**9-1-1 ARM-Rule Making Subcommittee Meeting**

**Thursday, June 28, 2018**

**Conference Call Minutes**

**Present**

Geoff Feiss, MTA, Chairman Bill Nyby, Sheridan Co.

Liz Brooks, Flathead Co. Jennie Stapp, MSL

Kimberly Burdick, Chouteau Co.

**Absent**

Adriane Beck, Missoula Co. Denis Pitman, Yellowstone Co.

Steve Haddon, Jefferson Co.

**Staff**

Don Harris, DOA Quinn Ness, PSCB

Wing Spooner, PSCB Rhonda Sullivan, PSCB

**Guests**

Lisa Kelly, CenturyTel

Sandra Barrows, Barrows Consulting

**Call to Order**: Geoff Feiss called the meeting to order. A roll call was taken. A quorum was present.

**Adoption of Meeting Minutes:**

**Motion**: Bill Nyby made a motion to adopt the minutes from the May 24, 2018 meeting. Kimberly Burdick seconded. No discussion. The motion carried.

**NEXT GENERATION 9-1-1 INFRASTRUCTURE GRANT PROGRAM**

At the June 14, 2018 9-1-1 Advisory Committee meeting, Quinn explained that HB 61 also specifies that rules need to be drafted for the NG911 infrastructure grant program; so, the subcommittee’s job is not over. Geoff reminded members that $5 million was set aside in this grant account for a statewide ESInet, upgrades and replacement of existing selective routers with IP routers, and upgrades to all non-IP-capable PSAPs. About 20% of PSAPs are not at this standard. Once 100% IP capability is achieved, then NG911 functions can be adopted.

The rules related to the infrastructure grant program (MCA 10-4-309) were reviewed as follows:

* (2)(c) “NG911 infrastructure means a statewide ESInet; upgrades and replacement of existing selective routers with IP routers; and upgrades to all non-IP-capable public safety answering points for IP capability.”
* (3) “In making grant awards under this section, the department shall give preference to local governments working with private telecommunications providers that the local government determines can most effectively implement infrastructure improvements.”

Geoff believes that the term “working with” in this grant infrastructure section is different than the meaning in the prior 9-1-1 grant program rules. In the infrastructure grant, there is not a distinction between counties working with a private telecommunications provider versus counties that are not working with a private provider. In this case, all grantees will be local governments working with a private telecommunications provider. It will be key to have local government participation in this round of rulemaking.

For clarification purposes, the previous grant program rules will be referred to as the 9-1-1 Grant Program. This one will be referred to as the NG911 Infrastructure Grant Program.

Quinn offered an overview of the technological challenges this grant program is meant to address. Typically, it is the provider’s responsibility to deliver the 9-1-1 call to the selective router. Transferring the call from the selective router to the PSAP is the responsibility of the local government that hosts the PSAP. Quinn interpreted the process involved in this grant program to mean that if a grant were to be awarded to a local government to upgrade the selective routers, the routers would still be owned and operated by the telecommunications provider. The local government would receive the grant, and it would have to do a procurement process to upgrade the selective routers. Members agreed that this sounds like the intent of the process.

* Some PSAPs are unable to receive IP traffic, so they will need to upgrade their hardware (and possibly software, too). All PSAPs need the ability to receive IP traffic so they can handle NG911-types of communications.
* 16 legacy PSAPs in the state are not on the IP network. **Task Item:** Lisa Kelly will send a list to Rhonda and Quinn showing which PSAPs need to be upgraded. Sheridan County is on an IP network today.
* 42 PSAPs are on the IP network in Montana, but they will also need IP selective routers so that traffic can be routed to them via IP. CenturyLink is currently carrying IP, but it is not routing IP.
* All of the PSAPs will need the selective routing function, but 16 PSAPs will need to be moved from analog transport to IP transport.
* Two selective routers are needed for redundancy purposes. The use of only one selective router creates a single point of failure. Two selective routers are in place now that are a mated pair. So, if one fails, everything continues to operate on the second router. All inquiries go to both routers.
* Lisa explained that technically, a selective router is a routing proxy. She indicated that a lot of new terminology is associated with NG911. Several things take place within the selective router function, including validation and emergency call routing. **Task Item:** Lisa can send a diagram of what this looks like. An IP selective router is a catch-all phrase, but there is a lot more to it than that.

The purpose of this grant program is to financially support the deployment of the required technology to support the delivery of 9-1-1 calls and data from the customer to the PSAP. There are three parts to the NG911 infrastructure definition in 10-4-309 MCA:

1. A statewide ESInet. Requirements for the ESInet will be provided in the statewide plan, by the contractor that will be awarded the contract for developing the statewide 9-1-1 plan.
2. Two IP selective routers/routing proxies.
3. An upgrade of all non-IP capable PSAPs.
   1. Infrastructure upgrades inside the PSAP may be needed if their call-taking equipment is not capable of accepting direct IP traffic. If not, a gateway would be needed to change IP traffic to analog and vice versa.
   2. Many of the non-IP 16 PSAPs have upgraded their call-taking equipment, but some have not.

Quinn said that the law still requires PSAPs to have two trunked lines from the selective router to the PSAP. CenturyLink owns this infrastructure. Quinn asked if there are any potential infrastructure upgrades needed from the selective router to the PSAP. Lisa indicated that these upgrades would only be for the 16 non-IP PSAPs. She also said that the transport capability exists today, but it needs to be changed from a CAMA delivery[[1]](#footnote-1)\* to an IP delivery. This can be done on a T-1, an ethernet, or other means.

Quinn clarified that the term “infrastructure” doesn’t necessarily mean a physical upgrade of the PSAPs’ telecommunications infrastructure. Lisa agreed. It simply means changing the delivery method of how PSAPs are receiving calls today. Inside the PSAP there may be some upgrades required to their call-taking equipment. Lisa noted that if the PSAP is not able to make these equipment upgrades at the time that CenturyLink is ready to convert them, CenturyLink could install an analog handoff that converts traffic back to analog. This would be an interim solution until the PSAPs’ equipment can accommodate IP traffic.

**NEXT-GENERATION 9-1-1 INFRASTRUCTURE GRANTS -- CRITERIA -- RULEMAKING (10-4-309 MCA)**

**Discussion moved to 10-4-309 MCA, Section (3) which reads: “In making grant awards under this section, the department shall give preference to local governments working with private telecommunications providers that the local government determines can most effectively implement infrastructure improvements.”** The department is directed to award grants to local governments. So, a local government would have to apply and receive the grant. Presumably, the local government would do a procurement. Quinn asked if this means that a competitive procurement process is required? Are there other telecommunications companies other than CenturyLink that could deliver the IP traffic? Lisa reported that there are other companies that provide 9‑1-1 networks and 9-1-1 ALIs (Automatic Location Information), but in order to be compatible with the same network provided by CenturyLink, they would need to have some sort of network-to-network sharing or connectivity. Some sort of capability would be needed to interact between the networks.

Quinn clarified that a grant award for a statewide ESInet would go to a local government(s) and it would need to do a procurement process for the statewide ESInet. A discussion ensued about the procurement process for both the statewide ESInet and the selective router upgrades. Here are some highlights of the discussion:

* CenturyLink currently owns and operates the selective routers. The current statewide 9-1-1 network and selective routers provided by CenturyLink are currently inter-related and need to stay that way for security purposes.
* A competing provider responding to the procurement would have to build its own statewide ESInet and whatever routing functions it intends to use.
* There are potentially multiple companies that would even be interested in providing these services. So, there could be multiple providers bidding on these projects.
* The challenge for other companies will be not already having a network in place. Presumably, the cost of the statewide ESInet and selective router upgrades will be lower for CenturyLink because it already has a 9-1-1 network in place in Montana.

In summary, grant award(s) for a statewide ESInet will be made to a local government (or governments), and it will have to do a procurement process. It is more efficient to have one grant award go to one local government which would do one procurement for a statewide ESInet. One local government will need to be willing to apply for the grant, do the procurement and manage the project. Geoff noted that an RFP or grant application process needs to allow for a group of local governments working together. A regional approach could also be used.

Lisa pointed out that if there were more than one ESInet in Montana, there can be IP connectivity between those ESInets and between Montana and neighboring states. The whole design of NG911 and IP is for ESInets to be able to interconnect with one another.

It is feasible that every county could receive a grant award and every county could do a procurement. However, if each county were doing its own ESInet, then each county would be responsible for having back-end equipment, such as routing proxy, emergency call routing functions, validation function for the ALI database, etc., which would quickly become cost prohibitive.

Bill asked if the grant could be administered by MACO? Quinn said this might be a possibility. A local government would have to receive the grant, but it could enter into an agreement with MACO to manage the procurement process and the project on the local government’s behalf. Clearly, the grant must be awarded to a local government, but conceivably, the local government could acquire administrative services by a third party while retaining the responsibility for the grant funding and project management.

Discussion took place about whether administrative and/or project management costs are allowable under the grant. Is there is anything in this portion of the statute that limits what the grant can be used for? Clarification could be made in rule about what allowable uses of grant funds are. This would certainly ease the burden on any county that would be willing to apply for and accept the grant. Don Harris does not see anything that would preclude those types of administrative expenses from being considered as part of a grant application. Clarification of allowable uses of these grant funds will be placed on the list of items that need to be addressed in rule.

Geoff noted that in the previous set of grant rules, administrative costs were not allowed. He will defer to the attorneys to see if it is authorized under statute.

Don indicated that this provision could apply to a local government that is administering the grant for the purpose of benefiting multiple PSAPs. The funds are still going toward infrastructure, but there is a central authority that the counties have agreed will be delegated the day-to-day administration of the grant.

**The subcommittee reviewed Section (4) as follows: “The department shall consult with and consider recommendations by the 9-1-1 advisory council established in 10-4-105 for awards made under this section.”** Geoff said the phrases “consult with” and “consider recommendations” really have no force of law. Quinn believes that the statute is consist in that the 9-1-1 Advisory Council is an advisory body. He expects that the Advisory Council will have the same role of reviewing applications and making recommendations to the department with the NG911 Infrastructure Grant Program as it does with the 9-1-1 Grant Program.

The subcommittee has the option of using the structure of the 9-1-1 Grant Program rules for the NG911 Infrastructure rules because it includes all the critical elements of a grant program, as follows:

* **Who is eligible to apply for and receive grants?**  Local governments. The subcommittee could use the same definition from the 9-1-1 Grant Program rules. (i.e. the definition of a local government that is in statute and that it must host a certified PSAP). Plus, the local government must work with a private telecommunications provider.
* **What is an allowable use of the grant funds?** The subcommittee has some general guidance in the definition of NG911 infrastructure, but it would be beneficial to clarify that funds could be used for administrative services and/or project management.
* **What are the reporting requirements?**
* **The grant application itself and what the application process is going to be.**

**The subcommittee reviewed Section (5): “The department may adopt rules to administer the provisions of 10-4-308 and this section. The rules must ensure that all local governments are treated equitably and must include but are not limited to provisions regarding: (a) applications; (b) timelines; (c) eligibility, including proof of eligibility; (d) the procedure for establishing the priority of grant awards; (e) the appeal process for grant applications that are denied; and (f) disbursement of grant money to providers.”**

Geoff asked for input on (d) the procedure for establishing the priority of grant awards.

* Lisa said the ESInet network and routing functions must be in place before PSAP equipment can take IP traffic. The ESInet and routing functions are of equal weight or priority.
* Bill believes priority should be to get those 16 PSAPs up to the same capability as the other PSAPs so that everyone has the same ability to receive IP communications.

Geoff asked Don if he had enough input to draft some general rules for the subcommittee to look at during its next call. Don believes he does. Quinn indicated that staff can start with using the structure of the 9-1-1 Grant Program to develop some suggestions to get this process started.

**Meeting Schedule:** The next subcommittee meeting is scheduled for Thursday, July 26 from 1:00 to 3:00 pm.

**Public Comment:** None

**Next Steps:** To review draft rules.

**Adjournment**: The meeting was adjourned at 2:10 pm.

1. \*Centralized Automatic Message Accounting (CAMA) trunk system [↑](#footnote-ref-1)