

STATE OF TENNESSEE  
TENNESSEE EMERGENCY COMMUNICATIONS BOARD  
DEPARTMENT OF COMMERCE AND INSURANCE

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TRANSCRIPT OF THE PROCEEDINGS

November 20, 2008

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TENNESSEE EMERGENCY  
COMMUNICATIONS BOARD

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Reported by: Amber A. Thompson

APPEARANCES:

1  
2 Board Members Present: Mr. Randy Porter, Chair  
3 Mr. Charles Bilbrey, Member  
4 Ms. Carolann Mason, Member  
5 Ms. Katrina Cobb, Member  
6 Mr. Steve Smith, Member  
7 Mr. Monica S. Ashford, Member

8 Board Members Present  
9 (via telephone): Mr. Ike Lowry, Vice Chair  
10 Mr. Freddie Rich, Member

11 Board Members Not Present: Honorable Tom Beehan, Member  
12 Mr. James Sneed, Member

13 Staff Members Present: Ms. Lynn Questell  
14 Executive Director  
15 Mr. James Barnes  
16 Accounting Manager  
17 Mr. Rex Hollaway  
18 Technical Services Director  
19 Mr. Robert McLeod  
20 Director of Audits  
21 Ms. Vanessa Williams  
22 Assistant to the Director  
23  
24  
25

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1 CHAIR PORTER: Okay. We'll come to order.

2 This is the November 20th, 2008, meeting  
3 of the Tennessee Emergency Communications Board.

4 Folks, this is a little bit different of a  
5 meeting than we've ever had before, and a lot of it has  
6 to do with sickness with different board members and so  
7 forth. So we're going to have to do it a little bit  
8 different today.

9 And let me explain first. We have a  
10 quorum of the board members here inside the room. We  
11 also -- due to sickness and so forth -- and injuries --  
12 we have two of our board members, Freddie Rich and  
13 Ike Lowry, on a conference call on speakerphone.

14 Lynn, do you -- as far as other than  
15 normal duties of the Board -- the way we would normally  
16 handle it, we would have to do roll call on all the votes  
17 so they can vote yes or no on all the votes; is that  
18 correct?

19 MS. QUESTELL: Yes. And I think it would  
20 be a good idea, just for the record, to ask the Board  
21 whether they have any objections to allowing this  
22 electronic participation.

23 CHAIR PORTER: Does any of the board  
24 members have any problem?

25 (Pause)

1 CHAIR PORTER: For those of you that might  
2 not know, Freddie broke his leg; and Ike is having open  
3 heart surgery tomorrow, so we need to keep both of those  
4 folks in your prayers, especially Ike as he goes through  
5 open heart surgery. We wish him the best.

6 Any other legal matters we need to  
7 discuss? Does that pretty well cover some --

8 MS. QUESTELL: We have to ask Ike and  
9 Freddie if they would identify the persons present in the  
10 location from which they are speaking.

11 CHAIR PORTER: Ike, anybody with you in  
12 your room?

13 MEMBER LOWRY: I'm in here, and no one is  
14 with me at this present time. I'm at Blountville,  
15 Tennessee, and I'm present and I hear you fine.

16 CHAIR PORTER: Is there anybody in the  
17 room with you, Ike?

18 MEMBER LOWRY: No.

19 CHAIR PORTER: No. Okay.

20 Freddie, how about you?

21 MEMBER RICH: I'm in my board room here at  
22 2907 Cayce Lane. And I've been more grumpier than usual  
23 and nobody wants to be around me.

24 (Laughter)

25 CHAIR PORTER: Okay. Why don't you take

1 the rest of the day off, then, after the board meeting  
2 and give the boys a break.

3           Okay. Getting all that out of the way,  
4 then we'll start the agenda of today's meeting. We would  
5 like to welcome each and every one of you here this  
6 morning.

7           And let the record show we do have a  
8 quorum.

9           We do have a couple of members absent.  
10 Let the record show those that are absent, but we do have  
11 a quorum.

12           The first item on the agenda is the report of  
13 the executive director and her update.

14           MS. QUESTELL: Thank you, Mr. Chairman.

15           Just to update deployment, T-Mobile has  
16 informed us that it plans to deploy in Union, Lawrence,  
17 and Morgan Counties in December, and it will deploy  
18 Phase I and Phase II by March 31st, 2009.

19           As to misroute or call anomaly issues, we  
20 had a situation in Knox County where the PSAP began  
21 receiving calls from a cell phone that was apparently  
22 non-initialized, even though it reflected a callback  
23 number that was actually from a AT&T landline subscriber.  
24 And the -- we tried to work with US Cellular, which was  
25 the carrier, to no avail. And Rex helped get the FCC

1 involved, and they're working on that issue.

2 In Loudon County, in late September, the  
3 PSAP received several 911 calls from VoIP phones located  
4 in the Mid East -- some from Afghanistan. Fortunately,  
5 these were accidentally dialed calls, but they came in on  
6 911 lines. And after conversations with the VoIP  
7 subscribing company in Loudon County and with Vonage, it  
8 was determined that these VoIP lines could re-register  
9 their address as out of country, and that problem was  
10 solved.

11 I wanted to update the Board on the  
12 Bledsoe GIS situation. Bledsoe is moving on so that its  
13 district personnel will be reasonable for all field work  
14 associated with new addresses and new roads, according to  
15 the ECD director, Patricia Edmonds. And they have  
16 contracted with GeoComm to update the GIS system with the  
17 field data that's been gathered. And they also had an  
18 optional arrangement with Sequatchie County Emergency  
19 Communications District as needed to add new structures  
20 to the database maintained by GeoComm.

21 James Wood of the State's OIR/GIS agency  
22 has indicated that the system is fully operational,  
23 although there are discrepancies in the local telephone  
24 company's database that still remains to be fixed. But  
25 it's looking like they're moving ahead appropriately.

1                   Just a couple of ECD management and  
2 operational issues. Warren County ECD has scheduled an  
3 open house for December 14th.

4                   Decatur County ECD will be moving to the  
5 new sheriff's office building, probably in February.

6                   Lewis County ECD has started construction  
7 on a new PSAP, and the latest is that they are planning  
8 on a March occupancy.

9                   I want to congratulate the new chairman of  
10 the Hickman County ECD. He's the assistant fire chief of  
11 Centerville, Tommy McCord. And he and the ECD director  
12 met with us recently to kind of go over kind of phasing  
13 into a new leadership. And we welcome them.

14                   And I want to offer my thanks to the  
15 Bristol ECD. They invited me to come up and discuss any  
16 issues with them. And it was a very useful -- I hope --  
17 and helpful meeting. And they were very hospitable.

18                   I want to report on the status of the  
19 \$150,000 Essential Equipment Reimbursement. As of  
20 November 17th, 83 districts have either been paid or are  
21 in the process of being reimbursed for requests totaling  
22 \$10,099,998.

23                   37 districts have requested the maximum  
24 amount of \$150,000. 16 more have less than \$20,000  
25 remaining on their allocation. 17 districts have not

1 initiated any action toward requesting any of the  
2 \$150,000 funding that is available to them.

3 On the status of the GIS mapping  
4 maintenance grants. As of November 17th, 86 districts  
5 have either received or are in the process of receiving  
6 GIS mapping maintenance grants.

7 Nine districts have not submitted the  
8 fiscal year 2008 close-out documents, so they have not  
9 been paid from the fiscal year 2009 allocation.

10 Nine additional districts have indicated a  
11 desire to participate in this program, and have been sent  
12 documents for signature; but they have not responded to  
13 that.

14 And five other districts have never  
15 submitted an application to participate in this new term  
16 of the grant. Those were Benton County, Cocke County,  
17 Marshall County, Oak Ridge City, and Shelby.

18 Shelby is not going to because of the  
19 number of PSAPs that they have. It's just too difficult  
20 to try to distribute the funding between them.

21 I have called the other counties,  
22 yesterday, to encourage them to participate.

23 I wanted to update the Board on the status  
24 of the AT&T inter-tandum transfer project that we had  
25 voted on at the last meeting. We are working out the

1 contract terms to meet the State guidelines. And we  
2 anticipate that this will be concluded by the end of the  
3 month, or shortly thereafter.

4 I wanted to talk a little bit about the  
5 status of the 911 reserve fund. I wanted to make sure  
6 that everybody kind of understood exactly what happened.  
7 I think there's been some confusion about that.

8 We -- as you know, the State's going  
9 through a tremendous fiscal problem. And the General  
10 Assembly, at the end of -- at the very end of the last  
11 session had passed a law that said that the  
12 administration could dip into reserves.

13 And shortly after that was passed, I met  
14 with some people at Commerce and Insurance with the  
15 administration because I was so concerned about it. I  
16 think I mentioned that at meetings before. And they  
17 assured me -- they said we were on the fifth rung down,  
18 and that 911 was sacrosanct.

19 And then in October I was called in, and  
20 it seemed like it was not quite so sacrosanct.

21 Staff worked as hard as possible to find a  
22 way to save our reserves. And after several meetings and  
23 finding a federal law that -- a brand new federal law  
24 that was actually sponsored by Bart Gordon -- the  
25 Administration, after consulting with the

1 Attorney General, agreed that they could not touch our  
2 principal. The new federal law authorizes states to  
3 collect 911 fees so long as the State does not divert  
4 those fees to uses other than what the state statute for  
5 the fees says they should be used for. And the  
6 Administration agreed that that meant that they could not  
7 touch the principal on the 911 reserves.

8 But they read that to say that that would  
9 not apply to the interest on the reserves. And that is  
10 what has been tapped, as you-all know. I sent an e-mail  
11 out that the Administration took 10 million of the  
12 interest on the reserves.

13 But what we do know is that the  
14 Administration won't be tapping into the actual principal  
15 on the reserves. The Attorney General has weighed in on  
16 that, and the principal is safe. Which leaves us in a  
17 much, much better position than, essentially, any other  
18 state agency I'm aware of.

19 So I just wanted to kind of make sure that  
20 that was kind of clear.

21 The petition on the harassing  
22 non-initialized 911 phone calls that we filed with the  
23 FCC, the FCC is still considering all the filings that  
24 were filed in that, and they have not acted on it. We  
25 will continue to keep really close watch over this.

1 I think there's going to be some major  
2 personnel changes at the top of the FCC, so it makes it  
3 very important that we've developed relationships with  
4 people that are not at the very, very top to help  
5 continue to move this through. And we'll be really  
6 keeping close watch. And, if need be, we will push as  
7 hard as we can to get some action on this.

8 Legislation impacting 911. As you-all  
9 know, the Tennessee Office of Open Records issued a fee  
10 schedule. It sets guidelines for copying fees and other  
11 costs that you can charge when faced with open records  
12 requests. And we are going to issue an e-mail in the  
13 very near future that will kind of help you implement  
14 that fee schedule.

15 The FCC has opened a rulemaking to  
16 implement the New and Emerging Technologies 911  
17 Improvement Act. That's the act that saved our  
18 principal. And we will be following that very closely.

19 As far as TEMA activities, the director of  
20 E-911 technical services, Rex Hollaway, participated in  
21 the annual Sequoyah disaster exercise just this week and  
22 attended TEMA's annual training workshop at Paris Landing  
23 this week.

24 In NASNA activities -- NASNA is the  
25 National Association of State 911 Administrators, and it

1 held its fall meeting in late October, and the real focus  
2 was on Next Generation 911 issues.

3 And to kind of segue into our next  
4 section, during that meeting there was a FCC staffer on  
5 the phone, and I'd been trying to talk to this gentleman  
6 for several weeks about the TracFone SafeLink issue. And  
7 while he was on the phone to this meeting I asked him  
8 about the fact that SafeLink was stating that it was  
9 going to deploy 800,000 phones under this program -- cell  
10 phones -- under this program -- in Tennessee -- and told  
11 him what problems this potentially could be to have all  
12 of these phones coming in and the potential for being  
13 used for 911 and the stresses that it might cause in our  
14 PSAPs, as far as trunking, as far as personnel, and that,  
15 you know, there was no mention in this program about 911  
16 service charges and supporting 911.

17 And the gentleman said we don't have  
18 jurisdiction. Which did not sit well with me. And we  
19 are pursuing this -- we are pursuing this at the FCC.

20 And that will segue into a report on a  
21 meeting last month with Allan Manuel of the FCC. He's  
22 part of the Homeland Security and Public Safety Division  
23 of the FCC. This was our second meeting with him. When  
24 he comes to town, he makes himself available to the  
25 Board. And this year I was not able to attend because I

1 was at the -- that management seminar in Knoxville. But  
2 Freddie Rich; Carolann Mason; Steve Smith;  
3 Monica Smith-Ashford, our director of governmental and  
4 external affairs; and Rex Holloway met with him. And  
5 they discussed a wide range of issues, including the  
6 non-initialized phone petition and the SafeLink program.  
7 And we will continue to work with him.

8 I think it's important with this SafeLink  
9 thing -- it's not that the FCC's program is a bad  
10 program, it's just the extent of their intent of  
11 deployment could be very -- could create issues here.  
12 And that's what we're pursuing.

13 CHAIR PORTER: Okay. You've heard Lynn's  
14 executive director's report. Any questions from any  
15 board members?

16 (Pause)

17 CHAIR PORTER: I'd just like to, for just  
18 a brief moment, go back to the -- to the taking of our  
19 interest in the reserve fund, and make a few comments  
20 that, I think, probably everybody is thinking, in  
21 conversations we've had.

22 Nobody liked that. And I probably -- if  
23 we all took a show of hands, I don't think any of us  
24 agree that it's right. I mean, I think it's wrong that  
25 they took our interest.

1           Could we do anything about it? Not with  
2 the way that the law was passed this last end of the  
3 legislature.

4           Is there a bright side to it? I think the  
5 bright side is, is that there for a little while we were  
6 thinking half of the total fund was going to be taken --  
7 somewhere in the neighborhood of \$25 million.

8           It would have been devastating had they  
9 been able to dip into our 911 fund with all of the plans  
10 that we're making. And, actually, on the agenda today,  
11 going ahead with NG911 and being able to replace the  
12 whole state 911 system as we know it today and alleviate  
13 a lot of the burden of costs that are on the local  
14 districts that would be picked up by us that would free  
15 up money for you to use. And I know landline revenues  
16 are decreasing, and that was a way to help the local  
17 districts.

18           Had that happened, NG911, I don't think  
19 would have been possible. Because the bad thing about it  
20 is, that if they took \$25 million this year, then this  
21 coming next year at the end of that year, if we're going  
22 to be \$800 million in the hole, you can imagine that the  
23 rest of it would probably go also.

24           We owe a deep gratitude, I think, to  
25 Bart Gordon for being willing to take the legislation

1 that he did on the federal level and to run with it and  
2 to not give up and to get it passed.

3 And I know Lynn and the Staff worked real  
4 close with him a lot on that bill, making sure that it  
5 had a lot of the stuff that it had in it. And I'm going  
6 to commend Staff and Lynn for the job that they did on  
7 that.

8 And I also want to commend Lynn for the  
9 job that she's done working with the State folks and the  
10 Attorney General's office to make them see that our fund  
11 is protected by federal law and that they can't take it.

12 Like I said, we couldn't find any legal  
13 background, whatsoever, that told us that they couldn't  
14 take the interest.

15 Do I like it? No.

16 Does it make me mad? Yeah.

17 Is there anything we can do about? If  
18 there is, I don't see it. If anybody has got any ideas,  
19 well, we would be open to hearing them. But I think,  
20 like I said, if there's any glimmer of light in the whole  
21 situation, that is that knowing from this point forward  
22 that the 911 fund and the actual fund itself is  
23 protected.

24 That pretty well got most of our interest.  
25 There's not much left in there in interest, but it's

1 still going to allow us to do NG911 and still move  
2 forward with this. There's not going to be any money  
3 left when we get done with it, but I'm not for sure that  
4 that's such a bad thing.

5 So if you have comments or questions -- I  
6 know there's been a lot of e-mails and everything flying  
7 across the state that I saw -- some of them said to blame  
8 it on Charles Bilbrey, and I thought that was perfect.  
9 You've got to blame it on somebody.

10 (Laughter)

11 CHAIR PORTER: No. I'm just kidding.  
12 Charles had nothing do with this. He was actually on the  
13 other side with us, so it was not -- it was not any of  
14 the folks that sit on the board or Staff, it was the  
15 State looking for money, desperately.

16 But if you have suggestions or anything or  
17 questions or whatever, make sure you call Lynn or some of  
18 the Staff and get the actual facts of what happened.  
19 And, hopefully, that will squash a lot of the rumors that  
20 are going around across the state.

21 Does anybody have anything they want to  
22 add to that?

23 (Pause)

24 CHAIR PORTER: Okay. We'll move on.

25 The next item is consider the Staff

1 recommendations for the extension of the landline rates  
2 in Meigs and Carter County.

3 MS. QUESTELL: Yes. Staff reviewed the  
4 landline rates for Meigs and Carter County after the  
5 Board had given them a rate increase. And we've analyzed  
6 the reports, and they're summarized in a spreadsheet in  
7 your packet.

8 The contributions by other governmental  
9 entities to the districts have not been reduced, and the  
10 justifications for the rate increase still appear valid.  
11 And Staff has found no reason not to continue the current  
12 rates. And this is, basically, just included to make a  
13 record for it as long as the Board has no objections.

14 CHAIR PORTER: Any board member have any  
15 objections on extending the landline rates for Meigs or  
16 Carter?

17 (Pause)

18 CHAIR PORTER: What about our two  
19 gentlemen on the conference call?

20 (Pause)

21 CHAIR PORTER: Okay. We'll move forward  
22 on the agenda then.

23 Next item is to consider contracting with  
24 NetTN. And for the folks that may not know, NetTN is the  
25 new statewide network that we'll be using that the

1 State's done an RFP on that we'll be using for the new  
2 NG911 system to provide infrastructure for the NG911  
3 project.

4 And Lynn, are you going to start?

5 MS. QUESTELL: Yes, thank you.

6 Actually, what this would be, would be an  
7 amendment to the existing State contract. I want to  
8 start out kind of explaining just how important this  
9 Next Generation Statewide IP Network really is. The  
10 Board was formed to do things that the districts could  
11 not do individually.

12 I just got an article that my cousin from  
13 Georgia sent up to me that was in the Parade magazine,  
14 which is like a little thing -- like the USA Today  
15 section in the Sunday paper saying, 911 needs help. And  
16 in Georgia, it really does.

17 But it made me so proud because all of  
18 the -- they were saying how there was no Phase II across  
19 the state, and, actually, in many other states. And that  
20 article -- it was a good thing it wasn't published in  
21 this state, because it doesn't apply because we do have  
22 statewide Phase II.

23 And this is the next step. This is  
24 something that individually districts couldn't do. And  
25 that's why this board was formed, was to provide uniform

1 statewide emergency communications.

2           And this IP project -- the Next Generation  
3 project is going to make such a huge difference in the --  
4 it's one of those behind the scenes, not cosmetic things.

5           It's going to make our 911 network digital  
6 instead of analog. It's going to take us to the next  
7 step. It's going to be so much more redundant and  
8 robust.

9           It's going to help immensely with call  
10 transfer. It's going to help with making sure that as  
11 much information as possible could get into the PSAPs,  
12 including digital information -- including digital  
13 pictures, texting, and that sort of thing.

14           We have -- so the State has put in an  
15 IP infrastructure that is possible for this project to  
16 run on.

17           To take a step back, at the September 2006  
18 meeting, the Staff was authorized to begin researching  
19 and evaluating options for this IP network. We have held  
20 many meetings to identify stakeholders and requirements.  
21 We've worked with NENA, and, also, with our technical  
22 consultants, Kimball and Associates, who are involved in  
23 many of the similar projects that are going on in other  
24 states to develop Next Generation.

25           One of the things that we researched was

1 this IP platform that the State has put out in the Office  
2 of Information Resources -- or OIR. And we wanted to  
3 make sure that we could deploy the most technically  
4 beneficial platform, as well as one that would be as  
5 economic as possible.

6           The reason that we have not deployed this  
7 sooner is we were waiting to look at the successful bid  
8 on the statewide IP network. And it was bid in this  
9 summer, and Rex, and Kimball and Associates, and Randy  
10 have spent many, many, many hours examining the  
11 successful bid to make sure that it would be appropriate  
12 for our 911 network. And they have examined it very  
13 carefully.

14           And we've put that delay to good use.  
15 Because Rex has been involved with setting standards with  
16 the NENA group, setting standards for Next Generation  
17 911, and I've been very involved with the U.S. Department  
18 of Transportation that's issuing grants for Next  
19 Generation 911.

20           At this point, everybody agrees that this  
21 NetTN network -- the OIR network -- will meet the  
22 IP transport requirements for the Next Generation 911  
23 system. There were a handful of questions that we were  
24 trying to resolve with them that will be beyond the  
25 initial NetTN contract that will require amendments to

1 that contract. And we've got the technical parts of them  
2 resolved, but we're still -- we've got questions about  
3 the pricing that we're still working out.

4 But what this network will do, it will  
5 allow SMS text, instant messaging, video calls, e-mail.  
6 It will be more resilient and redundant than the current  
7 infrastructure. And I think I said most of that stuff --  
8 more accessible telematics.

9 So, at this point, Staff would ask the  
10 board members to authorize us to proceed with  
11 negotiations to use this IP network and seek amendments  
12 to the contract to make it 911 specific to our needs.

13 MEMBER BILBREY: Do you need a motion on  
14 that?

15 MS. QUESTELL: Yes, sir.

16 MEMBER BILBREY: I make a motion.

17 CHAIR PORTER: We have a motion by  
18 Mr. Bilbrey that we approve Staff to work with and do  
19 whatever they need to do with the contract with NetTN for  
20 the new NG911 system.

21 Do I have a second?

22 MEMBER COBB: I will second that.

23 CHAIR PORTER: Ms. Cobb is second.

24 Any discussion?

25 (Pause)

1 MS. QUESTELL: Rex is available to answer  
2 any kind of technical questions you might have.

3 CHAIR PORTER: You know, folks, I think  
4 we're kind of -- I look back on this, and I think we're  
5 kind of making history here today. Do you remember what  
6 it was like when we went from the old dial-up internet?  
7 It's only been a few years ago, and some of you may still  
8 have it in rural parts of the country. But the going  
9 from dial-up to the high-speed broadband internet, I  
10 mean, it's just remarkable.

11 And I think in the next two or three years  
12 we'll look back on the way that we did things before and  
13 just wonder, you know, it looks so archaic to us, I  
14 think, the way that we're doing 911 today. I think this  
15 is a great, great thing for the state of Tennessee, and I  
16 think it will keep us being one of the leaders in the  
17 United States when it comes to 911 and providing the best  
18 911 service we can.

19 Rex?

20 MR. HOLLAWAY: I just want to add, you  
21 know, of course, when they asked me how this thing was  
22 going to work, there are a lot of details still trying to  
23 be worked out. And we think that in the early days of  
24 this implementation, it will be pretty transparent. It's  
25 going to work a lot -- it's pretty much exactly like it

1 does today. And that will kind of get us onto this  
2 network, and we will kind of ease into it.

3 And then there are still a lot of issues  
4 that have to be worked out as far as how we interconnect  
5 with the database providers and how we deliver a VoIP  
6 call based on the new standards of VoIP type calls. And  
7 so we may deliver them the old way initially when you  
8 have a new network that's capable of doing more, but we  
9 want to ease this thing so we don't make it very  
10 disruptive to the operational PSAPs out there.

11 CHAIR PORTER: One thing that -- before  
12 rumors get started on it, you know, we're not going to  
13 turn the whole state on in one day. And we're going to  
14 start in either one or two ends of the state. And, you  
15 know, we may only add a PSAP a day or a PSAP every two or  
16 three days, or something, you know, and make sure that it  
17 all works right before we get everybody loaded on it. So  
18 this is the first step.

19 Any other question or discussion?

20 (Pause)

21 CHAIR PORTER: Okay. Since we have got to  
22 have roll call on the motions -- Ms. Mason?

23 MEMBER MASON: Yes.

24 CHAIR PORTER: Mr. Smith?

25 MEMBER SMITH: Yes.

1 CHAIR PORTER: Mr. Bilbrey?

2 MEMBER BILBREY: Yes.

3 CHAIR PORTER: Ms. Cobb?

4 MEMBER COBB: Yes.

5 CHAIR PORTER: Mr. Rich?

6 MEMBER RICH: Yes.

7 CHAIR PORTER: And Mr. Lowry?

8 MEMBER LOWRY: Yes.

9 CHAIR PORTER: Okay. Motion carried.

10 Next item in the agenda is to consider  
11 issuing an RFP or an RFI for management of 911 specific  
12 portions of the new Next Generation 911 project.

13 Lynn?

14 MS. QUESTELL: As Rex just finished  
15 saying, there are things to be worked out on this, and  
16 that's where the management part of this project comes  
17 in. We intend to, with your permission, issue either an  
18 RFP or an RFI for the actual management of the 911 part  
19 of this project to seek bids on management contract.

20 The management responsibilities would  
21 include coordination with many wireless carriers and VoIP  
22 service providers to create the gateway connectivity to  
23 the front end of the network, and there will be  
24 coordination issues with the 160 PSAPs which must be  
25 connected to the IP network.

1           In addition, we must coordinate directly  
2 with ALI data providers and PSAP service vendors to  
3 complete all of the hundreds of connections to the  
4 network. And the management service company is going to  
5 have to operate 24 by 7 by 365 in operation centers so  
6 that PSAP changes and problems can be responded to at any  
7 time of the day or night.

8           In addition, the management service  
9 company would be responsible for day-to-day operations of  
10 the network and coordination and monitoring of the  
11 services being provided by wireline telephone carriers,  
12 eventually cellular carriers, VoIP service providers, ALI  
13 service providers, 911 software vendors, and NetTN.  
14 That's one other aspect of this plan.

15           There's a third aspect, which isn't really  
16 a part of this vote, but I do want to explain it.

17           We've got the platform, we've got  
18 management, and the third aspect is to provide assistance  
19 with upgrades that will be necessary to the PSAPs to  
20 connect to this. This would not be in our plan of  
21 unfunded mandate. The plan is to provide substantial  
22 assistance to the districts to help them with account  
23 activity issues.

24           We have a meeting -- actually today --  
25 with the director of Budget of the state to talk about

1 our budget with this project. And by the time we fully  
2 deploy, this is likely to use up much of their reserves  
3 that we've accumulated for this purpose, though there  
4 will always be a balance in our fund balance.

5 So with that explanation, I would ask the  
6 Board to please authorize Staff to develop an RFP or an  
7 RFI for management of the 911 aspects of the IP network.

8 CHAIR PORTER: You've heard the request  
9 from Staff. What's the will of the Board?

10 MEMBER SMITH: I move to accept Staff's  
11 recommendation.

12 CHAIR PORTER: I have a motion from  
13 Mr. Smith.

14 Do I have a second?

15 MEMBER BILBREY: Second.

16 CHAIR PORTER: Second by Mr. Bilbrey that  
17 we approve the Staff's recommendation to issue either an  
18 RFP or an RFI for management of the new NG911 system.

19 Discussion or questions?

20 (Pause)

21 CHAIR PORTER: Hearing none, we'll do a  
22 roll call vote again.

23 Ms. Mason?

24 MEMBER MASON: Yes.

25 CHAIR PORTER: Mr. Smith?

1 MEMBER SMITH: Yes.

2 CHAIR PORTER: Mr. Bilbrey?

3 MEMBER BILBREY: Yes.

4 CHAIR PORTER: Ms. Cobb?

5 MEMBER COBB: Yes.

6 CHAIR PORTER: Mr. Rich?

7 MEMBER RICH: Yes.

8 CHAIR PORTER: Mr. Lowry?

9 MEMBER LOWRY: Yes.

10 CHAIR PORTER: All vote "aye." Motion  
11 carried.

12 Next item on the agenda is to consider  
13 issuing an RFP for technical consultants, as our  
14 technical consultant we currently have, which is Kimball  
15 and Associates, their contract expires in June of 2009.

16 MS. QUESTELL: The State requires that  
17 when a contract expires you have to issue a new RFP. And  
18 since ours is expiring, we would like the Board's  
19 permission to issue a new RFP for technical consultants.

20 Kimball and Associates has proven that  
21 having technical consultants is a really, really valuable  
22 addition to our abilities. Especially as we deploy this  
23 Next Generation 911 project, having technical consultants  
24 with considerable expertise in deploying Next Generation  
25 projects will be extremely important. And they have

1 been -- Kimball and Associates have been extremely  
2 helpful in getting us this far.

3           They can help assure us that the  
4 successful bidder is performing adequately. They can  
5 assist with planning and negotiations. Before we hired  
6 Rex and created that position, Kimball and Associates  
7 provided all of the technical assistance that Randy  
8 wasn't providing, and they were extremely helpful. And  
9 we're so glad to have Rex on staff now.

10           But even with that, to provide backup for  
11 him because he can't be everywhere. It's good to know  
12 that this is available to the state, because we want to  
13 make sure that there is sufficient technical assistance  
14 out there for 911.

15           CHAIR PORTER: Rex is getting a few miles  
16 on him, and he doesn't travel hardly as well as he used  
17 to.

18                           (Laughter)

19           CHAIR PORTER: I'm just kidding.

20           MR. HOLLAWAY: Let me just add to that,  
21 too. One of the things that you will be seeing evidence  
22 of here pretty soon -- well, fairly soon -- they will  
23 actually visit every PSAP -- all 160 PSAPs -- and do a  
24 very thorough and detailed evaluation of, can that  
25 equipment be upgraded; what's it going to take to upgrade

1 it?

2                   And that will all be necessary information  
3 for us to have as we do this RFI for the management  
4 services and the next steps with Next Generation 911. So  
5 that will be a -- it will probably be done within a month  
6 period of time. So we'll let you know when that's coming  
7 out.

8                   CHAIR PORTER: You've heard a request from  
9 Staff to allow them to issue another RFP for technical  
10 consultants.

11                   What's the will of the Board?

12                   MEMBER BILBREY: I make a motion.

13                   CHAIR PORTER: I have a motion by  
14 Mr. Bilbrey.

15                   Do I have a second?

16                   MEMBER MASON: Second.

17                   CHAIR PORTER: Second by Ms. Mason.  
18 Any discussion or questions?

19                   (Pause)

20                   CHAIR PORTER: I would like to say that  
21 Kimball and Associates has done a great job for us in the  
22 past -- how many ever years it's been.

23                   MS. QUESTELL: Five years.

24                   CHAIR PORTER: Five years since we had  
25 that contract. I don't think we would be where we are

1 today without them, especially on this NG911 project.  
2 They have really, really been a great help.

3 Hearing no discussion or questions, roll  
4 call vote.

5 Ms. Mason?

6 MEMBER MASON: Yes.

7 CHAIR PORTER: Mr. Smith?

8 MEMBER SMITH: Yes.

9 CHAIR PORTER: Mr. Bilbrey?

10 MEMBER BILBREY: Yes.

11 CHAIR PORTER: Ms. Cobb?

12 MEMBER COBB: Yes.

13 CHAIR PORTER: Mr. Rich?

14 MEMBER RICH: Yes.

15 CHAIR PORTER: Mr. Lowry?

16 MEMBER LOWRY: Yes.

17 CHAIR PORTER: All vote "yes." Motion is  
18 carried.

19 Next item is consider appointing two new  
20 members to the Policy Advisory Committee to replace two  
21 resigning members.

22 Lynn?

23 MS. QUESTELL: Yes. As the Board knows,  
24 the Policy Advisory Committee was formed to provide forum  
25 to garner information and discuss and make

1 recommendations to the Board about important issues. And  
2 this has been a very helpful committee.

3 We've had two members resign --  
4 Theda Bramlett and Colleen Edwards -- and we would like  
5 to replace them.

6 I asked on an interim message that  
7 Kim Augustine, who is the director of the Madison County  
8 Emergency Communications District and the secretary of  
9 the Tennessee Emergency Number Association, to serve as  
10 an interim member, subject to the Board's approval as a  
11 permanent member.

12 And I also asked Chris Masiogale,  
13 director of Overton-Picket Emergency Communications  
14 District and former TENA President, to serve, subject to  
15 the Board's approval.

16 The reason that I asked them to serve as  
17 an interim member is because we wanted to have a full  
18 committee to discuss the dispatcher training support that  
19 was the topic of discussion at the October meeting of the  
20 Policy Advisory Committee.

21 And I guess I would like to just say one  
22 other word about this. At the TENA meeting, yesterday,  
23 there was a discussion about the Policy Advisory  
24 Committee and about 911 funding. And the discussion  
25 broached the subject that funding was a real issue that

1 the TENA Board would like the Policy Advisory Committee  
2 to address.

3 Part of the context of that was that the  
4 last time that people from 911 approached the General  
5 Assembly with suggestive changes to the funding statute  
6 without any kind of organized statistical support for  
7 their position the General Assembly said have TACIR study  
8 it. And that lasted for -- gosh, how long? Three years?

9 And then TACIR studied it, and said, okay,  
10 911 Board, you study it. And that's when we came up with  
11 the \$14 million program.

12 But TENA has made it clear that they would  
13 very much like the Policy Committee to address that  
14 issue. And I thought I would just inform the Board of  
15 that.

16 And TENA is very well represented on the  
17 Policy Advisory Committee, I just wanted to make that  
18 statement as well. And the two new members that I am  
19 asking the Board to make members of the committee are  
20 members of TENA.

21 CHAIR PORTER: You've heard Staff's  
22 request that Kim Augustine and Chris Masiongale be  
23 appointed to the Policy Advisory Committee.

24 What's the will of the Board?

25 MEMBER SMITH: So moved, Mr. Chairman.

1 CHAIR PORTER: Motion by Mr. Smith.

2 MEMBER COBB: I'll second.

3 CHAIR PORTER: Second by Ms. Cobb.

4 Any discussion?

5 (Pause)

6 CHAIR PORTER: Hearing none, all in favor

7 vote "aye."

8 Ms. Mason?

9 MEMBER MASON: Yes.

10 CHAIR PORTER: Mr. Smith?

11 MEMBER SMITH: Yes.

12 CHAIR PORTER: Mr. Bilbrey?

13 MEMBER BILBREY: Yes.

14 CHAIR PORTER: Ms. Cobb?

15 MEMBER COBB: Yes.

16 CHAIR PORTER: Mr. Rich?

17 MEMBER RICH: Yes.

18 CHAIR PORTER: Mr. Lowry?

19 MEMBER LOWRY: Yes.

20 CHAIR PORTER: All vote "yes." Motion

21 carried.

22 Next item on the agenda is to consider  
23 recommendations by the Policy Advisory Committee for  
24 support of dispatcher training.

25 MS. QUESTELL: The Policy Advisory

1 Committee has been studying ways to support dispatcher  
2 training for its last several meetings. And at the last  
3 meeting in October, after we had received the news that  
4 the State was looking at taking our reserves, but before  
5 we had got our thumb on that federal law and were making  
6 the strongest possible argument that they couldn't touch  
7 it, that's when we had the meeting. So that is part of  
8 the reason that this proposal is structured the way it  
9 is.

10 What the Policy Advisory Committee decided  
11 to do -- and recommends that the Board do -- I mean --  
12 is, the Board now has \$2.2 million that is in its budget  
13 already, which means we don't have to get any kind of  
14 budget approval. And we would like to take that money,  
15 and instead of letting it go into the reserves, use that  
16 money to set up a one-year pilot program to support  
17 dispatcher training. And I want to give a little context  
18 about that.

19 When Robert went around as part of his  
20 grant monitoring duties, he also monitored dispatcher  
21 training. And he was really pleased with the dispatcher  
22 training that the districts had accomplished. Of those  
23 that he had monitored, he did not see any of them that  
24 had not complied without regulations on the amount of  
25 training.

1           But, anecdotally, I definitely heard from  
2 directors of districts that actually don't do the  
3 dispatching themselves that they are very concerned that  
4 the dispatcher training is not being done by these  
5 entities that are working with districts but are not in  
6 control of districts to do dispatching. And so this is  
7 partly directed to encourage compliance with the  
8 regulations, and that's partly why it's structured the  
9 way it is. And the Committee also wanted to encourage  
10 people to get additional training, not just the basic  
11 40 hours.

12           So the purpose of the proposal -- I'm just  
13 going to read the statement that the Policy Committee  
14 came up with.

15           "The purpose of the proposal is to improve  
16 dispatcher training through incentives and monitoring and  
17 to encourage dispatcher training, including and beyond  
18 that required by Tennessee Rules and Reg. 0780-6-2. More  
19 extensive training is important and necessary to assure  
20 that Tennessee's call-takers and dispatchers are apprised  
21 of technical and operational developments, promoting  
22 consistent and professional call taking and dispatching  
23 as Tennessee's 911 system migrates to a statewide Next  
24 Generation 911 Internet Protocol platform."

25           The Committee is concerned that some

1 dispatchers may not be obtaining sufficient training and  
2 agrees that the current dispatcher training regulations  
3 compiled in Tennessee Rule and Regulation 0780-6-2, set  
4 only a minimum standard that all dispatchers should  
5 exceed. And this is another situation where the Board  
6 is, by law, supposed to promote uniform 911 service, and  
7 we think additional training will promote that.

8           So this funding, according to the  
9 recommendation, would be available to districts to  
10 provide to dispatchers who are not their employees, so  
11 long as there is an interlocal agreement, and so long as  
12 the district is requesting and receiving the funding and  
13 then can provide it for the dispatcher training.

14           So to get down to the nuts and bolts, they  
15 wanted to set this up, basically, in a sense like the  
16 Essential Equipment Program, where each district would  
17 get a pot or an account. And it didn't make sense for  
18 each district to get the same amount because each  
19 district has a different number of the dispatchers.

20           So solely to figure out how much you would  
21 get, the Policy Committee proposes that each district  
22 would get \$1,000 for each dispatcher that they have.  
23 Either that they are -- that they have as employees or  
24 that they, with an interlocal agreement, are having  
25 another governmental entity provide for them.

1           That's all this \$1,000 dispatcher is, is  
2 just to calculate the amount that each district would get  
3 out of this \$2.2 million pot. And then from each of your  
4 funds -- each of your accounts -- you can ask for  
5 reimbursement for dispatcher training related expenses  
6 including tuition, materials, training, related travel  
7 expenses. Also to pay for substitutes for people that  
8 are going to get training.

9           And for those of you that provide in-house  
10 training, you have two options: You can do the itemized  
11 reimbursement request, which is fine, for any expenses  
12 related to dispatcher training; or, if that would be too  
13 difficult, especially if the dispatchers are being  
14 trained in-house and they're not under your  
15 supervision, the Policy Committee, with help from  
16 John Sturmer (phonetically) -- who provided some really,  
17 really valuable financial information to help the  
18 Committee -- they figured that a reasonable amount for  
19 in-house training would be \$25 per hour, per dispatcher  
20 trained.

21           So that's just kind of a shorthand. If  
22 you don't want to itemize, if you're doing in-house  
23 training, you can just go with the \$25 per hour per  
24 dispatcher amount and seek your reimbursements this way.

25           The reimbursement will be available from

1 July 1, 2008, to June 30th, 2009.

2 And the Committee did a really smart thing  
3 for -- a lot of times, for some reason, not all districts  
4 take advantage of the funding programs that we have. And  
5 so with this program, instead of the money going into the  
6 reserves, they recommend that after May 31st, if there  
7 are funds that have not been disbursed, then districts  
8 that have requested more than the amount that they've  
9 been allotted, that the Staff come and expend the money  
10 on -- for the districts that are requesting that have  
11 spent more. If that makes any sense.

12 So -- because we want to make sure that  
13 this is a program that can be justified and can be  
14 continued, we are going to ask the districts to help us  
15 get some performance measurements.

16 So part of the application process is  
17 going to be that you give us a list of the names of all  
18 of the dispatchers under your control and the amount of  
19 training that they have, starting out with the project.  
20 And then at the end of the project, we'll ask for a list  
21 of names and the amount of hours of training that they  
22 have after that so that we can just use that to justify  
23 that this really is helping. And we're also going to  
24 want you to identify whether they're district employees  
25 or not district employees.

1                   But the intent was to empower the  
2 districts to give a little nudge to those people that are  
3 in control of dispatchers that aren't district employees,  
4 but also to assist those that are -- that do have their  
5 own dispatching.

6                   The reimbursement process will be managed  
7 by Jim Barnes. And we will put up an application. The  
8 application is going to have to go through this approval  
9 process that they've put up in state government. Any  
10 form that you put out, you have to get approval.

11                   I don't know how long that's going to  
12 take. But don't worry about that because the  
13 reimbursement goes back to any expenses after July 1,  
14 2008. So that's not going to stop your attempts to get  
15 reimbursement. And we will get that out there as soon as  
16 we possibly can.

17                   And, again, as Robert did when he was  
18 monitoring grants last year, he will also be looking at  
19 the dispatcher training records when he goes out to  
20 monitor the grants this year to help us get justification  
21 to continue this and actually put it in the budget.  
22 Which we may not have the money in the budget next year  
23 if we proceed as we want to with the NG project.

24                   The reason we have that \$2.2 million is  
25 because it was put in the budget for Next Generation, and

1 we haven't deployed that yet. So we will be making some  
2 changes to the budget.

3 So with that, I would ask that the --  
4 well, first of all before I do that, I want to really  
5 thank all the members of the Policy Advisory Committee.  
6 They have really worked hard on this issue, and really  
7 gave it close scrutiny and a lot of study. They devoted  
8 a lot of time to this, and they have all really stepped  
9 up to the plate and are really focusing not only on local  
10 issues but on how to improve the whole program statewide.  
11 And that is just deeply, deeply appreciated.

12 And with that, I would ask the Board to  
13 please approve the proposal of the Policy Advisory  
14 Committee.

15 CHAIR PORTER: You've heard the request  
16 from Staff that we approve the new dispatcher training  
17 program as presented.

18 What's the will of the board?

19 MEMBER COBB: I so move.

20 CHAIR PORTER: I have a motion by  
21 Ms. Cobb.

22 Do I have a second?

23 MEMBER SMITH: Second.

24 CHAIR PORTER: I have a second by  
25 Mr. Smith.

1 Discussion or questions?

2 MEMBER SMITH: Mr. Chairman, I would just  
3 like to add to the director's comments to the  
4 appreciation for the work done with the Operation's  
5 Committee, because for many of us training is an issue  
6 that is very close to our heart, as you well put it,  
7 about what we will be facing with NG911.

8 There's obviously going to be additional  
9 training involved with that. I think the action that the  
10 Policy Advisory Committee took to thoroughly examine that  
11 and bring us a recommendation for us to be able to, in a  
12 proper manner, send over \$2 million back to districts for  
13 the purchase of training -- again, a positive step moving  
14 forward; and that, I think, has always been everyone's  
15 effort from whether it was Phase II implementation or  
16 going into Next Generation 911.

17 But I do know that for those folks to take  
18 time out of their regular jobs and to go through the  
19 amount of information that they're furnished by Staff in  
20 order to make an informed decision, I appreciate their  
21 efforts.

22 CHAIR PORTER: Thank you, Steve.

23 I think we've been following a plan all  
24 along. You know, we did the equipment reimbursements to  
25 help the districts replace your 911 equipment. Now we're

1 coming out with the training money to help you train your  
2 folks. So it doesn't do any good to have a great 911  
3 system if your folks are not trained in how to dispatch  
4 and use it. So, hopefully, this will be something  
5 that -- if it works, that we can continue on for many  
6 years.

7                   And the success of this program is going  
8 to be up to you folks as to whether it does work or not.  
9 So don't do like we've done with some of these other  
10 grants and still have folks that haven't even applied for  
11 them. Because with this one, the money is not going to  
12 sit there that you can get two or three years down the  
13 line. If it's not spent coming up toward the end of the  
14 fiscal year and this year, why, somebody else is going to  
15 get it. So it's going somewhere, so make sure you get  
16 your fair share for your district.

17                   Any other question or discussion?

18                                   (Pause)

19                   CHAIR PORTER: All right. We'll have a  
20 roll call.

21                   Ms. Mason?

22                   MEMBER MASON: Yes.

23                   CHAIR PORTER: Mr. Smith?

24                   MEMBER SMITH: Yes.

25                   CHAIR PORTER: Mr. Bilbrey?

1 MEMBER BILBREY: Yes.

2 CHAIR PORTER: Ms. Cobb?

3 MEMBER COBB: Yes.

4 CHAIR PORTER: Mr. Rich?

5 MEMBER RICH: Yes.

6 CHAIR PORTER: Mr. Lowry?

7 MEMBER LOWRY: Yes.

8 CHAIR PORTER: All vote "yes." Motion  
9 carried.

10 Final item on the agenda is to consider  
11 request by OnStar for refund of emergency telephone  
12 service charge that was collected by Verizon.

13 MS. QUESTELL: Yes. Would the  
14 representatives from OnStar please come forward and state  
15 your names for the record?

16 MR. BALTIMORE: I am Don Baltimore, local  
17 counsel for OnStar. And with me is Mr. Tony Susak --  
18 S-U-S-A-K -- from OnStar's headquarters in Detroit,  
19 Michigan.

20 MS. QUESTELL: I'd like to just give a  
21 little context for this. During the January 2008  
22 meeting, OnStar appeared here and requested a refund of  
23 emergency telephone service charges that it paid to  
24 Verizon for OnStar's operator-assisted service. OnStar  
25 maintains that the 911 fees should not have been charged

1 on their telematic service, which connects vehicles to  
2 OnStar operators that then can contact PSAPs.

3 And we've been working with OnStar since  
4 then discussing various issues. Since then, OnStar has  
5 gotten an assignment of rights from Verizon because we  
6 raised issues about whether OnStar actually had standing  
7 to request a refund because they didn't pay it to us,  
8 Verizon did. And OnStar -- I mean, Verizon has assigned  
9 its rights. So I think that issue is resolved.

10 Correct me if I'm wrong, but we -- it's my  
11 understanding that much of OnStar's argument would be  
12 that the 2006 amendments to the State 911 fee statute  
13 imposes a service charge on all non-wireline service that  
14 connects a user dialing 911 or entering the digits 911 to  
15 a PSAP. So their argument is that this law doesn't apply  
16 to them because their vehicle telematic service does not  
17 connect a user to the PSAP, it connects a user to an  
18 OnStar operator. And that law was put into effect on  
19 July 1, 2006.

20 MR. BALTIMORE: That's correct. Yes.

21 MS. QUESTELL: Would you like to --

22 MR. BALTIMORE: Okay. Thank you. Yes. I  
23 want to first of all thank the Board for allowing us to  
24 make our presentation, and I also thank the Staff for  
25 working with us. The Staff has been very professional in

1 sorting through this thorny topic and issue.

2 And as Ms. Questell said, what we're  
3 looking at here is some erroneous payments for the  
4 emergency service charge made by OnStar through Verizon  
5 to the Board.

6 We're not looking at the service of OnStar  
7 where the user can dial any number, you know, hands free  
8 and so forth. That service is not an issue here. The  
9 emergency service charge is being paid on that service.

10 What an issue here is what's called the  
11 telematics or the core service, which is the emergency  
12 service. The one that when a vehicle gets into a crash,  
13 OnStar detects it, knows where the location is, and then  
14 OnStar dials 911. The customer or the driver of the  
15 vehicle is not capable through that service of dialing  
16 911.

17 And, as Ms. Questell said, our contention  
18 is, and we believe it's very clear from July 1, 2006,  
19 forward, because the state law was amended to state that  
20 any service that is not capable of dialing 911 is not  
21 subject to the emergency service charge. So what we're  
22 looking at is that, definitely, no service charge was  
23 applicable to this core service or the telematic service  
24 after July 1, 2006. And we're looking at roughly four  
25 months where it was paid, and then with the realization

1 of the amendment, it was not paid after that.

2 So now another part of the issue and a  
3 separate law is, what is the circumstances and the status  
4 of all payments made prior to July 1, 2006?

5 And it is our contention, as well, that  
6 the emergency service charge should not have been  
7 applied, as well, prior to the amendment for a couple of  
8 reasons.

9 One, there is a 2003 Federal  
10 Communications Commission Order that says telematic  
11 services are not commercial radio mobile services and  
12 are, therefore, not subject to any such charges.

13 This was applied and used in other states.  
14 And that's a 2003 order of the Federal Communications  
15 Commission.

16 Secondly, since the basic service, the  
17 corematic service is a data service and not a regular  
18 telephone service. It's not subject to the emergency  
19 service charge under Policy 23 of this board.

20 So we're looking at two problems that we  
21 can point out as to why this was not subject to the  
22 emergency service charge.

23 And, then, secondly stated in my brief is  
24 that this board is authorized, as other boards are, to  
25 make a refund for payments erroneously paid.

1 I just want to thank you for considering  
2 this today.

3 MS. QUESTELL: Well, Staff would disagree  
4 with the contention that 911 refund would be appropriate  
5 prior to July 1, 2006. The FCC order was not about state  
6 imposed 911 fees. And the policy that he's referring to  
7 by this board was about T1 and PRIs, not about wireless  
8 providers.

9 Staff would argue that OnStar would meet  
10 the definition of CMRS service as defined in the  
11 Tennessee Code 7-86-103. And, certainly, we've discussed  
12 with Rex that they had all of the technical capabilities  
13 of a CMRS provider.

14 MR. HOLLAWAY: You know, when you  
15 mentioned that it was a data line -- if it were just a  
16 data line, that would be a whole different story. But,  
17 essentially, a person can press the OnStar button,  
18 communicate with an operator -- who is being connected to  
19 the operator over the public switch network, as I  
20 understand it, since the OnStar service center would have  
21 conventional telephone lines in their service center.

22 And so the OnStar call for assistance with  
23 directions -- or whatever purposes -- would actually  
24 enter the public switch network to get to the OnStar call  
25 center. And so that's why we believe it's CMRS service.

1 MR. BALTIMORE: I understand where you're  
2 coming from. And where I happen to kind of disagree with  
3 the approach is that the Tennessee statute defines a  
4 CMRS, and it refers to federal law and FCC definitions.

5 And under that FCC order, the FCC says  
6 that such telematic services aren't CMRS under the FCC  
7 rules' section referred to in the statute.

8 MS. QUESTELL: But I would argue that the  
9 FCC order is not about state imposed 911 fees and that  
10 that definition would not really be relevant to the  
11 situation at hand.

12 CHAIR PORTER: Did you have other things  
13 that you wanted to add? Anything else you wanted to add?

14 MR. SUSAK: No, not really. Just thank  
15 you. You've been very cooperative.

16 CHAIR PORTER: Okay.

17 Lynn, did the Staff have any  
18 recommendation that you wanted to make?

19 MS. QUESTELL: Well, actually, yes.

20 I think Staff would recommend a refund  
21 from July 1, 2006, until the end -- when you-all stopped  
22 payment in October of 2006.

23 When the law changed, clearly, it would  
24 not appear to apply to the OnStar offer that we're  
25 talking about here. And the Board is authorized by

1 Tennessee Code Annotated 9-4-607 to provide a refund.  
2 And now that Verizon has assigned their rights, it would  
3 appear that OnStar would be an appropriate party to  
4 receive this refund.

5 What we would ask is that OnStar provide  
6 an exact amount with documentation of the amount that it  
7 contends as overpayment.

8 Can you give us a ballpark maximum figure  
9 that you think this would be so that the Board could have  
10 a general idea of what it might be voting on should it  
11 decide to provide a refund?

12 MR. BALTIMORE: It's going to be  
13 approximately \$400,000 -- probably a little bit less.

14 MS. QUESTELL: In an ideal world -- and  
15 I'm just asking here -- you-all would agree that this is  
16 appropriate and not consider contesting this decision.  
17 I'm not asking you to do that. But if you have any  
18 statements about that that you would like to offer, that  
19 might be persuasive or helpful.

20 (Pause)

21 MR. BALTIMORE: With reserving rights --  
22 but I think it's highly probable that if the Board votes  
23 on the Staff's recommendation in favor of it, that we  
24 would not pursue the prior to July 1, 2006, pending the  
25 hire-ups' approval. But we could -- it's not a

1 guarantee. Yes, that's what -- would be good.

2 MR. SUSAK: I sort of feel like a CEO in  
3 front of Congress right now.

4 (Laughter)

5 CHAIR PORTER: As long as you didn't fly  
6 in on your private plane.

7 MEMBER BILBREY: Going back to the -- you  
8 said somewhat less than \$400,000? Is that the amount  
9 that you can document?

10 MR. BALTIMORE: Yes.

11 MR. SUSAK: Yes. It would be the exact  
12 amount of the Verizon invoices to OnStar in which we paid  
13 Verizon.

14 MEMBER BILBREY: Right. Okay.

15 CHAIR PORTER: Okay. You've heard the  
16 recommendation of Staff that we look at reimbursing  
17 OnStar for that period of July 1st, 2006, through --  
18 what? October of 2006?

19 But that OnStar will be required to  
20 provide us documentation of payments so that we can get  
21 the exact amount down.

22 What's the will of the Board?

23 MEMBER BILBREY: I would make that  
24 motion -- not to repeat it -- but that we put a  
25 maximum -- so that we know where we are here -- of

1 \$400,000. And if it goes beyond that, then we will have  
2 to come back and --

3 CHAIR PORTER: Does that seem agreeable  
4 with you-all?

5 MR. SUSAK: Absolutely.

6 CHAIR PORTER: Okay. So Mr. Bilbrey has  
7 made a motion that we approve the reimbursement to OnStar  
8 to a maximum of \$400,000.

9 MEMBER BILBREY: Maximum. Documented to a  
10 maximum.

11 CHAIR PORTER: Okay. Is there a second?

12 MEMBER MASON: I second.

13 CHAIR PORTER: Ms. Mason seconds.

14 Discussion or questions?

15 (Pause)

16 CHAIR PORTER: Hearing none, roll call.

17 Ms. Mason?

18 MEMBER MASON: Yes.

19 CHAIR PORTER: Mr. Smith?

20 MEMBER SMITH: Yes.

21 CHAIR PORTER: Mr. Bilbrey?

22 MEMBER BILBREY: Yes.

23 CHAIR PORTER: Ms. Cobb?

24 MEMBER COBB: Yes.

25 CHAIR PORTER: Mr. Rich?

1 MEMBER RICH: Yes.

2 CHAIR PORTER: Mr. Lowry?

3 (Pause)

4 CHAIR PORTER: Mr. Lowry?

5 MEMBER LOWRY: Yes.

6 CHAIR PORTER: All right. All vote "yes."

7 Motion carried.

8 Thank you, gentlemen, for coming.

9 MR. BALTIMORE: Thank you.

10 MR. SUSAK: Thank you very much.

11 CHAIR PORTER: We're looking at meeting  
12 dates for the next board meeting. We've got three  
13 possibles: January the 29th, February the 5th, and  
14 February the 19th.

15 MEMBER MASON: January 29th is our  
16 workshop.

17 CHAIR PORTER: Our workshop is going on,  
18 so some people won't be here.

19 February 5th or February the 19th?

20 MEMBER COBB: 5th.

21 CHAIR PORTER: Asking for the 5th or don't  
22 want the 5th?

23 MEMBER COBB: Would like the 5th.

24 CHAIR PORTER: Would like the 5th.

25 Is the 5th a problem with anybody?

1 Anybody that doesn't want the 5th?

2 (Pause)

3 CHAIR PORTER: Okay. So February 5th,  
4 2009, will be our next meeting. That's a Thursday. And  
5 we'll hold to our 9:30 a.m. meeting time.

6 And 2009 is going to be a busy year,  
7 folks, with this NG911 thing and the dispatcher training  
8 and all the things that are going to be going on. So I  
9 ask that all of you-all help us as we move forward, and  
10 be patient with us. Staff is undertaking some big  
11 operations here, and they've got a lot of work that's  
12 going to be going on.

13 Today's a -- I guess it's a memorable day  
14 with all that we've done today with NG911 and everything,  
15 and it's also a sad day as State government is losing one  
16 of its icons. Mr. Charles Bilbrey is retiring from State  
17 government, and this is his last board meeting that he  
18 will be attending.

19 And, you know, Charles, I --

20 I guess Charles and I are the only two  
21 that are on the board now that go back to the very  
22 beginning. And we're charter members, I guess you would  
23 say. And we saw a lot change.

24 You know, I didn't think there could ever  
25 be anything any bigger than Phase I and Phase II of

1 wireless, and I didn't think we would ever get through  
2 it. As the old gentleman said, that too did pass. And  
3 now we're looking at NG911, which I think is going to  
4 make Phase I and Phase II look kind of small.

5 So, Charles, the changes that you saw and  
6 that you've been a part of, and it just -- we are deeply  
7 going to miss you, and what you've brought to this board.

8 You know, I remember that I was  
9 concerned -- and I think a lot of the other folks was --  
10 about who the controller's position was going to be on  
11 the board. Was it going to be somebody we could work  
12 with and everything? And when I found out you were from  
13 Jackson County, which is right beside my home county,  
14 Macon County, I said, yeah, I think we will be able to  
15 work with Charles.

16 And you know the one thing I do want to  
17 say, you know, as folks come and go through our lives, I  
18 think I always judge when folks are retiring and things  
19 is -- what I judge is, is how important that person was.  
20 Was my life enriched by knowing that person?

21 And I definitely have to say that,  
22 Charles, my life was enriched by knowing you. I have  
23 thoroughly enjoyed the relationship that you and I have  
24 shared over the past 12 years or so on this board. And I  
25 deeply wish you everything for the best in your

1 retirement. And I hope that you enjoy it. And I want to  
2 tell you that we're going to miss you.

3 And, Lynn, you want to -- we have a plaque  
4 here for you we like to give for you. And ask, also,  
5 that we have a cake and refreshments back here that we  
6 would like for you to hang around for a few minutes and  
7 wish Charles the best before you leave and enjoy some  
8 refreshments.

9 MS. QUESTELL: The plaque says "In  
10 appreciation of Charles Bilbrey for his leadership,  
11 dedication, and service to Tennessee's 911 community as a  
12 member of the Tennessee Emergency Communications Board,  
13 1998 to 2008."

14 And I would just like to say that it has  
15 been a great honor and a true pleasure to work with you,  
16 and I'm going to miss you so much.

17 (Applause)

18 MEMBER BILBREY: Please sit back down. I  
19 really don't have anything planned to say. But let me  
20 say one thing, this has been a real good group of people  
21 to work with all through the -- what? 12 years? Or  
22 something like that?

23 But everybody out there in the 911 world,  
24 you've got to realize that everybody up here takes this  
25 very, very seriously. I mean, without 911 from a

1 security standpoint, the terrorism, and all that sort of  
2 stuff, we don't get a lot of credit for what we -- all of  
3 you do out there, what we are, and what we mean to the --  
4 even the Homeland Security and all that. But we mean a  
5 whole lot. Without the communications capability that we  
6 have, you know, you just don't have anything.

7 But one thing I do hate is that I'm going  
8 to miss this NG future. It's going to be a fantastic  
9 thing. And like we said, you probably won't know a lot  
10 of it is happening, but it's going to happen. And we've  
11 been number 1 so far in everything else, you know,  
12 nationwide, so we want to be number 1 in this also.

13 And I do appreciate, you know, being able  
14 to work with you. I appreciate everything that everybody  
15 has done and said. And I'm really going to miss it, I'll  
16 tell you. But I'll still be around somewhere.

17 So thanks a whole lot.

18 CHAIR PORTER: Thank you, Charles.

19 (Applause)

20 CHAIR PORTER: Anybody have anything? Any  
21 announcements or anything?

22 (Pause)

23 CHAIR PORTER: When's the winter  
24 conference?

25 MEMBER MASON: The 28th, 29th, and 30th.

1 CHAIR PORTER: The 28th, 29th, and 30th in  
2 Gatlinburg at -- where's the location?

3 MEMBER MASON: At the Clarion.

4 CHAIR PORTER: At the Clarion.

5 So for those of you-all -- if you see some  
6 of the folks that help put that on, that's a good  
7 conference if you would like to go.

8 Our next meeting is in February. I hope  
9 everybody enjoys the holidays -- Thanksgiving and  
10 Christmas and New Year's and so forth. And we look  
11 forward to seeing you next year.

12 Anything else?

13 (Pause)

14 CHAIR PORTER: How about Mr. Rich and  
15 Mr. Lowry? Anything you-all want to say?

16 MEMBER RICH: We're good.

17 CHAIR PORTER: Our prayers are with you,  
18 Ike. Let us know how things turn out, okay?

19 MEMBER LOWRY: All right. Thank you.

20 CHAIR PORTER: Okay. Nothing else,  
21 meeting is adjourned.

22 (End of proceedings.)

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REPORTER'S CERTIFICATE

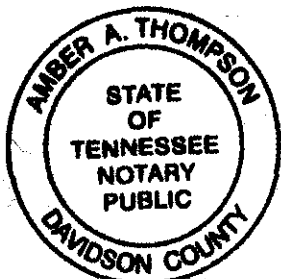
STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

I, Amber A. Thompson, court reporter and notary public in and for the state of Tennessee,

DO HEREBY CERTIFY that the foregoing transcript of the proceedings were taken on the date and place set forth in the caption thereof; that the proceedings were stenographically reported by me in shorthand; and the foregoing proceedings constitute a true and correct transcript of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of office this 25th day of January, 2009.



*Amber A. Thompson*  
Amber A. Thompson  
Notary Public, State of Tennessee