**9-1-1 Advisory Council**

**Meeting Executive Summary**

**Thursday, December 12, 2019**

**9:00 a.m. to 4:00 p.m.**

**State Capitol, Room 102**

**Helena, Montana**

**Attendees:**

Voting Council Members/Alternates:

Adriane Beck - PSAPs >30K ☎; Kimberly Burdick – MT APCO ☎; Rich Cowger, MT Fire Chiefs ☎; Alex Duman, Wireless Telecommunications Provider ☎; Michael Fashoway, MT State Library (Alternate) ☎; Geoff Feiss - Telecommunications Provider; Peggy Glass - PSAPS <30K; Burke Honzel - DMA/DES; Lisa Kelly - Wireline Telecommunications Provider; Andrew Knapp - DOJ/MHP (Alternate); Clint Loss – MEMSA; Commissioner Gary MacDonald – MACO; Quinn Ness - DOA, Council Chairman; Pat Roos – MSPOA; and Curt Stinson – MACOP ☎.

Non-Voting Council Members/Alternates: John Bemis, CenturyLink (Alternate) ☎; Gary Evans, VisionNet (Alternate) ☎; Terry Ferestad, AT&T (Alternate) and Shantil Siaperas - MACO (Alternate).

Guests: Kent Ames, AT&T; Mark Baker, AT&T; Sandra Barrows - Barrows Consulting; John Bemis, CenturyLink ☎; Greg Brooks, Solacom ☎; Jody Hickey, Glacier Co. Sheriff’s Office ☎; Rebecca Myers, Missoula County Contract Lobbyist; Tim Martindale, Gallatin County 9-1-1 ☎; Tim Nixdorf, Triangle Communications; Sonja Nowakowski, Legislative Services; Jon Osborne, CenturyLink; Eric Parry, Federal Engineering; Rob Stauder - DataMark ☎; Ken Wall, Geo Data Services; and Karen Young - City of Great Falls 9-1-1 ☎.

Staff: Kevin Hammond, DOA/SITSD Accountant; Don Harris, DOA/SITSD Attorney; Wing Spooner DOA/PSCB; and Rhonda Sullivan, DOA/911.

**Chairman Ness called the meeting to order at 9:00 a.m.**

**Welcome & Introductions**

Council members and guests introduced themselves. Chairman Ness announced that the State Chief Information Security Officer, Andy Hanks, requested that the State 9-1-1 Program remove all Statewide 9-1-1 Plan documents from its webpage due to concerns about cyber security. These concerns came from the Montana Department of Justice and the Federal Bureau of Investigation. These documents are still available upon request by contacting Rhonda Sullivan.

Chairman Ness commended Jennie Stapp for providing sample agendas and executive summaries from the Land Information Advisory Council meetings. The agenda removes specific times for items and the executive summary format for minutes streamlines the information discussed at meetings.

**Approval of Meeting Executive Summaries: Action Items\***

**Commissioner MacDonald made a motion to approve the executive summary for the July 10 - 11, 2019 9-1-1 Advisory Council meeting. Member Knapp seconded. The motion passed with all in favor, none opposed, and none abstaining.**

**Chairman Ness moved to approve the executive summary for the September 11 - 12, 2019 9-1-1 Advisory Council meeting with a correction to note that Lisa Kelly was not present on September 11. Member Glass seconded.** **The motion passed with all in favor, none opposed, and none abstaining.**

**Standing Reports**

***Certified PSAPs Quarterly Funding Distribution Report***

For the 1st quarter of the 2020 state fiscal year, $2,581,943 was distributed to local governments that host certified PSAPs. This included a distribution to the recently certified Rocky Boy’s tribal PSAP of $39,768 in funds that were held back from the 2019 state fiscal year (SFY). Recently the Blackfeet Tribal PSAP was certified and in the second quarter of this fiscal year, they will receive their 2019 SFY funds along with the 2nd quarter quarterly distribution. Chairman Ness announced that the Northern Cheyenne Tribal PSAP has submitted their PSAP certification materials.

In response to a question from Member Feiss, Chairman Ness once again explained the purpose of House Bill 150 which amended the law to include tribal governments that host certified PSAPs as eligible recipients of quarterly funding distributions.

Guest Jody Hickey asked if Glacier County will need to dissolve its current MOU with the Blackfeet, which permitted Glacier County to pass through 9-1-1 funds to the Blackfeet tribe. Chairman Ness recommended speaking to the Glacier County Attorney about dissolving this MOU since it will no longer be needed.

***9-1-1 Grant Program Report***

All contracts have been executed except for two, one with Flathead County and one with Triangle Communications. Over the first quarter of the current fiscal year, the department has paid $684,268 on grant contracts. Another $72,790 is pending in the accounting system which will be distributed shortly.

**Unfinished Business** (Agenda item was moved forward)

***HB150 Legislative Fix***

Research Director Sonja Nowakowski, Legislative Services Division, provided an explanation relative to ensuring that tribal governments were eligible to apply to the 9-1-1 grant program and potential solutions related to HB 150. With passage of HB 150, tribal governments were added into eligibility for quarterly 9-1-1 funding distributions; however, through the amendment process, tribal eligibility was accidentally terminated for the 9-1-1 Grant Program. In the newly published MCA, there is a note from the code commissioner that states because of the temporary nature of the changes made by Section 9, Chapter 172, the code commissioner did not codify the amendments to this section. However, the title and text of the bill indicate that the 2019 amendment to this section was potentially unintentionally terminated. This clarification will remain on the books until the new codes are published after 2021.

Research Director Nowakowski also is working with Chairman Ness and Attorney Harris on a potential bill draft to simply amend 10-4-306 MCA to add in tribal governments, which was the intended outcome of HB 150. She recommended moving forward on a very specific and narrow bill draft that would have an immediate effective date. She will be giving an update to the Legislative Interim Committee on January 13.

Chairman Ness noted that the Council set aside $250,000 each fiscal year over the next two fiscal years so that additional funds will be available when tribal PSAPs become eligible to apply for grants. Those funds will be available to all applicants.

It was suggested that the bill come from the Legislative Interim Committee and that the chairman identify a sponsor. Research Director Nowakowski will suggest this at the next Interim Committee meeting and report back to Chairman Ness.

**Special Reports**

***AT&T Public Safety Solutions***

Kent Ames, is part of AT&T’s dedicated public safety team. His presentation covered AT&T Public Safety, ESInet Considerations, AT&T ESInet and Cloud CAD and Tactical Mapping. The presentation slides are available at this [link](https://sitsd.mt.gov/LinkClick.aspx?fileticket=LTAg836rmA0%3d&portalid=165). Guest Speaker Ames spoke about AT&T’s partnerships to provide call handling, location data, CAD and Records Management System (RMS)/Jail Management System (JMS). A nationwide map illustrated AT&T NG911 ESInets and Cloud Services projects.

Speaker Ames emphasized some ESInet Considerations such as call handling integration that ensures the ability to take advantage of the most efficient and best ways to deliver 9-1-1 into the PSAP. Other considerations for the RFP process are hardware compatibility, testing, software release and aggregation of service providers. The viability of providers is also an important variable.

Mr. Ames emphasized AT&T national carrier-grade solutions which deliver a consistent and reliable experience to customers with standardized and predictable provisioning and implementation processes. They have robust solutions for rural areas. Everything is standards based. AT&T sells its ESInet services based on population. AT&T has built six cores and nine aggregation points for diversity and these costs are being spread across all of its customers. This is less expensive than building out a local NG911 network.

Speaker Ames was asked where the closest aggregation point is to Montana. Today, it would be either Kansas City or Sacramento. But, AT&T has points of interconnect with carriers all over the country. He also explained how FirstNet interconnects with NG911. It is a dedicated network with priority and preemption.

In addition, Mr. Ames discussed the future of 9-1-1 CAD and radius tactical mapping using RapidDeploy software. Newer mobile phones have the ability to send their location into RapidSOS, which collects that information. RapidDeploy can then display this information on a map. This solution takes advantage of Google Maps. He is available to do a full live demonstration of this system at a later time.

Member Lisa Kelly asked if AT&T has existing commercial infrastructure in Montana. Mr. Ames said yes, it has cell towers throughout the state, but it does not have any PSAP infrastructure. AT&T would contract with local carriers and transport over their facilities.

Member Feiss asked if AT&T has worked with states to migrate Time Division Multiplexing (TDM) to IP (ESInet) and would AT&T’s services integrate with an existing ESInet? Mr. Ames said it is a requirement of the NENA i3 standard for one ESInet to be able to work with another ESInet. It follows the i3 standard to have the ability to hand off appropriately. If any PSAPs are interested in a demo, they may reach out to Mr. Ames directly.

***CenturyLink NG9-1-1 Projects***

Jon Osborne, CenturyLink Account Director, said that because technology is changing so fast, it is important to have a trusted partner. Mr. Osborne said that CenturyLink has had several design calls to discuss how to get Montana ready for NG911 and to have a solid path forward. Here is a [link](https://sitsd.mt.gov/Portals/165/docs/911%20Advisory%20Council/911%20AC/2019/CenturyLink-PubSafety_2019_12.pdf?ver=2020-01-06-103936-527) to his presentation slides.

Having a public-safety grade network is essential. All solutions are customized and are driven by customer requirements. There is no “one size fits all.” CenturyLink has expanded its dedicated 9-1-1 team to focus on NG911. CenturyLink is part of multiple national contracts, including the National Association of State Procurement Officers (NASPO) contract, so states have pre-negotiated rates available.

This is a challenging journey, but solutions are available by using the right partners. Results have to be scalable, expandable and future proof. Mr. Osborne pointed out that CenturyLink has been involved with 9-1-1 since the 1960’s. It has a huge database of records with a strong vision for the future. CenturyLink also has a tremendous commitment to cyber security. Call Processing Equipment (CPE) is transitioning to almost like a subscription service now where it is priced on the number of seats at the PSAP. This is something to think about in the future.

Member Feiss asked Mr. Osborne about the State of Nebraska’s NG911 implementation. Nebraska has had a plan for about three years, and they are just about ready to issue an RFP. The state has been divided into 7-8 regions. Two PSAPs are hosting CPE, which usually cuts costs in half for the remote PSAPs. Mr. Feiss asked how 18 PSAPs can be effectively migrated to the ESInet and how NextGen core services can be built out. Mr. Osborne indicated that CenturyLink does have a plan in place. They have been discussing this issue quite extensively.

Chairman Ness commended Mr. Osborne on the slide which states that: “Driven by customer requirements, there is no ‘one size fits all.’” He asked how we can move forward to get customers directly engaged with the vendors so they can make procurement decisions on how to migrate to NG911. Can the department or Council help facilitate this? It is time to move forward with procurement and all PSAPs need to be engaged.

***Statewide 9-1-1 Plan***

Eric Parry, Montana Program Manager for Federal Engineering, updated the Council on recent accomplishments, strategy and planning issues that came out of the Town Hall meetings, and PSAP Outreach. Tribal PSAP Needs Assessments were conducted for the Blackfeet, Rocky Boy and Northern Cheyenne PSAPs. Mr. Parry said the Town Hall meetings had good attendance and increased interaction. There is still a lot of trepidation among PSAPs about what NG911 will do, including video transmission into PSAPs, multi-media and automatic crash notification. Everyone wants more information on NG911, so there is a need for NG911 education. There is a general misunderstanding of what steps are needed first for NG911 migration. This was a common thread throughout the Town Hall meetings. In order to help PSAPs feel better about NG911, the following benefits can be stressed: fewer mis-routed calls, a reduction in the number of transfers, and increased accuracy with caller location.

Mr. Parry said that the first major step is to get all Montana PSAPs on an ESInet to have IP call delivery along with core services based on geographic information for the state, so that calls are routed appropriately. Member Feiss reiterated that the Council needs to strategize about how to get 100% of PSAPs on the ESInet and asked for suggestions from Mr. Parry on how this could be accomplished. In particular he wanted to know which of the options listed in the plan would be the most efficient, effective and timely way to migrate to an ESInet. Chairman Ness suggested having this discussion under Mr. Feiss’ agenda item. The next step is to fully engage with PSAPs and work on their requirements

**Unfinished Business** (Continued)

***NG911 ESInet Implementation Plan***

MemberGeoff Feiss recently sent out Montana Telecommunications Association (MTA) comments and recommendations about the Plan. He sees the Council’s role as one of providing a framework by which we achieve NG911. The Council is supposed to provide guidance and a strategic vision for 9-1-1 in Montana. Within the draft plan, there are a number of recommendations or options. MTA suggests that from the six options listed for migrating to a NextGen ESInet, the Council pick among those to provide direction to the state and to PSAPs. He thinks the Council has a responsibility to take the following steps:

1. To migrate 18 Qwest legacy PSAPs to ESInet capability;
2. To get rid of legacy selective routers and integrate NextGen core services;
3. To maximize and optimize PSAP’s ability to take advantage of core services, such as hosted CPE environments.

Member Feiss recommends that the Council adopt a specific roadmap for migrating the 18 PSAPs, for bidding on and selecting a provider for NextGen core services and deciding on how best to make all of this work. He said that adopting the plan as drafted does not give the Council a clear path.

Member Siaperas (Alternate) asked how Mr. Feiss would recommend getting those 18 PSAPs to sign on because it can’t be mandated. He indicated that there are political and cultural challenges to overcome. He also said that we can use the 9-1-1 Grant Program to provide funding within the priority structure of MCA 10-4-306 to those PSAPs that need financial assistance to move towards NG911.

Member Knapp (Alternate) asked if this means that if a PSAP doesn’t follow how the Council wants the ESInet to move forward, it automatically won’t get grant funding? He is concerned about PSAPs being dictated to about what technology or company they have to use or being told what they have to do. PSAPs should be able to choose their own partners. The Council should not set a precedent to tell a PSAP how something has to be done or else it won’t get funding. Chairman Ness said it is important for CenturyLink and the telephone Co-Ops to speak directly with the PSAPs and engage with them as customers. The Council and the department should not dictate to local and tribal governments. Commissioner MacDonald stressed the importance of knowing why certain PSAPs have chosen not to have IP capability.

Member Kelly clarified there are actually only 17 PSAPs not on the IP network, and two of them are not state certified because they are federal PSAPs: Malmstrom Air Force Base and Yellowstone National Park. She said that when CenturyLink won the contract with the State of Montana back in 2005, it had to execute individual contracts with each PSAP. Forty-three PSAPs chose to contract with the company; 17 did not, which is why they are still on the legacy analog network.

Chairman Ness pointed out that if one of the previous barriers to migrating to the CenturyLink - VisionNet network was financial, the 9-1-1 Grant Program could provide financial resources to do so today. It is essential that the telecom companies reach out and engage with PSAPs individually to determine their concerns and identify financial or technical assistance needs.

Member Feiss said he didn’t mean to imply that there be a state mandate, although compliance with the NENA i3 standard is necessary. PSAPs need to have an understanding of what it takes to migrate and what options are available. Whatever the solution, it needs to be compatible or compliant. At some point, the Council needs to agree to a common goal and path. The Council needs to have a framework that everyone can agree on. Otherwise, we could have an inefficient and perhaps more costly result.

Member Siaperas (Alternate) asked questions about existing contracts and opportunities for renegotiation. Member Kelly explained that the 43 PSAPs all began with 5-year contracts and they have been renewed on an ongoing basis. Legacy Qwest contracts ranged from 2 to 7 years, and there are varying degrees of where PSAPs are in those contracts. Legacy Qwest contracts would need to be examined to determine the impact of termination liability. Member Kelly noted that all contracts in place are with individual PSAPs. None are with the State of Montana.

Discussion took place about the Montana Procurement Act, which local governments can adopt for local procurement activities. Some counties may have different procurement procedures. IT contracts can be awarded for up to 10 years. Member Siaperas (Alternate) believes the State’s Master IT Contract is now open for companies to participate.

***Proposed Motion Reversal***

Chairman Ness stated that at the last meeting, the Council approved a motion to adopt the ESInet Design and Implementation Plan. At the time, the members perhaps did not fully understand the amount of consternation that the rural telephone cooperatives had about it. He suggested reversing that motion until the Council can have further discussion about the Implementation Plan.

**Motion**: Member Geoff Feiss moved to recommend to the department not to adopt the draft EISnet Design and Implementation Plan at this time pending further discussion with stakeholders.

**Discussion**: Member Feiss expressed concern about the upcoming rulemaking which will adopt a guideline that assesses the extent to which an application complies with the Statewide 9-1-1 Plan, which, in Mr. Feiss’ opinion, does not currently provide a tangible strategy for an ESInet procurement. Chairman Ness clarified that the Statewide 9-1-1 Plan consists of several documents, including PSAP Needs Assessments, which Chairman Ness believes the proposed rule truly speaks to.

Chairman Ness said that even if the Council does not adopt the ESInet Design and Implementation Plan at this time, there are still several documents that remain in the Statewide 9-1-1 Plan. Of importance is the adoption of NENA i3 standards. Removing the ESInet Design and Implementation Plan does not impair the intent of the rule change.

Member Feiss asked Mr. Parry to confirm to the Council that Options 5 and 6 of the ESInet Design and Implementation Plan make the most sense. Chairman Ness clarified that under the department’s contract with Federal Engineering, all deliverables, including the ESInet Design and Implementation Plan, have been accepted. This does not mean that stakeholders can’t amend those documents moving forward. However, Federal Engineering’s current contract would not include amending this document.

Mr. Parry indicated that the six options still stand on the table. The Council has to decide what it wants to do. He would not recommend a series of ESInets around the state. Having said this, Mr. Parry clarified that not one PSAP at the Town Hall meetings indicated that they are not in. Actually, at least two requests were received for leadership to provide direction and a determination of what is best for the state.

Member Beck indicated that amending or withdrawing this motion is rather futile given that the department and Council have options for consideration for further discussion and also recognizing that the Plan is a living document that will evolve and change over time. We want to encourage continued conversation and if the Plan needs to be amended based on those conversations, then so be it. But she does not see the point of withdrawing its adoption.

Chairman Ness provided more background on the content of Mr. Feiss’ MTA Comments and Recommendations document based on additional research he conducted. He reminded members of the draft clean-up bill that the department brought forth in December of 2018 and which the Council reviewed and recommended that the department move forward with it.

In the closing statement of Mr. Feiss’ document, it states: “The Legislature provided $5 million for migration to NG911. While the Department allowed this provision to expire, it would be disingenuous and contrary to the intent of the law to divert funding to anything else.”

Chairman Ness asked the Council to recall the content of the draft bill, which included the continuation of the NG911 infrastructure grant program, to which $5 million was allocated. The draft bill proposed removing the termination date thus making the infrastructure account permanent. It also proposed to make both the statewide 9-1-1 planning and the GIS assessment accounts permanent. That bill was never introduced to committee because it was blocked by Member Feiss. What came out of the committee was MTA’s bill (HB 150). The department proposed a lot of the language that Mr. Feiss has referenced to be included in the requirements for the statewide 9‑1-1 Plan, which would have become law. However, these provisions were not included in HB 150. As a result, there is not a requirement in law that the $5 million be spent on an ESInet. That was a separate specific recommendation from this Council to the department.

Originally, the ESInet Design and Implementation Plan was developed specifically for the NG911 Infrastructure Grant Program. However, there is no longer a requirement in law to implement that. It is clear that the legislature’s intent was to terminate those programs and accounts. The department, in consultation with the Council, is willing to continue on with the ESInet Design and Implementation Plan regardless of whether or not there is a requirement in law.

The department does not want to be a referee. It does not want to dictate to PSAPs or telecom providers. If there is this much consternation about the ESInet Design and Implementation Plan, then telecom providers and PSAPs need to get together and come up with a proposal.

**Motion**: Member Feiss withdrew his motion.

**Unfinished Business**

***9-1-1 Grant Program ARM Amendments***

Department Attorney Don Harris provided background on MAR Notice 2-13-593 which came out of a working group effort. It was designed to improve the grant criteria to better address what the Council thought were priorities in awarding grants. After discussion on the proposal at the last meeting, there was a desire to have even greater flexibility. In particular, the Council wanted to change the grant award criteria; so, the department prepared MAR Notice 2-13-592, which would have allowed the Council to prepare grant criteria annually before opening the grant cycle. That proposal went before the State Administration and Veteran’s Affairs Legislative Interim Committee and concerns were raised that the Advisory Council should be required to go through the rulemaking process in order to establish the criteria. In recognition of that concern, the department withdrew the proposal.

The MAR 2-13-593 proposal is out for public comment. One change is that the grant criteria scoring system is being eliminated. Additional criteria are being added. These rules do not in any way change the statutory preference for providers of PSAPs working with providers.

**Motion: Commissioner MacDonald to recommend to the department that it move forward within the formal process for rule amendment. Pat Roos seconded. The motion passed with none opposed and none abstaining.**

**New Business**

***Grant Application Form***: Chairman Ness noted that it looks as though the rule amendments will be officially adopted by February so we will need to move quickly to open the grant application period after their adoption. The Council may need to meet more frequently. Staff will begin drafting a new grant application form that will include the new award criteria.

**Public Comment**

***Wireless Carrier Perspective:*** Mr. Nixdorf represents Triangle Communications and wanted to address the new ARM Amendments. He expressed concern about the need for the criteria since the Council can chose recipients that have only met five criteria instead of a recipient who has met all ten.

Chairman Ness said criteria is needed to guide the department and the Council in their grant award decisions. In addition, the new award criteria need to be communicated to potential applicants so they can focus on preparing a competitive application.

Mr. Nixdorf also expressed concern about the misappropriation of 9‑1-1 funds during the 2017 legislature when $2 million was diverted to fund University of Montana professors’ retirements. FCC Commissioner O’Reilly sent a letter to Gov. Bullock about this and went so far as to call the act “a theft.” The Commissioner also noted other irregularities in the way that Montana disburses its 9 1-1 funds.

Mr. Nixdorf also said he wanted to provide some perspectives from a rural carrier. Progress is being made, but there are still a lot of coverage issues. He stated that 9-1-1 funds must first cover the expenses and reimbursements of those wireless providers who request it from the 9-1-1 fund. He indicated that even the federal government says that 9-1-1 funds should ensure that citizens can make a 9-1-1 call from their device or home telephone that reaches the PSAP. He believes that Montana is lucky because only three carriers have asked for reimbursement of 9-1-1 services and elements for their 9-1-1 networks. Without rural carriers, 9-1-1 calls are not possible in rural areas.

Triangle and Nemont have approximately 100 cell sites from Liberty County all the way across the high line. Verizon has 9 sites, and AT&T has 5, although it is working on a 6th one. The 9-1-1 Grant Program needs to ensure that telecom providers are always paid first. The Council needs to fix the needless grant protocols that are in place for telecom providers. Some of this refers to the use of a contract that implies that providers are a contractor to the state in order to receive grant funding. He emphasized that Wireless Providers are providing 9-1-1 service because the FCC mandates that they provide 9-1-1 services as soon as a PSAP requests it.

He cautioned the group that Commissioner O’Reilly said that states that are diverting money from the 9‑1-1 fee will not be eligible for federal NG911 grants.

Chairman Ness said that Governor Bullock did respond to Commissioner O’Reilly’s letter and that, moving forward, the State of Montana is fully eligible to receive federal 9-1-1 grant funds. He clarified that the decision to divert funds was made by the legislature. He also noted that HB 61 amended and eliminated the ability to transfer funds from any of the 9-1-1 accounts to the general fund.

***GIS:*** Mr. Ken Wall, GeoData Services, reported that he is working with eight PSAPs in rural counties, and it is going well. He emphasized the importance of testing GIS data, especially if the ESInet implementation is going to be several years down the road. Core services are an essential part of NG911. He urged the Council to think about a way to prioritize core services and begin testing. Perhaps a grant could be awarded for this purpose. No single county is ready today, but some will be ready to test data soon.

**Next Meeting:** The next meeting will be on Thursday, March 12, starting at 9:00 am. Please let Chairman Ness know of agenda items. Once the grant program is open, there will be a 60-day application period. The department needs to make final grant awards by June 30.

Member Feiss expressed a desire to refine the ESInet Design and Implementation Plan. Chairman Ness said he would prefer that MTA reach out to PSAPs and work with them directly. MTA needs to develop a consensus and bring a proposal back to the Council that has the support of all of the PSAPs.

**Adjournment**

**Motion: Commissioner MacDonald moved to adjourn, and Member Knapp seconded. The motion passed with all in favor, none opposed, and none abstaining. Chairman Ness adjourned the meeting at 12:32 p.m.**