



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 24-2

June 4, 2024

Petition of the State 911 Department for Approval of Fiscal Year ("FY") 2024 Expenditures, Fiscal Year 2025 Development Grant Amount, Fiscal Year 2025 Incentive Grant Amount for Regional PSAPs Serving 2 Municipalities, Fiscal Year 2025 Incentive Grant Amount for the Regional PSAPs Serving 10+ Municipalities, Approval of the Fiscal Year 2025 Incentive Grant Amount for Regional Emergency Communication Centers and Approval of the Massachusetts Telecommunications Relay Service and Captioned Telephone Relay Service Request for Response.

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**FINAL ORDER**

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I. INTRODUCTION AND PROCEDURAL HISTORY

On March 7, 2024, the State 911 Department (“911 Department”) petitioned the Department of Telecommunications and Cable (“DTC”) for approval of increases to certain budgetary items, as outlined by statutory requirements (“Petition”). Specifically, the 911 Department requests approval for increases to: (1) projected Fiscal Year (“FY”) 2024 expenditures; (2) FY2025 Public Safety Answering Point (“PSAP”) Regional Development Grant (“Development Grant”) amount; (3) Approval of FY2025 Incentive Grant Amount for Regional PSAPs Serving 2 Municipalities; (4) Approval of FY2025 Incentive Grant Amount for Regional PSAPs Serving 10+ Municipalities, (5) Approval of FY2025 Incentive Grant Amount for Regional Emergency Communication Centers (“RECC”), (6) Approval of the Massachusetts Telecommunications Relay Service and Captioned Telephone Relay Service Request for Response. DTC has 90 days to review and issue a final decision on the Petition before these requests are deemed approved. *See* G.L. c. 6A, §§ 18B(i)(4)(5), 18H(c).

DTC issued its first set of Information Requests (“IRs”) to the 911 Department on March 29, 2024. First Set of Info. Requests of the DTC to the State 911 Dep’t (Mar. 29, 2024). The 911 Department filed its responses on April 10, 2024. Responses to First Set of Info. Requests of the DTC to the State 911 Dep’t (Apr. 10, 2024) (“IR 1-1 through IR 1-31”). DTC submitted its second set of IRs to the 911 Department on April 17, 2024. Second Set of Info. Requests of the DTC to the State 911 Dep’t (Apr. 17, 2024). The 911 Department filed its responses on April 24, 2024. Responses to Second Set of Info. Requests of the DTC to the State 911 Dep’t (Apr. 24, 2024) (“IR 2-1 through IR 2-4”). The 911 Department submitted proof of its publication of the Notice of Hearing on April 30, 2024. 911 Department’s Proof of Publication (Apr. 30, 2024). On May 7, 2024, DTC conducted a public and evidentiary hearing on these matters via the Microsoft



Teams videoconferencing platform. Notice of the hearing was published in the *Boston Globe* on March 22, 2024. *See generally* Transcript of Record (“Tr.”).

On May 14, 2024, the 911 Department responded to one Record Request DTC issued at the evidentiary hearing. Responses to Record Requests of the DTC to the State 911 Dep’t (May 14, 2024) (“RR-1”). In this Order, DTC approves the 911 Department’s projected FY2024 expenditures, the FY2025 Development Grant amount, FY2025 Incentive Grant Amount for Regional PSAPs Serving 2 Municipalities, FY2025 Incentive Grant Amount for Regional PSAPs Serving 10+ Municipalities, FY2025 Incentive Grant Amount for RECCs, and the Massachusetts Telecommunications Relay Service and Captioned Telephone Relay Service Request for Response (RFR).<sup>1</sup>

## II. ANALYSIS AND FINDINGS

State law requires the 911 Department to petition DTC for approval of certain budgetary expenditures and percentage allocations for funds disbursed from the Enhanced 911 Fund (“Fund”). In particular, the 911 Department must petition DTC if: (1) projected total expenditures exceed total expenditures of the previous fiscal year by 10% or more; (2) the Training Grant allocation equals or exceeds 7.5% of the total 911 service surcharge (“surcharge”) revenues of the previous fiscal year; (3) the Support Grant allocation equals or exceeds 31.25% of the total surcharge revenues of the previous fiscal year; (4) the Wireless State Police PSAP Grant allocation equals or exceeds 6% of the total surcharge revenues of the previous fiscal year; (5) an adjustment to the percentage of the prior fiscal year’s total surcharge

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<sup>1</sup> The 911 Department also requested that DTC consider the Petition as satisfying for FY2024 the requirement under G.L. c. 6A, § 18H(b) that the 911 Department report annually to the DTC on the financial condition of the Fund. Petition at 1 n.1. DTC recently clarified this requirement. *Petition of the State 911 Dep’t*, D.T.C. 20-1, *Final Order* at 16 (May 26, 2020) (“20-1 Order”). DTC grants the 911 Department’s request.



revenues allocated to one or more of the four Incentive Grant categories<sup>2</sup> results in total projected expenditures for the combined Incentive Grants that exceed the initial total Incentive Grants allocation of \$2,660,294 by 10% or more; or (6) the projected expenditures for the Development Grant exceed the initial total Development Grant allocation of \$7.5 million by 10% or more. G.L. c. 6A, §§ 18B(i)(1)-(5), 18H(c); *see also* *Petition of the State 911 Dep't*, D.T.C. 19-2, *Final Order at 3* (May 16, 2019) (“19-2 Order”).

State law also requires that expenditures from the Fund be prudently incurred and:

[A]ssociated with: 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 [911 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 [911 Department] in administering and operating the enhanced 911 system in the commonwealth.

G.L. c. 6A, § 18B(f). Thus, when reviewing 911 Department petitions, DTC must determine whether the 911 Department’s allocations and expenditures are, or will be, prudently incurred.

*See* *Petition of the State 911 Dep't*, D.T.C. 17-1, *Final Order* (Apr. 10, 2017) (“17-1 Order”) at 3-6; *Petition of the State 911 Dep't*, D.T.C. 10-1, *Order* (Apr. 5, 2010) (“10-1 Order”) at 5-6;

G.L. c. 6A, § 18B(f). When examining whether an expense is, or will be, prudently incurred, the

<sup>2</sup> The statute specifies allocations for each Incentive Grant category as follows: (1) for regional PSAPs serving 2 municipalities, 0.5% of the total surcharge revenues of the previous fiscal year; (2) for regional PSAPs serving 3 to 9 municipalities, 1.0% of the total surcharge revenues of the previous fiscal year; (3) for regional PSAPs serving 10 or more municipalities, 1.5% of the total surcharge revenues of the previous fiscal year; and (4) for RECCs, 2.0% of the total surcharge revenues of the previous fiscal year. G.L. c. 6A, § 18B(i)(4); 2008 Mass. Acts, 223 (“for regional PSAPs serving 10 or more municipalities, 1½ per cent of the total surcharge revenues of the previous fiscal year”).



DTC assesses whether circumstances, at the time the decision was made, adequately justified the reasonableness of the expense. *See Petition of the Statewide Emergency Telecomms. Bd.*, D.T.C. 07-7, *Order* at 7, 9, 19 (Feb. 8, 2008) (“07-7 Order”). DTC will not substitute its own judgment for that of the 911 Department as to what is reasonably required to perform the 911 Department’s statutory obligations, and the 911 Department has the authority to determine which categories of equipment, training, and support expenditures it will submit to DTC for approval. *See Investigation by the Dep’t of Telecomms. & Energy to establish a surcharge*, D.T.E. 03-63-Phase I, *Order* at 16 (July 14, 2003) (finding that although the Statewide Emergency Telecommunications Board (“SETB”)<sup>3</sup> must “support the reasonableness of its proposed expenditures, the [Department of Telecommunications and Energy (“DTE”)]<sup>4</sup> lacks the jurisdiction to tell the SETB what categories of expenditure it is required to propose”). However, even though the 911 Department may decide that a certain expense is needed, all expenses must still be prudently incurred. *See 07-7 Order* at 8. Expenses are deemed prudent if they are necessary for the funding of the 911 Department’s provision of enhanced 911 services and programs in the Commonwealth and, at the same time, maintain a reasonable, stable surcharge level in order to protect the interests of communications service ratepayers. *See Petition of the State 911 Dep’t*, D.T.C. 11-2, *Order* at 4-5 (May 27, 2011) (“11-2 Order”); *07-7 Order* at 9; *Petition of the Statewide Emergency Telecomms. Bd.*, D.T.C. 07-7, *Interim Order* at 7 (Nov. 30, 2007); *Investigation by the Dep’t of Telecomms. & Energy to establish a permanent surcharge*, D.T.E. 06-4, *Order* at 27-28, 35 (Dec. 1, 2006).

<sup>3</sup> The SETB was the predecessor agency to the 911 Department and was dissolved on February 1, 2009. *See* 2008 Mass. Acts, c. 223.

<sup>4</sup> The DTE, DTC’s predecessor agency, was dissolved on April 11, 2007. *See* 2007 Mass. Acts, c. 19.



A. Analysis of FY2024 Projected Expenditures

The 911 Department requests DTC approval of projected expenditures of \$258,147,961 for FY2024. *See* Exh. A. Since the 911 Department incurred \$154,782,407 in actual expenditures for FY2023, the 911 Department's projected FY2024 expenditures represent an increase of greater than 10% from the previous fiscal year's spending. *See id.* As discussed above, the 911 Department is required to seek approval for projected total expenditures that exceed the total actual expenditures of the previous fiscal year by 10% or more, and DTC reviews the reasonableness of such requests by inquiring into whether these expenses are, or will be, prudently incurred. *See* G.L. c. 6A, § 18H(c). The 911 Department's projected expenses for FY2024 are broken out into four categories: (a) Administration; (b) Grant Programs; (c) 9-1-1 Administration and Operation; and (d) Programs. *See* Petition at 4-15, Exh. A. DTC analyzes the prudence of the projected expenditures in each category below and determines that the 911 Department's projected FY2024 expenditures are necessary in order to provide enhanced 911 services and programs and are, or will be, prudently incurred.

1. Administration

The 911 Department's projected FY2024 Administration expenses include Salary Costs, Agency Expenses, and Capital Projects, totaling \$15,770,107. *See* Petition at 4, Exh. A. The largest line item in the Administration category is Capital Projects, which the 911 Department projects to be \$7,910,536 for FY2024. *See* Exh. A. The 911 Department explains that there were no expenses for this item in FY2023, so it shifted the expenses to FY2024. *See* DTC IR 1-2. The contract award occurred in FY2023, but supply chain issues delayed completion of the project. *Id.*

The next biggest line item is salary costs, which the 911 Department projects at \$6,761,405 for FY2024. This represents a 5.60% increase over the FY2023 actual salary costs of \$6,385,168.



*Id.* The 911 Department explains that this increase is needed to cover contractual step increases and cost-of-living adjustments required by union contracts. Petition at 4. The 911 Department offered the same explanation last year to explain a roughly 5.2% increase between FY2023 projected salary costs and FY2022 actual salary costs that the DTC determined was reasonable. *See Petition of the State 911 Dep't, D.T.C. 23-2, Final Order (June 14, 2023) ("23-2 Order")* at 5.

The other line item within the Administration category, Agency Expenses, is comprised of: (1) Employee Reimbursements; (2) Workers Comp; (3) Administrative Expenses; (4) Operational Supplies; (5) Utilities/Space Rental; (6) Consultant Services; (7) Operational Services; (8) Equipment Purchases; (9) Lease, Maintenance, Repair Services; (10) Building Maintenance, Repairs; and (11) IT Services, Equipment.<sup>5</sup> *See id.*; Exh. A; Exh. B. The 911 Department's projected total Agency Expenses for FY2024 are \$1,098,166, which is consistent with the 911 Department's FY2023 projections of \$1,303,566 – a figure DTC determined to be reasonable. *See Exh. A; 23-2 Order* at 5-6.

Consistent with the *23-2 Order*, DTC finds that the 911 Department's Administration expenses are necessary in order to provide enhanced 911 services and programs and are, or will be, prudently incurred.

## 2. Grant Programs

Massachusetts law requires the 911 Department to administer several grant programs related to the provision of enhanced 911 services. *See G.L. c. 6A, § 18B(f), (i)*. The 911 Department's projected program expenditures for these categories in FY2024 total \$148,405,774.<sup>6</sup> *See Exh. A.*

<sup>5</sup> These categories and permissible associated expenses derive from the Office of the Comptroller of the Commonwealth, which oversees and implements the Commonwealth's accounting system. *See 17-1 Order* at 10.

<sup>6</sup> In 2018, DTC approved increases in FY2019 grant expenditure amounts for the Development Grant and Incentive Grant PSAPs Three to Nine Communities Category. *Petition of the State 911 Dep't, D.T.C. 18-2,*



Massachusetts statute establishes minimum and/or maximum spending levels for several of the 911 Department's grant programs, spending beyond which requires the 911 Department to seek DTC approval. *See* G.L. c. 6A, § 18B(i). Even if the 911 Department's projected expenditures for a particular grant do not exceed the spending minimums or maximums that trigger required DTC approval, DTC must determine whether projected spending for these grants in FY2024 will be prudently incurred as a part of its review of the 911 Department's total proposed FY2024 expenditures. DTC reviews the 911 Department's request for approval of the FY2025 Development Grant amount. *See infra* Sections II.B.

The 911 Department proposes little change to the FY2024 projected spending amount for the PSAP and RECC Training Grant ("Training Grant")<sup>7</sup> as compared to the previous year. Exh. A. The amount remains within the grant's statutorily prescribed allocation. *See* G.L. c. 6A, § 18B(i)(1).

The 911 Department projects spending approximately \$44.9 million for the FY2024 Support Grant,<sup>8</sup> an increase of approximately \$13.5 million from the previous year. Exh. A. The proposed FY2024 expenditure still remains within the grant's statutorily prescribed allocation. *See* G.L. c.

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*Final Order* (June 29, 2018) ("*18-2 Order*"). In 2019, DTC approved an increase in the RECC grant percentage of previous year's surcharge revenue to 10%. *19-2 Order* at 19-20.

<sup>7</sup> The Training Grant is used to "reimburse primary, regional and regional secondary PSAPs and regional emergency communication centers for allowable expenses related to the training and certification of enhanced 911 telecommunicators." G.L. c. 6A, § 18B(i)(1). Massachusetts law requires the 911 Department to allocate 5% of the prior year's surcharge revenues to the Training Grant, or other amount determined by the 911 Department and approved by the 911 Commission but not less than 3.75% of the prior year's surcharge revenues. *Id.*

<sup>8</sup> This grant reimburses: "primary, regional and regional secondary PSAPs and [RECCs] for allowable expenses related to enhanced 911 telecommunicator personnel costs, and the acquisition and maintenance of heat, ventilation and air-conditioning equipment and other environmental control equipment, computer-aided dispatch systems, console furniture, dispatcher chairs, radio consoles, and fire alarm receipt and alert equipment associated with providing enhanced 911 service; regional PSAPs and [RECCs] for allowable expenses related to the acquisition and maintenance of public safety radio systems; regional secondary PSAPs for allowable expenses related to PSAP customer premises equipment maintenance; and primary, regional, and regional secondary PSAPs and [RECCs] for any other equipment and related maintenance associated with providing enhanced 911 service as approved by the [911 Department]." G.L. c. 6A, § 18B(i)(2) Massachusetts law requires the 911 Department to allocate 25% of the prior year's surcharge revenues to the Support Grant, or other amount determined by the 911 Department and adopted by the 911 Commission, but not less than 18.75% of the prior year's surcharge revenues. *Id.*



6A, § 18B(i) (2).

The 911 Department proposes little change to the FY2024 projected spending amount for the Emergency Medical Dispatch Grant (“EMD Grant”) as compared to the previous year. *See* Exh. A. DTC approved the establishment of the EMD Grant with an initial allocation factor of 3% of the total surcharge revenues of the prior fiscal year. *11-2 Order* at 8-12. Projected FY2024 expenditures for the EMD Grant total 1.4% of FY2023 surcharge revenues, below the initial allocation for this grant. *See id.*; Exh. A. DTC determines that projected FY2024 expenditures for the Training, Support, and EMD Grants are necessary for the 911 Department to meet its statutory obligations, and finds that these projected expenditures are, or will be, prudently incurred.

The 911 Department projects spending approximately \$3.3 million for the Wireless State Police Grant, proposing little change as compared to FY2023. *See* Exh. A. The allocation factor of 2% of the previous year’s surcharge revenue signifies that the \$3.3 million figure remains within the grant’s statutorily prescribed allocation. G.L. c. 6A, § 18B(i)(3).

Additionally, for each Incentive Grant, the proposed FY2024 expenditures are within the approved allocation formulas and do not require additional DTC approval under G.L. c. 6A, § 18B(i) (4).<sup>9</sup> *See 23-2 Order* at 8 (*citing to 22-1 Order* at 18-20). Because the projected expenditures on each of these grants are within approved allocations, DTC finds that they are, or will be, prudently incurred.

The 911 Department projects \$40 million in FY2024 spending for the Development Grant, a \$10 million increase of projected expenditures from FY2023. *See* Exh. A. The Development Grant supports PSAP regionalization efforts to achieve the goal of maintaining an efficient and consistent

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<sup>9</sup> The Department has allowed adjustments to two of the four statutory allocations, as permitted by G.L. c. 6A, § 18B(i)(4). *See Petition of the State 911 Dep’t, D.T.C. 22-1, Final Order* (June 1, 2022) (“*22-1 Order*”) at 18-19 (increasing to 3% the allocation for PSAPs serving three to nine municipalities) and 20 (increasing the RECC allocation to 12%).



911 service, as discussed in greater detail below. *See Infra.* at 11-13. The 911 Department notes that 58 PSAPs have regionalized since the inception of the Development Grant in 2009. *See* Petition at 7. The 911 Department contends that increased funding levels for this program will support the expected regionalization of 13 of the Commonwealth's 212 PSAPs in the next five years. *Id.* DTC has previously approved this FY2024 projection. 23-2 Order at 12-13.

DTC determines, for the reasons discussed above, that the 911 Department's projected grant expenses for FY2024 are necessary for the 911 Department to meet its statutory obligations and are, or will be, prudently incurred.

3. 9-1-1 Administration & Operation

The third category of projected FY2024 expenses is "9-1-1 Administration & Operation," which the 911 Department projects to be \$92,122,304 for FY2024. *See* Exh. A. Most spending in this category is allocated to Next Generation 911 ("NG911") and the overhaul of the Commonwealth of Massachusetts Interoperable Radio System ("CoMIRS"), which began in FY2018 and will continue until FY2026. *See* Exh. A; Exh. B. DTC approved expenditures for the CoMIRS upgrade in 2018. *See generally* 18-2 Order. As discussed below, DTC determines the 911 Department's projected 9-1-1 Administration & Operation expenses for FY2024 are, or will be, prudently incurred, subject to the conditions DTC has placed on such expenditures.

a. *NG911*

The 911 Department's FY2024 projected spending on both recurring and non-recurring NG911 costs is based upon a contract executed through a public procurement process in 2019. *See* Petition at 8 and. DTC finds that the projected FY2024 recurring expenses related to NG911 are contractual, and both the recurring and non-recurring NG911 expenses are necessary to achieve the 911 Department's statutorily mandated goals. These FY2024 expenditures therefore



are, or will be, prudently incurred.

b. *Statewide Radio Infrastructure*

The 911 Department projects that it will spend \$40,161,550 in FY2024 on the ongoing overhaul of CoMIRS, representing an increase from the \$23,821,815 the 911 Department spent in FY2023. *See* Exh. A. The 911 Department asserts that the large projected increase is because of projected IT equipment purchases for the network. *See* IR 1-14 (A), (B). Of the \$33,250,981 projected for IT equipment purchases for the network in FY2023, the 911 Department spent only \$15,929,051.03. IR 1-14 (A). The 911 Department explained “completion of Phase 1A would trigger several payment milestones, which were originally budgeted in FY2023. Based on the size of Phase 1A, delays resulting from supply chain interruptions, and other changes to project planning, Phase 1A was not completed in FY2023 and those milestones were not approved for payment.” *See* IR 2-2(D).

CoMIRS is an existing statewide interoperable radio network that serves as the primary communications tool for many public safety-first responders including the Massachusetts State Police. *See* Petition at 8. As such, PSAPs utilize the CoMIRS network to quickly and efficiently dispatch and relay emergency 911 information to first responders. *See id.* Through prior orders, DTC has ensured that 911 surcharge funds are not used on CoMIRS expenses unrelated to 911 functions. *See, e.g., 23-2 Order* at 9-10, *22-1 Order* at 10-14. For example, DTC directed the 911 Department to develop detailed formal guidance for the project administrator, the Executive Office of Technology Services and Security (“EOTSS”), on how to determine whether an expenditure is related to 911 dispatch. *See 20-1 Order* at 15.

DTC also directed the 911 Department to include in its annual reports going forward, detailed information on compliance with these guidelines, including a detailed account of



CoMIRS project updates, a detailed list of current fiscal year CoMIRS expenditures separate from its general operational expenditures, and a detailed list of funding sources for the CoMIRS project including the total CoMIRS cost and the funding contribution from each source. *See id.* at 16. Finally, DTC directed the 911 Department to file copies of the quarterly reports due to the 911 Department from EOTSS under the entities' interdepartmental service agreement ("ISA"). *Id.*

DTC again finds that the 911 Department has complied with the above directives, which has illuminated how the 911 Department and EOTSS continue to ensure that 911 surcharge funds are spent only on 911 functions. *See* D.T.C. 20-1, 911 Dep't Response to the DTC Order (Sept. 9, 2020) (providing the requested EOTSS Guidance Document); D.T.C. 20-1, FY2023 Annual CoMIRS Report (Dec. 22, 2023); D.T.C. 20-1, CoMIRS Report - First Quarter/Second Quarter FY2024 (Feb. 22, 2024). DTC therefore concludes that the 911 Department has the appropriate mechanisms in place to monitor EOTSS's use of 911 surcharge funds.

Subject to and consistent with the findings and conditions DTC has placed on the use of 911 surcharge funds for CoMIRS, DTC finds that the 911 Department's proposed FY2024 expenditures on the CoMIRS project are, or will be, prudently incurred.

#### 4. Accessibility and Other Programs

The final category of projected expenses in FY2024 is Accessibility and Other Programs, for which the 911 Department projects \$1,849,776 in expenditures. *See* Exh. A. This category comprises line items for training, public education, Specialized Customer Premise Equipment



(“SCPE”), relay (telecommunications relay service or “TRS”), and CapTEL Captioned Telephone Service (“CapTel”).<sup>10</sup> *Id.*

The 911 Department’s projected expenses for training and public education are substantially similar to the projected expenditures from the previous year. *See* Exh. A. The 911 Department projects an approximately \$300,000 increase for SCPE from a year ago. CapTEL and Relay expenses were offset by a balance owed from the Department of Corrections (“DOC”) to the 911 Department. *Id.* The expenses for FY2024 are consistent with what the 911 Department actually spent on these two-line items in FY2023 without inclusion of the offset amount. DOC does not owe the 911 Department any further money. IR 1-6. DTC finds that the 911 Department’s projected FY2024 expenses associated with these accessibility and other programs are necessary to provide enhanced 911 services and adequately fund the programs, and are, or will be, prudently incurred.

##### 5. Conclusion

DTC determines that the 911 Department’s projected FY2024 expenditures are reasonable and are, or will be, prudently incurred, consistent with the above. Accordingly, DTC approves the expenditures pursuant to G.L. c. 6A, § 18H(b) and (c).

##### B. Analysis of FY2025 Development Grant Amount

The 911 Department seeks approval of its proposal to increase the Development Grant allocation to \$50 million for FY2024. *See* Petition at 15-16. The 911 Department projected Development Grant expenditures of \$18 million for FY2021, \$22 million for FY2022 and \$30 million for FY2023, and \$40 million for FY2024 with projected Rollover Development Grant

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<sup>10</sup> The 911 Department is statutorily mandated to administer the SCPE, TRS and CapTel programs. *See* G.L. c. 166, § 15E.



expenses for FY2024 of \$19,192,559, which covers grants awarded in prior fiscal years, but not yet disbursed. *See* Exh. A. State law requires the 911 Department to obtain DTC approval of any adjustment in the Development Grant that increases the initial funding allocated to the Development Grant—\$7.5 million—by 10% or more. G.L. c. 6A, § 18B(i)(5).

The Development Grant is designed to support PSAP regionalization, which helps achieve the goal of maintaining an efficient and consistent enhanced 911 service. *See* G.L. c. 6A, § 18B(i)(5). The Development Grant was established by statute to, “support the development and startup of regional and regional secondary PSAPs and [RECCs], including the expansion or upgrade of existing regional and regional secondary PSAPs.” *Id.* The purpose of the Development Grant is to “maximize effective emergency 911 and dispatch services as well as regional interoperability.” *Id.* In accordance with statutory requirements, the 911 Department has established guidelines regarding “[t]he eligibility for criteria, amount and allocation of funding,” with the approval of the State 911 Commission. *Id.*; *see also* 17-1 Order at 14. On December 14, 2023, the State 911 Commission voted unanimously to authorize the 911 Department to seek DTC approval of a \$50 million allocation amount for FY2024. *See* Petition at 16.

The 911 Department stated that \$50 million will allow it to fund projects more fully than it has in the past several fiscal years given the strong past interest in the Development Grant. *See* Petition at 16. The 911 Department received total grant requests for more than \$78 million. *Id.* While \$16,628,351 was spent in FY2023 out of a projected \$30 million, many of the projects funded by this grant take place over multiple fiscal years. *See* Exh. A; 23-2, IR 2-12. The 911 Department notes that 58 PSAPs have regionalized since the inception of the Development Grant in 2009. *See* Petition at 7. Further, statutory changes since the creation of the Development Grant have facilitated municipalities’ efforts to establish regional PSAPs and RECCs through the creation of



regional 911 emergency communication districts. *See* 2014 Mass. Acts, c. 500 (codified at G.L. c. 6A, §§ 18O-18V (2015)).

DTC finds that the 911 Department's requested Development Grant allocation amount is necessary to meet its statutory obligation to maximize effective 911 services and regional interoperability, and that expenditures related to this funding level will be prudently incurred.<sup>11</sup> Accordingly, DTC approves the Development Grant allocation of \$50 million for FY2025.

C. Fiscal Year 2025 Incentive Grant Regional PSAPs Serving Two Communities Category Amount

The 911 Department seeks approval of the FY2025 Incentive Grant Regional PSAP Serving Two Communities Amount to One Percent from a previously allowed maximum of 0.5 percent. The 911 Department does not expect any additional regional PSAPs in this category. *See* IR 1-20(A). The 911 Department stated that the additional funds will be "allocated to support an additional regionalization incentive included in the FY 2025 grant guidelines for the regional PSAPs in this category." *See* IR 1-20 (B). DTC find this justification to be valid and allows for an increase to One Percent in this category.

D. Fiscal Year 2025 Incentive Grant Regional PSAPs Serving 10+ Communities Category Amount

The 911 Department seeks approval of the FY2025 Incentive Grant Regional PSAPs serving 10+ communities to three percent from a previously allowed maximum 1.5 percent. The State 911 Department states that it expects one additional regional PSAP in this Incentive Grant category. 1-22(A). Similar to the two municipalities category, the additional funds will be "allocated to support

<sup>11</sup> DTC has previously encouraged the 911 Department to identify the savings produced in other areas of its budget due to PSAP regionalization. *23-2 Order* at 13; *22-1 Order* at 17; *21-3 Order* at 9. In this proceeding, the 911 Department provided a sample cost study or estimate for a PSAP regionalization effort and DTC gained a better understanding of how the 911 Department evaluates the benefits of regionalization. *RR-1*.



an additional regionalization incentive included in the FY2025 grant guidelines for the regional PSAPs in this category.” See IR 1-22 (B). DTC find this justification to be valid and allows for an increase to three percent in this category.

E. Fiscal Year 2025 Incentive Grant Serving RECC Category Amount

The 911 Department seeks approval of the FY2025 Incentive Grant Regional PSAPs serving RECCs from the previously allowed maximum 12 percent to 18 percent. The 911 Department states that the Patriot RECC will be expanding its operations effective FY2025 to include the towns of Groton and Dunstable. IR 1-26. In addition to supporting this regionalization effort, “the additional percentage requested will be allocated to support an additional regionalization incentive included in the FY2025 grant guidelines for the RECCs in this category.” *Id.* The grant application period has recently opened and no applications under this Incentive Grant Category have yet been received. *Id.* The 911 Department expects to receive 24 requests in the RECC category based upon the data provided in the FY2025 Support and Incentive Grant Guidelines. See DTC Exhibit 37 at Appendix A. The increase for existing RECCs is limited to a maximum of \$314,000 per RECC. IR 1-26. Based on these projections, DTC finds that increased percentage is justified and allows for the increase to 18 percent in this category.

F. REQUEST FOR RESPONSE

The 911 Department seeks approval of its Request for Response for Massachusetts Telecommunications Relay Service and Captioned Telephone Relay Service (“CTRS”).

DTC has general oversight of all TRS programs. See G.L. c. 166 § 15E(f). Further, DTC is responsible for the review and approval of the RFR for TRS and CTRS. *Id.* at § 15E(c). The 911 Department states that it has released an RFR seeking a contractor to provide such services in the Commonwealth. See Petition at 19. These programs will serve the deaf, hard of hearing, speech



disabled, and deaf-blind populations of Massachusetts. *See* Exh. C at 1. The contract will be for a period of five years with an additional five-year extension option. *Id.* at 4.

When evaluating an RFR such as the one before the DTC, a standard of reasonableness is applied. *See* D.T.C. 07-4 at 7 (Nov. 13, 2007) (“07-4 Final Order”); D.P.U. 95-54 at 4 (September 19, 1995); D.P.U. 98-73 at 4 (Oct. 2, 1998). The standard of reasonableness requires DTC to balance the desire to maintain a low cost to ratepayers with due regard for reliability and quality that are consistent with the public interest. *See* 07-4 Final Order at 7. For the reasons discussed below, the 911 Department’s RFR satisfies that standard. The RFR was developed in consultation with the Massachusetts Commission on the Deaf and Hard of Hearing. *See* Petition at 19. The cross-agency collaboration provides DTC with confidence that the RFR was developed by the 911 Department with great care and meets the needs of people with a hearing, speech, vision, mobility or cognitive disability.

The RFR includes broad service quality and support requirements. *See* Exh. C, § 3.4. Further, the RFR requires bidders to provide numerous and robust service offerings. *Id.* at §§ 3.2-3.3. The RFR calls for a five-year term, with an option to extend the contract for an additional five years. *Id.* at 4. DTC has previously found that multiple-year contracts tend to yield better prices and attract more bidders in similar contexts. *See* 07-4 Final Order at 9 (approving as reasonable a RFR incorporating a five-year term for Telecommunications Relay Service). As detailed in the RFR, the ultimate evaluation of bids will consider several factors, including price. *See* Exh. C § 6 (listing evaluation criteria). DTC finds that the RFR is reasonably designed to maximize the opportunity of obtaining high quality TRS and CTRS programs at a fair price. Therefore, DTC approves the RFR as submitted in Exhibit C.

### III. CONCLUSION



DTC finds that all FY2024 expenses have been prudently incurred based on not only a review of this year's expenses, but also comparing them to expenses from previous fiscal years. DTC finds that the 911 Department's requested Development Grant allocation amount is necessary to meet its statutory obligation to maximize effective 911 services and regional interoperability, and that expenditures related to this funding level will be prudently incurred. Likewise, DTC approves the increases to Incentive Grant Amounts for the two communities served category amount, the 10+ communities served category amount, and the RECC category amount in continued support of the essential E911 functions of PSAPs and RECCs. Finally, DTC finds that the submitted RFR is reasonably designed to maximize the opportunity of obtaining high quality TRS and CTRS programs at a fair price.

IV. ORDER

Accordingly, after notice, hearing, and due consideration, it is:

ORDERED: That the 911 Department's proposed FY2024 expenditures are APPROVED; and it is

FURTHER ORDERED: That the 911 Department's proposed adjustment to the Development Grant for FY2025 is APPROVED; and it is

FURTHER ORDERED: That the 911 Department's proposed adjustment to the FY2025 Incentive Grant for Regional PSAPs Serving Two Communities is APPROVED; and it is

FURTHER ORDERED: That the 911 Department's proposed adjustment to the FY2025 Incentive Grant for Regional PSAPs Serving 10+ Communities is APPROVED; and it is

FURTHER ORDERED: That the 911 Department's proposed adjustment to the FY2025 Incentive Grant RECC category amount is APPROVED

FURTHER ORDERED: That the 911 Department's Request for Response is



APPROVED; and it is

FURTHER ORDERED: That the Petition satisfies the requirement of G.L. c. 6A, § 18H(b) that the 911 Department file an annual report on the financial condition of the Enhanced 911 Fund for FY2024.

By Order of the DTC,



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Karen Charles  
Commissioner



## **RIGHT OF APPEAL**

Pursuant to G.L. c. 25, § 5, and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court. Appeals of Department Orders on basic service tier cable rates, associated equipment, or whether a franchising authority has acted consistently with the federal Cable Act may also be brought pursuant to 47 C.F.R. § 76.944.

