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EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT

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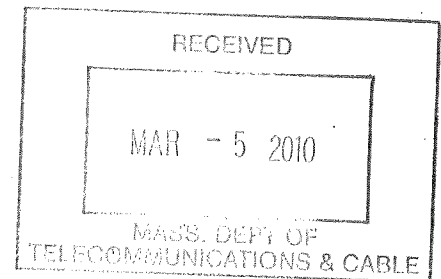
MARY ELIZABETH HEFFERNAN
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

March 5, 2010

VIA ELECTRONIC MAIL AND HAND DELIVERY

Ms. Catrice C. Williams,
Secretary and Paralegal Specialist
Massachusetts Department of Telecommunications and Cable
Two South Station
Boston, Massachusetts 02110



RE: D.T.C. 10-01, Petition of the State 911 Department for Approval of the Fiscal Year 2011
Development Grant Amount, and Fiscal Year 2010 Expenditures

Dear Ms. Williams:

In connection with the above matter, enclosed herewith for filing are an original and three (3) copies
of the Initial Brief of the State 911 Department to the Department of Telecommunications and Cable.

Thank you for your attention to this matter.

Sincerely,

Michael Kass
General Counsel

Enclosures

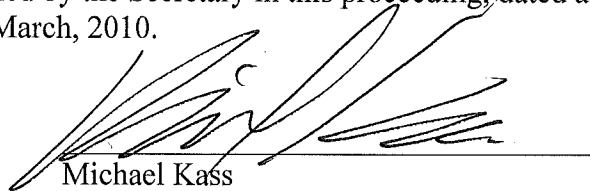
**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Petition of the State 911 Department for Approval
of the Fiscal Year 2011 Development Grant Amount,
and Fiscal Year 2010 Expenditures

D.T.C. 10-01

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding, dated at Taunton, Massachusetts this Fifth day of March, 2010.



Michael Kass
General Counsel
The State 911 Department
1380 Bay Street, Building C
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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Petition of the State 911 Department)	
for Approval of the Fiscal Year 2011)	
Development Grant Amount,)	D.T.C. 10-01
and Fiscal Year 2010 Expenditures)	
)	

INITIAL BRIEF OF THE STATE 911 DEPARTMENT

I. INTRODUCTION

On January 5, 2010, pursuant to Massachusetts General Laws ("M.G.L.") chapter 6A, §§ 18B(i)(5) and 18H(c), and the regulations of the Department of Telecommunications and Cable ("DTC") at 220 CMR 1.04, the State 911 Department petitioned the DTC for approval of the Development Grant allocation of \$12 million for Fiscal Year 2011, and for the State 911 Department's expenditures for Fiscal Year 2010.¹

II. PROCEDURAL HISTORY

On January 21, 2010, the DTC issued a Notice of Public Hearing ("Notice of Public Hearing") and docketed this proceeding as D.T.C. 10-01. The Notice of Public Hearing stated that the DTC intended to investigate the State 911 Department's expenditure requests as a formal adjudicatory proceeding conducted under M.G.L. chapter 30A, and 220 CMR 1.00 §§ et seq. of the Standard Adjudicatory Rules of Practice and Procedure. The Notice of Public Hearing stated that a public hearing would take place on February 11, 2010, and that any person who desired to participate in this proceeding must file a written petition for leave to intervene or participate in this proceeding no later than 5:00 p.m. on February 9, 2010. The Notice of Public Hearing further stated that the DTC intended to conduct a procedural conference to establish any additional process necessary for investigating this matter. On January 25, 2010, the Office of the Attorney General filed a petition for leave to intervene in this matter.

A public hearing on this matter was held on February 11, 2010. No person testified at the public hearing. Immediately following the public hearing on February 11, 2010, the DTC

¹ Pursuant to M.G.L. chapter 6A, §18H(b), the State 911 Department is required to report annually to the DTC on the financial condition of the Enhanced 911 Fund and on the State 911 Department's assessment of the new developments affecting the enhanced 911 system. The State 911 Department respectfully requests that the DTC treat the Petition dated January 5, 2010 ("Petition") as satisfying that requirement.

conducted a procedural conference to establish any additional process for investigating this matter. On January 21, 2010, the DTC issued its First Set of Information Requests to the State 911 Department. On February 11, 2010, the State 911 Department answered that set. On February 19, 2010, the DTC issued its Second Set of Information Requests to the State 911 Department, and on March 1, 2010, the State 911 Department responded to that set of information requests. This Brief is filed pursuant to the procedural schedule established by the DTC at the February 11, 2010 procedural conference.²

III. BACKGROUND

A. Chapter 223 of the Acts of 2008

The State 911 Department was created on July 31, 2008 by the enactment of Chapter 223 of the Acts of 2008, entitled “An Act to Create a State 911 Department, Single 911 Surcharge, and an Enhanced 911 Fund.” Chapter 223 of the Acts of 2008 also created the State 911 Commission within the Executive Office of Public Safety and Security (“State 911 Commission”). The State 911 Commission is charged with providing strategic oversight and guidance to the State 911 Department advising the State 911 Department relative to its annual budget and all material changes thereto and in all matters regarding enhanced 911 service in the Commonwealth. The State 911 Commission consists of: the Secretary of Public Safety and Security; the Chief Information Officer of the Information Technology Division; the Colonel of the State Police; the State Fire Marshal; the Police Commissioner of the City of Boston; the Director of the Massachusetts Office on Disability; the commissioner of Public Health; the commissioner of the Massachusetts Commission for the Deaf and Hard of Hearing; and 11 members appointed by the Governor, 1 of whom is a sitting Police Chief and a nominated representative of the Massachusetts Chiefs of Police Association, 1 of whom is a representative of the Massachusetts Police Association, 1 of whom is a sitting Police Chief and a nominated representative of the Massachusetts Major City Chiefs Association, 2 of whom are sitting Fire Chiefs and nominated representatives of the Massachusetts Fire Chiefs Association, 1 of whom is a nominated representative of the Professional Firefighters of Massachusetts, 1 of whom is a nominated representative of the Massachusetts Sheriffs Association, 1 of whom is a nominated representative of the Massachusetts Municipal Association, 1 of whom is a nominated representative of the Massachusetts Emergency Medical Care Advisory Board, 1 of whom is a nominated representative of the Massachusetts Ambulance Association, and 1 of whom is a manager or supervisor of a public safety answering point and a nominated representative of the Massachusetts Communication Supervisors Association.

² The State 911 Department moves that the DTC enter into the record of this proceeding as exhibits the Petition and all responses and attachments thereto filed by the State 911 Department in response to the DTC’s First and Second Set of Information Requests. The Petition and all responses and attachments thereto will be referenced as exhibits in this brief.

Chapter 223 of the Acts of 2008 provides that the State 911 Department shall coordinate and effect the implementation of enhanced 911 service and administer such service in the Commonwealth. Chapter 223 of the Acts of 2008 also amends M.G.L. chapter 6A, § 18B(i)(5) to grant the State 911 Department the authority to develop and administer grant programs to assist Public Safety Answering Points (“PSAPs”) and regional emergency communications centers (“RECC”) in providing enhanced 911 service and to foster the development of regional PSAPs, regional secondary PSAPs and RECCs.³ The statute requires that a number of grant programs shall be funded by the State 911 Department, including the regional and regional secondary PSAP and regional emergency communications center development grant (“Development Grant”) that is a subject of this Petition.

B. Development Grant

With respect to the Development Grant, the statute at M.G.L., chapter 6A, §18B(i)(5) provides as follows:

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

The Development Grant is a competitive grant, except with respect to Development Grant funds that can be used for PSAP customer premises equipment (“PSAP CPE”) for regional secondary PSAPs. Pursuant to M.G.L. chapter 6A, §18A, “PSAP CPE” is defined as “enhanced 911 call processing equipment located at a PSAP.” The use of Development Grant funds to purchase PSAP CPE for regional secondary PSAPs is authorized by M.G.L. chapter 6A, §18B(e). As set forth in M.G.L. chapter 6A, § 18B(f), primary PSAPs, regional PSAPs and RECCs receive PSAP CPE directly from the State 911 Department.

³ M.G.L. chapter 6A, §18A defines “Public safety answering point” or “PSAP” as follows: “a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 911 calls to other public or private safety agencies or other PSAPs.” See M.G.L. chapter 6A, §18A for the definitions of regional emergency communications center, regional PSAP and regional secondary PSAP.

The Development Grant Guidelines established by the State 911 Department, with State 911 Commission approval, set forth permissible categories of use of competitive Development Grant funds to include the following: (1) feasibility studies to determine the costs and benefits of developing, starting up, or expanding a regional PSAP, regional secondary PSAP, and RECC; and (2) regional development, expansion, or upgrade. This latter category includes funds to support construction of new or improvement of existing regional PSAPs, regional secondary PSAPs, and RECCs, and equipment for such facilities that is used directly in the provision of enhanced 911 service and that is not directly provided by the State 911 Department. Exh. Petition-1, at 2.

Since the inception of the Development Grant program in Fiscal Year 2009, the State 911 Department has seen a significant interest in regionalization among PSAPs. The initial Development Grant allocation amount that was established in Fiscal Year 2009 by the State 911 Department, with State 911 Commission approval, was \$7.5 million. For that Fiscal Year, the State 911 Department received application requests totaling \$11.5 million. For Fiscal Year 2010, the State 911 Department, with State 911 Commission approval, set the Development Grant allocation amount at \$8 million. In that Fiscal Year, the State 911 Department received applicant requests totaling \$22.5 million. For Fiscal Year 2011, the State 911 Department proposes to set the Development Grant allocation amount at \$12 million. Because this amount is 10 percent greater than the initial allocation amount of \$7.5 million, the State 911 Department is required by statute to request DTC approval of such allocation amount. At its meeting held on November 19, 2009, the State 911 Commission unanimously voted to authorize the State 911 Department to seek DTC approval of the \$12 million amount. Accordingly, the State 911 Department requests DTC approval of the Development Grant allocation of \$12 million for Fiscal Year 2011. Id., at 2-4.

C Fiscal Year 2010 Expenditures

With respect to the approval of expenditures, M.G.L. chapter 6A, §18H(c) provides as follows:

The department shall seek the approval of the department of telecommunications and cable for projected total expenditures that exceed total expenditures of the previous fiscal year by 10 per cent or more. The department of telecommunications and cable may investigate the reasonableness of the expenditures and shall conduct its review and issue a decision within 90 days from the date the department files its request for approval, but the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 days. The department of telecommunications and cable shall notify the department of its intent to investigate within 20 days of the date the department files its request for approval. The department's request for approval shall be deemed approved in the absence of the department of telecommunication and cable's notification to the department of its intent to investigate. If the department of telecommunication and cable notifies

the department that it intends to investigate an expenditure, the department of telecommunications and cable may hire experts to assist in its investigation. The reasonable cost of the experts shall be charged to the Enhanced 911 Fund, but in no event shall such cost exceed \$200,000, which may be adjusted to reflect changes in the consumer price index.

As set forth in the Petition, the projected State 911 Department expenses for Fiscal Year 2010 are \$80,215,132. This projected amount is ten (10) per cent greater than the actual expenditures of \$68,949,400 for Fiscal Year 2009. Accordingly, the State 911 Department requests DTC approval of Fiscal Year 2010 expenditures. Exh. Petition-1, at 4 and Exhibit C.

IV. DISCUSSION

A. Development Grant

As set forth above, pursuant to M.G.L. chapter 6A, §18B(d), the State 911 Department is charged with the responsibility to coordinate and effect the implementation of enhanced 911 service, and to administer such service in the Commonwealth. In addition, pursuant to M.G.L. chapter 166, § 15E, the State 911 Department is charged with the responsibility to administer the disability access program. Furthermore, M.G.L. chapter 6A §18B(f) states as follows with respect to the State 911 Department: "The department shall disburse funds from the Enhanced 911 Fund for prudently-incurred expenses associated with: . . . grants associated with enhanced 911 service as set forth in subsection (i) . . . and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth." The DTC has held that, pursuant to the State 911 Department's statutory mandate, "the SETB [predecessor to the 911 Department] has the sole authority to determine the type of equipment, training and support for which expenditures are necessary." See D.T.C. 07-7, at 8 (February 8, 2008) (brackets added).

Consistent with the legislative intent of Chapter 223 of the Acts of 2008 and the current Administration's goal of improving public safety and increasing regionalization of government services, the Development Grant is being used to establish regional PSAPs and Regional Emergency Communications Centers. Exh. Petition-1, at 1-2 and note 2; Exh. DTC 2-10. Regionalized PSAPs and RECCs not only create more efficient and effective use of government resources, but also they improve public safety for the residents they serve. Combining emergency communication resources through regionalized PSAP/communication centers allows for increased staffing, thereby affording individual 911 telecommunicators the ability to more effectively interact with the public while gathering essential call information and providing potentially life-saving instructions and to adequately respond to larger or multiple simultaneous incidents. Regional communication centers allow for increased coordination of a region's limited emergency response resources, including specialized fire, police and EMS vehicles and personnel, and leads to more efficient response to both routine requests for mutual aid and major disasters. Exh. DTC. 2-10.

In order to fulfill the legislative mandates of Chapter 223 of the acts of 2008, the State 911 Department seeks to establish the \$12 million level for the following reasons that we maintain are necessary. First, given the past interest shown in the Development Grant, the State 911 Department anticipates receiving a number of requests for (1) construction and equipment from the proposed regional PSAPs and RECCs⁴; (2) feasibility studies, construction and equipment from new proposed regional PSAPs and RECCs; and (3) construction to expand and new equipment from existing regional PSAPs and RECCs. Exh. Petition-1, at 3 and Exhibits A and B; Exhs. DTC 1-1 and Attachment DTC-1 Revised, DTC 1-20, DTC 2-28, DTC 2-34. The State 911 Department also anticipates that these application requests will, at a minimum, equal the request of \$11.5 million that occurred in Fiscal Year 2009, and could approach the \$22.5 million requested in FY 2010. Exh. Petition-1, at 3; Exh. DTC 1-2 and Attachments DTC 1-2A and DTC 1-2B. If this expectation proves correct, the \$12 million amount will allow the State 911 Department to fund projects more fully than it has in the past two Fiscal Years. Exh. Petition-1, at 3; Exhs. DTC 2-34 through 2-38.

Second, on June 29, 2009 the State 911 Department executed a new two year contract with Verizon to be its service provider. This contract has two options to renew for 12 months each. However, the State 911 Department is planning on moving to a Next Generation 911⁵ solution, possibly beginning implementation as early Fiscal Year 2012. The State 911 Department believes that it is important for planning purposes to maximize its regionalization efforts prior to the commencement of the potential Next Generation 911 implementation timeframe in an effort to reasonably ascertain the number of PSAP to be served before moving to that new solution. Exh. Petition-1, at 3; Exhs. DTC 1-20, DTC 2-28. The State 911 Department believes that a Development Grant funding level of \$12 million for Fiscal Year 2011 will enhance the regionalization efforts.

Finally, in addition to this requested increase in the Development Grant allocation being determined to be necessary by the State 911 Department, the State 911 Department also considers this increase to be a "prudently - incurred expense" as described in M.G.L. chapter 6A §18B(f). The decision to seek this increase was not made lightly or in a vacuum, but rather was made after careful and thorough consideration. M.G.L. chapter 6A §18B(b) provides that the State 911 Commission "shall review and approve by a majority vote of those members present all formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B, and all major contracts that the department proposes to enter into for enhanced 911 service." At its meeting held on November 19, 2009, the State 911 Commission unanimously voted to authorize the State 911 Department to seek DTC approval of the \$12 million amount. Exh. Petition-1, at 3, note 5. The State 911 Department has demonstrated that

⁴ See Exhibits A and B to the Petition.

⁵ M.G.L chapter 6A, § 18A defines "Next Generation 911" as: "an enhanced 911 system that incorporates the handling of all 911 calls and messages, including those using IP-enabled services or other advanced communication technologies in the infrastructure of the 911 system itself."

the it can meet its projected expenditures, including increasing the Development Grant funding level to \$12 million in Fiscal Year 2011, while maintaining the 75 cents per month surcharge over the period from Fiscal Year 2010 through Fiscal Year 2012. Id., at 3-5 and Exhibit C; Exh. DTC 2-7 and Attachments DTC 2-7A and DTC 2-7B. No other expenditure or program in Fiscal Year 2011 has been eliminated or reduced as result of setting the Development Grant allocation for Fiscal Year 2011 at \$12 million. Id.; Exh. DTC 1-21,

B Fiscal Year 2010 Expenditures

As stated above, the DTC has held that, pursuant to the State 911 Department's statutory mandate, "the SETB [predecessor to the State 911 Department] has the sole authority to determine the type of equipment, training and support for which expenditures are necessary." See D.T.C. 07-7, at 8 (February 8, 2008) (brackets added). The statutory provision that enables the DTC to approve State 911 Department expenditures that exceed total expenditures of the previous fiscal year by 10 percent or more sets forth "reasonableness" as the standard of review by the DTC. M.G.L. chapter 6A, §18H(c) states as follows:

The department of telecommunications and cable may investigate the reasonableness of the expenditures and shall conduct its review and issue a decision within 90 days from the date the department files its request for approval, but the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 days.

The State 911 Department maintains that the State 911 Department's expenditures for Fiscal Year 2010 that are the subject of the Petition are both necessary and reasonable and will be prudently-incurred. If either of the requests that are the subject of the Petition are denied, the State 911 Department will not be able to maintain or improve the current level of public safety that our enhanced 911 system currently provides. Exh. Petition-1, at 4-9 and Exhibit C; Exh. DTC 2-10

The category of "Administration" covers necessary agency expenses such as employee reimbursements, administrative, operational supplies, utilities/space rental, operational services, equipment purchases, vehicles lease, maintenance and repair services, building maintenance and repairs, and IT services and equipment. Exh. Petition-1, at 5 and Exhibit C. Administration also includes salaries and overhead costs for forty (40) employees; five (5) of whom are contract employees. Exh. Petition-1, at 5. Thirteen (13) of these employees were added in Fiscal Year 2010 to administer the Massachusetts Equipment Distribution Program ("EDP") that provides and distributes specialized customer premises equipment ("SCPE")⁶ to persons with disabilities, and accounts for the increase in salary costs over such costs in Fiscal Year 2009. Id.; Exhs. DTC

⁶ M.G.L. chapter 166, § 15E(a) defines "SCPE" as: "specialized, customer-premises equipment, such as artificial larynxes, signaling devices, amplified handset, hands-free telephones, text telephones, memory telephones, direct telephone dialing device, Braille text telephones, captioned telephone, and other devices which provide access to telephone networks for people with a hearing, speech, vision, mobility or cognitive disability."

1-26 and DTC 2-11. Section 15 of Chapter 223 of the Acts of 2008 mandated a transfer in administrative responsibility of the EDP, as well as of the Massachusetts Telecommunications Relay Services program ("TRS"), from private vendors to the State 911 Department. Exh. Petition-1, at 8. Further, these projections include contract step increases and a cost of living increase that was being negotiated between NAGE and the Commonwealth at the time the budget was being developed. Exh. DTC 2-11. The State 911 Department did not include a cost of living increase for Fiscal Year 2011 as it appeared that the Commonwealth would be unable to fund the Fiscal Year 2010 increase. Id. Thus, should the increase be funded in Fiscal Year 2011, the projections are sufficient to sustain this increase. Id. The increase in salary costs for Fiscal Year 2012 accounts for contract step increases and assumes a moderate cost of living increase. Id.

Capital projects are also included under the budget heading of Administration. Exh. Petition-1, at 5-6 and Exhibit C. In Fiscal Year 2010, the State 911 Department is embarking on an expanded capital projects program. Exh. Petition-1, at 5-6. All planned capital projects are determined to be reasonable and necessary by the State 911 Department and are required in order to maintain or improve the current level of public safety that our enhanced 911 system currently provides statewide. All capital projects undertaken are procured through Commonwealth-mandated competitive procurement procedures thereby ensuring that all capital expenses incurred are reasonable and prudent. Exhs. DTC 1-30 and DTC 2-12. Such projects include: purchasing a new mobile PSAP that will be equipped with Vesta CPE that will replace the current mobile PSAP that was placed into service in 1994 and is equipped with MAARS CPE that is no longer used in any of the primary or regional PSAPs in the Commonwealth (\$1 million);⁷ replacing the roofs of the three Buildings on the Taunton property ("Buildings"), which are in a general state of disrepair with multiple points of leakage (\$1.2 million); an on-site generator to power the Buildings in the event of a power outage (\$100,000);⁸ a security system for the Buildings (\$300,000)⁹; a matching amount of a Federal Grant that the State 911 Department applied for and was awarded that will be used to assist with the establishment of a statewide technology infrastructure that will allow all PSAPs in the Commonwealth to migrate to an internet protocol-enabled, or IP-enabled emergency network (\$500,000);¹⁰ furnishings for the

⁷ The State 911 Commission authorized the State 911 Department to proceed with the purchase of the new mobile PSAP at a meeting held on January 29, 2009. The State 911 Department standards require that a mobile PSAP be in service to provide uninterrupted 911 service when a PSAP is relocated, when feasible, and to be used as an emergency PSAP to restore service during disaster situations. See 560 CMR Appendix A, at page 20.

⁸ State 911 Department operations, including use of Building B as a live back-up PSAP, requires such a generator. The State 911 Department is coordinating with DCAM on both the roof and on-site generator projects.

⁹ A security system is needed because of the equipment being stored in Taunton for the EDP since the transfer of EDP to the State 911 Department on July 1, 2009, the current and planned storage in Taunton of CPE being removed from consolidated PSAPs, and a rash of arson, theft, and vandalism in the other buildings on the Taunton campus where the State 911 Department is located.

¹⁰ The State 911 Department received a grant award of \$1,051,135 from the U.S. Department of Transportation National Highway Traffic Safety Administration and the U.S. Department of Commerce National Telecommunications and Information Administration as part of the Ensuring Needed Help Arrives Near Callers

new Maynard training facility (\$100,000);¹¹ and Building D renovations (\$250,000).¹² Exh. Petition-1, at 5-6; Exhs. DTC 1-30, DTC 1-31, and DTC 2-12. Indirect costs where applicable have been calculated and added to this line item. Exh. Petition-1, at 6.

Programs include the training of 911 telecommunicators in equipment handling and managing the various type of emergency calls received, disability access (“TTY”) testing of both quality assurance and equipment provided by the program, public education, and interpretive services. Id., at 6 and Exhibit C. Since the inception of the State 911 Department Training Grant in 2007 the State 911 Department’s training program has expanded with many new approved courses being added, with many being taught by the State 911 Department contracted vendors. Id., at 6. The training program includes the leasing of office space for the Maynard training center. Exh. DTC 2-13. This additional space will provide the State 911 Department with an increased capability to accommodate the expanded training program. Id. The amount allocated to training for Fiscal Year 2010 reflects this expansion and the State 911 Department’s commitment to ensuring that 911 telecommunicators are well-trained and certified throughout the Commonwealth. Exh. Petition-1, at 6.

In Fiscal Year 2010, the State 911 Department continues with its strong commitment to educating the public about enhanced 911 service in the Commonwealth. The State 911 Department conducted successful kids and senior citizens campaigns, and in Fiscal Year 2010 will continue to distribute 911 kits to these groups. In Fiscal Year 2010, the State 911 Department plans to launch a public education campaign targeting teenagers and the people served by TRS and EDP. In addition, the State 911 Department will continue to attend events across the Commonwealth providing literature and information about enhanced 911 service, TRS and EDP. Id., at 6-7 and Exhibit C.

With respect to interpretative services, in Fiscal Year 2010, the Boston PSAP and the EDP is now being served with such services by the State 911 Department pursuant to a contract between the State 911 Department and Qwest Language Line, and with that inclusion the State 911 Department expects that additional costs will be incurred.¹³ Id., at 7 and Exhibit C; Exhs. DTC 1-26 and DTC 2-14.

Employing 911 Act (ENHANCE 911 Act). In accordance with terms of this grant, the State 911 Department is required to match half that amount.

¹¹ The State 911 Department plans on moving its Westboro training facility that currently resides in a Massachusetts Emergency Management Agency bunker to a building in Maynard that also houses the Massachusetts State Police Fusion Center and Crime Lab. The Maynard training facility also will serve as live PSAP in the event of an emergency. In addition, the Maynard facility will be used to store SCPE for distribution and as a demonstration site for the SCPE in that area. Further, the Maynard facility will serve as backup to the Taunton offices in the event of a disaster at those offices. The State 911 Department is coordinating with the Massachusetts State Police and DCAM on this move.

¹² The State 911 Department plans to renovate the core of Building D to provide additional space for the EDP and improve the Department’s storage conditions.

¹³ Prior to Fiscal Year 2010, the Boston PSAP contracted for its own interpretative services.

Grants are also covered under the heading of Programs. The increase in State 911 Department Training Grant ("Training Grant") expenses is a function of increased revenue from Fiscal Year 2009 to Fiscal Year 2010 resulting from the change in the surcharge in accordance with Chapter 223 of the Acts of 2008. Exh. Petition-1, at 7 and Exhibit C; Exh. DTC 2-15. Training Grant funds may be used for fees, personnel costs, training software or products, and lodging as authorized under the training grant guidelines. Exh. DTC 2-15. The distribution among these categories is determined by the PSAPs through the grant application process. Id.

The increase in State 911 Department Support Grant ("Support Grant") expenses is a function of the increased revenue from Fiscal Year 2009 to Fiscal Year 2010 resulting from the change in the surcharge in accordance with Chapter 223 of the Acts of 2008. Exh. Petition-1, at 7 and Exhibit C; Exh. DTC 2-16. Support Grant funds may be utilized for personnel costs, HVAC and other environmental control equipment, computer-aided dispatch systems, radio consoles, console furniture and dispatcher chairs, fire alarm receiving and alerting equipment associated with providing E911 service and other equipment as defined in the grant guidelines. Exh. DTC 2-16. The distribution among these categories is determined by the PSAPs through the grant application process. Id.

The expenses incurred under the State 911 Department Incentive Grant ("Incentive Grant") are consistent with Chapter 223 of the Acts of 2008 and established grant guidelines. Exh. Petition-1, at 7 and Exhibit C; Exh. DTC 2-20. Incentive funds are awarded in addition to amounts allocated as part of the Support Grant to regional PSAPs and RECCS that serve multiple communities. Exh. Petition-1, at 7. Incentive Grant funding allows for expenses for personnel costs, HVAC and other environmental control equipment, computer-aided dispatch systems, radio consoles, console furniture and dispatcher chairs, fire alarm receiving and alerting equipment associated with providing enhanced 911 service, public safety radio systems, CPE maintenance (regional secondary PSAPs only), and other equipment as defined in the grant guidelines. Exh. DTC 2-20. A PSAP is not required to differentiate expenses between support and incentive funding. Id. The State 911 Department, therefore, does not track these expenses separately but accounts for them in the overall support and incentive expenditures. Id. The increase to the Incentive Grant funding is a function of the increased revenue from Fiscal Year 2009 to Fiscal Year 2010 resulting from the change in the surcharge in accordance with Chapter 223 of the Acts of 2008. Id.

The Development Grant supports the development and startup of regional PSAPs, regional secondary PSAPs, and RECCs, including the expansion or upgrade of existing regional and regional secondary PSAPs, and RECCs, to maximize effective emergency 911 and dispatch services as well as regional interoperability. Exh. Petition-1, at 7 and Exhibit C; Exh. DTC 2-20. Development Grant funding may be utilized for CPE equipment (regional secondary PSAPs only), feasibility studies, construction costs including labor, materials, architectural and engineering services, and other facility construction or structural improvements, and equipment. Exh. DTC-20. For FY 2010, the State 911 Department, with State 911 Commission approval, set

the Development Grant amount at \$8 million. Exh. Petition-1, at 3. The Development Grant is discussed in Section IV(A), above.

Wireless State Police PSAP Grant funds may be utilized for personnel costs, fees, training software or products, lodging associated with training, HVAC and other environmental control equipment, computer-aided dispatch systems, radio consoles, console furniture and dispatcher chairs, fire alarm receiving and alerting equipment associated with providing E911 service and other equipment as defined in the grant guidelines. Exh. DTC 2-17. The increase in grant expenses is a function of the increased revenue from Fiscal Year 2009 to Fiscal Year 2010 resulting from a change in the surcharge in accordance with Chapter 223 of the Acts of 2008. Exh. Petition-1, at 7 and Exhibit C. The distribution among these categories is determined by the wireless PSAP through the grant application process. Exh. DTC 2-17.

The Fiscal Year 2009 rollover represents the amounts of Fiscal Year 2009 State 911 Department Development Grant funds that were not spent by applicants in Fiscal Year 2009. This State 911 Department Development Grant was authorized as an 18-month Grant, with a start date of January 2009. Exh. Petition-1, at 8.

Pursuant to M.G.L. chapter 6A, Section 18B(i)(2), the State 911 Department is authorized to include provisions in the Support Grant guidelines to increase the allocation of funds to primary PSAPs that dispatch police, fire protection and emergency medical services, taking into account if any such services are provided by a private safety department. In April 2009, the State 911 Department, with State 911 Commission approval, set aside funding in the amount of \$1 million for FY 2010 for these purposes. Id.

The category of "Enhanced 911" includes map data, enhanced 911 support, and Next Generation 911 and wireless direct projects. Exh. Petition-1, at 8 and Exhibit C. Through an interdepartmental service agreement between MassGIS, a state agency within the Executive office of Energy and Environmental Affairs, and the State 911 Department, MassGIS provides updated, synchronized mapping data and information to the Department for use by the PSAPs. Exh. Petition-1, at 8. The increase in the agreement amount from Fiscal Year 2009 reflects the State 911 Department's participation in a Federal project underway through MassGIS that will produce orthophoto based maps that are essential for updating street information used for enhanced 911 dispatching. Id.; Exhs. DTC 1-26 and DTC 2-18.

The increase in Enhanced 911 support resulted from the contract awarded as a result of RFR State 911 09-001, in which only one response was received, which was from Verizon. Exh. Petition-1, at 8 and Exhibit C; Exh. DTC 2-19. The components for Fiscal Year 2010 and Fiscal Year 2011 are as follows.

Database support:	\$ 6,679,316
Network:	\$ 4,452,789

Network Maintenance: \$ 219,754

CPE Maintenance & Monitoring: \$10,679,317

(Exh. DTC 2-19).

In addition, the State 911 Department has budgeted \$1.5 million for moves, adds, and changes to cover services to PSAPs for Fiscal Year 2010. Exh. DTC 2-19.

With respect to the Next Generation 911 and wireless 911 direct projects, the State 911 Department estimates payment of \$860,580 to consultants to undertake these projects. Exh. Petition-1, at 8 and Exhibit C. The State 911 Department, through a competitive procurement process, has selected a Next Generation 911 consultant, RCC Consultants, Inc. (RCC). Exh. DTC 2-1 and Attachments DTC 2-1B and DTC 2-1C. The Next Generation 911 project effectively commences on March 1, 2010, the effective date of the contract with RCC. Exh. DTC 2-2. The State 911 Department anticipates the actual transition to the Next Generation 911 system may commence in Fiscal Year 2012. *Id.*; Exh. Petition-1, at 3; Exh. DTC 1-26. However, the State 911 Department is relying on RCC to assist in the development of an implementation schedule that will ultimately drive the start and completion dates for Next Generation 911. Exh. DTC 2-1 and Attachment DTC 2-1C. The portion of the wireless 911 direct project related to the technological and financial feasibility assessment is expected to commence after bids have been received and reviewed by the State 911 Department's procurement management team for a wireless routing proof of concept. Exh. DTC 2-1 and Attachment DTC 2-1B. The timeline for the actual routing of wireless calls directly to the local PSAPs will be determined by the outcome of a combination of the technological and financial feasibility assessment as well as the report from RCC as it relates to the Next Generation 911 implementation. Exh. DTC 2-2.

The category of "Disability Access Programs" includes TRS, SCPE, and Captioned Telephone Service. As stated above, Section 15 of Chapter 223 of the Acts of 2008 transferred the administration of TRS and SCPE from private vendors to the State 911 Department. TRS is a telephone transmission service that provides the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. TRS is provided in the Commonwealth through a contract between the State 911 Department and Hamilton Relay Services ("Hamilton").¹⁴ The cost estimate for TRS for Fiscal Year 2010 is based on that contract and historical spending data. Exh. Petition-1, at 8-9.

¹⁴ Through an RFR process initiated by Verizon and approved by the DTC in DTC 07-4, the TRS provider contract was awarded to Hamilton. Pursuant to its terms, that contract was assigned by Verizon to the State 911 Department.

The State 911 Department has contracts with various equipment vendors to provide SCPE that is distributed to persons with disabilities through the EDP.¹⁵ The cost estimate for SCPE for Fiscal Year 2010 is based on those contracts and historical spending data. The TRS and EDP amounts for Fiscal Year 2010 include projected expenditures for the administration of the MassRelay and MassEDP websites performed by Workforce Creative pursuant to a contract with the State 911 Department. Id.

Section 15 of the Chapter 223 of the Acts of 2008 authorizes the introduction of Captioned Telephone Service in the Commonwealth. Massachusetts is one of only two states in the United States that does not provide Captioned Telephone Service. In December 2009, the State 911 Department submitted a petition to the DTC for approval of an RFR to procure the services of a Captioned Telephone Service provider and such petition was approved on February 25, 2010. As set forth in M.G.L. chapter 166, § 15E(a), "Captioned Telephone Service" is an enhanced voice carry over telecommunications relay service which uses third party intervention to connect persons with a hearing disability but with some residual hearing, to engage in communication, by wire or radio, with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing disability. End users of Captioned Telephone Service use an amplified telephone with a text display that permits the user to both listen to what is said over the telephone and simultaneously read captions of what the other person is saying, thereby allowing a hard of hearing person to utilize the service. The State 911 Department expects Captioned Telephone Service to be in place in the Commonwealth in the second quarter of 2010. Based on an estimated annual cost of \$2 million for this service, the State 911 Department included \$500,000 in the budget for Fiscal Year 2010. Id.

¹⁵ The SCPE provider RFR was approved by the DTC on March 24, 2009. See DTC 08-13.

V. CONCLUSION

WHEREFORE, for the reasons set forth herein, the State 911 Department respectfully requests that the DTC approve the Fiscal Year 2011 Development Grant Amount and the Fiscal Year 2010 expenditures.

Respectfully submitted,

State 911 Department

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