



THURSTON 9-1-1 COMMUNICATIONS

2703 Pacific Avenue SE, Suite A
Olympia, WA 98501
Bus (360) 704-2730
Fax (360) 704/2723

The Honorable Chris Gregoire
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Gregoire:

March 3, 2011

The Board of Directors of Thurston 9-1-1 Communications is writing to express our concern and strong objection to the proposed diversion of \$6 million in revenue in your 2011- 2013 biennial budget. This money is a voter-approved tax and collected from consumers of communications services to fund 9-1-1 services. It is critical to Washington's 9-1-1 systems and ensures that 9-1-1 callers can quickly be located in emergency situations and receive an effective emergency response. While we're very aware of the dire budget situation facing our state, as elected officials we also feel strongly that this fund should be used for its intended voter-approved purpose, and only for that purpose.

The U.S. Congress has taken several steps to prevent this practice from occurring. First, through the ENHANCE 911 Act of 2004 (Pub. Law 108-494), Congress made clear that states are ineligible for federal 9-1-1 grant money if the state has misallocated 9-1-1 fees for unintended purposes. In addition, Congress passed the NET 911 Improvement Act, signed by the President on July 20, 2008, that highlights the need to keep 9-1-1 fees protected for the purposes intended. The language specified in Pub. Law 110-283 addresses the issue of state 9-1-1 fund diversions in two important respects. First the law makes clear that state and local governments have the authority to impose 9-1-1 fees on wireline, wireless and voice over-IP (VoIP) providers only if the fees are used for their intended purposes.

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

The law also requires the Federal Communications Commission (FCC) to monitor the practice of state implementation and collection of 9-1-1 fees:

To ensue efficiency, transparency, and accountability in the collection and expenditure of fees for the support or implementation of 911 or E-911 services, the Commission [FCC] shall submit a report within 1 year after the date of enactment of the 911 Modernization and Public Safety Act of 2007, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of 911 fees, and including findings on the amount of the revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are specified. (H.R.3403 Sec 6(f)(20).

The \$67 million of dedicated state and local E9-1-1 excise tax that was collected from Washington consumers in 2010 has been, and continues to be, extremely critical in supporting this essential public safety service in our state. These taxes have been collected from consumers under the auspices of supporting the statewide E9-1-1 system. These funds need to be solely dedicated to the advancement of E9-1-1, not used for other revenue purposes. It is the appropriate policy, it is in the best interest of Washington's citizens and visitors who depend on an effective 9-1-1 system, and it is consistent with the direction of the United States Congress.

The Thurston County 9-1-1 program is committed to working together with the State E9-1-1 Program Office to ensure essential government services are available through the statewide E9-1-1 system and that it is a coordinated and collaborative operation between public and private sectors and provided at a reasonable cost.

The dedicated revenue provided to LOCAL governments by Washington consumers through E9-1-1 excise taxes is extremely critical during the next biennium to support the acquisition of the necessary tools to modernize, receive and act on all E9-1-1 calls in order to save a life, locate a missing child or to prevent a crime.

Therefore, the Thurston 9-1-1 Communications Board of Directors strongly urges you not to divert E9-1-1 funds collected for any other purpose.

Sincerely,

Skip Houser, Chair

Ed Hildreth, Vice Chair

Copies:

Senator Karen Fraser
Senator Tim Sheldon
Senator Randi Becker
Representative Kathy Haigh
Representative Fred Finn

Representative Jim McCune
Representative Gary Alexander
Representative J.T. Wilcox
Representative Chris Reykdal
Representative Sam Hunt