

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1324
CONSOLIDATION OF 9-1-1 EMERGENCY SYSTEMS

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SUBPART A: GENERAL PROVISIONS

Section 1324.100 Scope

This Part shall apply to all 9-1-1 systems and 9-1-1 Authorities, except that it shall not apply to the City of Chicago.

Section 1324.110 Definitions

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

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"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or a backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Aid Outside Normal Jurisdiction Boundaries Agreement" means a written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Automatic Location Identification" or "ALI" means the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

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"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Call Referral" means a 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" means a 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" means a 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Chairperson" means the Chairperson of the Statewide 9-1-1 Advisory Board.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to ETSA Section 15.4a.

"Department" means the Department of State Police.

"Dispatch Center" means a location other than a PSAP, SAP or VAP that receives an emergency call transferred or relayed from a PSAP, SAP or VAP for purposes of completing the call taking process by dispatching police, medical, fire or other emergency responders.

"Economically Unreasonable" means that the cost of consolidation materially outweighs the benefit to the community served and makes it illogical or impractical to consolidate.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by

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signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service or the meaning prescribed in 47 CFR 9.3 [220 ILCS 5/13-234 and 13-235]. VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"IP 9-1-1" means the internet protocol based 9-1-1 network that is part of NG 9-1-1.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a

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combination thereof, to provide for the management and operation of a 9-1-1 system.

"NENA i3 Solution standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3), published by the National Emergency Number Association, 1700 Diagonal Rd., Suite 500, Alexandria VA 22314 (www.NENA.org) (June 14, 2011). These standards are hereby incorporated by reference and do not include any later amendments or additions.

"Network Costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third party database for on-site customer premises equipment, backup PSAP trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than 9-1-1 services.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

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"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of an E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Service Population" means the total population of the community served as determined by the latest complete vintage population estimates available from the U.S. Census Bureau.

"Technically Infeasible" means that consolidation is unworkable or unviable consistent with the technical standards established in 83 Ill. Adm. Code 1328.

"Threat to Public Safety" means that consolidation would place the public in greater danger of injury than if the consolidation did not occur.

"Vendor" means an entity that provides some or all elements of 9-1-1, E9-1-1 and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"Virtual Answering Point" or "VAP" means a temporary or nonpermanent location that:

is capable of receiving an emergency call;

contains a fully functional worksite that is not bound to a specific location, but rather is portable and scalable, connecting emergency call takers or dispatchers to the work process; and

is capable of completing the call dispatching process.

"Waiver" means approval for exemption from consolidation, which shall be subject to review and renewal as determined by the Administrator, with recommendation from the Advisory Board.

Section 1324.120 Duties

- a) The Department:
 - 1) Has the following responsibilities under the Act:

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- A) Review consolidation plans to ensure technical compliance with 83 Ill. Adm. Code 725 or 1325.400, whichever is applicable; and
 - B) Review requests for waiver to ensure technical compliance with ETSA Section 15.4a(c).
- 2) Pursuant to ETSA Section 10, is authorized to set technical standards for the provisioning of 9-1-1 authorities throughout the State of Illinois.
- b) Pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900], the Commission is authorized to set technical standards for the provision of 9-1-1 service by telecommunication carriers and 9-1-1 system providers.
 - c) The Advisory Board has the responsibility under the Act to hold a public hearing on consolidation plans submitted pursuant to ETSA Section 15.4a and make a recommendation to the Administrator regarding the plan.
 - d) The Administrator has the responsibility under the Act to approve consolidation plans, as submitted or as modified, and grant waivers to the consolidation process pursuant to ETSA Section 15.4a(c).

SUBPART B: CONSOLIDATION

Section 1324.200 Consolidation Plans and Requests for Waiver

- a) By January 1, 2016, the Department shall post a link on its website for the electronic submission of consolidation plans and requests for waiver.
- b) Counties and 9-1-1 Authorities:
 - 1) Shall use their service population to determine whether they are required to consolidate pursuant to ETSA Section 15.4a;
 - 2) Are responsible for submitting consolidation plans and requests for waiver. PSAPs within 9-1-1 Authorities do not have standing to submit consolidation plans or requests for waiver; and
 - 3) May not convert PSAPs to SAPs, VAPs, or Dispatch Centers to avoid the requirements for consolidation in ETSA Section 15.4(a). The authorized PSAPs remaining after consolidation shall directly dispatch all emergency

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calls and shall not transfer or relay those calls to an unauthorized entity. Nothing in this subsection (b)(3) shall be construed to mean a PSAP, SAP or VAP cannot serve as a Dispatch Center.

- c) By July 1, 2016, each county and each 9-1-1 Authority required to consolidate pursuant to ETSA Section 15.4a(a) shall electronically file a plan for consolidation and/or a request for a waiver pursuant to ETSA Section 15.4a(c) at the link posted on the Department's website.
- 1) Consolidation plans must include a completed application consisting of the following documents:
 - A) Contact and 9-1-1 system information;
 - B) Notarized statement of truth regarding information provided in the plan;
 - C) A letter that is sent to the 9-1-1 system provider with a copy of the plan;
 - D) A detailed summary of the proposed system's operation, including, but not limited to, a five-year strategic plan for implementation of the consolidation with financial projections and information as to how the plan will assist with achieving the statutory goals enumerated in ETSA Section 15.4b(a);
 - E) A summary of the anticipated implementation costs and annual operating costs of the consolidated system that are directly associated with 9-1-1, as well as the anticipated revenues, that:
 - i) Identify the ETSBs or qualified governmental entities that will be dissolved and consolidated, with the amount of reserves estimated to be transferred to the Joint ETSB. Any reserves are required to be transferred to the resulting Joint ETSB pursuant to ETSA Section 30(d);
 - ii) Identify the number of answering positions, full-time and part-time dispatchers prior to consolidation, and the proposed number after consolidation;

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- iii) Identify total network cost prior to consolidation and the proposed cost after consolidation;
 - iv) Identify network cost that the State will be responsible for paying;
 - v) Identify recurring and nonrecurring consolidation cost; and
 - vi) Identify all revenue sources for the consolidated system;
- F) A list of all communities that are served by the 9-1-1 system;
- G) A list of public safety agencies (police, fire, EMS, etc.) that are dispatched by the 9-1-1 system, including their addresses, telephone numbers and form of dispatch;
- H) A list of the public safety agencies (police, fire, EMS, etc.) that are adjacent to the 9-1-1 system's geographic boundaries;
- I) A list of the carriers and Interconnected VoIP providers who are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;
- J) Attachments (as applicable):
- i) Any local ordinances that dissolve an existing ETSB or creates a new ETSB;
 - ii) Any intergovernmental agreements or memorandums of understanding creating a Joint ETSB or any other agreements pertinent to the 9-1-1 system consolidation;
 - iii) Any contracts with a new 9-1-1 system provider;
 - iv) The backup PSAP Agreement that establishes backup and overflow services between 9-1-1 authorities or PSAPs within those authorities;

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- v) The network diagram that is provided by the 9-1-1 system provider, showing the applicable grade of service, trunking, routing and backup configuration for the 9-1-1 system; and
- vi) The Call Handling and Aid Outside Jurisdictional Boundaries Agreements
 - Call Handling Agreements shall be made between the 9-1-1 Authority and public agencies and/or public safety agencies in a single system, and also between the 9-1-1 Authority and/or public agencies or public safety agencies whose jurisdictional boundaries are contiguous. Call Handling Agreements shall describe the primary and secondary dispatch methods to be used by the requesting parties within their respective jurisdictions.
 - Aid Outside Jurisdictional Boundaries Agreements shall be made between the 9-1-1 Authority and the public agencies and/or public safety agencies in a single system, and between the 9-1-1 Authority and the public agencies and public safety agencies in adjacent systems, whose jurisdictional boundaries are contiguous. Aid Outside Jurisdictional Boundaries Agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.
 - When possible, these agreements may be consolidated into a single agreement;
- K) The Test Plan, which is the 9-1-1 system's overall plan detailing how and to what extent the network and database will be tested.

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- 2) If incorporating an NG9-1-1 solution, the application must, in the narrative portion of the consolidation plan:
 - A) Include a contract with a 9-1-1 system provider to provide 9-1-1 services;
 - B) Explain what national standards, protocols and/or operating measures will be followed;
 - C) Explain what measures have been taken to create a robust, reliable and diverse/redundant network and whether other 9-1-1 authorities will be sharing the equipment;
 - D) Explain how the existing 9-1-1 traditional legacy wireline, wireless and VoIP network, along with the databases, will interface with and/or be transitioned into the NG9-1-1 system;
 - E) Explain how split exchanges will be handled;
 - F) Explain:
 - i) How the databases will be maintained and how address errors will be corrected and updated on a continuing basis;
 - ii) Who will be responsible for updating and maintaining the data, at a minimum, on a daily basis Monday through Friday; and
 - G) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it.
- 3) Notwithstanding this subsection (c), any 9-1-1 Authority required to consolidate pursuant to ETSA Section 15.4a(a) that is only reducing the number of PSAPs in order to comply with the Act need not formally submit a consolidation plan to the Administrator for approval. While Administrator approval is not necessary for these consolidations, the 9-1-1

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Authority must provide written notification documenting the change 10 business days prior to making the change.

- d) Consolidation plans must meet the applicable grade of service.
- e) Pursuant to ETSA Section 15.4a, a request for waiver must include sufficient information to establish that consolidation will result in a substantial threat to public safety, is economically unreasonable, or is technically infeasible. A request for waiver shall include, at a minimum, the following:
 - 1) The grounds on which the waiver is sought (e.g., substantial threat to public safety, economically unreasonable, and/or technically infeasible);
 - 2) A detailed explanation of the efforts taken, if any, to comply with the statutory requirement for consolidation prior to requesting a waiver;
 - 3) The duration of time for which a waiver is sought;
 - 4) A five-year strategic plan, including, but not limited to, financial projections, for implementation of a consolidation plan; and
 - 5) Any additional information regarding planned equipment purchases or replacements, as well as efforts to establish interoperability or shared resources.
- f) Upon receipt of a consolidation plan, it will be posted on the Department's website and be made available to the Commission for a technical review to ensure compliance with 83 Ill. Adm. Code 725, and the Department will notify all vendors registered with it pursuant to 83 Ill. Adm. Code 1325.300 that a plan has been received, posted and submitted for technical review. After 20 days, or until notified otherwise by the Commission, the Department will proceed as though no separate Commission proceeding will be undertaken. Within 20 days after receiving a consolidation plan and/or request for waiver, the Department will:
 - 1) Review the:
 - A) consolidation plan to ensure it complies with the provisions of this Section; or

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- B) request for waiver to ensure it complies with ETSA Section 15.4a(c); and
- 2) Submit its findings to the Advisory Board.
- g) Upon receipt of the technical review findings from the Commission and no later than 40 days after receiving a consolidation plan and/or request for waiver, the Department will appoint an Administrative Law Judge (ALJ) to hold a hearing. The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], unless otherwise specified in this subsection (g) and as ordered by the ALJ.
 - 1) At least 10 days prior to the scheduled hearing, the Department will post a copy of requests for waivers, the consolidation plans, and the Department's review of those plans on its website. The Department will include the date on which the associated hearing will be held, as well as provide the email and mailing address for comments. This information shall remain posted until the hearing is held.
 - 2) Comment by Interested Parties
 - A) From the time the information is posted by the Department on its website until 5 days prior to the scheduled hearing, any interested party may:
 - i) Submit written comments in response to the plans, request for waivers, and technical review finding to the Department by email or mail;
 - ii) Request an opportunity to speak at the public hearing regarding a plan, request for waiver, or technical review finding by completing the form available online and submitting it to the Department by email or mail.
 - B) Written comments and requests to speak received less than 5 days prior to the scheduled hearing shall not be considered.
 - 3) No less than 4 days prior to the scheduled hearing, the Department will notify the applicant if:

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- A) The technical review indicates that the consolidation plan is not compliant with any element of Section 1324.200(c)(1);
 - B) The request for waiver is not compliant with ETSA Section 15.4a(c); and/or
 - C) The Department receives objections to the consolidation plan or request for waiver.
- 4) No less than 2 days prior to the scheduled hearing, the applicant, under ETSA Section 15.4a(b), may electronically request an extension of the deadlines in ETSA Section 15.4a(b) and submit a modified plan and/or request for waiver for review under this Part.
- A) If the applicant requests an extension, the ALJ shall postpone the scheduled hearing until the applicant submits a modified plan or request for waiver.
 - B) If the applicant does not request an extension, the ALJ shall proceed with the scheduled hearing.
- 5) Upon conclusion of the hearing, the ALJ shall make a recommendation to the Advisory Board regarding whether a proposed order for consolidation or waiver should be granted.
- h) Upon receipt of a recommendation from the ALJ and no later than 60 days after receiving a consolidation plan and/or request for waiver, the Advisory Board shall hold a public hearing pursuant to ETSA Section 15.4a(b) and Section 1324.210.
 - i) Any county or 9-1-1 Authority filing a consolidation plan may file a proprietary copy that plainly identifies confidential or proprietary information or information that is a trade secret and request that it be redacted and not subject to disclosure or made part of the public record. The county or 9-1-1 Authority shall also submit a redacted copy deleting any confidential or proprietary information or information that is a trade secret by plainly indicating on the redacted copy the information that has been deleted.

Section 1324.210 Hearings of the Statewide 9-1-1 Advisory Board

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- a) Hearings of the Advisory Board may be conducted at the posted date and time when a quorum of the members is present in person, by video, telephonically or by other electronic means. The hearing shall be recorded.
- b) The Advisory Board shall determine the date, time and location of the public hearing. The Advisory Board shall make reasonable efforts to hold the public hearing at a date, time and location convenient to all parties.
- c) The Chairperson shall preside over the public hearing, including closed sessions, if needed, as provided by Section 2(c) of the Open Meetings Act [5 ILCS 120/2(c)].
- d) The Advisory Board shall make a public recommendation to approve the plan, approve the plan as modified, reject the plan, and/or grant a waiver to the Administrator upon conclusion of the closed session, if any.
- e) A transcript of the recorded hearing shall be provided to the applicant upon written request.
 - 1) The cost of transcription shall be the responsibility of the applicant.
 - 2) Fees shall not exceed the actual cost for the preparation of the transcript.
 - 3) The record need not be transcribed unless the Advisory Board receives a written request and fee from the applicant in accordance with this Section or a request from the Administrator.

Section 1324.220 Decisions of the Administrator

- a) The Administrator shall consider the recommendation received from the Advisory Board regarding any consolidation plan and/or request for waiver it receives.
- b) The Administrator shall provide a written decision to the applicant no later than 90 calendar days after the Advisory Board receives the plan and/or request for waiver.
 - 1) Any order of authority issued by the Commission to a 9-1-1 Authority prior to January 1, 2016 shall remain in effect as if issued by the Administrator until the 9-1-1 Authority files a plan for consolidation under Section 1324.200 or for modification under 83 Ill. Adm. Code 1328, and a

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new order of Authority is issued by the Administrator. When appropriate, the Administrator shall issue an order of authority to operate a 9-1-1 system as detailed and described in the approved plan.

- 2) If the decision is inconsistent with the recommendation of the Advisory Board, the Administrator shall provide a written explanation to the Advisory Board and the applicant regarding the deviation in his or her decision.
 - 3) If the Administrator does not approve the plan, approve the plan as modified, or grant a waiver, prior to issuing the written decision, the Administrator shall read the record of all hearings conducted to ensure his/her decision is consistent with the record.
- c) Any deadlines within this Part may be extended upon mutual agreement of the Administrator and the entity that submitted the plan or request for waiver.
 - d) The decision of the Administrator shall be final and subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].