

Chairman Baldrige, Vice Chairman McClain, Ranking Member Sheehy, and members of the House Transportation and Public Safety Committee, thank you for the opportunity to provide testimony on House Bill 445. My name is Rob Herrington and I have been the 911 Director in Jefferson County for 29 years and the Fire Chief in Wintersville for 38 years. I am also the current President of the Ohio 911 Association, an organization of 50 county 911 systems created to promote and support the development and management of 911 centers in Ohio. I am here to testify today not really as an opponent of House Bill 445 but rather as a proponent who is truly only concerned about one part of the legislation, that being the funding.

While there are many parts to this proposed legislation, I wish to address only the Public Safety Answering Point or PSAP operating standards that were passed in 2016 and the proposed development of the Next Generation 911 or NG911 system. First let me say that I don't know anyone in the 911 community in Ohio that was opposed to the PSAP operating standards when they were developed. The standards were drafted by a committee of our peers and included minimum staffing requirements, call processing benchmarks, call recording standards, increased site security, and development of geographical information systems. Put into effect in 2016 and mandated for compliance by 2018, these standards did not present much of an issue for some 911 centers but were in fact very expensive for many others with more limited budgets. Many of these expenses will continue each year and are not one-time purchases. Unfortunately, there was not one additional dollar distributed to the counties as a result of the implementation this standard making it, in fact, an unfunded mandate.

Now let us consider the discussion of building NG911 in Ohio. Again, most, if not all of my colleagues in 911 centers across Ohio are willing and anxious to get this project built. Before I continue, let's be absolutely sure that you understand what NG911 is. In simple terms NG911 is made up of the Core, which is comprised of the computer servers and software that will process 911 call information and that will be housed in the Ohio Network Operations Center in Columbus, the Emergency Services IP Network or ESINET, an extensive, high speed computer network that will connect and transport voice, data, video, and text between and among the state and eventually all 911 centers in Ohio, and finally the PSAP, the local call answering point for 911 calls. Each PSAP will require different levels of upgrades to their systems based on their current configurations and equipment. Some will need much more than others. They will also need fiber optic connectivity to the state network.

NG 911 when completed will allow our PSAP's to accept and process text, images, and video. This will help hearing impaired persons or people in difficult environments like domestic violence to communicate with 911 call takers. NG 911 will also result in faster processing of 911 calls with as much as 10 seconds taken off the time it takes a call to reach the PSAP. Audio quality will also be greatly improved on every call. When considering this proposed system please remember that calls are answered at the 955 answering positions located in Ohio PSAP's. No matter what the State of Ohio is able to build with their 50% share of the proposed universal device fee, it won't matter one bit if those 955 answer points are not updated to the NG911 standard.

According to JD Power, the national average cell phone bill is currently \$127.37. Ohio's 25 cent surcharge is only .002% of that average bill. Meanwhile, Federal and State taxes make up 18.35% of the average bill. Ohio currently ranks next to last in wireless surcharge fees and also ranks 41<sup>st</sup> in taxes and fees combined for wireless users.

The ESINET steering committee is proposing a universal device fee. The proposed fee will collect 25 cents per month from each wireless device plus from each wireline and voice over IP (VOIP) device billed in the State of Ohio. The number of wireline and VOIP devices was estimated at 4.4 million by the FCC, which will result in the collection of 13.2 million dollars. The current collection reported by the Ohio Department of Taxation for wireless devices is 26.8 million dollars. Factoring out some prepaid devices which are billed separately, this collection represents approximately 8.8 million devices. If you take 8.8 million devices, add in the 4.4 million wireline and VOIP devices you have a total 13.2 million devices. Take that number and multiply it times 25 cents per month (or \$3.00 per year) and you arrive at 39.6 million dollars.

Ohio's consultant Federal Engineering stated on page 4 of their June 14, 2018 Funding Analysis report that in 2016 there were 12,111,000 wireless devices in Ohio. If that were true, we would have collected 36.3 million dollars that year. But we didn't. We collected 25.6 million. That difference of over 12 million dollars has been carried forward in every report or estimate since then. The 51 million projected dollars is actually 39 million dollars of "real money". I can't build NG911 in my county with projected money. By the way, your LSC Fiscal Impact statement states on page 4 that an average of 25 million dollars has been collected over the last five years but that with the new legislation, which again is going to add 4.4 million devices or about 13.2 million dollars, that the new total will be 51 million dollars. How does 25 million plus 13.2 million become 51 million?

When asked at an ESINET steering committee meeting where Federal Engineering found the addition 4 million devices, their representative stated that it was his experience in another state that the devices are underreported. He also stated auditing would probably be necessary to find those underreported devices and thus collect the fees. I've talked to 27 state 911 directors and several major consulting companies and not one is reporting success with auditing. Most if not all of the states that considered or attempted auditing have already stopped due to their lack of success.

Keep in mind that if the total projected collection of 51 million dollars is actually realized, the State will take 50% of that money and distribute only 47% to the counties. That means only 23.9 million would be distributed to the counties, less than we receive now. While the state is able under the legislation to move excess monies once their portion of the project is funded, that amount will only put us back to where we are now, not provide a significant increase.

You might wonder if the amount of money available from the surcharge to each county 911 system is really that important. Let's look at the example of text to 911 capability. Recently, Ohio added five counties to the list of those with text to 911 to bring the number to 28. But in Indiana, where the surcharge is \$1.00, every single county has had text to 911 since 2016. In

fact, of the 24 counties represented all or partially by this committee, 16 don't have text to 911. Therefore, many of your loved ones, friends, and constituents do not currently enjoy this capability. A capability that could save a life.

In 2012 our county received \$187,129.00 from the wireless surcharge in effect. After the surcharge was lowered to 25 cents, our amount went down by almost 30% to \$131,234.00. That was not exactly a great way to make sure that we can pay for emerging issues related to wireless 911 calls, not to mention issues such as cybersecurity that have begun to plague the 911 world. Of the 88 counties in Ohio, 39 receive \$100,000.00 or less each year from the current wireless surcharge monies. This amount is not sufficient to pay the expenses they have already incurred with wireless call handling and the PSAP operating standards, let alone the extensive upgrade to NG911.

So why didn't the ESINET build in enough funding to pay for the updates needed at the county level. While we did offer plenty of support for the need for more funding and we did question the consultant's figures, the committee choose to go with those projections and stated they were confident that there would be enough money. Interestingly enough, L.R. Kimball, the consultant initially hired by the committee stated in their 2013 report that "the state should revisit the current surcharge amount and consider bringing it in line with other states to enable increased funding for primary PSAPs to attain the service levels implemented by the state." The County Commissioners Association of Ohio even weighed in when they said in a policy statement that "a permanent state-wide uniform monthly charge against all numbers that will be able to access E-9-1-1 should be utilized to fund the state's ESINet and 9-1-1 services. This charge should be in an amount that will raise sufficient revenue to allow for the operation of the E911 centers throughout the state..."

In closing, I hope there is no one in the room today that argues that text, video, VOIP, social media, and other emerging technologies we don't yet even know about will continue to impact 911 services in ways that will force us to constantly adapt and improve to meet the needs of our citizens. But someone must pay for these services and it should be the very group who are creating the issue. Gas and oil companies drilling in Ohio must sign Road Use Maintenance Agreements with each county. These agreements require the exploration companies to improve and maintain the roads that they use to access their well pads. The cost is paid for by the people who create the problem and is not passed on to the taxpayers of the county. Why are we hesitant then to make cellular customers pay for the pathways that their calls, texts, and data will travel on? Please allow us to make Ohio 911 the best it can be. Please increase the funding to our counties.