



EMERGENCY TELEPHONE SERVICE COMMITTEE MEETING
Eaton County Courthouse
Charlotte, Michigan

December 4, 2002
10 a.m.

MINUTES

MEMBERS PRESENT	REPRESENTING
Mr. Paul Rogers, Chair	National Emergency Number Association
Ms. Christina Russell, Vice Chair	Michigan Communication Directors Association
Mr. Steve Berenbaum, representing Kelly Fennell	Telecommunications Association of Michigan
Mr. Dale Berry	Michigan Association of Ambulance Services
Sheriff Charles Brown, representing Dale Gribler	Michigan Sheriffs' Association
Mr. John Buczek	Fraternal Order of Police
Mr. Hugh Crawford	Michigan Association of Counties
Mr. Jim Fyvie, representing Suzan Hensel	Assn. of Public Safety Communications Officials
Chief Kay Hoffman	Michigan Association of Chiefs of Police
Lt. Jim Hull	Deputy Sheriffs' Association
Lt. Col. Tadarial Sturdivant	Department of State Police
Mr. Dan Kearney	Michigan Public Service Commission
Mr. Monty Nye, representing Paul Hufnagel	Michigan Professional Firefighters Union
Ms. Norene Lind	Department of Consumer and Industry Services
Ms. Harriet Miller-Brown, rep. Charles Nystrom	Public Member, House Appointed
Mr. Scott Temple	Commercial Mobile Radio Service
Sgt. Mark Thompson	Michigan State Police Troopers Association
Chief Paul Trinko	Michigan Association of Fire Chiefs

MEMBERS ABSENT	REPRESENTING
Mr. John Hunt	Public Member, Governor Appointed
Mr. Robert Struck	UP Emergency Medical Services Corp.
Vacant	Public Member, Senate Appointed

STAFF SUPPORT	REPRESENTING
Ms. Denise Fox	Department of State Police
Ms. Mary Jo Hovey	Department of State Police

The Emergency Telephone Service Committee (ETSC) meeting was called to order by Mr. Paul Rogers at 10 a.m.

APPROVAL OF MINUTES

I. The following corrections were requested to the September 25, 2002, minutes. Ring Delay, Item F., Page 3, second sentence, change to read "wireline phones to PSAPs." The last sentence of the second paragraph referring to available funding is to be removed.

MOTION to approve the minutes of the September 25, 2002, ETSC meeting with the above two corrections. A vote was taken and the MOTION CARRIED unanimously.

REPORTS

II. Report of the Chair

A. Recognition of Outgoing Members

Chief James Bartholomew, MACP representative to the ETSC, has retired and will not be continuing service to the committee.

Capt. Tom Miller has accepted a transfer to another division within Michigan State Police, but will continue to serve on the Legislative Action Subcommittee through March 2003 to continue his work on the legislative rewrite.

Ms. Denise Fox has accepted a transfer to another division within the Michigan State Police.

B. Recognition of Incoming Committee Members

Lt. Col. Tadarial Sturdivant, Deputy Director of the Uniform Services Bureau, will replace Captain Miller as MSP representative to the committee. As such, he will serve as chair for the CMRS and Legislative Action Subcommittees.

Chief Kay Hoffman, Lansing Township Police Department, will replace Chief Bartholomew as MACP representative to the committee.

Mr. Dan Kearney will replace Ms. Marilyn Moore as MPSC representative to the committee.

Ms. Norene Lind will replace Mr. John Patrick as the CIS representative to the committee.

C. Dispatcher Training Registration Forms

The dispatcher training forms, due February 14, 2003, were mailed last week. A reminder will be sent to all Primary PSAPs prior to the due date.

D. Mackinac County Emergency Telephone Service District Final Plan

Mackinac County has submitted a revised final 9-1-1 plan to include Mackinac Island.

E. Wireless Deployment Difficulties with TSC Communications as Third Party Vendor

No written communication was received on this issue from NENA (see Public Comment at the end of the minutes).

F. U.S. Coast Guard Secondary PSAP Project

Representatives from the U.S. Coast Guard have expressed interest in becoming secondary PSAPs in the Detroit Metropolitan area; Wayne, Macomb, and Oakland counties. They have been encouraged to contact the individual county 9-1-1 coordinators. NENA is working with them to create a mechanism to assist them with their efforts. This will be a trial site for southeastern Michigan and there are no indications they will expand to other areas of Michigan at this time.

Mr. Randy Gates of the U.S. Coast Guard has been looking for ANI/ALI for the Mega Center in Battle Creek for consideration to become a PSAP on a federal level. A letter may be forthcoming regarding this issue.

III. Old Business

A. Review of Proposed Statewide 9-1-1 Coordinator Position Description

Mr. Bill Charon and his work group are continuing work on the 9-1-1 Coordinator position description (PD). Recent revisions to the PD include:

- Minimum experience as a PSAP administrator is not necessary as long as the candidate has experience in the PSAP arena.
- A suitable background check will be conducted.
- Item 6 now includes the FCC to the list of agencies the coordinator would serve as liaison with.

The work group continues to research funding for the position.

B. Senate Appointment

This appointment has remained vacant for more than a year. Three individuals have indicated interest and their names will be submitted to the Senate. No recommendations will be made on the candidates by the ETSC.

IV. Ring Delay

Ms. Christina Russell contacted members of the telephone industry to get a better understanding of the process. The last study, conducted in 1999 by the Emerging Technology Subcommittee, included PSAPs and two telephone companies—taking seven months to complete. No action was taken.

In 1999, GTE and Ameritech provided people to work on the committee. Due to cutbacks, these companies will not have extra personnel to participate at this time. They suggested a consultant be hired to conduct an adequate study, at an estimated cost of \$8,000 to \$10,000.

It is anticipated the equipment being tested today will be quite different in a year or two, and with the industry moving toward SS7 conversion, the ring delay issue may resolve itself. With other priorities facing the committee at this time, ring delay is not at the forefront of these issues needing to be addressed.

When the issue is considered again, it should include both wireline and wireless. If no technical advice is offered from the phone companies, hiring a technical consultant would need to be considered. However, there is no known funding source currently available.

It was suggested on the wireless side that carriers could test when they bring counties up the first time. This would provide some historical data for reference. It was also noted that testing times won't change when they look at how wireless affects it.

V. Recertification Subcommittee Report

The Recertification Subcommittee met in October to discuss fourth year certification, which will follow the same criteria as third year certification. A mailing is targeted for the end of December or first of January advising what requirements will be. The goal is to clearly articulate implementation of Phase I for all carriers. PSAPs can't selectively decide whom to deploy because they are receiving money to deploy all carriers. A deadline will be given to meet the fourth year certification requirements.

Recertification in 2004 will need to work toward further implementing wireless and assuring counties have implemented with all wireless carriers, not just a portion of them. They will also be asking PSAPs to contact carriers to request Phase II implementation. MSP funding will be addressed by the Legislative Action Subcommittee in the legislative rewrite.

VI. CMRS Subcommittee Report

Fifteen invoices were reviewed for approval by the CMRS Subcommittee with 10 approved, 2 tabled, and 3 denied.

The ETSC secretary had previously verified with the Department of Treasury that each approved invoice submitted had deposited sufficient funds to be eligible for reimbursement.

MOTION to approve ten invoices: 02-0026, 02-0031, 02-0032, 02-0033, 02-0034, 02-0035, 02,0037, 02,0038, 02-0042, and 02-0043, totaling \$1,324,546.84. A vote was taken and the MOTION CARRIED unanimously.

Invoice 02-0030 - the subcommittee had questions on T-1 costs submitted. The invoice was tabled pending receipt of additional information.

Invoice 02-0036—no funds have been contributed under the federal identification number provided and the subcommittee had questions on the charges submitted.

Invoice 02-0039 - insufficient funds were contributed to cover the invoice amount.

Invoice 02-0040 - no funds have been contributed under the federal identification number provided and charges submitted are not consistent with those of a CMRS supplier.

Invoice 02-0041 - the invoice was tabled as no funds have been contributed under the federal identification number provided.

Letters will be sent asking for clarification on the issues in question.

ETSC RESOLUTION

Ms. Harriet Miller-Brown introduced a proposed resolution to the ETSC committee members. The resolution does four things:

1. It approves all invoices recommended for approval by the CMRS Subcommittee.
2. It approves the invoices that the CMRS Subcommittee recommended against approval provided two conditions are met:
 - a. The subcommittee finds that the invoices are for items that were purchased in order to comply with the FCC's wireless implementation order by a FCC licensed carrier—wireless or not; and
 - b. The MCDA prevails in the Barry County lawsuit in establishing that telephone companies with FCC wireless order compliance costs are "CMRS suppliers."

3. It places any payments for these telephone companies in escrow pending a resolution of the Barry County case.
4. Finally, it directs the CMRS Subcommittee to develop a procedure for pre-approval of CMRS supplier expenses where the CMRS supplier will be exceeding funds that it has contributed to the CMRS Fund.

Ms. Miller-Brown read the resolution to the audience. A MOTION was made and SECONDED to open the issue for discussion.

Input was sought from Mr. Douglas Van Essen, legal counsel to MCDA and also to many counties, and Mr. David Voges, Attorney General representative to the ETSC. Mr. Voges asked that the record reflect his opinions are his and his only, and are not the opinion of the Attorney General.

Mr. Voges stated he does have concerns regarding the resolution and is not sure if the Department of Treasury would issue a check if the resolution were to be adopted today. There are guidelines set under the statute to make distribution of these funds. The statute may indicate distribution to CMRS suppliers and not to an escrow account.

Mr. Voges was asked if members of the ETSC representing interested parties in the lawsuit (example MCDA and SBC) would be allowed to vote on this issue. He advised that, in general, conflicts of interest require a personal financial interest in the matter before being disqualified. The statute deliberately put a diverse group of representatives on the ETSC. These individuals may have a bias disqualifying them in court, but not in this context.

MCDA questions whether Ameritech can receive reimbursement if they have not contributed to the fund. Mr. Van Essen advised that so far the judge has accepted that position. The legislation was intended to cover the telephone industry with technical and wireless costs being covered, along with wireless expenses to implement the FCC order. Mr. Van Essen encouraged the committee to remain in a neutral position in the lawsuit; neither endorsing the proposition that telephone companies are or are not CMRS suppliers. He encouraged deferring the legal issue to the court case and its resolution. A trial is scheduled for December 16 and a final ruling is expected to be made at that time.

The resolution offered would put the funds from denied invoices into an escrow type fund to ensure the money would be available if the court were to rule in favor of the phone companies. Concern was raised that if the money were to be put into a deferred account and the lawsuit was tied up in court for years, at some point more money would be in the deferred account than would be available for legitimate expenses submitted.

Captain Miller noted that today's invoices have been reviewed as past practice has been. There have been invoices rejected for payment in the past due to no contributions to the fund. Payments cannot exceed 125% of the contributions. Mention was made by Mr. Van Essen that no mechanism is in place for companies to receive pre-approval of invoices. Captain Miller is concerned regarding some of the statements made today on pre-approvals of invoices and if charges are, in fact, allowable CMRS expenses. Staff is not in a position to make recommendations to the subcommittee. Also, available staff time is stretched as is. If pre-approve invoices, a procedure would need to be developed and the subcommittee will need to become much more engaged. If doors are opened to entities that have not contributed to the fund, we will need to take a more extensive look at how viable the companies are.

A MOTION was made to table this issue and defer it to the CMRS Subcommittee. A vote was taken with 9 in favor and 7 opposed. MOTION CARRIED.

Addition to CMRS Guidelines

Captain Miller reviewed proposed language to be added to the guidelines for submission of CMRS invoices. "At the request of an eligible CMRS provider, the CMRS Subcommittee will reconsider a previously denied invoice, without resubmission of a new invoice, as long as the request is made within six months of the date the original invoice was denied."

A MOTION was made to approve the additional language. A vote was taken and the MOTION CARRIED unanimously.

VII. Legislative Action Subcommittee Report

At its October 18 meeting, the subcommittee began the process of redrafting the legislation. A timetable has been established and a presentation will be made to the ETSC at the March 28, 2003, meeting. Work group leaders have been assigned to each rewrite issue and are in the process of putting together recommended changes. Several progress meetings for the work group leaders will be held. A Legislative Resource Subcommittee (LRS) consisting of technical experts is available to assist the work groups.

Final overviews are due to Ms. Mary Jo Hovey on February 28, 2003. The drafts will be reviewed by the Legislative Action Subcommittee on March 14, 2003.

Ms. Christina Russell noted that the issue dealing with "All Service Providers Release of Customer Information in Emergency Situations (subpoena process, etc)" is still in need of a work group leader. Volunteers were encouraged to lead this group.

VIII. Policy Subcommittee Report

No report was given.

IX. Public Comment

TSC Communications

Mr. Dan Loftus, Livonia Police Department PSAP Director, reported great difficulty with TCS Communications in handling wireless E9-1-1 calls. He has been in contact with several agencies and has not received corrective action.

It was noted that several other PSAPs also have problems with this company. It was recommended that a meeting be set up with TCS, members of the phone industry, and NENA to find a resolution to the problems.

X. Next Meeting

The next meeting is scheduled for Friday, March 28, 2003, 10 a.m., at the Eaton County Courthouse in Charlotte.

Elections of the committee chair and vice chair will be held at this meeting. Mr. Rogers announced he would be willing to continue as chair for another year to maintain consistency, if selected, or he could be an advocate in a different capacity.

The meeting adjourned at 12:10 p.m.

Approved:

Paul Rogers, Chair
Emergency Telephone Service Committee