

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Petition of the State 911 Department
for Approval of FY2026 Expenditures from the
Enhanced 911 Fund and Approval of the
FY2027 Development Grant Amount.

D.T.C. Docket No. 26-2

WRITTEN COMMENTS

April 7, 2026

PRELIMINARY STATEMENT

(“Commenter”) submits these written comments in response to the petition filed by the State 911 Department (“Department”) in the above-captioned proceeding. The Department of Telecommunications and Cable (“DTC”) is charged by M.G.L. c. 6A, § 18H with determining whether the State 911 Department’s expenditures of the E911 Fund are prudently incurred and necessary for the provision of enhanced 911 services in the Commonwealth.¹

The petition discloses that the Department’s FY2026 projected expenditures of \$288, 761, 348 exceed its FY2025 actual expenditures of \$169, 888, 446 by more than ten percent, triggering mandatory DTC review under M.G.L. c. 6A, § 18H(c).² These comments, grounded in Attachment A, the FY2026 Support and Incentive Grant Guidelines, and the FY2027 Development Grant Guidelines, address eight categories of concern bearing directly on the DTC’s prudence inquiry.

These comments do not challenge the Department’s policy discretion in the abstract. Rather, they address whether expenditures made within a structurally asymmetric framework can be deemed ‘prudently incurred’ under M.G.L. c. 6A, § 18H without additional record development, transparency, and conditions.

¹M.G.L. c. 6A, § 18H(d).

²Petition at 2 (\$288,761,348 projected FY2026 against \$169,888,446 actual FY2025, exceeding 10% threshold triggering mandatory DTC review under M.G.L. c. 6A, § 18H(c)).

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I. STRUCTURAL CONFLICT OF INTEREST: REGULATOR, ADMINISTRATOR, AND COMPETITOR

A. Statutory Framework

Section 18B of Chapter 6A establishes the State 911 Department and grants it authority to administer the Enhanced 911 Fund, establish PSAP standards, and award grants for regionalization.³ Section 18H establishes the surcharge and charges the DTC with ensuring that expenditures are prudently incurred. The DTC’s governing standard of review holds that expenses are prudent only if they are “necessary for the funding of the 911 Department’s provision of enhanced 911 services and programs” and proportionate to cost.⁴ That standard must apply with equal force to all RECC operations funded by the surcharge trust, regardless of whether the operator is an independent governmental body or the Department itself.

The Support and Incentive Grant, set at \$38, 908, 531 for FY2026, representing 22.93% of prior-year surcharge revenues, provides formula-based operational reimbursement to PSAPs and RECCs. Independent RECCs build budgets around this structure: they project their allocations, subtract those from projected operating costs, and levy assessments on member communities for the remainder. The petition seeks DTC approval of \$50, 000, 000 in FY2027 Development Grant funding, the primary competitive mechanism through which independent RECCs grow. In FY2026, the Department received Development Grant requests totaling over \$134 million against that \$50 million allocation.

B. The Structural Conflict, Competitive Displacement, and the Department’s Geographic Steering Authority

The State 911 Department simultaneously: sets the criteria for and administers the competitive Development Grant; operates RECCs that are not required to compete for or receive those grants; allocates Support and Incentive Grant funds to independent RECCs but applies no equivalent mechanism to state-operated RECCs, which are funded directly from the E911 surcharge; and charges member municipalities no assessment whatsoever, a pricing structure made possible solely by that direct subsidy and unavailable to any independent RECC regardless of operational quality.

The petition confirms this is not a static legacy arrangement. The North Shore Regional 911 Center is actively expanding: Groveland, North Reading, and Rowley have been added since the last petition, with Hamilton and Boxford expected in April and May 2026.⁵ The Berkshire RECC was transferred to the Department in December 2024 by special legislation at the request of the Berkshire County Sheriff. These expansions occur without a competitive Development Grant application, without Support and Incentive Grant formula allocation, and without member

³M.G.L. c. 6A, § 18B.

⁴DTC Final Order, Docket No. 20-1, “Standard of Review” § IV.

⁵Id. (North Shore: FY2025 projected \$6,350,980; actual \$7,143,480; FY2026 projected \$7,348,387). Petition at 15 (Hamilton April 2026, Boxford May 2026).

community assessment, the three accountability mechanisms that govern every independent RECC's growth.

The structural conflict is compounded by a provision in the FY2027 Development Grant Guidelines giving the Department explicit authority to deny an independent RECC's application based on the "concentration of existing or proposed regional PSAPs and RECCs in the geographic region of the applicant" and to "direct the applicant to join such existing or proposed regional PSAP or RECC."⁶ This concentration provision is the mechanism by which the Department can materially constrain or foreclose independent RECC development in practice in a geographic area, not by issuing a denial on the merits, but by exercising geographic steering discretion toward its own state-run RECC. No formal appeal of a geographic concentration determination is available under the guidelines.

The Guidelines further provide that a municipality switching from one RECC to another falls to the lowest funding priority⁷ and that the Department may recover grant funds previously expended. Combined with the zero-assessment offer of state-run RECCs and the geographic steering authority, this lock-in provision creates a one-way ratchet: once a municipality has joined any RECC, switching becomes practically and financially very difficult. The Department's competitive advantages are not merely structural, they are self-reinforcing.

C. The Ineligible Expense Asymmetry and What Attachment A Reveals

1. The Allowable Expense Framework

The Support and Incentive Grant guidelines define an exhaustive and tightly bounded universe of allowable expenses.⁸ Personnel reimbursement is limited strictly to certified enhanced 911 telecommunicators working in that capacity as their primary job function.⁹ Equipment eligibility is categorical, HVAC, CAD, radio consoles, console furniture, fire alarm equipment, and other equipment specifically "used in the physical space used for the provision of enhanced 911 service." The guidelines state: "Funds shall not be used for any equipment, personnel or services that are not directly related to the provision of enhanced 911 service."¹⁰

2. Categories State-Run RECCs Must Incur That Independent RECCs Cannot Claim

A state-operated RECC necessarily incurs categories of operational expense these guidelines would categorically deny to any independent RECC applicant: management and

⁶FY2027 Development Grant Guidelines, § V ("The State 911 Department reserves the right to deny funding if the concentration of existing regional PSAPs, RECCs, and regional secondary PSAPs...is such that the interests of efficiency would not be served by an additional regional PSAP, RECC, or regional secondary PSAP in such geographic region."); id. ("direct the applicant to join such existing or proposed regional PSAP or RECC").

⁷FY2027 Development Grant Guidelines, § V ("funding to support regionalization efforts for a PSAP that was already decommissioned...shall fall below the final priority"; "the State 911 Department reserves its rights to recover funds previously expended if a municipality moves from one regional PSAP or RECC to another").

⁸FY2026 Support and Incentive Grant Guidelines, § V ("Allowable Expenses").

⁹Id. § V(A).

¹⁰Id. § V ("Funds shall not be used for any equipment, personnel or services that are not directly related to the provision of enhanced 911 service.").

administrative overhead; HR and finance staff; general IT services; legal and compliance costs; procurement overhead; and facilities costs beyond the physical dispatch space. The Department’s own RECC operations incur every one of these costs, paid from the E911 Fund without application, enumeration, or line-item scrutiny. This funding structure removes price competition entirely, creating a condition that independent RECCs cannot replicate, regardless of operational efficiency.

The petition discloses that the \$4, 527, 000 Capital Projects line for FY2026 includes “construction and furnishing and equipment costs associated with the establishment of a new training center in Billerica.”¹¹ A new departmental training center is not a RECC operational expense. It is not telecommunicator personnel, HVAC, CAD, radio consoles, or any other allowable expense category under the Support and Incentive Grant guidelines. It is departmental infrastructure charged to the surcharge fund without any of the scrutiny those guidelines impose on independent RECC applicants.

3. Attachment A Quantifies the Disparity

The petition discloses FY2026 projected expenditures for state-operated centers: the North Shore at \$7, 348, 387; the Western/Berkshire at \$1, 930, 500; and the Wireless Center at \$4, 322, 602, totaling approximately \$13.6 million, each presented as a single budget line with no cost disaggregation.¹² The North Shore figure exceeds its FY2025 projection by nearly \$793, 000. The Western figure represents the first full year of a December 2024 acquisition: the Department absorbed a 26-municipality RECC by special legislation without competitive process.¹³ The Consultant line projects \$600, 000 against \$97, 490 actual, a 515% increase without explanation.¹⁴ The Capital Projects line projects \$4, 527, 000 despite less than 19% of the prior year’s projection being expended.

D. The Surcharge-Limiting Remedy

The DTC should direct the State 911 Department, as a condition of surcharge approval, to limit expenditures from the E911 Fund for state-operated RECC functions to the allowable expense categories and equivalent formula-based allocation amounts of the Support and Incentive Grant program as applied to a comparable independent RECC of equivalent size, call volume, and municipal membership,¹⁵ and to fund all other operational costs of state-run RECCs, including management and administrative overhead, general facilities costs, IT and HR infrastructure, legal and compliance costs, procurement overhead, departmental infrastructure such as training centers, and all other expenses outside the Support and Incentive Grant’s allowable expense framework,

¹¹Id. (Capital Projects: FY2025 projected \$3,372,500; actual \$640,934; FY2026 projected \$4,527,000). Petition at 4 (“construction and furnishing and equipment costs associated with the establishment of a new training center in Billerica”).

¹²Attachment A, DTC Docket 26-2, Corrected Petition, Administration & Operation.

¹³Id. (Western: FY2025 projected \$1,030,000; actual \$874,456; FY2026 projected \$1,930,500). Petition at 15–16 (transferred December 2024 by special legislation at request of Berkshire County Sheriff; FY2025 actual reflects approximately six months of Department operation).

¹⁴Id. (Consultant: FY2025 projected \$100,000; actual \$97,490; FY2026 projected \$600,000).

¹⁵The formula-based allocation for an independent RECC of equivalent size under the FY2026 Support and Incentive Grant Guidelines provides the appropriate benchmark. All allowable-category expenses remain surcharge-eligible; all other operational costs require non-surcharge funding.

through state appropriations or other non-surcharge funding sources.¹⁶ This would ensure that the surcharge trust funds only those RECC costs that the Department’s own guidelines define as prudent and necessary, while making the full cost of the state-run RECC model transparent and subject to the legislative appropriations process.¹⁷

E. Requested Relief

Commenter respectfully urges the DTC to:

- Require full disaggregated cost breakdowns for each state-operated center itemized by cost category consistent with the Support and Incentive Grant guidelines’ allowable expense framework.
- Require identification and justification of all state-run RECC expenditures outside the Support and Incentive Grant allowable expense categories, with a specific showing that each is prudently incurred under § 18H.
- Require a detailed explanation of the 515% increase in the Administration Consultant line, including scope of services.
- Require project-level justification for the \$4, 527, 000 Capital Projects line, including the Billerica training center, given less than 19% of the prior year projection was expended.
- Direct the State 911 Department, as a condition of surcharge approval, to limit E911 Fund expenditures for state-run RECC functions to the allowable expense categories and formula-equivalent amounts of the Support and Incentive Grant, with all other costs funded through appropriations or other non-surcharge sources.
- Require the State 911 Department to disclose, on the record, how many Development Grant applications have been denied in the past three fiscal years on geographic concentration grounds, and whether a state-run RECC subsequently expanded to serve any of the municipalities identified in each such denied application.
- Direct the State 911 Department to evaluate structural separation of the Development Grant administration function from its operational RECC activities.

II. REJECTION OF A DIGITAL GRANT MANAGEMENT PORTAL: THE COMPOUNDING EFFECT ON STARTUP RECCS

A. The Request and Its Rejection

PSAPs and RECCs currently manage grant applications, compliance documentation, training records, and certification tracking through fragmented, largely manual, paper-based processes. There is no unified digital system through which a grantee can submit applications, track status, receive deficiency notifications, or monitor compliance requirements, all conditions

¹⁶M.G.L. c. 6A, § 18H(d); DTC Final Order, Docket No. 20-1.

¹⁷M.G.L. c. 6A, § 18H(b); DTC Final Order, Docket No. 20-1.

of participation under the FY2026 and FY2027 grant guidelines. The PSAP community formally raised the need for such a portal. That request was rejected without public explanation.

B. The Particular Impact on Startup RECCs

The impact is not uniform. For an established RECC with dedicated administrative staff, the absence of a digital portal is a friction cost. For a startup RECC, which is precisely what the Development Grant exists to support, it is categorically different. A newly forming RECC typically has no dedicated administrative staff, no physical office, and no institutional experience managing state grant programs. Its leadership manages RECC formation alongside existing municipal responsibilities.

The FY2027 Development Grant Guidelines add a new two-business-day response requirement for Department clarification requests, with failure potentially resulting in the application receiving “no further consideration.”¹⁸ Quarterly reports are due by the 15th of the following month, with failure triggering cross-program suspension across all grant programs.¹⁹ Reimbursement requests must be filed within 30 days of each cost incurrence.²⁰ Extension requests require 90 days advance notice.²¹ Each obligation is layered on the others, all administered through paper-based manual processes, all with their own deadline structures, all with their own potential for procedural denial leading to loss of eligible funding. For a startup RECC managing these demands with no administrative infrastructure and no digital management system, the cumulative procedural burden is not a nuisance. It is an existential risk to the grant-funded project.

C. Operational Grant Underutilization in Attachment A

For the Support and Incentive, EMD, and Training Grants, unused funds are returned without extension. Attachment A reveals the scale of FY2025 underutilization: Training Grant \$6, 312, 281 projected, \$4, 442, 724 actual; EMD Grant \$2, 297, 670 projected, \$1, 244, 367 actual (54% utilization); Support Grant \$45, 616, 749 projected, \$35, 860, 192 actual; Incentive 3–9 49% utilization; Incentive RECC approximately 54% utilization. Across these programs, FY2025 actual expenditures fell more than \$33 million below projections.²² A significant portion of this shortfall results not from the absence of eligible expenses but from procedural

¹⁸FY2027 Development Grant Guidelines, § VI (“All responses to request for clarification and/or additional information shall be provided within two (2) business days or the timeline noted in the Department’s request. Failure to respond to any and all requests within the noted timeline may result in a funding request and/or the application being given no further consideration.”).

¹⁹FY2027 Development Grant Guidelines, § VIII (“Grantees shall file detailed quarterly reports on or before the 15th of the month following the end of each quarter...Failure to file quarterly reports may result in suspension of funding under this grant program and/or any other grant program administered by the State 911 Department.”).

²⁰FY2027 Development Grant Guidelines, § VIII.A (“Reimbursement requests should be submitted to the State 911 Department within thirty (30) days of the date on which the cost is incurred.”).

²¹FY2027 Development Grant Guidelines, § VIII (“Such requests shall be submitted in writing to the State 911 Department at least ninety (90) days in advance of contract expiration.”).

²²Attachment A (Training Grant: proj. \$6,312,281, actual \$4,442,724; EMD Grant: proj. \$2,297,670, actual \$1,244,367; Support Grant: proj. \$45,616,749, actual \$35,860,192; Incentive 3–9: proj. \$5,049,825, actual \$2,495,120; Incentive RECC: proj. \$30,298,948, actual \$16,322,865).

denials, documentation failures, and administrative complexity that fall disproportionately on smaller and newer grantees.

D. The Consultant Spending Contrast

The Administration section of Attachment A projects \$600, 000 in FY2026 Consultant expenditures against \$97, 490 in actual FY2025 spending. If the Department proposes to increase consultant expenditures by 515% while declining to fund a digital grant management portal that the grantee community formally requested, the DTC should require it to explain that choice on the record.

E. Requested Relief

Commenter respectfully urges the DTC to:

- Require the State 911 Department to provide a written explanation on the record for its rejection of the digital grant management portal request.
- Require explanation of the \$600, 000 FY2026 Consultant projection, including scope of services.
- As a condition of surcharge approval, compel the State 911 Department to develop and deploy a unified digital grant management portal for all surcharge-funded grant programs, encompassing application submission, reimbursement processing, compliance documentation, training records, and certification tracking, with a deployment timeline of no more than eighteen (18) months from the Final Order, interim progress reporting to the DTC at six-month intervals, and a final deployment certification filed with the DTC upon launch.
- Require the State 911 Department to report what portion of FY2025 operational grant underutilization resulted from procedural denials or missed deadlines rather than the absence of eligible expenses.

III. ABSENCE OF A FORMAL APPEALS PROCESS FOR GRANT DENIALS

The grant program provides no formal process by which an applicant may appeal a grant award denial on the merits. Although individual grant awards are not entitlements, the Department’s discretion is bounded by its statutory obligation under M.G.L. c. 6A, § 18B to administer grant programs in a manner that assists PSAPs and RECCs and fosters regionalization. A framework that provides no formal appeal, no required explanation of denials, and no mechanism for independent review raises substantial concerns as to whether that obligation is being met. The FY2027 Development Grant Guidelines provide only that a reimbursement denial may be appealed to the Executive Director within ten (10) business days, with the Executive Director’s decision final and no further review available.²³ A RECC whose application is denied, whether on the merits or because the Department exercised its geographic steering discretion toward a state-run RECC, has no mechanism to challenge that determination. No written

²³FY2026 Support and Incentive Grant Guidelines, § VII (“All decisions of the Executive Director are final.”); id. § VIII (“All decisions of the Executive Director for reimbursement requests...are final.”).

explanation citing applicable guidelines criteria is required. No formal appeal is available. The denial simply stands.

For a startup RECC, a Development Grant denial mid-project, after planning costs have been incurred, member communities have made commitments, and prior tranche funding has been received for work that cannot be completed without the next award, may effectively terminate a project for which public funds have already been spent. The DTC conducts its own proceedings under the procedural protections of 207 CMR 1.00.²⁴ It would be anomalous to approve, as prudent administration, a competitive grant program that affords applicants none of those protections. The Department should be directed to establish a formal appeals process as a condition of approval, incorporating written denial notices citing applicable guidelines criteria and the specific basis for any geographic concentration determination, a defined response period, and review by an authority not involved in the operational RECC activities that create the conflict addressed in Section I.

IV. THE DEVELOPMENT GRANT’S FRAGMENTED ANNUAL TRANCHE STRUCTURE: A SYSTEM THAT DEFEATS ITS OWN PURPOSE

A. The Structural Problem

The Development Grant is the Commonwealth’s primary financial mechanism for RECC capital development. RECC development projects, facility construction, major technology integration, infrastructure buildout, are capital undertakings costing millions of dollars and requiring several years to complete. The Department does not fund these projects in their entirety upon award. It awards them in annual competitive tranches: a \$10 million project might receive \$2 million in FY2026, \$6 million in FY2027, \$1 million in FY2028, and \$1 million in FY2029, each tranche requiring a separate competitive application. The petition itself acknowledges: “The regional projects funded under this Grant are often complex and are completed over multiple fiscal years.”²⁵ Yet the program design does not reflect that acknowledgment. The FY2027 Guidelines themselves caution: “Applicants are cautioned that grant extensions cannot be guaranteed.”²⁶

The Development Grant extends unspent funds to subsequent fiscal years rather than requiring turnback, which is appropriate. The problem is the structure of the award itself. Attachment A shows the Development Grant rollover balance growing from a FY2025 projection of \$36, 381, 101 to a FY2026 projection of \$52, 811, 967, a rollover balance now exceeding the annual award amount of \$50, 000, 000. FY2025 Development Grant actual expenditures were \$21, 903, 620 against a \$50, 000, 000 projection. This is the quantified consequence of a system in which tranches are awarded for projects that cannot be executed until fully funded.

²⁴207 CMR 1.00.

²⁵Attachment A (Dev. Grant Rollover: FY2025 proj. \$36,381,101, FY2026 proj. \$52,811,967; Dev. Grant actual FY2025 \$21,903,620 against \$50,000,000 proj.). Petition at 7: “The regional projects funded under this Grant are often complex and are completed over multiple fiscal years.”

²⁶FY2027 Development Grant Guidelines, § V (“Applicants are cautioned that grant extensions cannot be guaranteed.”).

B. Construction Cannot Begin Until Fully Funded

No responsible RECC board, no prudent municipal government, and no competent construction manager will authorize commencement of a major capital project that is not fully funded. A \$10 million construction project cannot responsibly commence without a reliable full-funding path on \$2 million in hand when the remaining \$8 million is subject to future competitive cycles whose outcome is uncertain. The practical result is that a RECC holding a first-year tranche award must hold those funds, accumulating in the rollover balance, while waiting for full funding through successive competitive cycles, absorbing construction cost escalation throughout. Municipal procurement and bonding practices typically require a defined and reliable funding plan before authorization of major capital projects, reinforcing this practical constraint.

C. Escalation Risk Falls on the RECC — and Escalation Costs Are Explicitly Ineligible

A project costed at \$10 million in FY2026 may cost \$11 million or more by the time the final tranche is awarded in FY2029. Each tranche amount is fixed at award. The escalation gap is borne by the RECC and its member communities. This would be a serious structural problem in any grant program. It is made worse here by a specific provision of the FY2027 Development Grant Guidelines: “Contingencies/Escalation Fees” are listed as non-eligible expenses.²⁷ The construction cost escalation that accumulates while a RECC waits for full tranche funding, the direct consequence of the tranche structure the Department designed, is not reimbursable under the same grant program that created the waiting period. The current structure creates conditions in which escalation costs are likely to arise, while simultaneously rendering those costs ineligible for reimbursement.

D. Each Tranche Is a New Competition: The Project Is Never Truly Awarded

Each fiscal year’s tranche is a new competitive application. A RECC that received a FY2026 tranche does not hold an approved project, it holds an approved first installment. The FY2027 tranche must be competed for anew, against all other applications filed that year, evaluated under the current guidelines, awarded at the Department’s discretion. No prior-year award creates continuity, priority, or binding commitment for subsequent tranches. The Department may invoke the geographic concentration authority described in Section I to deny a subsequent tranche without issuing a formal denial decision subject to any available appeal.

E. The Administrative Burden Compounds on Startup RECCs

A single \$10 million project spanning four fiscal years generates: four separate competitive applications; four sets of award negotiations and contract executions; at minimum sixteen quarterly progress reports due by the 15th of each following month with cross-program suspension as a consequence of failure; four separate reimbursement processes each with their own 30-day submission deadlines; two-business-day response windows for any Department clarification requests in each cycle; extension requests requiring 90 days advance notice per cycle; and four sets of potentially changing guidelines, all administered through paper-based manual processes. This burden falls on the organization least equipped to bear it: a startup RECC operating without dedicated staff, without a physical office, with leadership managing RECC formation alongside

²⁷FY2027 Development Grant Guidelines, § VIII, Non-eligible Expenses (“Contingencies/Escalation Fees” listed as non-eligible for grant funding).

existing municipal responsibilities, while a state-run RECC absorbing the same jurisdiction needs none of it.

F. The Prudent Alternative

The prudent alternative is well-established in public capital finance: review a development project in its entirety, award it in full if approved, and allow annual draws upon completion of specified milestones. Competitive re-application would not be required for subsequent tranches of an approved project. Reporting requirements would be calibrated to project phase. Escalation risk would be addressed through contingency provisions or a defined adjustment mechanism rather than categorically excluded from reimbursement as an ineligible expense. This approach reduces administrative overhead, eliminates escalation risk, ensures approved projects are executed rather than held awaiting full funding, and addresses the growing rollover balance documented in Attachment A.

G. Requested Relief

Commenter respectfully urges the DTC to:

- Direct the State 911 Department to develop and implement a multi-year full-award framework for the Development Grant, under which projects are reviewed and awarded in their entirety with annual milestone-based draws, eliminating annual competitive re-application for tranches of already-approved projects.
- Require the State 911 Department to disaggregate the \$52, 811, 967 Development Grant rollover balance by grantee and project, with current status, anticipated completion timeline, and explanation of why funds have not been deployed.
- Direct the State 911 Department to evaluate whether the ineligible expense designation for “Contingencies/Escalation Fees” is consistent with the Department’s own tranche-based funding structure, which by design requires multi-year projects to wait for full funding while absorbing the very escalation costs the guidelines refuse to reimburse.
- Evaluate whether the current tranche-based competitive structure represents a prudent deployment of E911 Fund resources under M.G.L. c. 6A, § 18H, given the construction risk, escalation exposure, compounding administrative burden, ineligibility of escalation costs, and structural vulnerability to mid-project defunding.

V. NEED TO CHAMPION INNOVATION AND COLLABORATION

Section 18B charges the State 911 Department with advancing the quality and capability of enhanced 911 services. There are no formal mechanisms for field-initiated proposals to receive documented consideration, no grant category dedicated to innovation pilots, and no established peer learning infrastructure. When the community has raised concrete proposals, including the digital grant management portal addressed in Section II, those proposals have been declined without explanation. Attachment A shows Public Education actual FY2025 expenditures of \$2,

444 against a projection of \$50, 000, less than 5% utilization.²⁸ A department spending less than 5% of its public education budget while declining community-initiated operational improvement proposals raises questions as to whether the Department is fully discharging its statutory obligation to advance the quality of 911 services. The Department should be directed to describe on the record what formal structures it has in place to solicit and support field-driven innovation.

VI. FAILURE TO CONDUCT MEANINGFUL ASSESSMENT AND ENFORCEMENT OF EMD AND EMD QUALITY ASSURANCE REQUIREMENTS

A. The Regulatory Requirement

560 CMR 5.00, effective July 1, 2012, establishes mandatory standards for emergency medical dispatch across all covered PSAPs and RECCs. Section 5.05(1) requires EMD through certified dispatchers or a Department-approved certified EMD resource.²⁹ Section 5.05(2) requires use of a single Department-approved EMDPRS, written policies and procedures, and dispatch life support in strict compliance with written scripts.³⁰ Section 5.06 requires a formal QA program.³¹ Section 5.12 establishes enforcement authority.³² The FY2027 Development Grant Guidelines additionally require that grantees “meet the emergency medical dispatch requirements” of 560 CMR 5.00, reinforcing EMD compliance as a precondition of Development Grant participation, yet the Department has no publicly disclosed mechanism for independently verifying compliance with this precondition. Without such verification, the DTC’s prudence determination is necessarily constrained by reliance on unverified self-attestation.

B. Attestation-Based Compliance Is Not Regulatory Enforcement

The Department’s primary compliance mechanism is the Annual Certification of Compliance Form, through which PSAPs and RECCs self-attest to compliance. There is no publicly disclosed program of independent site visits, records reviews, or call audits. There is no published compliance rate or documented enforcement history under 560 CMR 5.12. The structure creates a structural incentive against honest disclosure with no mechanism for detecting non-disclosure. Attachment A shows EMD Grant FY2025 actual expenditures of \$1, 244, 367 against a projection of \$2, 297, 670, a 54% utilization rate. The DTC cannot meaningfully determine that these expenditures are prudently incurred if the Department cannot demonstrate that what is being funded actually conforms to 560 CMR 5.00.³³

C. Requested Relief

²⁸Attachment A (Public Education: FY2025 proj. \$50,000; actual \$2,444).

²⁹560 CMR 5.05(1).

³⁰560 CMR 5.05(2)(a)–(d).

³¹560 CMR 5.06.

³²560 CMR 5.12.

³³M.G.L. c. 6A, § 18H(b).

Commenter respectfully urges the DTC to:

- Require the State 911 Department to describe on the record the specific steps it takes to independently verify EMD and EMD QA compliance beyond self-submitted attestation forms.
- Require the State 911 Department to report the number and nature of compliance deficiencies identified in the most recent certification cycle and enforcement actions taken under 560 CMR 5.12.
- Direct the State 911 Department to develop and publish a formal EMD compliance verification program incorporating independent, systematic review of actual EMDPRS use and QA program operation.
- Evaluate whether EMD Grant and related S&I Grant expenditures can be deemed prudently incurred in the absence of an independent compliance verification mechanism.

VII. NEED FOR OVERSIGHT OF SAFE AND SUSTAINABLE OPERATIONS IN RAPIDLY EXPANDING RECCS

A. The Pattern of Concern

The Commonwealth's regionalization initiative has produced meaningful progress. However, the pace of expansion for certain RECCs has outrun the Department's apparent capacity or willingness to ensure that expansion produces operationally sound, financially sustainable, and service-safe centers. The Department's authority under M.G.L. c. 6A, § 18D to establish and enforce operational standards would be substantially diminished if expansion of regional centers could occur without ensuring that those standards are maintained. Rapid expansion without documented integration and performance validation raises substantial concerns regarding the maintenance of the very system integrity that § 18D is intended to protect. To the extent that expansion occurs without such oversight, it raises corresponding questions as to whether expenditures associated with those expansions can be determined to be prudently incurred under M.G.L. c. 6A, § 18H.

B. Specific Indicators

1. Disparate Software and Protocol Environments

Rapid sequential absorption of municipalities creates significant risk of incompatible CAD systems, radio platforms, and dispatch protocols operating within the same center. The Department has no publicly disclosed process for assessing whether rapidly expanding RECCs have achieved genuine operational integration prior to approving further expansion or supplemental funding.

2. Use of Development Grant Funds for Field Equipment

When grant funds are used to purchase equipment primarily serving field response agencies rather than the PSAP or RECC function, this warrants scrutiny. The \$52, 811, 967 Development Grant rollover balance warrants inquiry into whether any portion reflects awards requiring modification due to ineligible or improperly characterized expense submissions.

3. Disproportionate Supplemental Allocations

Certain rapidly expanding RECCs have received supplemental allocations that are disproportionate relative to other RECCs of comparable size, awarded outside normal grant structures in ways that are neither transparent nor demonstrably equitable. Attachment A does not disaggregate supplemental allocations by recipient, making independent evaluation impossible.

C. Requested Relief

Commenter respectfully urges the DTC to:

- Require an accounting of all supplemental or out-of-cycle allocations made to any single RECC in the past three fiscal years, with stated justification and criteria for each.
- Direct the State 911 Department to describe what operational review it conducts, beyond grant application review, to assess whether rapidly expanding RECCs have achieved genuine operational integration prior to approving additional expansion or supplemental funding.
- Require disaggregation of the \$52, 811, 967 Development Grant rollover balance by grantee and project, with status and timeline for each.
- Require the State 911 Department to describe the criteria, standards, and review processes it applies to evaluate whether expansion of regional emergency communication centers maintains compliance with operational standards established under M.G.L. c. 6A, § 18D.
- Require the State 911 Department to identify whether any expansion of a regional emergency communication center in the past three fiscal years was accompanied by a documented assessment of operational integration, system compatibility, and performance readiness, and to produce such assessments where they exist.

VIII. ASYMMETRIC COMPLIANCE BURDENS IN THE FY2026 AND FY2027 GRANT GUIDELINES: STRICT OBLIGATIONS FOR PSAPS, DISCRETIONARY TIMELINES FOR THE DEPARTMENT

A. The Pattern and Its Significance

The FY2026 Support and Incentive Grant Guidelines and FY2027 Development Grant Guidelines together impose a comprehensive framework of obligations on PSAP and RECC grantees with specific timelines, hard deadlines, and severe consequences for non-compliance. The same guidelines impose on the State 911 Department only aspirational, best-efforts timelines from which the Department may deviate at its own discretion with no consequence. Critically, the FY2027 Development Grant Guidelines' "What's New" section documents that in this grant cycle, the Department chose to extend its own processing timelines, reimbursement review from 30 to 45 business days and budget modification review from 10 to 15 business days³⁴, while

³⁴FY2027 Development Grant Guidelines, "What's New" (explicitly listing: "Reimbursement processing timeline extended to 45 business days" and "Budget modification processing timeline extended to 15 business days"). Both extensions benefit the Department exclusively. No corresponding relief from any grantee deadline was announced.

simultaneously imposing new and tighter obligations on grantees, including a new two-business-day clarification response window and enhanced quarterly reporting requirements with cross-program suspension as a consequence. The asymmetry has widened in FY2027, not narrowed.

B. Obligations Imposed on PSAPs and RECCs — with Hard Consequences

1. Clarification Response: 2 Business Days or Application Receives No Further Consideration

New in FY2027: the Development Grant Guidelines require that all responses to Department requests for clarification or additional information “shall be provided within two (2) business days or the timeline noted in the Department’s request.” “Failure to respond to any and all requests within the noted timeline may result in a funding request and/or the application being given no further consideration.” A startup RECC without dedicated staff that receives a clarification request on a Wednesday afternoon and cannot assemble a response by Friday close of business may lose its entire application. The Department has no equivalent obligation, it reviews applications on a best-efforts basis and may extend its own timelines at sole discretion. Where administrative requirements operate to prevent reimbursement of otherwise allowable expenses, the resulting underutilization of appropriated funds further implicates the DTC’s prudence review under § 18H.

2. Quarterly Reports: Due the 15th, Cross-Program Suspension for Failure

The FY2027 Development Grant Guidelines require grantees to file detailed quarterly reports on or before the 15th of the month following the end of each quarter. “Failure to file quarterly reports may result in suspension of funding under this grant program and/or any other grant program administered by the State 911 Department.” A startup RECC that misses a quarterly reporting deadline for its Development Grant may find itself suspended from all grant programs simultaneously, including its Support and Incentive Grant and EMD Grant. Cross-program suspension for a single procedural failure eliminates access to the grantee’s entire portfolio of surcharge-funded programs. No proportionality requirement is stated.

3. Extension Requests: 90 Days Advance Notice

The FY2027 Development Grant Guidelines require extension requests to be submitted in writing at least ninety (90) days in advance of contract expiration. A RECC managing a construction project that encounters unexpected vendor delays in month nine of a twelve-month contract must have foreseen those delays three months earlier and filed a written request, or lose the ability to seek an extension. The Guidelines simultaneously acknowledge “Applicants are cautioned that grant extensions cannot be guaranteed.” The Department reserves the right to modify or extend any of its own timelines at sole discretion.

4. Reimbursement Submission: 30 Days from Cost Incurrence

Both the FY2026 Support and Incentive Grant Guidelines and the FY2027 Development Grant Guidelines require grantees to submit reimbursement requests within thirty (30) days of the date on which the cost is incurred. For a startup RECC with no dedicated grants staff, a 30-day window to identify, document, and submit a reimbursement request for every incurred cost is a demanding administrative obligation applied uniformly regardless of organizational capacity.

5. Year-End Funding Cliff: 1 Month Post-Contract, Tightened from Prior Standard

The FY2027 Development Grant Guidelines state: “The State 911 Department is unable to guarantee funding for reimbursement requests received more than one (1) month after the expiration date of the contract.”³⁵ The FY2026 Support and Incentive Grant Guidelines set the parallel cliff at September 1, 2026, approximately two months after the June 30 contract end, tightened from the three months provided under the FY2018 guidelines.³⁶ The grantee bears this hard deadline; the Department bears no equivalent.

6. Budget Modifications: Prior Written Approval; Department Silence Is Not Authorization

Any budget modification exceeding 25% of the total award requires prior written approval before implementation. The FY2027 Development Grant Guidelines provide: “Although the State 911 Department will endeavor to provide authorization or denial of authorization to the PSAP within fifteen (15) business days of the request, failure of the State 911 Department to respond within such fifteen (15) business days does not confer authorization. No authorization for reimbursement will be made without the prior express written approval of the State 911 Department.”³⁷ A grantee that acts on a budget modification after waiting 15 business days with no response may be denied reimbursement for the resulting expenditures. Department silence is never authorization. Department delay, whether 15 business days or any other period, is entirely permissible.

7. Non-Compliance: Permanent Disqualification from All Future Grant Programs

The guidelines reserve to the Department the right to “withhold future grant funding and/or disqualify grantee from participating in future grant awards” for non-compliance with reporting requirements, including failure to notify the Department of project meetings.³⁸ Permanent disqualification from all future grant programs is an available consequence for a PSAP or RECC that misses a procedural deadline or fails to notify the Department of a project meeting. No graduated sanction structure exists. No proportionality requirement is stated.

³⁵FY2027 Development Grant Guidelines, § VIII.A (“The State 911 Department is unable to guarantee funding for reimbursement requests received more than one (1) month after the expiration date of the contract.”).

³⁶FY2026 Support and Incentive Grant Guidelines, § VIII(A) (“Funding of reimbursement requests received after September 1, 2026...cannot be guaranteed.”). Compare FY2018 Support and Incentive Grant Guidelines (three (3) months post-fiscal-year, approximately September 30).

³⁷FY2027 Development Grant Guidelines, Budget Modifications (“Although the State 911 Department will endeavor to provide authorization or denial of authorization to the PSAP within fifteen (15) business days of the request, failure of the State 911 Department to respond within such fifteen (15) business days does not confer authorization. No authorization for reimbursement will be made without the prior express written approval of the State 911 Department.”).

³⁸FY2026 Support and Incentive Grant Guidelines, § VIII (“The State 911 Department reserves the right to withhold future grant funding and/or disqualify grantee from participating in future grant awards if any grant funds received by grantee are not properly accounted for, and/or if grantee fails to meet reporting requirements.”).

8. Statutory Limits on the Department’s Authority to Deny or Condition Reimbursement Under the Support and Incentive Grant

The asymmetry described above is not merely a matter of administrative preference. It raises a threshold question of statutory compliance. The Support and Incentive Grant is not structured as a discretionary or competitive award program. Under Massachusetts General Laws Chapter 6A Section 18B, the grant “shall reimburse” primary, regional, and regional secondary PSAPs and regional emergency communication centers for allowable expenses. This language establishes a reimbursement framework, not a system of discretionary funding allocation.

Within that framework, the Department retains authority to define allowable expenses, establish documentation standards, and implement reasonable administrative controls to ensure accountability for surcharge-funded expenditures. However, those controls must operate to facilitate reimbursement of eligible costs, not to defeat it. A statutory mandate that funds “shall reimburse” allowable expenses cannot be administered through mechanisms that functionally deny reimbursement to otherwise eligible entities.

The FY2027 Grant Guidelines introduce a series of procedural requirements and enforcement mechanisms that, taken together, create such a risk. These include strict submission timelines, short response windows for clarification requests, cross-program penalties for missed deadlines, and the potential suspension of funding eligibility across grant programs. While each requirement may be defensible in isolation, their cumulative effect is to create administrative “failure points” at which reimbursement may be delayed, reduced, or denied without regard to whether the underlying expenses are allowable under the statute.

This structure effectively introduces discretionary denial levers into a program that the Legislature framed as mandatory reimbursement. A PSAP or RECC that has incurred eligible expenses in support of enhanced 911 service may nonetheless be denied reimbursement based on procedural noncompliance, rather than substantive ineligibility. To the extent that these mechanisms operate as de facto disqualification tools, they risk converting a reimbursement program into a discretionary one without clear statutory authorization.

This concern is heightened by the absence of a formal appeal process for reimbursement denials beyond review by the Executive Director, whose decision is final. Where administrative requirements can result in the loss of reimbursement for otherwise allowable expenses, and no independent review is available, the Department’s implementation of the Support and Incentive Grant raises significant questions regarding transparency, consistency, and adherence to the statutory framework established by § 18B.

Accordingly, the DTC should examine whether the Department’s current administration of the Support and Incentive Grant is consistent with the Legislature’s directive that such funds “shall reimburse” allowable expenses, and whether the existing compliance and enforcement mechanisms are appropriately calibrated to ensure accountability without functionally denying reimbursement in a manner not contemplated by the statute.

C. Obligations Imposed on the State 911 Department — Aspirational Only

1. Reimbursement Review: Increased to 45 Business Days, Best Efforts, Fully Discretionary

The FY2027 Development Grant Guidelines provide that the Department “will use its best efforts to review reimbursement requests and to take action within forty-five (45) business days of receipt of the reimbursement request.”³⁹ This represents an increase from the 30 business days stated in the FY2026 Support and Incentive Grant Guidelines. The Department explicitly extended its own review timeline in FY2027 while simultaneously tightening grantee obligations. The same provision states: “The State 911 Department reserves the right, in its sole discretion, to modify or extend any of the above timelines.” There is no consequence for the Department’s failure to act within 45 business days.

2. The Perverse Interaction of Asymmetric Timelines

The asymmetry creates a perverse interaction that can deny reimbursement for legitimately submitted eligible requests through no fault of the grantee. A grantee incurs a qualifying expense in early June and submits a reimbursement request within 30 days, by early July. All reimbursement requests must be submitted within one month of the June 30 contract end, so the July submission is timely. The Department then has 45 business days, approximately nine calendar weeks, to take action. That 45-business-day window runs through mid-September. But the Department is unable to guarantee funding for requests received more than one month after contract expiration, meaning a request submitted in early July is already past the guarantee window. The Department’s own self-extended review timeline can consume the window within which it guarantees payment for timely submissions.

3. Appeals: Final with the Executive Director; No External Review

“All decisions of the Executive Director for reimbursement requests under the State 911 Department Regional PSAP and Regional Secondary PSAP and RECC Development Grant are final.” Reimbursement denials and, effectively, grant award denials are reviewed only by the Executive Director of the agency that has an institutional interest in the outcomes at issue. The Executive Director has five business days to respond, on a best-efforts basis, with no further review available. The Department may extend all of its own timelines at sole discretion; grantees have no equivalent mechanism.

D. The Prudence Implication

The FY2027 Development Grant Guidelines’ “What’s New” section makes clear this asymmetry is a deliberate policy choice: the Department extended its own review timelines in FY2027 while simultaneously imposing new and tighter requirements on grantees. A grant program whose administrative burden falls with full force on grantees, including with cross-program suspension for a single procedural failure, while the administering agency bears no equivalent accountability for delays in its own review process is not a program whose expenditures can be presumed to be prudently structured under M.G.L. c. 6A, § 18H.

³⁹FY2027 Development Grant Guidelines, § VIII (“The State 911 Department staff will use its best efforts to review reimbursement requests and to take action within forty-five (45) business days of receipt of the reimbursement request.”); *id.* (“The State 911 Department reserves the right, in its sole discretion, to modify or extend any of the above timelines.”). Compare FY2026 Support and Incentive Grant Guidelines, § VIII (thirty (30) business days).

E. Requested Relief

Commenter respectfully urges the DTC to:

- Require the State 911 Department to state, on the record, its interpretation of M.G.L. c. 6A, § 18B with respect to the Grants program, including whether the Department considers the grant to be a reimbursement-based program for allowable expenses or a discretionary funding mechanism.
- Require the State 911 Department to identify and justify each procedural requirement in the FY2026 Grant Guidelines that may result in denial, suspension, or reduction of reimbursement, and to explain how each such requirement is consistent with the statutory directive that funds “shall reimburse” allowable expenses.
- Require the State 911 Department to report, for the past three fiscal years, the number and total dollar value of reimbursement requests that were denied, reduced, or delayed due to procedural or administrative noncompliance, including missed deadlines, documentation deficiencies, or failure to respond to clarification requests.
- Require the State 911 Department to distinguish, in such reporting, between reimbursement denials based on substantive ineligibility of expenses and those based solely on procedural or administrative noncompliance.
- Direct the State 911 Department to establish a formal cure process for procedural deficiencies, including reasonable notice and an opportunity to correct incomplete or deficient submissions prior to denial or suspension of reimbursement.
- Direct the State 911 Department to ensure that administrative or procedural noncompliance results in proportionate remedies and does not result in categorical denial or suspension of reimbursement for otherwise allowable expenses absent a showing of material or repeated noncompliance.
- Require that any denial, reduction, or suspension of reimbursement under the Support and Incentive Grant be accompanied by a written determination identifying the specific basis for the action, including whether the determination is based on substantive ineligibility or procedural noncompliance.
- Evaluate whether the use of cross-program penalties, including suspension of eligibility across multiple grant programs due to noncompliance in a single program, is consistent with the statutory structure of the Grant Program as a reimbursement mechanism.
- Evaluate whether reimbursement denials based solely on procedural noncompliance, rather than substantive ineligibility of expenses, are consistent with the DTC’s obligation to ensure that E911 Fund expenditures are prudently incurred under M.G.L. c. 6A, § 18H.
- As a condition of surcharge approval, direct the State 911 Department to ensure that the administration of the Grants does not operate to deny reimbursement for allowable expenses solely on the basis of procedural noncompliance.

CONCLUSION

The budget data submitted in Attachment A of the corrected petition, read alongside the FY2026 Support and Incentive Grant Guidelines and FY2027 Development Grant Guidelines, reveals a governance structure with significant and interrelated accountability gaps that this proceeding is positioned to address. State-run RECC operations absorbing approximately \$13.6 million in projected FY2026 surcharge expenditures are presented as single-line budget items without the cost disaggregation any independent RECC would be required to provide. The Department acquired an entire 26-municipality RECC by special legislation in December 2024 and is now absorbing its full operating cost directly into the surcharge fund, without competitive process, without grant application, and without member community assessment. The Capital Projects line funds a new training center in Billerica, departmental infrastructure, not RECC operational costs. The Development Grant rollover balance now exceeds the annual award amount, reflecting years of awarded-but-undeployable tranches accumulating while projects await full funding, and the escalation costs that accumulate during that wait are explicitly ineligible for reimbursement under the same guidelines that created the waiting period. Across the operational grant programs, FY2025 actual expenditures fell more than \$33 million below projections. Public education funds were deployed at less than 5% of their allocation. And the Department chose, in FY2027, to extend its own processing timelines while simultaneously imposing new two-business-day response requirements and cross-program suspension penalties on grantees.

Running beneath these specific failures is a single structural reality: the State 911 Department has designed a grant and regulatory system whose burdens fall most heavily on the startup RECCs it is nominally committed to supporting, while simultaneously operating state-run RECCs that bear none of those burdens, possess explicit authority to steer municipalities away from independent RECC alternatives on geographic concentration grounds, and are funded from the same public trust without equivalent accountability. The relief requested herein does not ask the DTC to exceed its authority. It asks the DTC to exercise it fully. Commenter respectfully urges the DTC to address each of the concerns raised herein on the record, to require the State 911 Department to respond with specificity and supporting documentation, and to incorporate appropriate conditions and reporting requirements into its Final Order.

Respectfully submitted