

911 ADVISORY COMMITTEE MEETING

December 10, 2008

I. Introductions

Ken Keim, ENP	State 9-1-1 Program
Shannon Marheine, ENP	State 9-1-1 Program
Mark Tennyson	State 9-1-1 Program
Gillien Duvall	State 9-1-1 Program
Leslie Taylor	PSAP Metro/I5 Region
Larry Hatch, ENP	PSAP Metro/I5 Region
Sally Jones, ENP	PSAP Metro/I5 Region
Laura Wolfe	PSAP Metro/I5 Region
Mark Buchholz	PSAP Metro/I5 Region
Galen Howard	PSAP Metro/I5 Region
Lynn Reeves, ENP	PSAP Metro/I5 Region
Margie Puckett, RPL	PSAP Central South Region
April Stream	PSAP Central North Region
Ann Rakosi	PSAP Coastal Region
Terry Swearingen	LEC – Qwest
Diane Carlson	LEC – Verizon
Dennis Redmond	LEC – Embarq
Hasina Squires	Oregon APCO/NENA Advocate
Eric Torgeson	LEC - Verizon

Ken Keim, OEM, led off the meeting with introductions around the room.

II. Committee Charter

- **Comments**

Larry Hatch proposes that he would like to have this approved, to use it to refer back to when there are questions pertaining to our purpose.

1. Identify Emergency Tech
2. Assist 9-1-1 Program
3. Amend OAR

Ken responded that under state law, most of this is covered. Ken added that the main thing that the PSAPs need to do is participate through their respective representatives to share information.

III. Wireless Issues

- **Wireless Committee Report**

Mark Tennyson, OEM, referred back to the letter that he and Galen had discussed at our last committee meeting. He stated that he has followed up on the prop that Galen Howard presented and is continuing on with that. He has also been in touch with the various Wireless Carriers and LECS finding out Network information as far as inquiring about trunking into the various PSAPs and what T1's they have in place today and what channels are turned up on those. Mark goes on to say that he will put all of this information into a Master Data Base. He also encourages anyone who would like to join his committee to please contact him.

Ken added that OEM is very stretched right now as far as being able to respond to all of the needs that the 9-1-1 Program requires at this time. There is a Policy Option Package for OEM asking for another position for the 9-1-1 Program, we asked for two positions but were informed that we are only allowed to ask for one. We are hoping that the Legislature will okay that. At this time, we do not know for certain which position we will fill but it most likely be for another network person.

IV. Taking Control of our Network

Larry Hatch feels that there should be a process in place with our Telco's. There should be a rule that before anyone connects to a selective router to route calls to a 9-1-1 Center that they have to identify themselves and give us some contact information. There are so many of them that pop up anymore - we should develop some kind of form that they adhere to – so that we know who they are. Ken agrees and adds that we have a pretty good process with Qwest on that. Galen added that it is along the lines of what they are thinking about doing with the wireless side as well. Perhaps we could utilize the same form for both. It was mentioned that this would help us to determine who is responsible for the Tele Tax issue. Ken agrees that is a good idea but unfortunately OEM does not have the staffing to be able to dedicate a staff member to push this forward. He suggested that possibly we could form a sub-committee to work on this. Galen added that Jerry Foree of Qwest, helped them form the wireless letter and it pretty much already tells the Telco's that they need to inform us of. Ken advised that it would be a good idea to get that letter out to the Telco's.

Larry states that his vision is for a form that would provide the information that we would like to see on our end, get it emailed out to the Telco's and once you get the response back, direct that info out to the right PSAP- Get our signature on it. Do we have to have a state law that says that they cannot connect to our selective routers or our network until this form is signed off on by the PSAP Manager? Terry Sweaingen adds that some PSAPs are now getting these types of calls over their 10 digit emergency numbers. Ken adds that this is probably a much bigger problem that we even realize. At this time there are a lot of other small providers that are bi-passing selective routers. It is a full time job trying to tackle this. Larry feels that we should at least start with small steps to try to get a handle on this problem.

Mark Tennyson interjected saying that the letter that he and Galen drafted is a start and that maybe they could get together with Larry and Terry and come up with some type of form to attempt to gather the information that we need. Ken appointed Mark Tennyson to take on this project and see about getting some assistance from the LECS to work at putting together some kind of form. Galen volunteered to work on the project along with Larry, Terry and Jerry Foree.

Department of Revenue

- **Partnership Efforts**
- **Information Sharing**

Ken addressed this next issue by stating that OEM had a meeting with the Department of Revenue (who collects the tax) and PUC (who enforce rules about networks and such). This was the first time that all of them have met, it was very interesting. Neither Revenue nor PUC has the ability to talk to one another due to the various state laws. The Dept of Revenue, per law, considers the Telco tax that comes in to be categorized as income tax. The only info that OEM gets from Revenue are "generalizations" of what is coming in. Right now they are auditing all of their books to make sure that they are collecting from everyone that should be paying. The Dept of Revenue and PUC have had a discrepancy on who is subject to tax. PUC included figured tax on lines that were untaxable and that resulted in a 3 million discrepancy. They are now trying to make this process better through more accurate reporting. The issue with the Revenue Department is they are getting less than 3 % compliance, they are going to go back through a process of checking to see if there is anyone out there who is not paying/not reporting correctly. On the positive side, these entities are now talking and working together.

Ken went on to say that one way to help in this process is for PSAPs to send OEM a letter noting what companies are providing service in your area, such as VOIP, wireless providers, or whoever you are getting service from. We need to know who these companies are. We in turn will provide Dept of Revenue with this information. Shannon advised the group to have the PSAPs get their master

lists to her on the Revenue share and she will see this info gets passed on. Ken added that the Dept of Revenue is taking this very seriously and have appointed 5 people to work on this project. Because they have very strict confidentiality rules they could not say who is paying the tax, they could only say that they have this many people paying the tax. If we can provide them with more information it will help them to identify for the audit and collection processes.

Shannon added that another item that they discussed in this meeting was regarding Go-Phones. Other states have already started doing research on how these phones should be taxed, as far as a one time charge or a charge being based on the length of usage. A lot more people are using these types of plans.

Shannon added that OEM is planning on meeting again with this same group toward the end of January.

Ken added that OEM just received a letter yesterday from a company that connects VOIP calls nationwide and they state that they are going to start charging for those connections. This is an issue that may be coming up in the near future, being charged from these companies that are connecting all of these other calls. Up until now they have not been doing that. Galen asked what has been discussed at the APCO Conferences about how that is going to charge for VOIP calls. Ken responded that the main issue at the national level is on the disposal / pre-paid phones. There was just a lawsuit with TracPhone who has traditionally not paid. Due to the 9-1-1 Net Act of 2008 it was put into law that these types of companies are now subject to pay tax. But pre-paid phones are still a big issue for tax collection purposes.

Shannon added that she brought up the subject of VOIP calls with PUC at the meeting regarding the issue of them being able to do business with out having to be registered. PUC will be looking into this as far as coming up with some kind of certification for VoiP providers to be able to do business in the state. Both sides did discuss the possibility of changing the law to be able to allow them to share information. Ken and Shannon both agreed that they left the meeting with a very positive feeling with plans to have meetings on a regular basis in the future.

IV. OAR Update Discussion

- **Review & Submit Change/Addition Suggestions**

Shannon led this topic by referring back to the last meeting in regards to the Draft that she handed out to everyone – Please mark it and make comments. It still needs to be revised. She stated that as a Program we knew that there were some obvious changes that needed to be made, we struck out the language that was bogging it down like dates & enhanced 9-1-1 and added Geo and network information. Per Galen’s handout from the last meeting, he brought forth some

wonderful ideas and comments for changes. Shannon stated that after the meeting she sent out emails to all of the PSAPs asking for feedback / comments and still has not heard back from most of you. This is still in *draft* form so when you have some time, please, please read this over and get back to me with your comments.

Of particular interest is the funding issue between cities & counties. There is **no time frame** listed for passing through funds to the appropriate 9-1-1 jurisdictions. Shannon mentioned that the Program often gets calls asking how to compel the city or county to release these funds as per OAR? Larry asked “why do we still continue to do it this way, shouldn’t it just say, if the City isn’t the 9-1-1 Jurisdiction then the funds should go to the PSAP?” Ken responded that the ORS states that we have to continue to do it this way. Shannon added that this issue was discussed just yesterday because there is an issue with the City of Union. They have not turned over tax money to Union County Communications since 2005. That adds up to approximately \$30,000.00. OEM sent them a letter from DOJ advising Union City that they were not following ORS and should be passing these funds onto the appropriate 9-1-1 jurisdiction. There is nothing more that OEM can do at this point. So, the legal costs to pursue their money would have to come from the jurisdiction. Sally Jones questioned why it would need to go through the Legislature to make this change? Why can’t it just be changed in the Administrative Rules? Ken responded that the Admin Rule can only clarify the law.

Sally feels that we should be assertive to find out if this issue can be changed through Administrative Rule and if we can’t then we need to find out if it is important enough to seek out a fix for the next time we have the opportunity for renewal. Shannon agreed that we need to find out how we can mandate that funding goes directly to the appropriate jurisdictions or at least clarify the timely pass through of such funds.

Ken Keim mentioned that OEM is currently dealing with a long time issue going on in Lake County over the question of Jurisdiction. This is something that has been going on for 5 years. The Town of Lakeview and Lake County have pulled out of the IGA and made their own IGAs. So OEM filed an Injunction last month and we have a Show Cause Hearing in January. The Injunction was the fastest way to get this done, if we had filed a lawsuit it would take years. DOJ is handling this case.

Larry commented on OAR 104-080-27, the reverse query without 9-1-1 activation. He stated, “I understand the intent here but for myself I have always worried about the fact that it is violating the law, because we use it for testing.” Perhaps some wording could be added that states that it is ok for it’s usage in the purpose of accuracy testing for the data base. Laura Wolfe added that there are also other extenuating circumstances that would merit the usage as well.

Shannon states that she would like to have a final draft of this document by the time this committee meets again on March 4, 2009. Shannon asked the floor if there were anymore comments or questions on the OAR project or on what we are trying to accomplish with this revision/update.

Larry commented on 104-080-60(R) regarding % allowed on expenditure of funds / budgeting and asked if there is a document that explains what the % allowed is? Shannon responded with the language relating to this and the group was in agreement that the language is interpreted as being rather subjective. Larry thought it would be a good idea for this group to define the wording for this section. Laura agrees that the language really does need to be refined. Shannon added that once we are through amending the OARs she would like to see an annual review conducted.

V. PS ALI

Laura Wolfe addressed this topic explaining that she had been working with the City Lobbyist for the City of Portland on this issue but he has moved on and is no longer there. He now works with Hasina. She explained that her contacts with the City of Portland are not nominal and her group asked if there was anyway that she could have the APCO Group work on this? They do not feel prepared to present any suggestions for the law. Is it too late now to present or propose anything? Ken responded that it was. Laura feels that it would be best to prepare for the next two years out. She went on to say that she had looked at several other State Legislations on this and that there are many variables that need to go into this - Not comfortable doing this on such short notice. Laura added that she looked at about 18 different models and Minnesota seemed to be about the best. Maybe we could put this onto next year's agenda and really put some work into this. Ken asked Hasina Squires if there will be a special session, she responded that there will be one in February 2010. Ken asked that Laura head up this project and to get together with Shannon on it.

VI. Financial

- **Limitation Update**
- **Budget Issues**

Ken addressed the group on the issue of our shortfall of dollars in our Limitation due to the error of the State Police Fiscal not including two Distribution quarters in the 05-07 budgets. Instead, it came out of the 07-09 which resulted in a shortage of Funds for this biennium. There were several questions of concern from the group as to our Limitation problem, Distributions, where funds are and what funds were earmarked for what? Shannon reminded the group that the letter that came from Karl Jorgenson's office provides an accounting of each fund. Ken and Shannon both fielded questions regarding the explanation of

Quarterly Distributions. Galen voiced concern that the Legislature is going to view the 9-1-1 budget and see it having a huge increase in revenue. Hasina explained that it would not be viewed that way. Shannon explained that a very detailed sheet was submitted on behalf of the Limitation discrepancy and Biennium issue. Ken stated that the Governors recommended budget is now out. He went on to say that he has already sent info on to the Military regarding our Budget. Under the 9-1-1 Improvement Act of 2008 – The law states that if the State takes the 9-1-1 tax money for another purpose we will no longer be able to charge for Wireless or VoiP, they would then be exempt from charges. Ken added that Hasina is aware of this and he also wanted to stress that this is just a recommended budget, it is not written in stone. Galen asked Ken if he knew about how much of a percentage VoiP and Wireless would be. Ken responded that approximately 50% if not more. Diane Carlson of Verizon, added that VoiP is everywhere it just is not identified as such so she feels that the 50% may be a conservative estimate.

Open Discussion

Ken opened up the floor for any new Business. Sally Jones, Columbia County, states that at this time they are the PSAP for a portion of Multnomah and Clatsop Counties but she has been having difficulty in getting MSAG info. She keeps getting told that it is in the process that is will be forth coming. Shannon said that normally it should not take long at all to get that information; perhaps it has something to do with boundaries? Shannon offered to check into this for her.

Meeting Adjourned.