

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]**

Notice of Intended Action

Proposing rule making related to the 911 network and providing an opportunity for public comment

The Department of Homeland Security and Emergency Management hereby proposes to amend Chapter 10, "911 Telephone Systems," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 34A.22.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 34A as amended by 2018 Iowa Acts, House File 2254.

Purpose and Summary

The proposed amendments are intended to implement 2018 Iowa Acts, House File 2254. The amendments provide for the elimination of the wireline 911 network and the merging of that associated 911 traffic onto the Next Generation 911 Network. Additionally, the amendments create a public safety answering point (PSAP) shared technology service for those answering points wishing to access 911 call processing equipment in a host remote environment. Thirdly, the amendments do not alter the surcharge funding streams related to the wireline surcharge and the emergency communications surcharge local PSAP pass through percentage. Finally, the consolidation grants remain in place while also removing the spending limitation that had been in place on the Emergency Communications Service Fund.

Fiscal Impact

This rule making has a fiscal impact to the State of Iowa. The Department is estimated to spend \$10.6 million to merge networks and create the shared service environment. With 100 percent PSAP participation, this process will create an annual savings of \$6.6 million in expenses for the local 911 service boards and PSAPs.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Administrative Rules Coordinator no later than 4:30 p.m. on May 29, 2018. Comments should be directed to:

John Benson
Department of Homeland Security and Emergency Management
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50265
Email: john.benson@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

| | |
|--------------|-------------------------------------|
| May 29, 2018 | Cyclones Conference Room, Suite 500 |
| 11 a.m. | 7900 Hickman Road |
| | Windsor Heights, Iowa |

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions in rule **605—10.2(34A)**:

“911 call processing equipment” means equipment owned by the department that functions in a host remote environment, provides 911 call processing functionality to public safety answering points, and utilizes the next generation 911 network. “911 call processing equipment” includes but is not limited to computer aided dispatch, voice logging recorders, mapping, and emergency medical dispatch.

“911 call processing equipment provider” means a vendor or vendors selected by the department to provide 911 call processing equipment.

“911 call transport provider” means a vendor or vendors selected by the department to deliver aggregated wireline 911 call traffic to the next generation 911 network and from the next generation 911 network to public safety answering points.

“Next generation 911 network service provider” means a vendor or vendors selected by the department to provide next generation 911 network functionality.

ITEM 2. Amend rule **605—10.2(34A)**, definitions of “911 service plan,” “Next generation 911 network,” and “Voice over internet protocol service” as follows:

“911 service plan” means a plan, produced by a joint 911 service board, which includes the information required by Iowa Code subsection 34A.2(2) as ~~enacted~~ amended by 2017 2018 Iowa Acts, Senate File 500, section 3 House File 2254, section 2.

“Next generation 911 network” means an internet protocol-enabled system that enables the public to transmit digital information to public safety answering points and is responsible for the delivery of all 911 messages within the state. “Next generation 911 network” replaces enhanced 911 and ~~that~~ includes but is not limited to 911 voice and nonvoice messages generated by originating service providers, ESInet, GIS, cybersecurity, and other system components.

“Voice over internet protocol service” means a service to which all of the following apply:

1. The service provides real-time, two-way voice communications transmitted using internet protocol ~~and or~~ a successor protocol.

2. and 3. No change.

ITEM 3. Amend subrule 10.4(2) as follows:

10.4(2) The 911 service plan shall, at a minimum, encompass the entire county, unless a waiver is granted by the director. Each plan shall include:

a. to g. No change.

~~*h.* Identification of the agency responsible for management and supervision of the 911 emergency telephone communication system.~~

i. h. A statement of recurring and nonrecurring costs to be incurred by the joint 911 service board. These costs shall be limited to costs directly attributable to the provision of 911 service.

~~*j. i.*~~ The total number of telephone access lines by a telephone company or companies having points of presence within the 911 service area and the number of this total that is exempt from surcharge collection as provided in rule 605—10.9(34A) and Iowa Code subsection 34A.7(3).

~~*k. j.*~~ If applicable, a schedule for implementation of the plan throughout the 911 service area. A joint 911 service board may decide not to implement 911 service.

~~*l. k.*~~ The total property valuation in the 911 service area.

~~*m. l.*~~ Maps of the 911 service area showing:

(1) The jurisdictional boundaries of all law enforcement agencies serving the area.

(2) The jurisdictional boundaries of all firefighting districts and companies serving the area.

(3) The jurisdictional boundaries of all ambulance and emergency medical service providers operating in the area.

~~(4) Telephone exchange boundaries and the location of telephone company central offices, including those located outside but serving the service area.~~

~~(5) (4)~~ The location of PSAP(s) within the service area.

~~*n. m.*~~ A block drawing for each telephone central office within the service area showing the method by which the 911 call will be delivered to the PSAP(s).

~~*o. n.*~~ A plan to migrate to an internet protocol-enabled next generation network.

ITEM 4. Amend rule 605—10.7(34A) as follows:

605—10.7(34A) ~~Wireless~~ NG911 Network Implementation and Operations Plan. Each joint 911 service board, the department of public safety, the 911 communications council, and ~~wireless communications~~ originating service providers shall cooperate with the 911 program manager in preparing the ~~Wireless~~ NG911 Network Implementation and Operations Plan for statewide implementation of ~~wireless~~ NG911 service.

10.7(1) *Plan specifications.* The ~~Wireless~~ NG911 Network Implementation and Operations Plan shall include, at a minimum, the following information:

~~1. *a.*~~ Maps showing the geographic location within the county of each PSAP that receives ~~wireless~~ 911 ~~telephone~~ emergency calls.

~~2. *b.*~~ A list of all public safety answering points within the state of Iowa.

~~3. *c.*~~ A set of guidelines for determining eligible cost as set forth in Iowa Code section 34A.7A.

~~4. *d.*~~ A schedule for the implementation and maintenance of the next generation 911 ~~systems to~~ provide enhanced wireless 911 phase I and phase II service network.

~~*e.*~~ A schedule for the implementation, maintenance and cost sharing of 911 call processing equipment.

10.7(2) *Adoption by reference.* The “~~Wireless~~ NG911 Network Implementation and Operations Plan,” effective ~~August 30, 2015~~ July 1, 2018, and available from the Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective ~~December 30, 2015~~ August 8, 2018.

ITEM 5. Amend rule 605—10.9(34A) as follows:

605—10.9(34A) 911 emergency communications fund.

10.9(1) and 10.9(2) No change.

10.9(3) Moneys in the fund shall be expended and distributed in the following manner and order of priority:

a. An amount as appropriated by the general assembly to the department shall be allocated to the director and program manager for implementation, support, and maintenance of the functions of the director and program manager and to employ the auditor of state to perform an annual audit of the 911 emergency communications fund.

b. The program manager shall allocate to each joint 911 service board and to the department of public safety a minimum of \$1,000 per calendar quarter for each ~~public safety answering point (PSAP)~~ PSAP within the service area of the department of public safety or joint 911 service board ~~that has submitted an annual written request to the program manager. The written request shall be made with the Request for Wireless 911 Funds form contained in the Wireless NG911 Implementation and Operations Plan. The request is due to the program manager by May 15, or the next business day, of each year.~~

(1) The amount allocated under paragraph 10.9(3) “*b*” shall be 60 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint 911 board shall be \$1,000 per PSAP operated by the respective authority.

(2) Additional funds shall be allocated as follows:

1. Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the 911 service area to the total square miles in this state.

2. Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless 911 calls taken at the PSAP in the 911 service area to the total number of wireless 911 calls originating in this state.

(3) The funds allocated in paragraph 10.9(3) “*b*” shall be used by the PSAPs for costs related to the receipt and disposition of 911 calls.

c. The program manager shall allocate 10 percent of the total amount of surcharge generated per calendar quarter to wireless carriers to recover their costs to deliver wireless E911 phase I services as defined in the Federal Communications Commission (FCC) Docket 94-102 and further defined in the FCC’s letter to King County, Washington, dated May 7, 2001. If this allocation is insufficient to reimburse all wireless carriers for the wireless service provider’s eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of the provider’s eligible expenses as compared to the total eligible expenses for all wireless carriers for the calendar quarter during which expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under paragraph 10.9(3) “*c*.” This allocation is for the period beginning July 1, 2013, and ending June 30, 2026.

~~*d.* The program manager shall reimburse communications service providers on a calendar quarter basis for carriers’ eligible expenses for transport costs between the wireless selective router and the PSAPs related to the delivery of wireless E911 phase I services and the integration of an internet protocol-enabled next generation 911 network as specified in the Wireless NG911 Implementation and Operations Plan. The program manager may also provide grants to the joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS data to be used in support of the next generation 911 network. The program manager shall provide a notice of availability of such grants and provide guidance and application forms on the department’s Web site, www.homelandsecurity.iowa.gov.~~

e. d. 911 call delivery costs and GIS grants.

(1) The program manager shall reimburse ~~wireline carriers~~ next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location information database providers on a quarterly basis for the costs of maintaining and upgrading the next generation 911 components and functionalities beyond the input to the 911 selective router, including the 911 selective router network functionality, 911 call processing equipment, 911 call

transport from the next generation 911 network to public safety answering points and from the wireless originating service provider network to the next generation 911 network, and the automatic location information database.

(2) The program manager may also provide grants to joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS data to be used in support of the next generation 911 network. The program manager shall provide guidelines, application forms, and notice of the availability of such grants on the department's website, www.homelandsecurity.iowa.gov.

~~f. e.~~ The department may, in a reserve account established within the 911 emergency communications fund, credit each fiscal year an amount of up to 12½ percent of the annual emergency communications service surcharge collected pursuant to rule 605—10.8(34A) and the prepaid wireless 911 surcharge collected pursuant to rule 605—10.17(34A). However, the moneys contained in such reserve account shall not exceed 12½ percent of the total surcharges collected for each fiscal year. Moneys credited to the reserve account shall only be used by the department for the purpose of repairing or replacing equipment in the event of a catastrophic equipment failure, as determined by the director.

~~g. f.~~ If moneys remain in the fund after all obligations are fully paid under paragraphs 10.9(3) "a," "b," "c," "d," and "e," and "f," an amount of up to \$7,000,000 shall, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, remaining funds shall be expended and distributed in the following priority order:

(1) The director, in consultation with the program manager and the 911 communications council, may provide grants for nonrecurring costs to the department of public safety or joint 911 service board operating a PSAP agreeing to consolidate. For purposes of this subparagraph, "consolidate" means the consolidation of all PSAP systems, functions, 911 service areas, and physical facilities of two or more PSAPs, resulting in responsibility by the consolidated PSAP for all call answering and dispatch functions for the combined 911 service area. Such a grant to a PSAP shall not exceed one-half of the projected cost of consolidation, or \$200,000, whichever is less. The department of public safety or joint 911 service board wishing to apply for such funds shall complete ~~an~~ the Intent to Consolidate Application form prior to December 1, 2017. The form can be found on the department's Web site website, www.homelandsecurity.iowa.gov. Such applications shall provide a detailed consolidation plan and demonstrate that the proposed project shall be completed prior to June 30, 2018 timeline.

(2) The program manager, in consultation with the 911 communications council, shall allocate an amount, not to exceed \$100,000 per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public; for educational programs for personnel responsible for the maintenance, operation, and upgrading of local 911 systems; and for the expenses of members of the 911 communications council for travel, monthly meetings, and training, provided, however, that the members have not received reimbursement funds for such expenses from another source.

(3) The program manager shall allocate an equal amount of moneys to each PSAP for the following costs:

1. Costs related to the receipt and disposition of 911 calls, including hardware and software for an Internet protocol-enabled next generation 911 network as specified in the ~~Wireless~~ NG911 Implementation and Operations Plan.

2. Local costs related to access the statewide interoperable communications system pursuant to Iowa Code section 29C.23.

(4) Any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

10.9(4) Payments to local communications service providers and wireless service providers next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of the calendar quarter. Claims or invoices not submitted within 20 days of the end of the calendar quarter are not eligible for reimbursement and may not be included in future claims and invoices. Payments to providers shall be made in accordance with these rules and the State Accounting Policy and Procedures Manual.

10.9(5) ~~Local communications service providers~~ Next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers shall be reimbursed for only those items and services that are defined as eligible in the Wireless NG911 Implementation and Operations Plan and when initiation of service has been ordered and authorized by the 911 program manager.

10.9(6) If it is found that an overpayment has been made to an entity, the 911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained at the homeland security and emergency management department. If resolution of the debt does not occur and the debt is at least \$50, the homeland security and emergency management department will then utilize the income offset program through the department of revenue. Until resolution of the debt has occurred, the homeland security and emergency management department may withhold future payments to the entity.

ITEM 6. Amend rule 605—10.13(34A) as follows:

605—10.13(34A) Limitations on use of funds. Surcharge moneys in the 911 service fund may be used to pay recurring and nonrecurring costs including, but not limited to, ~~network equipment~~ 911 call processing equipment, internet and telephone access, software, database, addressing, initial training, and other start-up, capital, and ongoing expenditures. 911 surcharge moneys shall be used only to pay costs directly attributable to the provision of 911 telephone systems and services and may include costs directly attributable to the receipt and disposition of the 911 call.