



CENTRAL OFFICE:
17 North Front Street, Harrisburg, PA 17101-1624
PH. 717-232-7554 FAX 717-232-2162

NORTH OFFICE:
P.O. Box 60769, Harrisburg, PA 17106-0769
PH. 717-526-1010 FAX 717-526-1020

911 EMERGENCY RESPONSE SYSTEM AND ITS FUNDING
SENATE VETERANS AFFAIRS AND EMERGENCY MANAGEMENT
COMMITTEE
SENATE COMMUNICATIONS AND TECHNOLOGY COMMITTEE
Harrisburg, Pennsylvania

Presented By
Douglas E. Hill
Executive Director

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Good morning. I am Douglas E. Hill, Executive Director of the County Commissioners Association of Pennsylvania (CCAP). The CCAP is a non-profit, non-partisan association providing legislative and regulatory representation, education, research, insurance, technology, and other services on behalf of all of the Commonwealth's 67 counties. I am pleased to be here today to offer testimony on the 911 emergency response system and its funding.

Counties are proud of the role they play in providing 911 call-taking and dispatch, and are equally proud of the role they played in bringing this important service to all of the citizens of Pennsylvania. Yet there are many ways we believe the system can be improved, and we thank the Committees for giving us, as well as our peers and our partners, the opportunity to discuss this important issue. Indeed, enhancing 911 services is one of the ten legislative priorities counties have identified for 2010.

Before I discuss our recommendations, it is important for you to understand the history and framework of 911 here in the Commonwealth.

Prior to passage of the Public Safety Emergency Telephone Act (Act 78) in 1990, emergency dispatch in Pennsylvania was under municipal control and was at best an ad hoc system, marked by competition among jurisdictions, and only nominal centralization. Most calls required dialing a seven digit number, and different seven digit numbers were often the norm for ambulance, police, and fire. At that time, 911 service was available in only a handful of jurisdictions, and if an individual outside one of those jurisdictions dialed 911, the call was answered by a telephone company operator, who then gathered information from the caller and rerouted the call to the appropriate municipality and department.

While a few areas were able to overcome jurisdictional, political, and funding difficulties to create centralized 911 systems, it was clear that this patchwork approach would cause significant delays in 911 deployment, and in the interim needlessly endangered individuals and property. On that basis, our counties stepped forward and argued that 911 call taking and dispatch should be moved from municipal to county responsibility. Working with legislative leaders, municipalities, the Pennsylvania Emergency Management Agency, emergency management professionals, and the communications industry we ultimately succeeded in obtaining passage of Act 78, providing the tools to promote development of 911 systems on a statewide basis. The Act overcame the primary impediments to development of 911 systems by vesting with the counties, rather than municipalities, the statutory authority for creating the system, and by providing a funding source through the telephone subscriber surcharge.

The result was that in less than a decade – and for most much more quickly than that – the counties were able to put in place 911 centralized dispatch services.

We quickly realized, however, that the act had one key deficiency, specifically that, when Act 78 was under development, none of us anticipated either the rate of growth or the many directions of change in communications technology.

Within a few short years we saw the growth of wireless communications, to the point where the number of 911 wireless calls overtook wireline calls and created a whole new set of problems with identification of call origin. We largely solved that problem with Act 56 of 2003, which incorporated a one dollar per month wireless subscriber fee and gave us tools for planning and development of wireless locator and response systems.

With that problem barely solved, we found we had comparable problems with VoIP communications systems, and again worked with PEMA, emergency management professionals, and the industry and developed Act 72 of 2008, which also incorporates a one dollar per month wireless subscriber fee and gave us tools for planning and development of VoIP locator and response systems.

And now, in response to growing use of prepaid wireless phones and attendant issues on the changing means of their sale and deployment, we have legislation pending, HB 1789, to clarify how the fee and related administrative matters apply to those devices.

Still on deck is the need for statutory revision to provide locator systems within PBX and comparable networks.

In short, we have a robust system that largely meets the public safety needs of our residents, businesses, and visitors, but it is a system cobbled together over time and one that needs restructuring to enable us to better meet current and future needs. We believe it is now time to develop a full revision of the Public Safety Emergency Telephone Act, with several key objectives.

First, we need to blend the Act's disparate technologies, planning processes, fee structures, and grant structures into a single whole.

Each technology has a different fee structure. Currently, we have provisions covering wireline systems that allow a monthly subscriber surcharge of between one dollar and \$1.50 per month, depending on class of county, that is collected by the communications provider and transmitted directly to the county in which the fee is collected. We have provisions covering wireless communications that allow a monthly surcharge of one dollar that is collected by the providers, remitted to PEMA, and then distributed to the counties based on county plans submitted to and approved by PEMA. Most recently, a set of provisions was added to cover VoIP communications, which also includes a one dollar per month surcharge, collected monthly by the provider and remitted, at the discretion of the provider, either directly to the county of the subscriber's billing address, or to the state treasurer for quarterly remittance through PEMA to the county of the subscriber's billing address.

Each technology has different planning requirements, so although our objective is to integrate the call and dispatch handling processes, under the Act the county plans often cover different portions of the same system.

Each technology has different allowable costs, so under the Act counties must deploy and account for funds in ways that can best be described as torturous.

Our second recommendation is that we develop a core statute that can readily recognize and accommodate new technologies. The act began with wireline, incorporated wireless and later VoIP and, as noted at the outset of this testimony, legislation is yet to be adopted to adequately address prepaid wireless and advances in PBX technologies. Incorporating new technologies by keying language to that individual technology inevitably leads to the inconsistencies in funding and administration that we currently experience.

The third recommendation is that the Act's financial structure needs to be rewritten to fully recognize county costs in providing the system. We have been working with PEMA and the emergency management professionals to provide a comprehensive analysis of the amounts and nature of county cost

centers, and will advocate that all of these cost centers be included as allowable costs against which fees can be applied, in their entirety. As the system is now structured, percentage limits in some cost centers, combined with non-recognized costs for some parts of the system, means that every county must make up part of the funding of the system from the county property tax.

Fourth, the fee structure itself must be updated. The current set of fees are based on 1990 standards and by any measure are inadequate to provide this critical service. These twenty year old limits, combined with declines in usage particularly as wireline service declines, mean that an increasing share of the cost of the system is borne by the county property tax payers. A structure that brings the fee base up to current-year needs and provides for an inflator with appropriate safeguards would ease the burden on the property tax and ensure continued quality services.

We note parenthetically that municipalities and fire companies, which benefit directly from the system and no longer have to bear this cost, do not contribute to the system. We are not advocating that they do, but make the point just to emphasize that the full cost falls on the county, to be paid either through the fee structure or the county property tax.

Relatedly, we will need to develop balanced methodologies for collection and distribution of subscriber-based funding. We do not have a recommendation of which distribution methodology would be preferable – whether subscriber-address based, tied to approved plans, distributed based on some formula of relative calls or population, or some combination of these – and assume that it is a matter to be developed among the interested parties. We will also need to determine some means to provide assurance that communication system providers are properly collecting and remitting the subscriber fees.

We appreciate your leadership in calling this hearing. We are proud of what we have accomplished to date on behalf of our mutual constituents, and we look forward to working with you as we develop legislation that improves on that record and enhances our ability to meet the changing needs to come.

I would be happy to answer your questions at this time.