

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Johnson County Emergency Telephone System Board :
: **14-0578**
:
Verified Petition to Modify 9-1-1 System Provider. :

ORDER

By the Commission:

I. INTRODUCTION

On September 23, 2014, the Johnson County Emergency Telephone System Board ("Petitioner") 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"). Petitioner seeks approval to change its 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 the petition is a description of the next generation 9-1-1 system that Petitioner intends 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 October 22 and November 25, 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. At the latter hearing, Petitioner offered the testimony of James Cuff, its 9-1-1 Coordinator. 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 November 25, 2014 evidentiary hearing. No briefs were filed in this matter. No party objects to the requested relief.

II. DESCRIPTION OF PETITIONER

Petitioner operates the 9-1-1 emergency services program in Johnson County, Illinois. The Commission approved Petitioner's 9-1-1 system in Docket No. 95-0188. The system became operational on July 17, 1995 and operates on a county wide basis. The primary public safety answering point ("PSAP") is located at the Johnson County

Sheriff Department. Petitioner's back up PSAP is located at the Saline County Sheriff Department. The 9-1-1 system dispatches police, fire, and ambulance services.

III. LEGAL AUTHORITY

Petitioner seeks 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

Petitioner is among 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 previously granted similar requests by the following members of CSI:

1. Jackson County ETSB, Docket No. 13-0669 (June 26, 2014)
2. Gallatin County ETSB, Docket No. 14-0406 (September 18, 2014)
3. Saline County ETSB, Docket No. 14-0407 (September 18, 2014)
4. Perry County ETSB, Docket No. 14-0440 (September 18, 2014)
5. City of Marion ETSB, Docket No. 14-0483 (October 7, 2014)
6. Union County ETSB, Docket No. 14-0484 (October 7, 2014)
7. Williamson County ETSB, Docket No. 14-0485 (October 7, 2014)

A copy of the 9-1-1 Service Provider Agreement between NG-911 and Petitioner is attached to the petition as Exhibit 11. In order to continue with the implementation of the Regional Pilot Project, the Commission must approve Petitioner's 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."

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

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

Petitioner and NG-911 agree to the conditions set forth by Staff.

V. REQUEST FOR CONFIDENTIAL TREATMENT

Petitioner 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 the 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) Petitioner operates the 9-1-1 emergency services program in Johnson County, Illinois under the ETSA;
- (2) NG-911 has authority from the Commission to operate as a 9-1-1 system provider;

- (3) Petitioner and NG-911 seek to implement a next generation 9-1-1 system as defined in the ETSA;
- (4) the Commission has jurisdiction over Petitioner 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 by the Commission 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 between Petitioner and NG-911, the unredacted versions of Exhibits 7 and 11 attached to the petition should be exempt from public disclosure under Section 7(1)(g) of the FOIA and Section 5-109 of the PUA until September 23, 2019;
- (8) the record reflects that Petitioner's proposed 9-1-1 plan modifications comply with Part 725 and applicable laws; and
- (9) Petitioner's 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 (Petitioner, 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 request by the Johnson County Emergency Telephone System Board to modify its 9-1-1 system is hereby approved subject to the conditions in Finding (9).

IT IS FURTHER ORDERED that the unredacted versions of Exhibits 7 and 11 attached to the petition are afforded proprietary treatment and are exempt from public disclosure and will be accessible only by the Commission and the Commission Staff until September 23, 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 10th day of December, 2014.

(SIGNED) DOUGLAS P. SCOTT

Chairman