

CHAPTER 10  
ENHANCED 911 TELEPHONE SYSTEMS

[Prior to 4/18/90, see Public Defense[601]Ch 10]  
[Prior to 5/12/93, Disaster Services Division[607]Ch 10]

**605—10.1(34A) Program description.** The purpose of this program is to provide for the orderly development, installation, and operation of enhanced 911 emergency telephone systems and to provide a mechanism for the funding of these systems, either in whole or in part. These systems shall be operated under governmental management and control for the public benefit. These rules shall apply to each joint E911 service board or alternative 28E entity as provided in Iowa Code chapter 34A and to each provider of enhanced 911 service.

**605—10.2(34A) Definitions.** As used in this chapter, unless context otherwise requires:

“*Access line*” means an exchange access line that has the ability to access dial tone and reach a public safety answering point.

“*Administrator*,” unless otherwise noted, means the administrator of the homeland security and emergency management division of the department of public defense.

“*Automatic location identification (ALI)*” means a system capability that enables an automatic display of information defining a geographical location of the telephone used to place the 911 call.

“*Automatic number identification (ANI)*” means a capability that enables the automatic display of the number of the telephone used to place the 911 call.

“*Call attendant*” means the person who initially answers a 911 call.

“*Call detail recording*” means a means of establishing chronological and operational accountability for each 911 call processed, consisting minimally of the caller’s telephone number, the date and time the 911 telephone equipment established initial connection (trunk seizure), the time the call was answered, the time the call was transferred (if applicable), the time the call was disconnected, the trunk line used, and the identity of the call attendant’s position, also known as an ANI printout.

“*Call relay method*” means the 911 call is answered at the PSAP, where the pertinent information is gathered, and the call attendant relays the caller’s information to the appropriate public or private safety agency for further action.

“*Call transfer method*” means the call attendant determines the appropriate responding agency and transfers the 911 caller to that agency.

“*Central office (CO)*” means a telephone company facility that houses the switching and trunking equipment serving telephones in a defined area.

“*Coin-free access (CFA)*” means coin-free dialing or no-coin dial tone which enables a caller to dial 911 or “0” for operator without depositing money or incurring a charge.

“*Communications service*” means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device or wireless communications device.

“*Communications service provider*” means a service provider, public or private, that transports information electronically via landline, wireless, internet, cable, or satellite, including but not limited to wireless communications service providers, personal communications service, telematics and voice over internet protocol.

“*Competitive local exchange service provider*” means the same as defined in Iowa Code section 476.96.

“*Conference transfer*” means the capability of transferring a 911 call to the action agency and allowing the call attendant to monitor or participate in the call after it has been transferred to the action agency.

“*Direct dispatch method*” means 911 call answering and radio-dispatching functions, for a particular agency, are both performed at the PSAP.

“*E911 communications council*” means the council as established under the provisions of Iowa Code section 34A.15.

“*E911 program manager*” means that person appointed by the administrator of the homeland security and emergency management division, and working with the E911 communications council, to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

“*Emergency call*” means a telephone request for service which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property and respond to other emergency situations determined by local policy.

“*Enhanced 911 (E911)*” means the general term referring to emergency telephone systems with specific electronically controlled features, such as ALI, ANI, and selective routing.

“*Enhanced 911 (E911) operating authority*” means the public entity, which operates an E911 telephone system for the public benefit, within a defined enhanced 911 service area.

“*Enhanced 911 (E911) service area*” means the geographic area to be served, or currently served under an enhanced 911 service plan, provided that any enhanced 911 service area shall at a minimum encompass one entire county. The enhanced 911 service area may encompass more than one county and need not be restricted to county boundaries. This definition applies only to wire-line enhanced 911 service.

“*Enhanced 911 (E911) service plan (wire-line)*” means a plan, produced by a joint E911 service board, which includes the information required by Iowa Code subsection 34A.2(7).

“*Enhanced 911 service surcharge*” means a charge set by the joint E911 service board, approved by local referendum, and assessed on each access line which physically terminates within the E911 service area.

“*Enhanced wireless 911 service area*” means the geographic area to be served, or currently served, by a PSAP under an enhanced wireless 911 service plan.

“*Enhanced wireless 911 service, phase I*” means an emergency wireless telephone system with specific electronically controlled features such as ANI, specific indication of wireless communications tower site location, selective routing by geographic location of the tower site.

“*Enhanced wireless 911 service, phase II*” means an emergency wireless telephone system with specific electronically controlled features such as ANI and ALI and selective routing by geographic location of the 911 caller.

“*Exchange*” means a defined geographic area served by one or more central offices in which the telephone company furnishes services.

“*Implementation*” means the activity between formal approval of an E911 service plan and a given system design, and commencement of operations.

“*Joint E911 service board*” means those entities created under the provisions of Iowa Code section 34A.3, which include the legal entities created pursuant to Iowa Code chapter 28E referenced in Iowa Code subsection 34A.3(3).

“*Local exchange carrier*” means the same as defined in Iowa Code section 476.96.

“*911 call*” means any telephone call that is made by dialing the digits 911.

“*911 system*” means a telephone system that automatically connects a caller, dialing the digits 911, to a PSAP.

“*Nonrecurring costs*” means one-time charges incurred by a joint E911 service board or operating authority including, but not limited to, expenditures for E911 service plan preparation, surcharge referendum, capital outlay, installation, and initial license to use subscriber names, addresses and telephone information.

“*One-button transfer*” means another term for a (fixed) transfer which allows the call attendant to transfer an incoming call by pressing a single button. For example, one button would transfer voice and data to a fire agency, and another button would be used for police, also known as “selective transfer.”

“*Political subdivision*” means a geographic or territorial division of the state that would have the following characteristics: defined geographic area, responsibilities for certain functions of local government, public elections and public officers, and taxing power. Excluded from this definition are departments and divisions of state government and agencies of the federal government.

“*Prepaid wireless telecommunications service*” means a wireless communications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services,

including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance, and that is sold in predetermined units or dollars of which the amount declines with use in a known amount.

*“Provider”* means a person, company or other business that provides, or offers to provide, 911 equipment, installation, maintenance, or access services.

*“Public or private safety agency”* means a unit of state or local government, a special purpose district, or a private firm, which provides or has the authority to provide firefighting, police, ambulance, emergency medical services or hazardous materials response.

*“Public safety answering point (PSAP)”* means a 24-hour, state, local, or contracted communications facility, which has been designated by the local service board to receive 911 service calls and dispatch emergency response services in accordance with the E911 service plan.

*“Public switched telephone network”* means a complex of diversified channels and equipment that automatically routes communications between the calling person and called person or data equipment.

*“Recurring costs”* means repetitive charges incurred by a joint E911 service board or operating authority including, but not limited to, database management and personnel directly associated with addressing, lease of access lines, lease of equipment, network access fees, and applicable maintenance costs.

*“Selective routing (SR)”* means an enhanced 911 system feature that enables all 911 calls originating from within a defined geographical region to be answered at a pre-designated PSAP.

*“Subscriber”* means any person, firm, association, corporation, agencies of federal, state and local government, or other legal entity responsible by law for payment for communication service from the telephone utility.

*“Tariff”* means a document filed by a telephone company with the state telephone utility regulatory commission which lists the communication services offered by the company and gives a schedule for rates and charges.

*“Telecommunications device for the deaf (TDD)”* means any type of instrument, such as a typewriter keyboard connected to the caller’s telephone and involving special equipment at the PSAP which allows an emergency call to be made without speaking, also known as a TTY.

*“Telematics”* means a vehicle-based mobile data application which can automatically call for assistance if the vehicle is in an accident.

*“Trunk”* means a circuit used for connecting a subscriber to the public switched telephone network.

*“Voice over internet protocol”* means a technology used to transmit voice conversations over a data network such as a computer network or internet.

*“Wireless communications service”* means commercial mobile radio service. “Wireless communications service” includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network access line. “Wireless communications service” does not include a service whose customers do not have access to 911 or 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.

*“Wireless communications service provider”* means a company that offers wireless communications service to users of wireless devices including but not limited to cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

*“Wireless communications surcharge”* means a surcharge of up to 65 cents imposed on each wireless communications service number provided in this state and collected as part of a wireless communications service provider’s monthly billing to a subscriber.

*“Wireless E911 phase 1”* means a 911 call made from a wireless device in which the wireless service provider delivers the call-back number and the address of the tower that received the call to the appropriate public safety answering point.

*“Wireless E911 phase 2”* means a 911 call made from a wireless device in which the wireless service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

“Wire-line E911 service surcharge” means a charge set by the E911 service operating authority and assessed on each wire-line access line which physically terminates within the E911 service area in accordance with Iowa Code section 34A.7.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.3(34A) Joint E911 service boards.** Each county board of supervisors shall establish a joint E911 service board.

**10.3(1) Membership.**

a. Each political subdivision of the state, having a public safety agency serving territory within the county E911 service area, is entitled to one voting membership. For the purposes of this paragraph, a township that operates a volunteer fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a volunteer fire department not financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county.

b. Each private safety agency, such as privately owned ambulance services, airport security agencies, and private fire companies, serving territory within the county E911 service area, is entitled to a nonvoting membership on the board.

c. Public and private safety agencies headquartered outside but operating within a county E911 service area are entitled to membership according to their status as a public or private safety agency.

d. A political subdivision that does not operate its own public safety agency but contracts for the provision of public safety services is not entitled to membership on the joint E911 service board. However, its contractor is entitled to one voting membership according to the contractor’s status as a public or private safety agency.

e. The joint E911 service board elects a chairperson and vice chairperson.

f. The joint E911 service board shall annually submit a listing of members, to include the political subdivision they represent and, if applicable, the associated 28E agreement, to the E911 program manager. A copy of the list shall be submitted within 30 days of adoption of the operating budget for the ensuing fiscal year and shall be on the prescribed form provided by the E911 program manager.

**10.3(2) Alternate 28E entity.** The joint E911 service board may organize as an Iowa Code chapter 28E agency as authorized in Iowa Code subsection 34A.3(3), provided that the 28E entity meets the voting and membership requirements of Iowa Code subsection 34A.3(1).

**10.3(3) Joint E911 service board bylaws.** Each joint E911 service board shall develop bylaws to specify, at a minimum, the following information:

- a. The name of the joint E911 service board.
  - b. A list of voting and nonvoting members.
  - c. The date for the commencement of operations.
  - d. The mission.
  - e. The powers and duties.
  - f. The manner for financing activities and maintaining a budget.
  - g. The manner for acquiring, holding and disposing of property.
  - h. The manner for electing or appointing officers and terms of office.
  - i. The manner by which members may vote to include, if applicable, the manner by which votes may be weighted.
  - j. The manner for appointing, hiring, disciplining, and terminating employees.
  - k. The rules for conducting meetings.
  - l. The permissible method or methods to be employed in accomplishing the partial or complete termination of the board and the disposing of property upon such complete or partial termination.
  - m. Any other necessary and proper rules or procedures.
- Each member shall sign the adopted bylaws.

The joint E911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the E911 program administrator at the state homeland security and emergency management division.

**10.3(4) Executive board.** The joint E911 service board may, through its bylaws, establish an executive board to conduct the business of the joint E911 service board. The executive board will have such other duties and responsibilities as assigned by the joint E911 service board.

**10.3(5) Meetings.**

*a.* The provisions of Iowa Code chapter 21, “Official Meetings Open to the Public,” are applicable to joint E911 service boards.

*b.* Joint E911 service boards shall conduct meetings in accordance with their established bylaws and applicable state law.

[ARC 7695B, IAB 4/8/09, effective 5/13/09; ARC 8314B, IAB 11/18/09, effective 12/23/09]

**605—10.4(34A) Enhanced 911 service plan (wire-line).**

**10.4(1)** The joint E911 service board shall be responsible for developing an E911 service plan as required by Iowa Code section 34A.3 and as set forth in these rules. The plan will remain the property of the joint E911 service board. Each joint E911 service board shall coordinate planning with each contiguous joint E911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

- a.* The state homeland security and emergency management division.
- b.* All public and private safety agencies serving the E911 service area.
- c.* All providers affected by the E911 service plan.

**10.4(2)** The E911 service plan shall, at a minimum, encompass the entire county, unless a waiver is granted by the administrator. Each plan shall include:

- a.* The mailing address of the joint E911 service board.
- b.* A list of voting members on the joint E911 service board.
- c.* A list of nonvoting members on the joint E911 service board.
- d.* The name of the chairperson and vice chairperson of the joint E911 service board.
- e.* A geographical description of the enhanced 911 service area.
- f.* A list of all public and private safety agencies within the E911 service area.
- g.* The number of public safety answering points within the E911 service area.
- h.* Identification of the agency responsible for management and supervision of the E911 emergency telephone communication system.
- i.* A statement of estimated charges to be incurred by the joint E911 service board, including separate estimates of recurring and nonrecurring charges. These charges shall be limited to charges directly attributable to the provision of E911 service. The charges shall include the following:
  - (1) Item(s) or unit(s) of measurement, or both, and the associated tariff prices applicable in the development of the charges.
  - (2) Where tariff prices are not available, work papers showing the development of the charges by item(s)/unit(s) shall be included.
  - (3) Charges shall be justified as being attributable to the provision of E911 telephone communication service.
- j.* Information from communications service providers detailing the current equipment operated by the provider to provide telephone service and additional central office equipment or technology upgrades, or both, necessary to implement E911 service.
- k.* The total number of telephone access lines by telephone company or companies having points of presence within the E911 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).
- l.* The estimated number of pay telephones within the E911 service area.
- m.* If applicable, a schedule for implementation of the plan throughout the E911 service area. A joint E911 service board may decide not to implement E911 service.
- n.* The total property valuation in the E911 service area.
- o.* Maps of the E911 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) The location of PSAP(s) within the service area.

*p.* 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).

*q.* A plan to migrate to an internet protocol-enabled next generation network.

**10.4(3)** All plan modifications and addenda shall be filed with, reviewed, and approved by the E911 program manager.

**10.4(4)** The E911 program manager shall base acceptance of the plan upon compliance with the provisions of Iowa Code chapter 34A and the rules herein.

**10.4(5)** The E911 program manager will notify in writing, within 20 days of review, the chairperson of the joint E911 service board of the approval or disapproval of the plan.

*a.* If the plan is disapproved, the joint E911 service board will have 90 days from receipt of notice to submit revisions/addenda.

*b.* Notice for disapproved plans will contain the reasons for disapproval.

*c.* The E911 program manager will notify the chairperson, in writing within 20 days of review, of the approval or disapproval of the revisions.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.5(34A) Referendum and wire-line E911 service surcharge.**

**10.5(1)** The surcharge referendum may be initiated only by the joint E911 service board and shall be conducted in accordance with the provisions of Iowa Code sections 34A.6 and 34A.6A and Iowa Administrative Code rule 721—21.810(34A). The surcharge is not a local option tax that can be presented to the voters under Iowa Code chapter 422B.

**10.5(2)** The following information shall be filed with the E911 program manager before the surcharge may be imposed.

*a.* A copy of the “Abstract of Election” (Form 156-K) from each commissioner of elections, in each county or partial county included within the E911 service area, showing passage of the referendum allowing for the imposition of a surcharge for E911 service.

*b.* An E911 service plan for the proposed E911 service area approved by the joint E911 service board.

*c.* A letter signed by the chairperson of the joint E911 service board requesting that the surcharge be imposed within the E911 service area.

**10.5(3)** The E911 program manager shall notify a local communications service provider scheduled to provide exchange access E911 service within an E911 service area that implementation of an E911 service plan has been approved by the joint E911 service board, by the E911 program manager, and by the service area referendum, and that collection of the surcharge is to begin within 60 days. The E911 program manager shall also provide notice to all affected public safety answering points. The 60-day notice to local exchange service providers shall also apply when an adjustment in the wire-line surcharge rate is made.

**10.5(4)** The local communications service provider shall collect the surcharge as a part of its monthly billing to its subscribers. The surcharge shall appear as a single line item on a subscriber’s monthly billing entitled “E911 emergency communications service surcharge.”

**10.5(5)** The local communications service provider may retain 1 percent of the surcharge collected as compensation for the billing and collection of the surcharge. If the compensation is insufficient to fully recover a provider’s costs for the billing and collection of the surcharge, the deficiency shall be included in the provider’s costs for rate-making purposes to the extent it is reasonable and just under Iowa Code section 476.6.

**10.5(6)** The local communications service provider shall remit collected surcharge to the joint E911 service board on a calendar quarter basis within 20 days of the end of the quarter.

**10.5(7)** The joint E911 service board may request, not more than once each quarter, the following information from the local communications service provider:

- a. The identity of the exchange from which the surcharge is collected.
- b. The number of lines to which the surcharge was applied for the quarter.
- c. The number of refusals to pay per exchange, if applicable.
- d. The number of write-offs per exchange, if applicable.
- e. The number of lines exempt per exchange.
- f. The amount retained by the local communications service provider from the 1 percent administrative fee.

Access line counts and surcharge remittances are confidential public records as provided in Iowa Code section 34A.8.

**10.5(8)** Collection for a surcharge shall terminate if E911 service ceases to operate within the respective E911 service area. The E911 program manager for good cause may grant an extension.

a. The administrator shall provide 100 days' prior written notice to the joint E911 service board or the operating authority and to the local communications service provider(s) collecting the fee of the termination of surcharge collection.

b. Individual subscribers within the E911 service area may petition the joint E911 service board or the operating authority for a refund. Petitions shall be filed within one year of termination. Refunds may be prorated and shall be based on funds available and subscriber access lines billed.

c. At the end of one year from the date of termination, any funds not refunded and remaining in the E911 service fund and all interest accumulated shall be retained by the joint E911 service board. However, if the joint E911 service board ceases to operate any E911 service, the balance in the E911 service fund shall be payable to the state homeland security and emergency management division. Moneys received by the division shall be used only to offset the costs for the administration of the E911 program.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

#### **605—10.6(34A) Waivers, variance request, and right to appeal.**

**10.6(1)** All requests for variances or waivers shall be submitted to the E911 program manager in writing and shall contain the following information:

- a. A description of the variance(s) or waiver(s) being requested.
- b. Supporting information setting forth the reasons the variance or waiver is necessary.
- c. A copy of the resolution or minutes of the joint E911 service board meeting which authorizes the application for a variance or waiver.
- d. The signature of the chairperson of the joint E911 service board.

**10.6(2)** The E911 program manager may grant a variance or waiver based upon the provisions of Iowa Code chapter 34A or other applicable state law.

**10.6(3)** Upon receipt of a request for a variance or waiver, the E911 program manager shall evaluate the request and schedule a review within 20 working days of receipt of the request. Review shall be informal and the petitioner may present materials, documents and testimony in support of the petitioner's request. The E911 program manager shall determine if the request meets the criteria established and shall issue a decision within 20 working days. The E911 program manager shall notify the petitioner, in writing, of the acceptance or rejection of the petition. If the petition is rejected, such notice shall include the reasons for denial.

**605—10.7(34A) Enhanced wireless E911 service plan.** Each joint E911 service board, the department of public safety, the E911 communications council, and wireless service providers shall cooperate with the E911 program manager in preparing an enhanced wireless E911 service plan for statewide implementation of enhanced wireless E911 service.

**10.7(1) Plan specifications.** The enhanced wireless E911 service plan shall include, at a minimum, the following information:

1. Maps showing geographic area to be served by each PSAP receiving enhanced wireless E911 telephone calls.
2. A list of all public and private safety agencies within the enhanced wireless E911 service area.
3. The geographic location of each PSAP receiving enhanced wireless E911 calls and the name of the person responsible for the management of the PSAP.
4. A set of guidelines for determining eligible cost as set forth in Iowa Code section 34A.7A.
5. A schedule for the implementation and maintenance of the next generation 911 systems to provide enhanced wireless 911 phase I and phase II service.

**10.7(2) Adoption by reference.** The “Wireless Enhanced 911 Implementation and Operation Plan,” effective November 1, 2012, and available from the Homeland Security and Emergency Management Division, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective March 27, 2013. [ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

#### **605—10.8(34A) Emergency communications service surcharge.**

**10.8(1)** The E911 program manager shall adopt a monthly surcharge of up to 65 cents to be imposed on each wireless communications service number provided in this state. The amount of wireless surcharge to be collected may be adjusted once yearly, but in no case shall the surcharge exceed 65 cents per month, per customer service number. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

**10.8(2)** The amount of wireless surcharge to be collected during a fiscal year shall be determined by the administrator’s best estimation of enhanced wireless 911 costs for the ensuing fiscal year. The E911 program manager shall base the estimated cost on information provided by the E911 communications council, wireless service providers, vendors, public safety agencies, joint E911 service boards and any other appropriate parties or agencies involved in the provision or operation of enhanced wireless 911 service. The E911 communications council shall also provide a recommended monthly wireless surcharge for the ensuing fiscal year.

**10.8(3)** The E911 program manager shall order the imposition of surcharge uniformly on a statewide basis and simultaneously on all communications service numbers by giving at least 60 days’ prior notice to wireless carriers to impose a monthly surcharge as part of their periodic billings. The 60-day notice to wireless carriers shall also apply when making an adjustment in the wireless surcharge rate.

**10.8(4)** The wireless surcharge shall be 65 cents per month, per customer service number until changed by rule.

**10.8(5)** The communications service provider shall list the surcharge as a separate line item on the customer’s billing indicating that the surcharge is for E911 emergency telephone service. The communications service provider is entitled to retain 1 percent of any wireless surcharge collected as a fee for collecting the surcharge as part of the subscriber’s periodic billing. The wireless E911 surcharge is not subject to sales or use tax.

**10.8(6)** Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the E911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the E911 Program Manager, Homeland Security and Emergency Management Division, 7105 NW 70th Avenue, Camp Dodge, Bldg. W-4, Johnston, Iowa 50131.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

#### **605—10.9(34A) E911 emergency communications fund.**

**10.9(1)** Wireless E911 surcharge money, collected and remitted by wireless service providers, shall be placed in a fund within the state treasury under the control of the administrator.

**10.9(2)** Iowa Code section 8.33 shall not apply to moneys in the fund. Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this subrule. However, moneys in the fund may be combined with other moneys in the state treasury for purposes of investment.

**10.9(3)** Moneys in the fund shall be expended and distributed in the order and manner as follows:



*a.* An amount as appropriated by the general assembly to the homeland security and emergency management division for implementation, support, and maintenance of the functions of the E911 program and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

*b.* The program manager shall reimburse local communications service providers on a calendar quarter basis for their expenses for transport costs between the wireless E911 selective router and the public safety answering points related to the delivery of wireless E911 service.

*c.* The program manager shall reimburse local communications service providers and third-party E911 automatic location information (ALI) database providers on a calendar quarter basis for the costs of maintaining and upgrading the E911 components and functionalities between the input and output points of the wireless E911 selective router. This includes the wireless E911 selective router and the automatic location information (ALI) database.

*d.* A minimum of \$1,000 per calendar quarter shall be allocated for each public safety answering point with the E911 service area of the department of public safety or joint E911 service board that has submitted a written request to the program manager. The written request shall be made with the Request for Wireless E911 Fund form contained in the State of Iowa Wireless E911 Implementation and Operation Plan. The request is due to the program manager on May 15, or the next business day, of each year.

The amount allocated under 10.9(3) “*d*” shall be 46 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint E911 service boards shall be \$1,000 per PSAP operated by the respective authority. 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 E911 service area to the total square miles in the state.

(2) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless E911 calls answered at the public safety answering point in the E911 service area to the total of wireless E911 calls originating in the state.

(3) Funds allocated under 10.9(3) “*d*” shall be deposited in the E911 service fund and shall be used for communications equipment utilized by the public safety answering points for the implementation and maintenance of E911 services.

*e.* If moneys remain after all obligations under 10.9(3) “*a*” to “*d*,” as listed above, have been fully paid, the remainder may be accumulated as a carryover operating surplus. These moneys shall be used to fund future network improvements and public safety answering point improvements. These moneys may also be used for wireless service providers’ transport costs related to wireless E911 phase 2 services, if those costs are not otherwise recovered by the wireless service provider’s customer billing or other sources and are approved by the program manager. 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 shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of the calendar quarter. Payments to providers shall be made in accordance with these rules and the State of Iowa Accounting Policies and Procedures.

**10.9(5)** Local communications service providers shall be reimbursed for only those items and services that are defined as eligible in the enhanced wireless 911 service plan and when initiation of service has been ordered and authorized by the E911 program manager.

**10.9(6)** If it is found that an overpayment has been made to an entity, the E911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained at the state homeland security and emergency management division. If resolution of the debt does not occur and the debt is at least \$50, the state homeland security and emergency management division will then utilize the income offset program through the department of revenue. Until resolution

of the debt has occurred, the state homeland security and emergency management division may withhold future payments to the entity.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.10(34A) E911 surcharge exemptions.** The following agencies, individuals, and organizations are exempt from imposition of the E911 surcharge:

1. Federal agencies and tax-exempt instrumentalities of the federal government.
2. Indian tribes for access lines on the tribe's reservation upon filing a statement with the joint E911 service board, signed by appropriate authority, requesting surcharge exemption.
3. An enrolled member of an Indian tribe for access lines on the reservation, who does not receive E911 service, and who annually files a signed statement with the joint E911 service board that the person is an enrolled member of an Indian tribe living on a reservation and does not receive E911 service. However, once E911 service is provided, the member is no longer exempt.
4. Official station testing lines owned by the provider.
5. Individual wire-line subscribers to the extent that they shall not be required to pay on a single periodic billing the surcharge on more than 100 access lines, or their equivalent, in an E911 service area.

All other subscribers not listed above, that have or will have the ability to access 911, are required to pay the surcharge, if imposed by the official order of the E911 program manager.

**605—10.11(34A) E911 service fund.**

**10.11(1)** The department of public safety and each joint E911 service board have the responsibility for the E911 service fund.

*a.* An E911 service fund shall be established in the office of the county treasurer for each joint E911 service board and with the state treasurer for the department of public safety.

*b.* Collected surcharge moneys and any interest thereon, as authorized in Iowa Code chapter 34A, shall be deposited into the E911 service fund. E911 surcharge moneys must be kept separate from all other sources of revenue utilized for E911 systems.

*c.* For joint E911 service boards, withdrawal of moneys from the E911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the chairperson or vice chairperson of the joint E911 service board or the appropriate operating authority so designated in writing.

*d.* For the department of public safety, withdrawal of moneys from the E911 service fund shall be made in accordance with state laws and administrative rules.

**10.11(2)** The E911 service funds shall be subject to examination by the division at any time during usual business hours. E911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the E911 service fund shall be furnished to the division within 30 days of receipt. If through the audit or monitoring process the division determines that a joint E911 service board is not adhering to an approved plan or does not have a valid board membership, or if the division determines that a joint E911 service board or the department of public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the administrator may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the E911 service fund. The joint E911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the E911 program manager determines that the board or department is in compliance with the approved plan, board membership, and fund usage limitations.

[ARC 8314B, IAB 11/18/09, effective 12/23/09]

**605—10.12(34A) Operating budgets.**

**10.12(1)** Each joint E911 service board and the department of public safety shall provide a copy, to the E911 program manager, within 30 days of adoption, of the operating budget for the ensuing fiscal year for the fund as established under subrule 10.11(1).

**10.12(2)** The E911 program manager shall, upon review of the operating budget, make necessary adjustments to the surcharge as provided in Iowa Code chapter 34A.

**605—10.13(34A) Limitations on use of funds.** Surcharge moneys in the E911 service fund may be used to pay recurring and nonrecurring costs including, but not limited to, network equipment, software, database, addressing, initial training, and other start-up, capital, and ongoing expenditures. E911 surcharge moneys shall be used only to pay costs directly attributable to the provision of E911 telephone systems and services and may include costs directly attributable to the receipt and disposition of the 911 call.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.14(34A) Minimum operational and technical standards.**

**10.14(1)** Each E911 system, supplemented with E911 surcharge moneys, shall, at a minimum, employ the following features:

- a. ALI (automatic location identification).
- b. ANI (automatic number identification).
- c. Ability to selectively route.
- d. Each PSAP shall provide two emergency seven-digit numbers arranged in rollover configuration for use by telephone company operators for transferring a calling party to the PSAP over the wire-line network. Wireless calls must be transferred to PSAPs that are capable of accepting ANI and ALI.

e. ANI and ALI information shall be maintained and updated in such a manner as to allow for 95 percent or greater degree of accuracy.

**10.14(2)** E911 public safety answering points shall adhere to the following minimum standards:

- a. The PSAP shall operate 7 days per week, 24 hours per day, with operators on duty at all times.
- b. The primary published emergency number in the E911 service area shall be 911.
- c. All PSAPs will maintain interagency communications capabilities for emergency coordination purposes, to include radio as well as land line direct or dial line.

d. Each PSAP shall develop and maintain a PSAP standard operating procedure for receiving and dispatching emergency calls.

e. The date and time of each 911 emergency call shall be documented using an automated call detail recording device or other communications center log. Such logs shall be maintained for a period of not less than one year.

f. If a call transfer method of handling 911 calls is employed, a 99 percent degree of reliability of transferred calls from a PSAP to responding agencies shall be maintained. All transferred calls shall employ, to the closest extent possible, conference transfer capabilities which provide that the call be announced and monitored by the PSAP operator to ensure that the call has been properly transferred.

g. PSAPs not employing the transfer method of handling 911 emergency calls shall use the call relay method. Information shall be exchanged between the PSAP receiving the call and an appropriate emergency response agency or dispatch center having jurisdiction in the area of the emergency. In no case during an emergency 911 call shall the caller be referred to another telephone number and required to hang up and redial. The call relay method shall also prevail in circumstances where emergency calls enter the 911 system (whether by design or by happenstance) from outside the E911 service area.

h. Access control and security of PSAPs and associated dispatch centers shall be designed to prevent disruption of operations and provide a safe and secure environment of communication operations.

i. PSAP supervision shall ensure that all telephone company employees, whose normal activities may involve contact with facilities associated with the 911 service, are familiar with safeguarding of facilities' procedures.

j. Emergency electrical power shall be provided for the PSAP environment that will ensure continuous operations and communications during a power outage. Such power should start automatically in the event of power failure and shall have the ability to be sustained for a minimum of 48 hours.

k. The PSAP shall make every attempt to disallow the intrusion by automatic dialers, alarm systems, or automatic dialing and announcing devices on a 911 trunk. If intrusion by one of these

devices should occur, those responsible for PSAP operations shall make every attempt to contact the responsible party to ensure there is no such further occurrence by notifying the party that knowing and intentional interference with emergency telephone calls constitutes a crime under Iowa Code section 727.5. Those responsible for PSAP operations shall report persons who repeatedly use automatic dialers, alarm systems, or automatic announcing devices on 911 trunk lines to the county attorney for investigation of possible violations of section 727.5.

*l.* Each PSAP shall be equipped with an appropriate telecommunications device for the deaf (TDD) in accordance with 28 CFR Part 35.162, July 26, 1991.

**10.14(3)** Communications service providers shall adhere to the following minimum requirements:

*a.* The PSAP and E911 program manager shall be notified of all service interruptions in accordance with 47 CFR Part 4.

*b.* All communications service providers shall submit separate itemized bills to the E911 program manager, the department of public safety, a joint E911 service board or PSAP operating authority, as appropriate.

*c.* The communications service provider shall respond, within a reasonable length of time, to all appropriate requests for information from the administrator, the department of public safety, a joint E911 service board or operating authority and shall expressly comply with the provisions of Iowa Code section 34A.8.

*d.* Access to the wireless E911 selective router shall be approved by the E911 program manager. Communications service providers must provide the company name, address and point of contact with their request. If the communications service provider utilizes a third-party vendor, the vendor must provide this information listing the vendor's customer's requested information.

**10.14(4)** Voluntary standards. Current technical and operational standards applying to E911 systems and services can be found in the "American Society for Testing and Materials Standard Guide for Planning and Developing 911 Enhanced Telephone Systems" and in publications issued by the National Emergency Number Association. Master street address guides are encouraged to be developed and maintained by using National Emergency Number Association technical standards 02-010 and 02-011. Standards contained in these documents shall be considered as guidance, and adherence thereto shall be voluntary. Notwithstanding the minimum standards published in these rules, it is intended that E911 communications service providers and joint E911 service boards and operating authorities employ the best and most affordable technologies and methods available in providing E911 services to the public.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

#### **605—10.15(34A) Administrative hearings and appeals.**

**10.15(1)** E911 program manager decisions regarding the acceptance or refusal of an E911 service plan, in whole or in part, the implementation of E911 and the imposition of the E911 surcharge within a specific E911 service area may be contested by an affected party.

**10.15(2)** Request for a hearing shall be made in writing to the state homeland security and emergency management division administrator within 30 days of the E911 program manager's mailing or serving a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

**10.15(3)** The administrator shall schedule a hearing within 10 working days of receipt of the request for hearing. The administrator shall preside over the hearing, at which time the appellant may present any evidence, documentation, or other information regarding the matter in dispute.

**10.15(4)** The administrator shall issue a ruling regarding the matter within 20 working days of the hearing.

**10.15(5)** Any party adversely affected by the administrator's ruling may file a written request for a rehearing within 20 days of issuance of the ruling. A rehearing will be conducted only when additional evidence is available, the evidence is material to the case, and good cause existed for the failure to present the evidence at the initial hearing. The administrator will schedule a hearing within 20 days after the receipt of the written request. The administrator shall issue a ruling regarding the matter within 20 working days of the hearing.

**10.15(6)** Any party adversely affected by the administrator's ruling may file a written appeal to the administrator of the homeland security and emergency management division. The appeal request shall contain information identifying the appealing party, the ruling being appealed, specific findings or conclusions to which exception is taken, the relief sought, and the grounds for relief. The administrator shall issue a ruling regarding the matter within 90 days of the hearing. The administrator's ruling constitutes final agency action for purposes of judicial review.

[ARC 7695B, IAB 4/8/09, effective 5/13/09; ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.16(34A) Confidentiality.** All financial or operations information provided by a communications service provider to the E911 program manager shall be identified by the provider as confidential trade secrets under Iowa Code section 22.7(3) and shall be kept confidential as provided under Iowa Code section 22.7(3) and Iowa Administrative Code 605—Chapter 5. Such information shall include numbers of accounts, numbers of customers, revenues, expenses, and the amounts collected from said communications service provider for deposit in the fund. Notwithstanding such requirements, aggregate amounts and information may be included in reports issued by the administrator if the aggregated information does not reveal any information attributable to an individual communications service provider.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

**605—10.17(34A) Prepaid wireless E911 surcharge.** Administration of the prepaid wireless E911 surcharge is under the control of the Iowa department of revenue. To administer this function, the department has adopted rules that can be found in 701—paragraph 224.6(2)“b” and rule 701—224.8(34A), Iowa Administrative Code.

[ARC 0602C, IAB 2/20/13, effective 3/27/13]

These rules are intended to implement Iowa Code chapter 34A.

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<sup>1</sup> Effective date of 8/2/89 delayed 70 days by the Administrative Rules Review Committee at its July 11, 1989, meeting.