

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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Counties of Southern Illinois	)	
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	)	Docket No. 12-0094
Petition for Authority to Operate a Regional	)	
Next Generation 9-1-1 Pilot Project System.	)	
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**STAFF OF THE ILLINOIS COMMERCE COMMISSION  
RESPONSE TO CSI’S MOTION TO FILE AMENDMENT TO  
AMENDED PETITION FOR AUTHORITY TO OPERATE A  
REGIONAL NEXT GENERATION 9-1-1 PILOT PROJECT  
SYSTEM**

The Staff of Illinois Commerce Commission (“Staff”), by and through its undersigned counsel, in accordance with 83 Illinois Administrative Code 200.190 and the schedule established by the Administrative Law Judges (“ALJs”), hereby submits this Response to CSI’s Motion to File Amended Petition for Authority to Operate a Regional Next General 9-1-1 Pilot Project System (“Motion”) and states as follows:

**I. Introduction**

On December 17, 2012, CSI filed its Motion which also included the Amended Pre-filed Testimony of Kenneth E. Smith, revised Plan Narrative,

revised Design Plan (Exhibit 14), and revised Access Plan (Exhibit 15)<sup>1</sup>. On December 19, 2012, counsel for CSI provided non-official redline versions of Exhibit 14, Exhibit 2, and Exhibit 23 only. Staff, to the best of its ability, has reviewed CSI's supplemental filings.

## **II. Background**

Staff offers the Commission the following background which it may find useful in this proceeding.

From the outset of this proceeding, Staff has maintained that the information provided by CSI in support of its Petition is inadequate to permit thorough and proper evaluation of CSI's proposal. Staff filed a Motion for a Bill of Particulars on April 5, 2012, which was answered on May 3, 2012. CSI filed motions for extensions of time to respond to data requests issued by Staff. Within one week of filing of CSI's plan, on February 9, 2012, the Administrative Law Judges (ALJs) ordered that, to the extent that CSI is seeking a forbearance from certain requirements of the Public Utilities Act, the petition explicitly state so. A "Motion for Petition for Forbearance" was filed on June 18, 2012. Upon finally filing this motion/petition, the ALJs ordered CSI to file testimony in support of the forbearance request. After obtaining an extension of time to file that testimony, CSI subsequently withdrew the forbearance motion/petition and announced that they would contract with a certified 9-1-1 service provider.

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<sup>1</sup> Staff would like to point out that the Amended Pre-filed Testimony of Kenneth E. Smith is not marked for identification and neither is the Plan Narrative. Additionally, the Design Plan and Access Plan have been marked as Exhibits 14 and 15, respectively; however, CSI has previously marked for identification other pre-filed testimony with these exhibit numbers.

Following this disclosure, Staff, along with some Interveners, requested that CSI amend the plan to reflect the changes that necessarily follow as a result of contracting with a 9-1-1 system service provider. On October 10, 2012, the ALJs ordered that CSI provide a supplement to their plan that outlines the changes that will result from contracting with a certified 9-1-1 system provider, rather than CSI conducting these services on its own. The ALJs noted that this supplement should include a cover sheet containing a list of all materials that have been revised, whether they include data responses, testimony, and/or pleadings, and those revisions themselves. Furthermore, the ALJs ordered that the parties communicate better on a going-forward basis in order to facilitate moving forward in this Docket. At that point, CSI offered to circulate a draft of its supplemental filing to all parties by October 19, 2012, so that CSI may ensure that the plan supplement includes all information necessary for Staff and Interveners to begin a review of the plan and prepare testimony.

In the interest of facilitating an open dialogue and assisting CSI with its supplement, Staff provided the parties with a non-exhaustive list of information that they thought ought to be included in CSI's supplemental filing on October 17, 2012, related specifically to CSI's new decision to contract with a certified 9-1-1 service provider. In the same correspondence, Staff recommended that the parties hold a workshop involving technical staff, including engineers from non-party LECs, to discuss the physical and technical aspects of the plan. CSI responded through counsel that its October 19 draft would be delayed until October 26. Staff held a videoconference workshop on October 31; following

that workshop, CSI noted its supplemental draft filing would be provided to the parties by November 5.

CSI circulated a draft of its Motion to Supplement Amended Petition the parties at approximately 3:00 p.m. on November 7, 2012. At the November 8, 2012, status hearing, Staff and Interveners requested time to review the draft and provide comments. By agreement, Staff offered to provide feedback to CSI on this draft by November 20, 2012, and CSI was to file its Supplemented Amended Petition by November 29, 2012.

In accordance with this agreement and the order of the ALJs, Staff provided CSI, through counsel, with additional correspondence outlining the as-yet-unaddressed deficiencies in the draft. See Appendix A, Staff Correspondence to CSI, November 20, 2012 (hereinafter “Staff’s Correspondence”). Following an extensive review of the draft Motion to Supplement Amended Petition, as well as the amended plan itself, Staff remained of the opinion that a supplemental filing, as described in the draft motion, would not provide the sufficient information necessary for Staff to conduct a thorough and meaningful review of CSI’s plan. Staff’s Correspondence identified in bullet point format a list of items that, at a minimum, should be addressed to permit Staff to provide a meaningful review of the pilot program. This was not intended to be an exhaustive list, and by no means did Staff suggest that resolution of these unknown issues would certainly result in Staff providing the Commission a favorable recommendation about CSI’s plan. Staff sought to inform CSI and all other parties of the information that it views as

the minimum necessary in order to conduct its review and offer an opinion and recommendation regarding CSI's Petition. On November 29, CSI filed a motion to extend time to file motion to supplement amended petition, which was granted by the ALJs. On December 17, CSI filed its Motion to File Amendment to Amended Petition for Authority to Operate a Regional Next Generation 9-1-1 Pilot.

Below is a discussion of Staff's review of CSI's motion and accompanying supplemental filings and whether they addressed the items in Staff's Correspondence, followed by Staff's recommendation for how this matter should further proceed.

### **III. Discussion**

Below is a list of items Staff included in Staff's Correspondence which Staff requested that CSI address in its supplemental filing to permit Staff to begin a meaningful review of the plan. A discussion of whether CSI's Motion and supplemental filing addressed those items is also included.

#### **A. The 9-1-1 System Provider**

Staff identified several examples of revisions that should be made in the CSI Pilot Plan, in light of the fact that CSI appears ready to conclude an agreement with a certified 9-1-1 system service provider involved in the implementation.<sup>2</sup> The examples identified were not an exhaustive list, but merely examples of where the plan may no longer be internally consistent, given that a 9-1-1 service provider will be utilized.

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<sup>2</sup> CSI's Motion states that CSI has determined to contract with NG911, Inc., but that a contract has not yet been finalized. CSI states it will supplement its petition with a copy of that contract when finalized. (Motion, ¶1-2.)

- CSI indicated in the draft motion that it will provide a copy of the contract it enters into with a certified 9-1-1 system provider once it is negotiated. That contract must be a part of the supplemental filing to CSI's petition as it provides critical information necessary for the Commission to approve any next generation 9-1-1 pilot plan.

The Commission recently certified NG-911, Inc., as a system provider in Docket No. 12-0093, and CSI indicated that it has voted to use NG-911, Inc. as its 9-1-1 system provider. The Commission's Order specifically reserved to the Commission the right to further review the NG-911 financial information as part of any 9-1-1 "plan" filed with the Commission where NG-911 will be the system provider. Staff recommends that CSI provide its contract with a 9-1-1 system provider to permit that review.

Furthermore, CSI indicated that it:

does not anticipate that the Design Plan as filed will materially change from the version filed as Exhibit 23 to the Amended Petition. NG-911, Inc., which has much oversight and coordination responsibility for the CSI Pilot Project as initially filed will have that responsibility formalized in the areas of call routing and database maintenance in its service as the system service provider.

Draft Motion to Supplement Amended Petition for Authority to Operate a Regional Next Generation 9-1-1 Pilot Project System, at 3, November 7, 2012.

However, the foregoing appears to be inconsistent with CSI's statement that it "has contracted with 911Datamaster (See Section 1.5.2.2.2 of Exhibit 2, Plan Narrative) to provide database (both ALI and GIS) management software and services. This will not change with the selection of a 9-1-1 system service provider or any proposed contract with NG-911, Inc." The inconsistency should be resolved. In addition, Section 1.5.2.2.2 of the 911 Datamaster Plan Narrative (Exhibit 2), should be revised, inasmuch as it indicates that the contract with Datamaster (CSI response J H 3.05 Data Request) is with NG-911, Inc. as a subcontractor for database services and not CSI.

- CSI states that nothing in the Design Plan changes if it contracts with a 9-1-1 system provider as opposed to CSI serving as its own 9-1-1 system provider and routing from its own data centers currently leased by CSI and to be located at the Sheriff's Departments at Murphysboro and Harrisburg, Illinois. Additionally, CSI has proposed locations for the legacy network gateways, border control functions, and gateways. However, it appears

that CSI's plan as written indicates that CSI is responsible for the datacenters themselves, directs carriers where to connect, and updates and maintains the databases, with CSI essentially assuming the roles and responsibilities of a 9-1-1 system provider. If the datacenters are leased/controlled by CSI, it is not clear to Staff how NG-911, Inc., or any 9-1-1 system provider, can be ultimately responsible for the described network/equipment and routing to the PSAPs. The Commission is required to ensure that responsibility and duties of the 9-1-1 system provider for routing and database are actually being fulfilled by CSI's 9-1-1 system provider, and the current Design Plan fails to provide Staff with sufficient details on this point to make a recommendation to the Commission.

- In Staff's view, the law makes the 9-1-1 system provider responsible for the following: (1) aggregating 9-1-1 traffic from all carriers, (2) provisioning network from a specific termination or meet point with each carrier to each individual PSAP, (3) routing the 9-1-1 call to the appropriate PSAP, and (4) maintaining the database for all 16 ETSBs. However, it is not clear to Staff from CSI's amended plan whether the 9-1-1 system provider will actually provide any of these functions as currently identified in the Plan Narrative (Exhibit 2), Design Plan (Exhibit 23) or Access Plan (Exhibit 24). CSI should provide more information to explain which of the above activities will be conducted by the 9-1-1 system provider.

Based on the changes made in CSI's Motion and supplemental filing, it is still not clear to Staff where the division of responsibility lies between CSI's 9-1-1 system provider and CSI itself. CSI's supplemental filing is inconsistent and leaves Staff unclear as to the role of CSI *vis-a-vis* the 9-1-1 system provider. For instance, most all of the sections addressing 9-1-1 system provider roles were revised to state that "NG-911, Inc. and CSI will be responsible." CSI is not a 9-1-1 authority nor is it a 9-1-1 system provider, therefore, CSI is able to perform

limited functions under the law with respect to these responsibilities.<sup>3</sup> The contracts between CSI and the 9-1-1 system provider may help Staff better understand the 9-1-1 system provider responsibilities as envisioned by CSI and NG 9-1-1; however, CSI has yet to provide that contract. It remains necessary for Staff to review the contract(s)<sup>4</sup> in order to understand the roles and responsibilities of each party before Staff can offer testimony and make recommendations to the Commission in this proceeding.

#### B. Exhibit 1: Unsigned Resolution

Staff also identified an issue with the resolution adopted by CSI in Exhibit 1. The Resolution states that the Board of Directors of CSI: “have determined to petition the Illinois Commerce Commission for status as a 9-1-1 System Service Provider.” This Exhibit has neither been modified nor withdrawn, regardless of the fact that the foregoing statement is no longer consistent with the plan. Additionally, the blank and unsigned resolution is no evidence that all counties have agreed to allow CSI to petition the Commission on their behalf. Copies of a revised and signed resolution should be provided, and Staff requested the same in its November 20, 2012 correspondence. CSI did not make any revisions to the resolution, nor did it provide signed copies in its supplemental filing on December 17, 2012.

#### C. Exhibit 2: Plan Narrative

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<sup>3</sup> The following are examples of sections that refer to CSI being responsible for 9-1-1 system provider functions which were not revised: Section 2.2.5, Section 2.2.5.1, Section 2.5, Section 9.2.

<sup>4</sup> The contract with NG911, Inc. will be with each individual ETSB Member of CSI. (Motion, ¶2.)

Staff identified multiple portions of the plan narrative that required revision in the supplemental filing. A summary of those portions follows.

- Section 1.5.2.2 “NG-911, Inc.” states “NG-911, Inc. was selected as the systems integrator and prime contractor for their experience in IP and PSTN9-1-1 technology over three (3) RFP finalists.”

Staff recommended revision to Section 1.5.2.2 to reflect NG-911, Inc.’s correct role in CSI’s plan. As NG-911, Inc. is now expected to be the 9-1-1 system provider rather than an integrator, a reasonable revision to this section would reflect such. This Section was revised to reflect that CSI is currently negotiating a contract with NG-911, Inc. to serve as the 9-1-1 system provider.

- Section 2.2.5 “Connections to the Next Generation 9-1-1 System” states the “Next Generation 9-1-1 system that CSI is deploying can accept any type of recognized 9-1-1 trunking technology. The following sections describe the 9-1-1 trunking options CSI intends to deploy.”

Traditionally, trunking options are deployed by the 9-1-1 system provider, not a 9-1-1 authority. As CSI has indicated that it no longer expects to be the 9-1-1 system provider, Staff recommended revision of Section 2.2.5 to indicate the trunking options that will be deployed by the contracted 9-1-1 system service provider. This section was not revised, and accordingly, CSI again appears to be taking on tasks that, under existing law, may only be performed by a certified 9-1-1 system provider. Given the repeated conflation of these responsibilities within the plan, Staff is unable to provide testimony making a recommendation to the Commission, until such time as these responsibilities are appropriately assigned. Furthermore, the matter of trunking deployment is a complicated technical interconnection issue which requires the input of the contracted 9-1-1 system

provider and various access providers, and accordingly, should be addressed in accordance with Staff's recommendations, contained below in Part IV.

- Section 2.2.5.1 "SS7" states "[d]ue to the continued accelerated growth in VoIP, technologies carriers and ISPs are now offering clients Session Initiated Protocol (SIP) trunks at a lower cost, alternative to the traditional PSTN interconnect. For this reason, CSI is looking to use SIP trunking."

Similarly to the above, Staff recommended that Section 2.2.5.1 should be revised related to the 9-1-1 system service provider. Again, this section was not revised, and accordingly, the plan indicates that CSI will perform certain duties that must be provided by a certified 9-1-1 system provider. Unrevised, this section continues to create inconsistency in the plan, and prevents Staff from being able to provide the Commission with a recommendation on the plan in its direct testimony.

- Section 2.5 Database: References are made throughout this section regarding CSI obtaining ALI database images and updates directly from each Access Carrier. Traditionally, this is a responsibility of a 9-1-1 system provider.

Staff recommended that if NG-911, Inc., is undertaking traditional 9-1-1 system provider responsibilities for CSI, Section 2.5 must be revised accordingly. This section was revised indicating that both NG-911, Inc. and CSI will have these responsibilities, contributing to the ongoing confusion as to whether CSI will perform database functions, which are duties statutorily proscribed to a 9-1-1 service provider.

- Section 2.5.2 Updates: This entire section refers to CSI functioning as the 9-1-1 system provider, completing tasks such as maintaining databases.

Section 2.5.2 was not revised, despite the fact that it yet again conflates the duties of CSI with those of the 9-1-1 system provider. Presumably, NG-911, Inc., will have responsibility for loading database records from ILECs, CLECs, Wireless carriers and MPC/VPCs, as well as maintaining those databases, and CSI's plan should reflect that information.

- Section 9.1.2 NG-911, Inc. as SSP: This section should be revised to clearly indicate that NG-911, Inc. will be the SSP for CSI.

Section 9.1.2 was revised in the supplemental filing to indicate that NG-911 will be the SSP for CSI.

- Section 9.1.3 Other entity as SSP: Given that CSI has voted to have NG-911, Inc., as its 9-1-1 service provider, this section is now superfluous and may be deleted.

This section was not deleted as recommended in Staff's Correspondence, but rather was revised in a rather curious way. Under CSI's revision, Section 9.1.3 now states that "[t]here are other entities that can be the SSP, such as Frontier and AT&T, and perhaps INdigital. This is not the chosen option as of December 2012." As revised, the paragraph now indicates, in the middle of the revised plan, that perhaps a 9-1-1 service provider other than NG-911 will be involved in the CSI project. This of course is further argument as to why Staff cannot make any recommendations or provide any testimony until finalized

contracts with chosen certified 9-1-1 system provider are produced for Staff's review.

- Section 11.0 Post Pilot Plan: This section requires revision, as CSI is no longer requesting to serve as its own 9-1-1 system provider. Paragraph 1 must be updated. Paragraphs 2 and 3 may be deleted or Paragraph 3 must be revised and a copy of the NG-911 contract provided.

Despite revisions to Section 11.0, Staff remains unclear as to the roles and responsibilities CSI seeks to undertake, and which is believes should be left to the 9-1-1 system provider. The paragraph seeking a waiver from the Commission to act as its own 9-1-1 service provider were removed, which Staff feels is an appropriate revision. However, in other areas where the plan referred to the fact that CSI "will" successfully act as the 9-1-1 system provider, the word "will" was merely changed to "may," providing further conflation of the responsibilities that CSI will attempt to undertake, which may be in contradiction with the law and Commission rules.

#### D. Exhibit 23: Design Plan

Numerous issues were also identified by Staff in the draft supplement provided by CSI. While some of these issues were addressed in the motion filed December 17, 2012, other items remain unclear.

- 3.3 CSI Design Strategy:  
This section states, "This section describes the function of each of these major parts of the ESInet and their interworking. The CSI ETSBs will implement and manage the i3 NG9-1-1 ESInet and their functional elements in 2 CSI Data Centers over 50 miles apart - Harrisburg and Murphysboro."

Staff recommended that Section 3.3 be updated to reflect that this portion of the ESInet be managed by the 9-1-1 system provider, rather than by CSI. The ESInet consists of 9-1-1 service from ACCESS providers to the CSI datacenters as well as from the CSI Data Centers to the PSAPs. This section was revised in CSI's supplemental filing to indicate that the 9-1-1 system provider will implement and manage the ESInet and functional elements in the two CSI datacenters. However, the revision still failed to address issues related to routing from the datacenters to the individual PSAPs. This lack of information further prevents Staff from conducting a thorough review of the plan and providing the Commission with a recommendation in direct testimony.

- 3.3.2 ESInet – Data Centers

This section states, "This section also describes CSI Data Centers as well as the CLLI, codes SS7 Point Codes and External IP addresses that identify the two Data Centers."

The datacenters are the locations at which telecommunications carriers are expected to terminate all 9-1-1 calls originating on their networks, and from there, calls are routed to the appropriate PSAP. The equipment and expertise required to perform this task is a function of a certified 9-1-1 system provider. As Section 3.3.2 outlines a function of a certified 9-1-1 system provider, Staff recommended that this portion be updated to reflect the same. However, this section was not revised.

- 3.3.2.1 CLLI Assignments, 3.3.2.3 SS7 Connectivity, 3.5.3 NENA Design Criteria and CSI Design implications (pg. 35), 3.7.1 Preparation of Access Carriers

Section 3.3.2.1 refers to CSI performing tasks that belong to a 9-1-1 system provider. Staff's Correspondence recommended that this section be addressed in the supplemental filing; however, it was not revised.

#### E. Exhibit 24: Access Plan

- 5.5.1 CLLI Assignments, 5.5.3 SS7 Connectivity, 5.6.1 Routing Design Options, 6.0 Access Operations, 7.1 Preparation of Access Carriers, 7.2 Preparation of PSAPs, 7.4 Cross Boundary Traffic, 7.14.1 NENA Network Management and Monitoring Design Requirements, 8.1 ICC and Outage Reporting.

Again, these sections refer to CSI performing tasks that are to be undertaken by a 9-1-1 system provider. CSI's supplemental Access Plan was not revised to address changes as a result of CSI contracting with a 9-1-1 system provider. Sections 5.5.3, 5.6.1, Figure 7.2 and Section 8.1 were not revised.

#### F. Financial

As an initial matter, the Staff's recommendation is, as noted below, that, to facilitate progress in this proceeding, the Commission should bifurcate the issues, dealing with the pilot plan separately from the technical issues of access and interconnection. Assuming that the Commission adopts this recommendation, it need not reach the issues of whether CSI has a sufficient amount budgeted for interconnection.

In any case, the Staff notes that the ETSBs that make up CSI membership are independent entities of local government created by referendum. 50 ILCS 750/15.2, 15.3. The ETSBs are authorized to expend money for ETSB purposes. 50 ILCS 750/15.4(c). As such, the Staff will at this time defer to CSI with respect

to the adequacy of its finances, while reserving the right to raise the matter at a subsequent time if it believes that the public interest warrants it.

#### G. Technical

Finally, and perhaps most importantly, Staff identified the following technical issues in Staff's Correspondence associated with the plan, and recommended that CSI address these issues in its supplemental filing to facilitate Staff's review of the pilot plan:

- Access plans should be modified to include specific information regarding termination of calls from telecommunication carriers to data centers;
- Facilities available at data centers for interconnection and termination of incoming calls should be listed;
- Information regarding availability of facilities between serving telecommunication central offices and the data centers should be provided;
- Documentation should be provided regarding contacts and requests for trunks and/or routing of calls;
- Copies of responses from ILECs, CLECs, wireless providers and VoIP providers should be provided, including costs and time estimates;
- CSI should state whether it and NG9-1-1, Inc., anticipate any aggregation or consolidation of incoming traffic from carriers, and at what locations;
- CSI should state whether it and/or NG9-1-1, Inc., have made provision for covering the costs of establishing required new trunking arrangements during the pilot, while carriers are required to maintain existing networks to selective routers;
- CSI should state whether consideration has been given to alternate trunking arrangements, i.e. interconnection in alternate locations, phasing in trunking, etc., during the pilot;
- Plan should be modified to incorporate language covering the transition from the existing network to the new network, as well as plans for transition back to the existing network in the event that the pilot is not approved for full implementation;

- Documentation should be provided demonstrating that Clearwave has completed provisioning its network to each PSAP location;
- A complete testing plan should be provided to cover from the end user (carrier's end office) to the PSAP, as the current plan only discusses testing of the CSI/NG9-1-1 network;
- A contract between the 9-1-1 system provider, now presumed to eventually be NG9-1-1, and the provider to the PSAPs (Clearwave) should be provided and should include information regarding the dedicated facilities available to this project, i.e. number of strands dedicated to transport of 9-1-1 calls or bandwidth on fiber;
- A detailed description of Clearwave's network that will be utilized to transport calls from the data centers to the PSAPs should be provided, including the number of strands of fiber and the electronics used to light the fiber and the location of all electronics and the power arrangements for all electronics, including AC service providers, DC service providers, battery string sizes and estimated life of batteries without generator, location of back-up generators, fuel storage, etc.;
- Information regarding all additional connectivity from data centers to PSAPs that can be used as back-up in the event the Clearwave network is down, i.e. satellite, radio back-ups, copper connections, should be provided.

Upon review of CSI's Motion and supplemental filings, Staff takes the view that CSI has not provided any specific information responsive to the technical information sought in Staff's Correspondence. It is evident at this time that all specific information required by Staff to undertake a technical evaluation of the interconnection and access portions of the plan is unknown to CSI. Moreover, CSI may not be able to undertake the necessary steps to determine these portions of the plan until a contract has been finalized with CSI's chosen certified 9-1-1 system provider. Additionally, in CSI's supplemental Access Plan (Exhibit 15, p. 4 and p. 6) there are direct references to the technical workshop held on October 31, 2013. At the beginning of the technical workshop Staff clearly

explained that statements made, positions taken, and documents provided by the participants in the workshop should be treated as confidential and should not be used by or against the participants in any litigation. The references to the workshop should be stricken in the light of long-standing Commission policy with respect to workshops, which is that they constitute for a for discussion and settlement, and matters raised in them should not be brought up in testimony or public filings unless consensus has been formed.

#### **IV. Recommendation**

Based on CSI's filings to date, including its recent motion and supplemental filings, Staff does not believe that the Petitioner has provided the required information for Staff to make a proper recommendation in this proceeding at this time. Staff sees two separate issues that must be addressed. First, the supplement/amendment to the plan does not provide Staff with a clear outline of the responsibilities and tasks that will be undertaken by CSI and those that will be undertaken by their 9-1-1 service provider. Where there appears to be clarity on this issue in some areas, there are later inconsistencies in the plan. It is impossible for Staff to determine whether the inconsistencies are merely portions of the plan that need revision, or whether the inconsistencies demonstrate a plan by CSI to undertake certain services that under law should be performed by the certified 9-1-1 provider.

Second, it is clear that CSI has not or cannot provide information related to the technical aspects of access and interconnection in relation to CSI's proposed pilot plan. CSI's motion and supplemental filing of December 17, 2012

did not address any of the items in Staff's Correspondence related to the technical issues. Unless and until these items are addressed, Staff cannot make a meaningful recommendation to the Commission regarding the technical aspects of CSI's proposed pilot plan. Staff can appreciate the intricacy involved in designing such a large-scale project; unfortunately, it does not appear at this time that CSI can provide all of the details required by Staff in order to undertake a review of the plan. Indeed, this docket has been languishing since filing in February 2012, and Staff still does not have all of the information required to provide a meaningful recommendation to the Commission.

In order to facilitate forward progress in this proceeding, Staff proposes that the Commission could proceed by essentially bifurcating the issues presented in the plan and handling the pilot plan separately from the technical issues of access and interconnection.<sup>5</sup> The technical aspects in this proceeding are very complex issues which Staff believes will take considerable time to review and analyze, given that they involve many interested parties within the industry and potentially significant costs to parties other than CSI. Staff avers that the Commission could move forward with separation of these issues in one of two ways. Under both options, Staff proposes that the Petitioner first provide further information to clarify the roles and responsibilities of CSI and its certified 9-1-1 service provider.

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<sup>5</sup> Staff would like to clarify that adoption of either proposal would not obviate Staff's need to conduct a full review of CSI's pilot plan, including CSI's contract with NG-911 and other information that as yet has not been provided by CSI. In no way does the proposal of the below options indicate Staff's approval or disapproval of CSI's pilot plan at this time.

The first option foreseen by Staff would be for the Commission to move forward on the review of the pilot plan, saving the technical issues of access and interconnection for a later time in this proceeding. After review of the plan, the Commission could enter an interim order regarding its findings related to the plan exclusive of the technical issues. Under this option, wireless providers, VoIP providers and/or telecommunications carriers may choose to participate in CSI's pilot (if approved) on a voluntary basis. During a voluntary participation period, proceedings would continue regarding the technical matters of access and interconnection. Following resolution of these issues, an additional or final order may be entered by the Commission, outlining the matters relating to access and interconnection.

The second option proposed by Staff would be for the Commission to limit the scope of Docket No. 12-0094 to address only the pilot plan and exclude the technical issues of access and interconnection. Under this option, the technical issues could be addressed in a future docketed proceeding or proceedings. All interested parties, including the certified 9-1-1 service provider and local exchange carriers, can fully litigate the matter relating to access and connection in said future docket(s), without causing further delays in the evaluation of the pilot project itself.

Unfortunately, given the multiple amendments to the plan, the complex technical nature of interconnection and access, and the conflation of 9-1-1 system provider responsibilities with CSI responsibilities, Staff does not see a clear path forward in the proceeding without handling all technical access and

interconnection matters in some sort of “bifurcated” manner, as proposed above. In the event that Staff’s recommendation to proceed in this manner is rejected by the ALJs, significant amounts of technical information must be provided by CSI and its certified 9-1-1 system provider in order for Staff to conduct a thorough review and provide a recommendation to the Commission. Staff anticipates that this would cause significant further delays in proceeding with this docket, well beyond the 11 months that has already transpired during the time that Staff has tried to elicit more information from CSI on the managerial aspects of the plan.

**V. Conclusion**

It should be clear to the Commission that the information that CSI has provided in its many amended and supplemental filings in this proceeding is not sufficient for Staff or the Commission to make a determination whether the Commission should grant all that has been requested by CSI in its Amended Petition. Therefore, Staff recommends the Commission bifurcate this proceeding under Staff’s proposed Options 1 or 2 as outlined above.

WHEREFORE, for all the reasons set forth above, Staff respectfully requests that the Administrative Law Judges enter an order adopting Staff’s recommendation as set forth above, and for any further relief they may deem appropriate and just.

Respectfully submitted,

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