

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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| Gallatin County Emergency Telephone System Board | : | |
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| | : | 14-0406 |
| Petition to Modify 9-1-1 System Provider for Gallatin County Emergency Telephone System Board, Gallatin County, Illinois. | : | |
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| Saline County Emergency Telephone System Board | : | |
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| | : | 14-0407 |
| Petition to Modify 9-1-1 System Provider for Saline County Emergency Telephone System Board, Saline County, Illinois. | : | |
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| | : | (Cons.) |

ORDER

By the Commission:

I. INTRODUCTION

On June 4, 2014, Gallatin County Emergency Telephone System Board ("GCETSB") and Saline County Emergency Telephone System Board ("SCETSB") (collectively "Petitioners") each filed with the Illinois Commerce Commission ("Commission") a verified petition pursuant to the Emergency Telephone System Act ("ETSA"), 50 ILCS 750/0.01 et seq., the Public Utilities Act ("PUA"), 220 ILCS 5/1-101 et seq., and 83 Ill. Admin. Code 725 "Standards of Service Applicable to 9-1-1 Emergency Systems" ("Part 725"). The former filing is identified as Docket No. 14-0406 and the latter filing is identified as Docket No. 14-0407. Petitioners seek approval to change their respective 9-1-1 system provider from Frontier Communications ("Frontier") to NG-911, Inc. ("NG-911") for the purpose of implementing a next generation 9-1-1 system. Attached to each petition is a description of the next generation 9-1-1 system that Petitioners intend to implement.

Pursuant to due notice, hearings were held in this matter before a duly authorized Administrative Law Judge ("ALJ") of the Commission at its offices in Springfield, Illinois on June 24, August 19, and August 27, 2014. The ALJ granted petitions to intervene filed by NG-911 and Illinois Bell Telephone Company d/b/a AT&T Illinois and New Cingular Wireless PCS, LLC. In light of the relationship between Petitioners, these dockets were consolidated at the June 24 status hearing. At the August 27 evidentiary hearing, GCETSB offered the testimony of Steve Galt, its 9-1-1

Director, while SCETSB offered the testimony of Tracy Felty, its 9-1-1 Director and the Communications Supervisor for the Saline County Sheriff's Office. NG-911 called its President and Chief Executive Officer, Michael Ramsey, to testify. Stacy Ross, the 9-1-1 Program Assistant within the Safety and Reliability Division of the Commission's Bureau of Public Utilities, and Russell Murray, an Engineering Analyst in the Telecommunications Engineering Department of the Safety and Reliability Division, testified on behalf of Commission Staff ("Staff"). The record was marked Heard and Taken at the end of the August 27, 2014 evidentiary hearing. No briefs were filed in this matter. No party objects to the requested relief.

II. DESCRIPTION OF PETITIONERS

SCETSB operates the 9-1-1 emergency services program in Saline County, Illinois. The Commission approved SCETSB's 9-1-1 system in Docket No. 92-0301. The system became operational in June of 1993 and operates on a county wide basis with one public safety answering point ("PSAP") located at the Saline County Sheriff's Office. The 9-1-1 system dispatches police, fire, and ambulance services.

GCETSB operates the 9-1-1 emergency services program in Gallatin County, Illinois. The Commission approved GCETSB's 9-1-1 system in Docket No. 96-0381. GCETSB contracts with SCETSB for all call handling duties. The system became operational in May of 1997 and operates on a county wide basis through SCETSB's PSAP. The 9-1-1 system dispatches police, fire, and ambulance services.

III. LEGAL AUTHORITY

Petitioners seek to implement a next generation 9-1-1 system as that term is defined in Section 2.21 of the ETSA. Section 2.21 provides:

"Next generation 9-1-1" or "(NG9-1-1)" means, for the purposes of a Regional Pilot Project, a system comprised of managed Internet Protocol-based networks and elements that augment or replace present day 9-1-1 features and functions and add new capabilities, which may enable the public to transmit text, images, video, or data, or a combination thereof, to the 9-1-1 system.

Section 2.22 defines "Regional Pilot Project" as follows:

"Regional Pilot Project" means an experimental program designed to test the efficacy of next generation 9-1-1 (NG9-1-1) within a region that includes not less than 15 counties and not more than 19 counties with an aggregate population no greater than 500,000. Any Regional Pilot Project must be approved by the Commission and provide for an initial testing phase designed to demonstrate the ability of the technology to provide access to emergency services from new and existing sources with no reduction in existing service quality, reliability, or safety.

IV. PURPOSE AND DESCRIPTION OF PROPOSED MODIFICATION

Petitioners are among the first of fifteen counties and one municipality that intend to engage in a Regional Pilot Project under Section 2.22 of the ETSA. (See also Docket No. 12-0094) This multi-jurisdictional group is known as the Counties of Southern Illinois ("CSI") and is set up as a not-for-profit 501(c)(3) corporation. The Commission approved a similar request relating to Jackson County ETSB on June 26, 2014 in Docket No. 13-0669. A copy of the 9-1-1 Service Provider Agreement between NG-911 and Petitioners is attached to each petition as Exhibit 11. In order to continue with the implementation of the Regional Pilot Project, the Commission must approve Petitioners' transition from Frontier to NG-911. Section 725.205 of Part 725 sets forth the requirements for modifying an existing 9-1-1 system plan. Section 725.205(i) states that the "Commission shall approve a final or modified plan when the petitioner has complied with the requirements of this Part and applicable laws."

In addition to changing the 9-1-1 system provider, Petitioners also propose to change their back-up PSAP. Both currently use the Saline County Sheriff Department as the primary PSAP and Johnson County Sheriff Department as the back-up PSAP. Petitioners wish to change the back-up PSAP to the Jackson County Sheriff Department. Johnson County ETSB is also a member of CSI. Upon approval of Johnson County ETSB's transition to the Regional Pilot Project, Petitioners may return to the Johnson County Sheriff Department as their back-up PSAP. If such a decision is made, Petitioners intend to obtain Commission approval before doing so.

Petitioners and NG-911 plan to test the elements of call delivery to ensure the systems perform as designed and in conformance with Commission rules and regulations. The test plans are attached to the plan narratives as Exhibits 10.1 and 10.2 with each petition. To help ensure a smooth transition under the Regional Pilot Project, Staff recommends that Petitioners provide the Commission's 9-1-1 Program Office certain information during the implementation phase and for a period of time after they have cut over to the new system. Staff recommends the following conditions:

- a. submission of weekly test reports prior to cutting live to the new system,
- b. participation in weekly implementation conference calls with all parties (Petitioners, NG-911, Frontier, involved access providers, involved 9-1-1 system providers, and Staff),
- c. submission of the schedule of the phased-in cut-over to the new system by exchange,
- d. submission of traffic studies/call completion reports for 3 months after cut-over to the new system, and
- e. any other trouble reporting deemed necessary.

Petitioners agree to the conditions set forth by Staff.

V. REQUEST FOR CONFIDENTIAL TREATMENT

Petitioners and NG-911 request confidential treatment for a period of five years for certain information pertaining to contract terms between them. The information in question is found in Exhibits 7 and 11 attached to each petition. The Freedom of Information Act ("FOIA"), 5 ILCS 140/1 et seq., the PUA, and 83 Ill. Admin. Code 200, "Rules of Practice," provide for the protection of commercially sensitive information such as that redacted from Exhibits 7 and 11. No party objects to the requested confidential treatment.

VI. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the record herein, is of the opinion and finds that:

- (1) Petitioners operate the 9-1-1 emergency services programs in Saline County and Gallatin County, Illinois under the ETSA;
- (2) NG-911 has authority from the Commission to operate as a 9-1-1 system provider;
- (3) Petitioners and NG-911 seek to implement a next generation 9-1-1 system as defined in the ETSA;
- (4) the Commission has jurisdiction over Petitioners and the subject matter herein;
- (5) the recitals of fact and legal argument identified as the parties' respective positions in the prefatory portion of this Order accurately reflect the record in this proceeding;
- (6) the recitals of fact and conclusions of law reached in the Commission conclusions are supported by the record and are hereby adopted as findings of fact and conclusions of law for purposes of this Order;
- (7) independent of any agreement concerning confidentiality among Petitioners and NG-911, the unredacted versions of Exhibits 7 and 11 attached to each petition should be exempt from public disclosure under Section 7(1)(g) of the FOIA and Section 5-109 of the PUA until June 4, 2019;
- (8) the record reflects that Petitioners' proposed 9-1-1 plan modifications comply with Part 725 and applicable laws; and
- (9) Petitioners' proposed 9-1-1 plan modification should be approved subject to the following agreed-to conditions:

- (a) submission of weekly test reports prior to cutting live to the new system,
- (b) participation in weekly implementation conference calls with all parties (Petitioners, NG-911, Frontier, involved access providers, involved 9-1-1 system providers, and Staff),
- (c) submission of the schedule of the phased-in cut-over to the new system by exchange,
- (d) submission of traffic studies/call completion reports for 3 months after cut-over to the new system, and
- (e) any other trouble reporting deemed necessary.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the requests by the Gallatin County Emergency Telephone System Board and Saline County Emergency Telephone System Board to modify their respective 9-1-1 system are hereby approved subject to the conditions in Finding (9).

IT IS FURTHER ORDERED that the unredacted versions of Exhibits 7 and 11 attached to each petition are afforded proprietary treatment and are exempt from public disclosure and will be accessible only by the Commission and the Commission Staff until June 4, 2019.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the PUA and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 18th day of September, 2014.

(SIGNED) DOUGLAS P. SCOTT

Chairman