

CHAPTER 10
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]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

605—10.1(34A) Program description. The purpose of this program is to provide for the orderly development, installation, and operation of 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 911 service board or alternative 28E entity as provided in Iowa Code chapter 34A and to each provider of 911 service.

[ARC 3233C, IAB 8/2/17, effective 9/6/17]

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

“911 authority” means the public entity at the state or local level, which operates a 911 telephone system for the public benefit, within a defined 911 service area.

“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.

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

“911 emergency call” or *“911 call”* means a communication initiated using the digits 911 and transported via the next generation 911 network, that includes voice, text, picture, multimedia, or any other type of data which is sent to a PSAP for the purpose of requesting emergency assistance.

“911 program manager” means that person appointed by the director of the homeland security and emergency management department, and working with the 911 communications council, to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

“911 service area” means the geographic area encompassing at least one entire county, and which may encompass a geographical area outside the one entire county not restricted to county boundaries, serviced or to be serviced under a 911 service plan.

“911 service plan” means a plan, produced by a joint 911 service board, which includes the information required by Iowa Code section 34A.2(2).

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

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

“Automatic location identification” or *“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” or *“ANI”* means a capability that enables the automatic display of the number of the telephone used to place the 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 public safety telecommunicator’s position, also known as an ANI printout.

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

“*Coin-free access*” or “*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, wireless communications device or any other device capable of interfacing with the 911 system.

“*Competitive local exchange service provider*” means the same as defined in Iowa Code section 34A.2.

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

“*Director,*” unless otherwise noted, means the director of the homeland security and emergency management department.

“*Emergency call*” means a telephone request or text message 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.

“*Emergency communications service surcharge*” means a charge established by the program manager in accordance with Iowa Code section 34A.7A.

“*Emergency services internet protocol network*” or “*ESInet*” means a system using broadband packet-switched technology that is capable of supporting the transmission of varying types of data to be shared by all public and private safety agencies that are involved in an emergency.

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

“*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.

“*Entry point*” means the demarcation point(s), as designated by the 911 program manager, where originating service providers must deliver their 911 traffic for ingress into the state’s next generation 911 network.

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

“*Geographic information system*” or “*GIS*” means a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographical data.

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

“*Joint 911 service board*” means those entities that are 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 section 34A.3(3) and that operate a 911 telephone system for the public benefit within a defined 911 service area.

“*Local exchange carrier*” means the same as defined in Iowa Code section 34A.2.

“*Multi-line telephone system*” or “*MLTS*” means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises-based systems, such as Centrex and VoIP, as well as PBX, hybrid, and key telephone systems, and includes systems owned or leased by governmental agencies and nonprofit entities, as well as for-profit businesses.

“*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 includes but is not limited to 911 voice and nonvoice messages generated by originating service providers, ESInet, GIS, cybersecurity, and other system components.

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

“Nonrecurring costs” means one-time charges incurred by a 911 authority including, but not limited to, expenditures for E911 service plan preparation, capital outlay, communications equipment to receive and dispatch emergency calls, installation, and initial license to use subscriber names, addresses and telephone information.

“Originating service provider” means a communications provider that allows its users or subscribers to originate 911 voice or nonvoice messages from the public to public safety answering points, including but not limited to wireline, wireless, and voice over internet protocol services.

“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” or *“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 safety telecommunicator” or *“telecommunicator”* means the same as defined in Iowa Code section 80B.11C.

“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 911 authority including, but not limited to, personnel time directly associated with database management and personnel time directly associated with addressing, lease of access lines, lease of equipment, network access fees, communications equipment to receive and dispatch emergency calls, and applicable maintenance costs.

“Selective routing” or *“SR”* means a 911 system feature that enables all 911 calls originating from within a defined geographical region to be answered at a predesignated 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” or *“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 service” or *“VoIP”* means a service to which all of the following apply:

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

2. The service is offered to the public, or such classes of users as to be effectively available to the public.

3. The service has the capability to originate traffic to, and terminate traffic from, the public switched telephone network or a successor network.

“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 E911 phase 1” means a 911 call made from a wireless device in which the wireless communications 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 communications service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

“Wireless NG911 service area” means the geographic area to be served, or currently served, by a PSAP under a wireless NG911 service plan.

“Wireline 911 service surcharge” means a charge assessed on each wireline access line which physically terminates within the 911 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; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 2741C, IAB 10/12/16, effective 9/14/16; ARC 2835C, IAB 12/7/16, effective 1/11/17; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18; ARC 6832C, IAB 1/25/23, effective 3/1/23]

605—10.3(34A) Joint 911 service boards. Each county board of supervisors shall establish a joint 911 service board.

10.3(1) Membership.

a. Each political subdivision of the state having a public safety agency serving territory within the county 911 service area and each local emergency management agency as defined in Iowa Code section 29C.2 operating within the 911 service area is entitled to one voting membership. The sheriff of each county, or the sheriff’s designee, is entitled to voting membership on the county’s joint 911 service board. The chief of police of each city operating a public safety answering point, or the chief of police’s designee, is entitled to voting membership on the joint 911 service board of the county where the city is located. 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 911 service area, is entitled to a nonvoting membership on the board.

c. Public and private safety agencies headquartered outside but operating within a county 911 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 911 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 911 service board elects a chairperson and vice chairperson.

f. The joint 911 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 911 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 911 program manager.

10.3(2) *Alternate 28E entity.* The joint 911 service board may organize as an Iowa Code chapter 28E agency as authorized in Iowa Code section 34A.3(3), provided that the 28E entity meets the voting and membership requirements of Iowa Code section 34A.3(1).

10.3(3) *Joint 911 service board bylaws.* Each joint 911 service board shall develop bylaws to specify, at a minimum, the following information:

- a.* The name of the joint 911 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 911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the 911 program manager at the homeland security and emergency management department.

10.3(4) *Executive board.* The joint 911 service board may, through its bylaws, establish an executive board to conduct the business of the joint 911 service board. Members of the executive board must be selected from the eligible voting members of the joint 911 service board. The executive board will have such other duties and responsibilities as assigned by the joint 911 service board.

10.3(5) *Meetings.*

- a.* The provisions of Iowa Code chapter 21, “Official Meetings Open to the Public,” are applicable to joint 911 service boards.
- b.* Joint 911 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; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 4887C, IAB 1/29/20, effective 3/4/20]

605—10.4(34A) 911 service plan.

10.4(1) The joint 911 service board shall be responsible for developing a 911 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 911 service board. Each joint 911 service board shall coordinate planning with each contiguous joint 911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

- a.* The homeland security and emergency management department.
- b.* All public and private safety agencies serving the 911 service area.
- c.* All providers affected by the 911 service plan.

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.* The mailing address of the joint 911 service board.
- b.* A list of voting members on the joint 911 service board.
- c.* A list of nonvoting members on the joint 911 service board.

- d.* The name of the chairperson and of the vice chairperson of the joint 911 service board.
- e.* A geographical description of the 911 service area.
- f.* A list of all public and private safety agencies within the 911 service area.
- g.* The number of public safety answering points within the 911 service area.
- 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.
- 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 section 34A.7(3).
- 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.
- k.* The total property valuation in the 911 service area.
- l.* Maps of the 911 service area showing boundaries for all of the law enforcement agencies, firefighting districts, and ambulance and emergency medical service areas, and the location of each PSAP within the service area shall be uploaded and maintained within the program's online NG911 GIS database.
- m.* 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 911 program manager.

10.4(4) The 911 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 911 program manager will notify in writing, within 20 days of review, the chairperson of the joint 911 service board of the approval or disapproval of the plan.

a. If the plan is disapproved, the joint 911 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 911 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; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18; ARC 6832C, IAB 1/25/23, effective 3/1/23]

605—10.5(34A) Wireline 911 service surcharge.

10.5(1) One source of funding for the 911 emergency communications system shall come from a surcharge of one dollar per month, per access line on each access line subscriber.

10.5(2) The 911 program manager shall notify local exchange carriers and competitive local exchange service providers scheduled to provide exchange access 911 service within a 911 service area that implementation of a 911 service plan has been approved by the joint 911 service board and by the 911 program manager and that collection of the surcharge is to begin within 60 days. The 911 program manager shall also provide notice to all affected public safety answering points. The 60-day notice to the carriers and providers shall also apply when an adjustment in the wireline surcharge rate is made.

10.5(3) The carriers and providers shall collect the surcharge as a part of their monthly billing to their subscribers. The surcharge shall appear as a single line item on a subscriber's monthly billing entitled "911 emergency communications service surcharge."

10.5(4) The carriers and providers 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 carrier's or provider's costs for the billing and collection of the surcharge, the deficiency shall be included in the carrier's or provider's costs for rate-making purposes to the extent it is reasonable and just under Iowa Code section 476.6.

10.5(5) The carrier or provider shall remit the collected surcharge to the joint 911 service board on a calendar quarter basis within 20 days of the end of the quarter.

10.5(6) The joint 911 service board may request, not more than once each quarter, the following information from the carrier or 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 carrier or 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(7) Collection for a surcharge shall terminate if 911 service ceases to operate within the respective 911 service area. The 911 program manager for good cause may grant an extension.

a. The director shall provide 100 days' prior written notice to the joint 911 service board or the operating authority and to the carrier(s) or provider(s) collecting the fee of the termination of surcharge collection.

b. Individual subscribers within the 911 service area may petition the joint 911 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 911 service fund and all interest accumulated shall be retained by the joint 911 service board. However, if the joint 911 service board ceases to operate any 911 service, the balance in the 911 service fund shall be payable to the homeland security and emergency management department. Moneys received by the department shall be used only to offset the costs for the administration of the 911 program.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

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 911 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 911 service board meeting which authorizes the application for a variance or waiver.
- d. The signature of the chairperson of the joint 911 service board.

10.6(2) The 911 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 911 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 911 program manager shall determine if the request meets the criteria established and shall issue a decision within 20 working days. The 911 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.

[ARC 3233C, IAB 8/2/17, effective 9/6/17]

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

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

- a. Maps showing the geographic location within the county of each PSAP that receives 911 emergency calls.
- b. A list of all public safety answering points within the state of Iowa.
- c. A set of guidelines for determining eligible cost as set forth in Iowa Code section 34A.7A.
- d. A schedule for the implementation and maintenance of the next generation 911 network.

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

10.7(2) *Adoption by reference.* The “NG911 Network Implementation and Operations Plan,” effective 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 August 8, 2018.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18]

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

10.8(1) The 911 program manager shall adopt a monthly surcharge of one dollar to be imposed on each originating service number provided in this state. The surcharge shall not be imposed on wireline-based communications or prepaid wireless telecommunications service.

10.8(2) The 911 program manager shall order the imposition of a surcharge uniformly on a statewide basis and simultaneously on all originating 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 the program manager is making an adjustment in the emergency communications service surcharge rate.

10.8(3) The emergency communications surcharge shall be one dollar per month, per customer service number, until changed by rule.

10.8(4) The originating service provider shall list the surcharge as a separate line item on the customer’s billing indicating that the surcharge is for 911 emergency telephone service. The originating 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 emergency communications service surcharge is not subject to sales or use tax.

10.8(5) 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 911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the 911 Program Manager, Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 3233C, IAB 8/2/17, effective 9/6/17]

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

10.9(1) Emergency communications service surcharge money, collected and remitted by originating service providers, shall be placed in a fund within the state treasury under the control of the director.

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 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 PSAP within the service area of the department of public safety or joint 911 service board.

(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. 911 call delivery costs and GIS grants.

(1) The program manager shall reimburse 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 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.

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.

f. If moneys remain in the fund after all obligations are fully paid under paragraphs 10.9(3)“a,”“b,”“c,”“d,” and “e,” remaining funds shall be expended and distributed in the following priority order:

(1) 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.

(2) 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 NG911 Network Implementation and Operations Plan.

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

(3) 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 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) 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 NG911 Network 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.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 2741C, IAB 10/12/16, effective 9/14/16; ARC 2835C, IAB 12/7/16, effective 1/11/17; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18; ARC 6832C, IAB 1/25/23, effective 3/1/23]

605—10.10(34A) 911 surcharge exemptions. The following agencies, individuals, and organizations are exempt from imposition of the 911 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 911 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 911 service, and who annually files a signed statement with the joint 911 service board that the person is an enrolled member of an Indian tribe living on a reservation and does not receive 911 service. However, once 911 service is provided, the member is no longer exempt.
4. Official station testing lines owned by the provider.
5. Individual wireline 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 a 911 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 911 program manager.

[ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.11(34A) 911 service fund.

10.11(1) The department of public safety and each joint 911 service board have the responsibility for the 911 service fund.

a. A 911 service fund shall be established in the office of the county treasurer for each joint 911 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 911 service fund. 911 surcharge moneys must be kept separate from all other sources of revenue utilized for 911 systems.

c. For joint 911 service boards, withdrawal of moneys from the 911 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 911 service board or delegated authority so designated in writing.

d. For the department of public safety, withdrawal of moneys from the 911 service fund shall be made in accordance with state laws and administrative rules.

10.11(2) The 911 service funds shall be subject to examination by the department at any time during usual business hours. 911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the 911 service fund shall be furnished to the department within 30 days of receipt. If through the audit or monitoring process the department determines that a joint 911 service board is not adhering to an approved plan or does not have a valid board membership, or if the department determines that a joint 911 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 director may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the 911 service fund. The joint 911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the 911 program manager determines that the board or department of public safety is in compliance with the approved plan, board membership, and fund usage limitations.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 6832C, IAB 1/25/23, effective 3/1/23]

605—10.12(34A) Operating budgets. Rescinded ARC 3233C, IAB 8/2/17, effective 9/6/17.

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, 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.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18]

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

10.14(1) Each 911 system, supplemented with 911 surcharge moneys, shall, at a minimum, employ the following features:

- a.* ALI (automatic location identification).
- b.* ANI (automatic number identification).
- c.* Policy routing function.
- 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 wireline 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) 911 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 911 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.* 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.
- g.* PSAP supervision shall ensure that all vendors whose normal activities may involve contact with facilities associated with the 911 service are familiar with safeguarding of facilities' procedures.

h. 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.

i. 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 Iowa Code section 727.5.

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

k. PSAPs will have the capability to access translation services to help process 911 calls from non-English speakers.

l. Each PSAP shall adhere to NENA STA-020.1-2020 or its subsequently updated equivalent.

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

a. The PSAP and the 911 program manager shall be notified of all service interruptions in accordance with 47 CFR Part 4.

b. The originating service provider shall respond, within a reasonable length of time, to all appropriate requests for information from the director, the department of public safety, a joint 911 service board or operating authority and shall expressly comply with the provisions of Iowa Code section 34A.8.

c. Originating service providers and MLTSs must update and maintain the state ALI database with accurate information. When delivering 911 calls, caller location must be provided in compliance with 47 CFR §9.8, 47 CFR §9.10, and 47 CFR §9.15.

d. Access to the 911 entry point and next generation 911 network shall be approved by the 911 program manager. Originating service providers must provide the company name, address and point of contact with their request. If the originating service provider utilizes a third-party vendor, the vendor must provide this information listing the vendor's customer's requested information.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 6832C, IAB 1/25/23, effective 3/1/23]

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

10.15(1) 911 program manager decisions regarding the acceptance or refusal of a 911 service plan, in whole or in part, the implementation of 911 and the imposition of the 911 surcharge within a specific 911 service area may be contested by an affected party.

10.15(2) Request for hearing shall be made in writing to the homeland security and emergency management department director within 30 days of the 911 program manager's mailing or serving of a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

10.15(3) The director shall schedule a hearing within 10 working days of receipt of the request for hearing. The director 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 director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(5) Any party adversely affected by the director'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 director will schedule a hearing within 20 days after the receipt of the written request. The director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(6) Any party adversely affected by the director's ruling may file a written appeal to the director of the homeland security and emergency management department. 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 director shall issue a ruling

regarding the matter within 90 days of the hearing. The director'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; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.16(34A) Confidentiality. All financial or operations information provided by an originating service provider to the 911 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 605—Chapter 5. Such information shall include numbers of accounts, numbers of customers, revenues, expenses, and the amounts collected from said originating service provider for deposit in the fund. Notwithstanding such requirements, aggregate amounts and information may be included in reports issued by the director if the aggregated information does not reveal any information attributable to an individual originating service provider.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.17(34A) Prepaid wireless 911 surcharge. Administration of the prepaid wireless 911 surcharge is under the control of the Iowa department of revenue. To administer this function, the department of revenue has adopted rules that can be found in 701—paragraph 224.6(2) “b” and rule 701—224.8(34A).

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 3233C, IAB 8/2/17, effective 9/6/17]

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

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