in turn, lead to a more efficient and effective use of resources and improve public safety.

Wireless State Police PSAP Grant

Currently, most 911 calls placed from wireless callers in the Commonwealth are routed to three (3) wireless state police PSAPs for directly dispatching emergency response services or transferring the calls to local PSAPs for local police, fire, and emergency medical services dispatch, or in some instances not transferred at all.

The Wireless State Police PSAP Grant reimburses wireless state police PSAPs for allowable expenses related to training, enhanced 911 personnel, and equipment costs. The Department's projections maintain a funding level for the Wireless State Police PSAP Grant to provide sufficient funding for allowable expenses.

As detailed more fully below, the functions of the Middleborough and Framingham wireless state police PSAPs will be transitioned to the Wireless Center to be operated by the Department, and, therefore, the funding level for the Wireless state police PSAP Grant has been adjusted accordingly. The Northampton wireless state police PSAP will remain operational.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Development Grant

The Development Grant supports the development and startup of regional PSAPs, regional secondary PSAPs, and RECCs, including the expansion or improvement of existing regional PSAPs and RECCs. Since the inception of the grant programs in Fiscal Year 2009, the Department has witnessed a significant interest in regionalization among the PSAPs and RECCs. Through the Development Grant, the Department has provided funding for a number of significant regionalization projects. The Department has received requests for funding and has awarded funding for construction and equipment for proposed regional PSAPs and RECC; feasibility studies, construction, and equipment for new proposed regional PSAPs and RECCs; and construction to expand and new equipment for proposed regional PSAPs and RECCs. The regional projects funded under this Grant are often complex and are completed over multiple fiscal years. The expenditures are recorded in the fiscal year in which they are incurred. Grants funded under the Development Grant, due to their complexity, often cross fiscal years. The Department's projections maintain funding levels for the Development Grant to provide sufficient funding for these important regionalization efforts. These projections also contain funding to support those projects awarded under a prior fiscal year grant program that have been extended through June 30, 2018. There are currently two hundred thirty-eight (238) PSAPs in the Commonwealth, with thirty (30) PSAPs that have become regionalized since the Development Grant program began. The Department expects that thirteen (13) additional PSAPs will regionalize over the next five (5) years.

Enhanced 911

Next Generation 911 Project

In accordance with the legislation's directive, the Department has embarked upon a project to review and assess communications technologies that could serve as the basis for a new platform. In 2009, following a competitive procurement process, the Department retained outside consultants to assist with the effort to review and assess the technical, financial, and operational requirements and other matters that would facilitate the migration to a new system. The outside consultants were tasked with reviewing the existing customer premises equipment, or CPE, with the intent of migrating to an IP-based system; analyzing technical requirements; examining possible network facilities; investigating geographic information system, or GIS, requirements and capabilities; and developing system architecture and migration plans. The outside consultants were also charged with undertaking a financial analysis that included gathering pertinent information related to technology availability, funding parameters, and governance matters; gathering information on practices elsewhere in the United States related to ownership, funding, and governance; gathering data from the vendor community related to

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

technology roll out timeframes and costs; and synthesizing this information so that the Department could assess the financial components of the migration to a new system.

Throughout 2009 and 2010, the Department, working in consultation with the outside consultants and representatives from other agencies, continued its analysis and assessment of the issues associated with the migration to a new system, including a review of evolving national standards. In 2009, the Department hosted a series of Next Generation 911 presentations at the Department's offices. In 2010, the State 911 Commission authorized the Department to form a Strategic Sourcing Team ("SST") for the purpose of conducting the solicitation for, and the procurement of, a Next Generation 911 system and associated matters.

In 2011, the National Emergency Number Association ("NENA") produced a number of Next Generation 911 Standards and other documents, recommendations, and policy briefs regarding the transition to Next Generation 911. In addition to the development of technical and operational standards, NENA engaged in proof of concept trials and demonstrations of the new technology. However, a standards-based Next Generation 911 system was not fully identifiable, and further clarification was necessary.

In 2012, the Department issued a Request for Information ("RFI") to assist the Department in identifying various solutions and gathering any information to help the Department assess the capabilities of a Next Generation 911 environment, including all aspects of network, database, geo-based routing, caller location information, applications and appliances, call taking solutions, CPE, support services, maintenance and monitoring, and any other functional element required to meet the acceptance, processing, and delivery of current and anticipated Next Generation 911 payloads. Respondents to the RFI provided the Department with information about their Next Generation 911 technologies and any alternative capabilities for IP-based call and payload handling.

Following the lengthy and exhaustive efforts set forth above, the Department sought to procure services through a competitive procurement conducted pursuant to *801 CMR 21.00: Procurement of Commodities and Services*.

As authorized by the State 911 Commission, the Department formed an SST for the purpose of conducting the solicitation for and the procurement of a Next Generation 911 system and associated matters. The SST was comprised of members of the Department, the State 911 Commission, and key stakeholders with the required skills and knowledge to assist in the development of a Request for Response ("RFR") and analysis of bid responses.

On October 4, 2013, the Department issued an RFR seeking to procure the services to design, equip, install, operate, monitor, maintain, train, and support a Next Generation 911 system throughout the Commonwealth in a turnkey fashion. The RFR provides that the acquisition method for the contract is fee for service. The contract duration is five (5)

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

years, with one (1) option to renew for a period of five (5) years. Multiple responses were received.

The SST was assigned the task of analyzing the merits of the proposals submitted. The evaluation process consisted of a review of the written responses, references/financial stability statements, interviews/demonstrations, pricing, and a site visit from which the highest scoring bidder proposed to operate its help desk and network operations center. The SST provided all bidders with the opportunity to provide a Best and Final Offer ('BAFO').

The evaluation process concluded in July, 2014, and the Department selected a bidder who offers the overall best value to the Commonwealth. At a meeting held on August 4, 2014, the State 911 Commission authorized the Department to enter into a contract with the winning bidder, General Dynamics Information Technology ("GDIT"). Accordingly, a contract for Next Generation 911 products and services was executed with GDIT on August 4, 2014.

The deployment of the Next Generation 911 system began in Fiscal Year 2017 and concluded in December, 2017. All Massachusetts PSAPs are now operating within the Next Generation 911 system.

Enhanced 911 Support

The Department entered into a contract with Verizon to provide network, database, CPE, and maintenance services for the statewide enhanced 911 system serving the Commonwealth. The Department maintained a funding level to allow for the maintenance of the existing enhanced 911 system until the conversion to the Next Generation 911 system was complete. The contract with Verizon terminated on December 31, 2017, with the completion of the deployment of Next Generation 911.

Map Data

Through interdepartmental agreements between the Department and the Commonwealth's Office of Geographic Information ("MassGIS"), MassGIS provides updated, synchronized mapping data and information to the Department for use by PSAPs. MassGIS has also dedicated resources to support the Department as it prepares for the implementation of Next Generation 911.

As part of ongoing maintenance, MassGIS will continue updating the street database by adding missing streets and correcting erroneous streets. This is part of the core component of the GIS data used in the current PSAP deployment as well as the base of the Next Generation 911 system. MassGIS has acquired aerial imagery used for verification of

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

streets and structures as part of the maintenance effort. MassGIS will contract with an outside vendor to identify the roofline of every structure in the Commonwealth and provide an outline of every building. This is necessary to attach street addresses to structures. Parcel data creation will continue to be part of the workflow process necessary to prepare for the transition to Next Generation 911. This entails collecting digital and paper maps and incorporating individual parcel line work into the statewide data set. Once the parcel data has been incorporated, MassGIS will use that data to update emergency service zones that will ultimately be used to route 911 calls to the proper PSAP. The services in support of Next Generation 911 consist of updated, synchronized mapping data and information and maintenance for the database and aerial imagery, and updates to the emergency services zones. These services are critical to the base of the Next Generation 911 system and are services that were not provided for use with the legacy enhanced 911 systems. The Department contracts with a vendor to provide software support by furnishing base map data updates on a quarterly basis. The Department also contracts with a vendor to furnish MassGIS with emergency subscriber listings through an extract of the Automatic Location Information database.

Next Generation 911 Consultant

The Department has retained the services of an outside consultant to assist with the Next Generation 911 project. The Department made payments to a consultant to assist with the Next Generation 911 project during Fiscal Years 2017 and 2018.

Next Generation 911 Recurring and Non-Recurring Costs

The Department has projected recurring and non-recurring costs for the Next Generation 911 system based on the contract executed on August 4, 2014.

Radio Infrastructure

Emergency radio communications is an essential component of providing enhanced 9-1-1 services to the residents of and visitors to Massachusetts. The Commonwealth of Massachusetts Interoperable Radio System (CoMIRS) serves as the primary, statewide, interoperable communications tool for PSAPs to communicate with public safety organizations and to arrange the timely dispatch of first responders to resolve 9-1-1 emergency calls. The planning and investment for a digital upgrade of the statewide interoperable radio system addresses the radio needs for multiple first responder organizations that provide emergency response and services in support of the operations of the Commonwealth's PSAPs. It also assures the effectiveness of PSAP communications backhaul and redundancy and provides some of the key infrastructure needed to support PSAP regional consolidation.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

All of the Commonwealth's PSAPs operate and depend on public safety radio systems to dispatch and communicate with first responders and to interoperate with other municipalities and state resources. In addition to day-to-day local and regional mutual aid partners, PSAPs routinely interoperate with several state agencies, including the Department of State Police, the Environmental Police, the Transit Police, the Department of Conservation and Recreation (DCR), and the Massachusetts Department of Transportation (MassDOT), to ensure immediate response to emergency calls and to enhance mutual aid response. Radio communications on the CoMIRS radio network are the primary means of interoperable communications for these PSAPs.

The current statewide radio infrastructure, which is managed day-to-day by the Department of State Police, provides operable and interoperable radio communications for two hundred forty-five (245) agencies with approximately thirty thousand (30,000) subscriber units (portable and in-vehicle mobile radios). A recently concluded independent study of the CoMIRS network identified critical deficiencies in the radio network and recommended the immediate replacement of the 25-year-old analog platform with a new digital platform that assures mission critical voice communications, provides greater capacity, expands coverage, and addresses radio spectrum efficiency issues. As the study highlights, CoMIRS serves a vital role in 9-1-1 dispatch, and it provides needed backhaul for local public safety communications needs. The upgrade of the CoMIRS network is a critical path item to ensuring the effectiveness of 9-1-1 emergency response going forward.

The investment proposed by the study will focus on deploying new digital infrastructure across the state, radio consoles at 9-1-1 call centers as needed, and subscriber units for users of the network. The proposed design of this new system may also provide an opportunity for municipalities and regional entities with aging and non-supportable systems to join the statewide radio system. This investment will also support PSAP consolidation efforts.

Funding and deploying mission critical public safety communication systems in tandem with the Next Generation 911 system are a top priority of the Department. These radio infrastructure improvements will help assure the timely and appropriate response by first responders to emergency requests received and handled by PSAPs throughout the Commonwealth.

The overhaul will take approximately five (5) years to complete and the cost will be determined through the competitive bidding process. The upgrade will be paid for through a combination of capital and Enhanced 911 funds.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Wireless Center

The Department plans on operating a Wireless Center whereby the Department will assume responsibility for receiving wireless 9-1-1 calls currently assigned to one or more wireless state police PSAPs and, as appropriate, relaying emergency 9-1-1 calls to public or private safety departments or PSAPs. Under this plan, the Middleboro wireless state police PSAP will be closed, and the functions previously handled by the Middleboro and Framingham wireless state police PSAPs will be consolidated into a facility that will be operated by Department employees located at the location that currently houses the Framingham wireless state police PSAP.

911 Call Center

The Department anticipates assuming operational responsibility of at least one (1) PSAP currently operated by a Commonwealth agency during the course of the next five (5) years. The Department's projections contain the Department's best estimate of the operating costs for one (1) such PSAP.

Interpretive Services

Interpretive services, through a third party vendor, continue to be provided to PSAPs throughout the Commonwealth and for the EDP pursuant to a statewide contract with a contractor.

Mobile PSAP

The State 911 Department owns, operates, controls, and maintains a mobile PSAP. The mobile PSAP is a vehicle outfitted with six (6) 911 answering positions, one (1) administrative workstation, ten (10) administrative telephones, seven (7) Telular terminals all connected to the CPE. It is housed in a 2010 Kenworth vehicle. The mobile PSAP is available 24 x 7 to respond to and temporarily replace and assist PSAPs that are rendered non-operational due to structural failure, equipment failure, infrastructure failure, or other emergency and/or pre-planned events. The mobile PSAP is deployed for training, public education, PSAP conversions and build outs, the Boston Marathon, and as an emergency backup PSAP. The Department has included projected expenses of maintenance and overall support for the mobile PSAP.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Training Program

The legislation requires the Department to train enhanced 911 telecommunicators regarding the receipt and use of enhanced 911 service information. See G.L. c. 6, § 18B(f). Since the inception of the training program, the Department has engaged in an effort to offer a comprehensive training program that has expanded through the addition of many new approved courses, some of which are taught by outside vendors.

The legislation also directs the Department to establish, with the State 911 Commission's approval, certification requirements for enhanced 911 telecommunicators that include EMD and quality assurance of emergency medical dispatch programs.

Accordingly, effective July 1, 2012, the Department promulgated 560 CMR 5.00: State 911 Department Regulations Establishing Certification Requirements for Enhanced 911 Telecommunicators, Governing Emergency Medical Dispatch, and Establishing 911 Call Handling Procedures ("EMD regulations"). The EMD regulations impose certification requirements in order for a person to act as an enhanced 911 telecommunicator. These regulations require the successful completion of a minimum of two (2) days of 911 equipment and basic telecommunicator training offered by the Department and successful completion of a minimum of forty (40) hours of Department-approved basic telecommunicator training (or the equivalent). In order to maintain certification as an enhanced 911 telecommunicator, it is necessary to successfully complete thereafter a minimum of sixteen (16) hours of Department-approved continuing education annually (or the equivalent). In addition, the EMD regulations impose requirements for PSAPs to provide EMD services either through certified emergency medical dispatchers or by arranging for EMD to be provided through a certified EMD resource. The EMD regulations require that, in order to act as a certified emergency medical dispatcher for a PSAP, an individual shall: obtain and maintain certification as an enhanced 911 telecommunicator; obtain and maintain CPR certification; and obtain and maintain certification in EMD through an EMD certification organization approved by the Department. The EMD regulations require that, in order to act as a certified EMD resource, the entity shall submit a request for approval that shall include the EMD protocol and documentation that each emergency medical dispatcher is certified.

The training is managed by the PSAPs, and the courses vary. The Department maintains a listing of eligible courses that are supported by the Training Grant program, which supports approximately six thousand (6,000) enhanced 911 telecommunicators. The EMD Regulations require that all certified enhanced 911 telecommunicators complete sixteen (16) hours of continuing education annually. Further, the EMD regulations require newly hired enhanced 911 telecommunicators to complete a minimum of two (2) days of 911 equipment and basic training and to complete a minimum of forty (40) hours of

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Department-approved basic telecommunicator training, plus certification in EMD (at either twenty-four (24) hours or thirty-two (32) hours depending on the vendor) if providing EMD in-house and a four (4) hour cardiopulmonary resuscitation (CPR) course.

Public Education

The legislation provides for the education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service. The Department continues with its strong commitment to educating the public regarding enhanced 911 service throughout the Commonwealth. The Department continues to attend outreach events across the Commonwealth, including furnishing literature and information about enhanced 911 service, TRS, and EDP, and conducting public service announcements, or PSAs.

Disability Access Program (Specialized Customer Premises Equipment, Telecommunications Relay Services, Captioned Telephone Relay Service)

The legislation transferred to the Department the responsibility for administration and oversight of disability access programs. The legislation directs the Department to provide and maintain a Specialized Customer Premises Equipment, or SCPE, Distribution Service.⁶ This program makes specialized devices that provide access to telephone networks for people with hearing, speech, vision, mobility or cognitive disability. The legislation also directs the Department to administer telecommunication relay service,⁷ or TRS, and captioned telephone relay service, or CTRS, throughout the Commonwealth.⁸ The Department has entered into contracts with various equipment vendors to provide the SCPE to persons with disabilities. Further, the Department executes contracts with the Commission for the Deaf and Hard of Hearing and other entities to support this program. In addition, the Department has procured the services of a contractor to provide both TRS and CTRS throughout the Commonwealth. The Department's projections maintain current funding levels for these services.

III. FISCAL YEAR 2019 DEVELOPMENT GRANT AMOUNT

The legislation requires that the Development Grant shall provide regional PSAPs and RECCs with funds to support the development and startup of regional and regional secondary PSAPs and regional emergency communication centers. See G.L. c. 6A, §18B(i)(5). The Department seeks to increase funding to \$15 million for the Fiscal Year 2019 Development Grant.

⁶ The statutory definition of "SCPE" is set forth in G.L. c. 155, § 15E.

⁷ The statutory definition of "telecommunications relay service" or "TRS" is set forth in G.L. c. 155, § 15E.

⁸ The statutory definition of "captioned telephone service" is set forth in is set forth in G.L. c. 155, § 15E.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

With respect to the Development Grant, the legislation provides as follows:

The regional and regional secondary PSAP and regional emergency communication center development grant shall support the development and startup of regional and regional secondary PSAPs and regional emergency communication centers, including the expansion or upgrade of existing regional and regional secondary PSAPs, to maximize effective emergency 911 and dispatch services as well as regional interoperability. The eligibility for criteria, amount and allocation of funding shall be contained in guidelines established by the department, with commission approval. The grant shall reimburse allowable expenses related to such development and startup, or expansion or upgrade. Any subsequent adjustments that increase the initial funding allocated to this grant by 10 per cent or more shall be approved by the department of telecommunications and cable, upon the petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the filing of the petition, but the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within 90 days. *See* G.L. c. 6A, §18B(i)(5).

The initial Development Grant allocation amount that was established in Fiscal Year 2009 by the Department, with State 911 Commission approval, was \$7.5 million.

Consistent with the legislative intent and the goal of improving public safety and increasing regionalization of government services, the Development Grant is used to establish regional PSAPs and RECCs. Regionalized PSAPs and RECCs not only create more efficient and effective use of government resources, but also they improve public safety for the residents they serve. Combining emergency communication resources through regionalized PSAP/communication centers allows for increased staffing, thereby affording 911 telecommunicators the ability to more effectively interact with the public while gathering essential call information and providing potentially life-saving instructions and to adequately respond to larger or multiple simultaneous incidents. Regional communication centers allow for increased coordination of a region's limited emergency response resources, including specialized fire, police and EMS vehicles and personnel, and leads to more efficient response to both routine requests for mutual aid and major disasters.

As set forth in Exhibit B attached hereto and made a part hereof, since the inception of the Development Grant, the Department has awarded a total of \$86,864,816 to this

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

program. Each grant cycle the Department has received requests for funding that total well in excess of the amount allocated to the grant. In Fiscal Year 2018, the Department received grant requests totaling approximately \$46 million.

Given the past interest shown in the Development Grant, the number of multi-year projects, and other regional projects on the horizon, and as a means of providing further incentives to encourage existing regional centers to add to their ranks, the \$15 million amount will allow the State 911 Department to fund projects more fully than it has in the past several fiscal years.

The legislation (G.L. 6A, §18B(b)) provides that the State 911 Commission “shall review and approve by a majority vote of those members present all formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B, and all major contracts that the [D]epartment proposes to enter into for enhanced 911 service.” At its meeting held on March 17, 2018, the State 911 Commission unanimously voted to approve the Development Grant Guidelines to allocate up to \$15 million for the Development Grant for the Fiscal Year 2019 funding cycle.

IV. FISCAL YEAR 2019 INCENTIVE GRANT REGIONAL PSAPS SERVING THREE TO NINE COMMUNITIES CATEGORY AMOUNT

The legislation requires that the Incentive Grant shall provide regional PSAPs and RECCs with funds, in addition to amounts allocated as part of the Support Grant, to be used for reimbursement of allowable expenses. *See* G.L. c. 6A, §18B(i)(4). With respect to regional PSAPs, the legislation uses a formula that applies a specified percent of total surcharge revenues for the previous fiscal year based on the number of municipalities to be served by the regional PSAP. *See* G.L. c. 6A, § 18B(i)(4). The legislation permits the Commission to adjust the percentages to ensure a proper allocation of funds as more regional PSAPs are added. *See* G.L. c. 6A, § 18B(i)(4.)

The legislation provides as follows:

The regional PSAP and regional emergency communication center incentive grant shall provide regional PSAPs and regional emergency communication centers with funds in addition to amounts allocated as part of the PSAP and regional emergency communication center support grant to be used for reimbursement of allowable expenses as specified in the support grant for regional PSAPs and regional emergency communication centers in the following amounts: (i) for regional PSAPs serving 2 municipalities, ½ of 1 per cent of the total surcharge revenues of the previous fiscal year; (ii) for regional PSAPs serving 3 to 9

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

municipalities, 1 per cent of the total surcharge revenues of the previous fiscal year; (iii) for regional PSAPs serving 10 or more municipalities, 1½ per cent of the total surcharge revenues of the previous fiscal year; and (iv) for regional emergency communication centers, 2 per cent of the total surcharge revenues of the previous fiscal year. The percentages in clauses (i) to (iv), inclusive, may be adjusted by the commission to ensure a proper allocation of incentive funds as more regional PSAPs and regional emergency communication centers are added. Any such adjustments that increase the initial total allocation of the incentive grant by 10 per cent or more shall be approved by the department of telecommunications and cable, upon the petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the filing of the petition, but the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 days. (emphasis added). *See* G.L. c. 6A, § 18B(i)(4).

This Department seeks approval to increase the Fiscal Year 2019 Incentive Grant Regional PSAP Serving Three to Nine Communities Category percentage from 1 per cent of surcharge revenues of the previous fiscal year to up to 1.5 per cent of the total surcharge revenues of the previous fiscal year.

The legislation contemplates that the specified percentages may be adjusted to ensure a proper allocation of incentive funds as more regional PSAPs and RECCs are added. This percentage adjustment requested in this Petition is intended to ensure a proper allocation of incentive funds due to the addition of regional PSAP and RECCs.

The percentage adjustment is necessary to ensure a proper allocation in recognition of the addition of the new regionalization projects and to maintain existing regional PSAPs at their recognized level of funding.

The Department believes that this adjustment will allow the Department to meet its statutory obligations to maximize effective enhanced 911 services and regional interoperability and will further the Department's goals of increased regionalization which will, in turn, lead to a more efficient and effective use of resources and improve public safety.

Shonda D. Green, Department Secretary
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Accordingly, the Department requests that the DTC approve an Incentive Grant Regional PSAP Serving Three to Nine Communities Category funding level of 1.5 per cent beginning in Fiscal Year 2019.

CONCLUSION

All of the expenditures and projected expenditures are prudently incurred expenses designed to fulfill the Department's statutory responsibility to coordinate and effect the implementation of enhanced 911 service, to administer such service in the Commonwealth, and to administer and support the disability access programs in the Commonwealth.

Accordingly, the State 911 Department requests the DTC to approve the Fiscal Year 2018 expenditures, adjustment to the Enhanced 911 Surcharge, Fiscal Year 2019 Development Grant amount, and Fiscal Year 2019 Incentive Grant Regional PSAPs Serving Three to Nine Communities Amount.⁹

Thank you for your attention to this matter, and please feel free to contact me for further information.

Sincerely,



Frank Pozniak
Executive Director

cc (w/encs.): Karen Charles Peterson, Commissioner, DTC
Sandra Merrick, General Counsel, DTC
Lindsay DeRoche, Director, Competition Bureau, DTC
Rebecca Tepper, Office of the Attorney General
Donald Boecke, Office of the Attorney General
Curtis M. Wood, Undersecretary, Executive Office of Public
Safety and Security
Normand Fournier II, Deputy Director, State 911 Department
Karen Robitaille, Fiscal Director, State 911 Department
Louise McCarthy, General Counsel, State 911 Department

⁹ Exhibit C attached hereto and made a part hereof contains a forecast for FY 2018-FY 2023.