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February 11, 2021

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45 L Street, NE  
Washington, DC 20554

**Re: Notice of *Ex Parte*, PS Docket Nos. 20-291, 09-14**

On February 9 and 10, the undersigned spoke by phone with Ethan Lucarelli of Acting Chairwoman Rosenworcel's Office and Austin Bonner of Commissioner Starks's Office, respectively, to discuss the draft Notice of Proposed Rulemaking (NPRM)<sup>1</sup> regarding 9-1-1 fee diversion.

In these conversations APCO proposed a minor change to the NPRM to invite public comments that would support the Commission's efforts to make its approach to 9-1-1 fee diversion more helpful. Specifically, APCO suggested that the NPRM highlight the congressional directive to report on information regarding the impact of any underfunding of 9-1-1 services<sup>2</sup> and seek comment on how the Commission can emphasize this aspect of its information collection and reports.

As APCO has explained, the most important goal of combatting fee diversion, from a public safety perspective, is ensuring that 9-1-1 has the funding it needs, regardless of whether the funding comes from fees on phone bills, state general funds, or other sources.<sup>3</sup> Emphasizing the Commission's duty to examine the impact and extent of underfunding with regard to 9-1-1 services would encourage commenters to focus on this important aspect of fee diversion and help the Commission develop a more effective approach.

<sup>1</sup> 911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008, PS Docket Nos. 20-291, 09-14, *Notice of Proposed Rulemaking*, FCC-CIRC2102-01 (rel. Jan. 27, 2021).

<sup>2</sup> *Id.* at para. 8 n.23 (explaining that "In addition, Section 902(d)(2) provides that, beginning with the first annual fee report 'that is required to be submitted after the date that is 1 year after the date of the enactment of this Act,' the Commission shall include in each report 'all evidence that suggests the diversion by a State or taxing jurisdiction of 9-1-1 fees or charges, including any information regarding the impact of any underfunding of 9-1-1 services in the State or taxing jurisdiction.'").

<sup>3</sup> Comments of APCO International, PS Docket Nos. 20-291, 09-14, at 2 (filed Jan. 7, 2021).

Respectfully submitted,

APCO INTERNATIONAL

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