

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

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

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ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

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AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1193, effective January 1, 2016; adopted at 40 Ill. Reg. 8137, effective May 27, 2016.

SUBPART A: GENERAL PROVISIONS

Section 1329.100 Scope

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

Section 1329.110 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].

"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 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.

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"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 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].

"Administrative Costs" means the ordinary and extraordinary fees, costs and expenses incurred by the Department in performing its duties and responsibilities under ETSA and this Part, including legal and other professional and consulting fees and expenses.

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

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

"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.

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

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

"Central Office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

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"Collection" means the end of the month in which the surcharge money was received by the Carrier or Interconnected VoIP provider.

"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 Section 15.4a of the Emergency Telephone System Act [50 ILCS 750/15.4a].

"Department" means the Department of State Police.

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

"Fund" means the Statewide 9-1-1 Fund named as such under ETSA Section 30, and includes any monies remaining in, and authority for expenditures from, the Wireless Service Emergency Fund as of January 1, 2016.

"Geospatial Mapping Data" means accurate references to a precise location on the earth's surface using latitude, longitude, elevation and data that identifies the coordinate system used.

"Grade of Service" means P.01 for Basic 9-1-1 or E9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Grant" means a distribution from the Fund to a 9-1-1 Authority pursuant to ETSA Section 30.

"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

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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.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"Master Street Address Guide" or "MSAG" means the computerized geographic file that either consists of all street and address data or its functional equivalent (i.e., Geospatial Mapping Data) within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It matches an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

"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 for 9-1-1 services.

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"NG9-1-1 Costs" means those recurring costs that directly relate to the Next Generation 9-1-1 service including costs for Emergency System Routing Proxy (ESRP), Emergency Call Routing Function/Location Validation Function (ECRF/LVF), Spatial Information Function (SIF), the Border Control Function (BCF), and the Emergency Services Internet Protocol networks (ESInets), legacy network gateways, and all associated fees, taxes, and surcharges on each invoice.

"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.

"Prepaid Act" means the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

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

"Subscriber" means a wireless subscriber.

"Surcharge" means a monthly amount imposed, pursuant to ETSA Section 20 on all customers of telecommunications carriers, wireless carriers and interconnected VoIP providers for the purpose of installing and maintaining an E9-1-1 or NG9-1-1 system with the exception of a municipality with a population of 500,000 or greater.

"Telecommunications Carrier" or "Carrier" shall have the same meaning ascribed in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. It includes telephone systems operating as mutual concerns, but does not include a wireless carrier.

"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.

"WCRF" means the Wireless Carrier Reimbursement Fund created by ETSA Section 45.

"Wireless Carrier" means a provider of two-way cellular, broadband personal communications service (PCS), geographic area 800 MHZ and 900 MHZ Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other

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Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographic area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of that service.

Section 1329.120 Duties

- a) The Department has the following responsibilities under the Act:
 - 1) To adopt rules governing carrier remittances under ETSA Section 20 and surcharge disbursements to 9-1-1 Authorities under ETSA Section 30;
 - 2) To develop and maintain a database of 9-1-1 Authorities eligible to receive grants and carriers required to collect surcharges under the Act;
 - 3) To collect and allocate surcharges remitted by carriers into the Fund and the WCRF;
 - 4) To make monthly surcharge disbursements to eligible 9-1-1 Authorities;
 - 5) To account for all surcharges collected and monies disbursed;
 - 6) To pay all 9-1-1 network costs for systems outside of municipalities having a population of at least 500,000;
 - 7) To maintain auditable records of receipts and disbursements;
 - 8) To procure and enter into a contract with a vendor certified under Section 13-900 of the Public Utilities Act to establish a statewide Next Generation 9-1-1 network;
 - 9) To prescribe a form and manner for the transmittal of financial reports due annually to the Department from the 9-1-1 Authorities; and
 - 10) To resolve disputes as required by the Act.
- b) The Advisory Board has the responsibility under the Act to determine which costs are directly related to the operation of the 9-1-1 network.

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SUBPART B: ELIGIBILITY

Section 1329.200 Eligibility of 9-1-1 Authorities for Surcharge Disbursements Under ETSA Section 30(b)(2)(E)

- a) To be eligible to receive a surcharge disbursement under ETSA Section 30(b)(2)(E), any 9-1-1 Authority other than the Department must file a wireless plan with the Department's Office of 9-1-1 Administrator pursuant to 83 Ill. Adm. Code 1328.210 and provide wireless 9-1-1 service. The Department's Office of 9-1-1 Administrator will notify the entity in writing, stating that it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the 9-1-1 Authority has received its authorization letter, it must provide the following information to the Department:
 - 1) A detailed explanation of the geographic area the Commission or the Department has granted it authority to cover, by five-digit zip code, including all zip codes in which the provider has sole authority from the Commission or the Department to handle wireless 9-1-1 calls;
 - 2) A list of all zip codes, including provider names, in which the petitioning provider has shared authority from the Commission or Department to handle wireless 9-1-1 calls (in this instance the provider may also define its geographic coverage area by nine-digit zip code). If none are known, a statement to that effect; and
 - 3) Copies of all agreements with other providers governing the manner in which surcharge disbursements relating to subscribers in overlapping geographic areas (defined by zip code).
- b) A 9-1-1 Authority with an authorization letter from the Commission, that filed the information required under subsections (a)(1) through (3) before January 1, 2016 shall be eligible for surcharge disbursements under ETSA Section 30(b)(2)(E) without any further action under this Section, provided there is no change in the information required under subsections (a)(1) through (3).
- c) Consistent with ETSA Section 15.6a(c), the Department shall be the primary wireless 9-1-1 PSAP for any jurisdiction that did not provide notice to the Commission or the Department and shall be eligible to receive surcharge disbursements without complying with this Section.

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Section 1329.210 Eligibility for Network Cost Reimbursement

- a) Pursuant to ETSA Section 30, the Department will pay the vendor on behalf of the 9-1-1 Authorities for network costs incurred on or after January 1, 2016 for systems outside of municipalities with a population of at least 500,000 for 9-1-1 networks maintained at the applicable grade of service.
- b) Costs for 9-1-1 Authorities to exceed the applicable grade of service shall not be eligible for reimbursement unless the 9-1-1 Authority has obtained, at its own expense:
 - 1) a traffic study demonstrating the public safety need to exceed the applicable grade of service; and
 - 2) approval from the Administrator.
- c) If the Department determines there is some question as to whether a cost is directly related to the operation of the 9-1-1 network (i.e., whether it is a network cost), the Department shall confer with the Advisory Board prior to rejecting the cost for payment.
- d) 9-1-1 Authorities shall be responsible for paying the vendor any amounts billed to the Department for services provided to 9-1-1 Authorities that the Department does not pay the vendor based on a determination by the Administrator that the amounts do not represent network costs or are otherwise ineligible for reimbursement by the Department pursuant to ETSA Section 30 or this Part.

SUBPART C: GENERAL ADMINISTRATION

Section 1329.300 Transmittal of Subscriber Information

- a) With the first transmittal of surcharges collected under ETSA Section 20, and at the end of each billing month after the first transmittal (no later than the last day of the next calendar month; for example a July subscriber submission is due no later than August 31), each wireless carrier shall submit to the Department its updated total number of subscribers per zip code (nine-digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A, as a file attached to an email or a CD-ROM. The file shall be in text format or EXCEL format and shall be

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accompanied by a transmittal document or a proper label listing the carrier name and the billing month included on the submission. Transmittals shall be mailed to:

Illinois State Police
9-1-1 Administrative Support Command
801 South 7th Street
Springfield IL 62703
Email: 911_Admin_Support@isp.state.il.us

- b) Noncompliance with this Section shall subject the carrier to the penalty provisions of ETSA Section 20(g).

Section 1329.310 Transmittal of Surcharge Monies

- a) Carriers, whether they are considered resellers or facility based carriers, are responsible for their own surcharge administration. Each is responsible for collecting 9-1-1 surcharges from its end-user customers and shall remit them in aggregate to:
 - 1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and
 - 2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.
- b) Each Interconnected VoIP provider shall charge and collect from its end-user customers 9-1-1 surcharges in the same manner as surcharges are charged and collected upon end-user customers of local exchange telecommunications service. Each Interconnected VoIP provider shall remit 9-1-1 surcharges collected from its end-user customers in aggregate to:
 - 1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and
 - 2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.
- c) Each telecommunications carrier and Interconnected VoIP provider collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the

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surcharges collected for the expense of accounting and collecting the surcharges. On and after July 1, 2022, wireless carriers collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges.

- d) Surcharge monies collected under ETSA Section 20 shall be remitted by check or may be remitted by electronic funds transfer, once the Department implements and makes this payment remittance method available, on a monthly basis within 30 days after collection. Each remittance check shall display the remitting carrier or Interconnected VoIP provider's name and a single Federal Employer Identification Number and a unique check number on the face. The payee shall be designated as "State of Illinois, ETSA Funds".
- e) Each remittance of fees under this Section shall be accompanied by a transmittal to the Department, in substantially the form set forth in Appendix B.
- f) The checks and remittance transmittal shall be mailed to:

Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Surcharge
801 South 7th Street
Springfield IL 62703
- g) Funds are due to the Department within 30 days after collection from the customer, regardless of whether the carrier or Interconnected VoIP provider inadvertently paid those monies to the 9-1-1 Authority. If the carrier or Interconnected VoIP provider incorrectly pays monies due to the Department after January 1, 2016 to a 9-1-1 Authority, it shall be the carrier or Interconnected VoIP provider's responsibility to recover those monies and shall have no bearing on what is due to the Department.
- h) Noncompliance with this Section shall subject the carrier or Interconnected VoIP provider to the penalty provisions of ETSA Section 20(f).

Section 1329.320 Allocation of Surcharges

- a) Of each surcharge collected under this Part, the following amounts shall be transferred into the WCRF during the following periods:

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- 1) from January 1, 2016 through June 30, 2017, \$0.033;
 - 2) from July 1, 2017 through June 30, 2018, \$0.026;
 - 3) from July 1, 2018 through June 30, 2019, \$0.020;
 - 4) from July 1, 2019 through June 30, 2020, \$0.013; and
 - 5) from July 1, 2020 through June 30, 2021, \$0.007.
- b) The remainder of the surcharges remitted under this Part, including all surcharges remitted after June 30, 2021, shall be deposited into the Fund.

Section 1329.330 Administrative Costs

Administrative costs shall be chargeable to the Fund, consistent with ETSA Section 30(b)(1)(C).

SUBPART D: ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

Section 1329.400 Distribution of Monies

- a) Subject to appropriation, monies in the Fund may be used only for the purposes provided in ETSA Section 35, and shall be distributed in accordance with the priority order specified in ETSA Section 30(b), except as provided in ETSA Section 40(d) and Section 1329.610 of this Part.
- 1) Monies collected under the Prepaid Act shall be deposited into the Fund for distribution in accordance with ETSA Section 30(b).
 - 2) Funds distributed under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part shall be distributed based upon the number of monthly subscribers in the geographic area (defined by zip code) in which the 9-1-1 Authority is certified as a wireless 9-1-1 service provider by the Administrator.
 - 3) Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part that are associated with geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of a 9-1-1 Authority other than the Department and located within the

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Statewide Wireless Emergency 9-1-1 System shall be allocated to the Department.

- 4) Funds allocated to the Fund for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of a 9-1-1 Authority and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible 9-1-1 Authorities in the manner set forth in subsection (b).
 - 5) Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part that are associated with geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made as provided in Section 1329.600.
 - 6) *Of the amounts deposited into the Fund under Section 1329.320, \$.007 of each surcharge shall be disbursed to the Department to cover its administrative costs [50 ILCS 750/30(b)(1)(C)].*
- b) Funds distributed under this Section may be used to ensure the initial installation of road or street signs that are essential to the implementation of an enhanced 9-1-1 system; however, consistent with ETSA Section 35(6), the funds may not be used for ongoing expenses associated with road or street sign maintenance and replacement.

Section 1329.405 Reimbursement for Network Costs

The Department shall pay network costs incurred by 9-1-1 Authorities.

- a) Vendors shall submit monthly invoices for network costs that include the same level of detail as that included in invoices provided to 9-1-1 Authorities prior to January 1, 2016, and are in sufficient detail to permit the Department and the 9-1-1 Authority to determine that the costs billed are in fact "network costs" as defined in Section 1329.110. The Department or 9-1-1 Authority may request additional invoice information from vendors. Invoices shall be submitted to:

Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Network Costs
801 South 7th Street

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Springfield IL 62703

Email: 911_Admin_Support@isp.state.il.us

- b) By submitting the monthly invoices, the vendor certifies that the amount billed and expenses incurred are allowed under the Act and this Section.
- c) The Department shall provide a copy of each month's invoice to the 9-1-1 Authority.
- d) Changes in the 9-1-1 Network that result in increased network costs must be approved consistent with 83 Ill. Adm. Code 1324 or 1325, whichever is applicable, to be eligible for reimbursement under this Section.
- e) Monthly Invoice Reconciliation
 - 1) Within 30 days after the date the vendor invoice is received by the Department, each 9-1-1 Authority shall:
 - A) review the monthly invoice and verify the monthly statements; and
 - B) notify the Administrator and vendor in writing of any disputes identified and the basis for the disputes. If the 9-1-1 Authority does not provide notification within the 30-day time frame, the vendor invoice shall be further processed for payment.
 - 2) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification of a dispute under subsection (e)(1) to reconcile the dispute. Within this 30-day period, the parties must notify the Administrator in writing of their proposed resolution of the dispute or, if the dispute is not resolved, an explanation of each party's position regarding the dispute.
 - 3) If the Department disputes any portion of an invoice on the grounds that it includes amounts that do not qualify as network costs or are otherwise ineligible for reimbursement from the Fund under ETSA Section 30, the Department will provide a written notice to the Advisory Board vendor and 9-1-1 Authority of that dispute, which shall identify in detail the basis for the dispute, the account number under which the invoice has been rendered, the date of the bill, and the specific items on the invoice being disputed.

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- A) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification under subsection (e)(3) to review the dispute. Within this 30-day period, the parties must notify the Advisory Board in writing of their response to the dispute.
 - B) The Advisory Board shall have an additional 30 days to meet and make a written recommendation to the Administrator, which shall include any information received from the Department, the 9-1-1 Authority, or the vendor.
- 4) To the extent the dispute pertains to amounts not yet reimbursed, the Department shall pay only amounts not in dispute until a reconciliation is reached.
 - 5) The Administrator shall review the information provided by the 9-1-1 Authority and vendor and notify the parties of its decision reconciling the dispute within 30 days following the date of any notification under subsection (e)(2).
 - 6) Costs that the Administrator determines are not network costs or are otherwise ineligible for reimbursement under ETSA Section 30:
 - A) shall be the responsibility of the 9-1-1 Authority that incurred the costs; and
 - B) must be paid upon the determination that the costs are ineligible for reimbursement.
 - f) The vendor shall continue to provide network service to the 9-1-1 Authority while any dispute concerning the payment of network costs is being resolved.
 - g) The Department will pay vendor amounts billed in accordance with the State Prompt Payment Act [30 ILCS 540].

Section 1329.410 Surcharge Disbursements for Subscribers in Overlapping Jurisdictions

9-1-1 Authorities sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which wireless surcharge disbursements in the shared areas shall be made under ETSA Section 30(b)(2)(E). Wireless providers in shared geographic areas

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that do not enter into agreements shall be prepared, upon 60 days notice, to submit documentation to the Department outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 1329.600.

Section 1329.420 Overpayments and Underpayments

In the event of an underpayment or overpayment of grant funds, the Department shall, at least annually, take one or more of the following corrective actions:

- a) Instruct an overpaid 9-1-1 Authority, by email or mail, to redirect funds with a check to the proper (underpaid) 9-1-1 Authority in applicable instances (in which case, each affected provider shall furnish proof to the Department that the redirection of funds has been completed as instructed);
- b) Offset one or more future grant payments to an overpaid 9-1-1 Authority;
- c) Increase one or more future grant payments to an underpaid 9-1-1 Authority; or
- d) Release a grant payment to an underpaid 9-1-1 Authority on an interim basis during the month under the following conditions:
 - 1) The underpaid 9-1-1 Authority has requested this remedy, by mail or email, due to fiscal constraints; and
 - 2) The Statewide 9-1-1 Fund contains sufficient funds to avoid underpaying another 9-1-1 Authority on the next monthly distribution due to this interim release of funds.

SUBPART E: DISPUTES

Section 1329.500 Resolution of Geographic Disputes

- a) In the event that a 9-1-1 Authority files a formal petition with the Administrator alleging an area of overlapping 9-1-1 service jurisdiction in which the 9-1-1 Authorities in that geographic area have not agreed to the manner in which surcharge disbursements in that area will be apportioned, the surcharge disbursements for that area shall be made based on reference to an official Master Street Address Guide (MSAG) or Geospatial Mapping Data, to the ETSB or qualified governmental entity whose PSAP provides wireless 9-1-1 service in that

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area. The petitioning 9-1-1 Authority claiming the overlapping jurisdiction shall be responsible for providing a copy of the applicable MSAG or Geospatial Mapping Data (see 83 Ill. Adm. Code 1328.105). In the event no MSAG or Geospatial Mapping Data is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, a hearing shall be held by the Administrator and the dispute shall be resolved based on the evidence available. Any monies allocated to the Fund for the geographic region in question shall be held in escrow until a final order is entered.

- b) In the event that a subscriber billing address is matched to an incorrect jurisdiction, the recipient, upon notification from the Administrator, shall redistribute the funds in question in the manner directed by the Administrator, based on the procedures in Section 1329.420.
- c) In the event of a dispute between 9-1-1 Authorities concerning a subscriber billing address, a provider may file a petition with the Administrator seeking a determination of the billing address.
- d) If the Administrator determines a hearing is necessary to resolve a dispute raised by a petition filed with the Administrator, the following shall apply:
 - 1) The Administrator shall determine the date, time and location of any hearing and shall make reasonable efforts to hold the hearing at a date, time and location convenient to all parties.
 - 2) The Administrator shall appoint an administrative law judge (ALJ) to preside over the hearing.
 - A) Any testimony requested or permitted shall be under oath or affirmation, which will be administered by the ALJ.
 - B) Hearings shall be open to the public; however, only those members of the public who have filed a witness slip and have been acknowledged will be permitted to speak during the hearing.
 - 3) The procedures for admissibility of evidence shall be as described in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] and as ordered by the presiding ALJ.

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- 4) A transcript of the recorded hearing shall be provided to the applicant upon written request.
 - A) The cost of transcription shall be the responsibility of the applicant.
 - B) Fees shall not exceed the actual cost for the preparation of the transcript.
 - C) The record need not be transcribed unless the Board receives a written request and fee from the applicant in accordance with this Section.
- 5) Regardless of whether a hearing is called, all disputes shall be resolved by a final order of the Administrator.

Section 1329.510 Noncompliance – Financial Reports

- a) This Section applies to a 9-1-1 Authority that receives monies from the Fund and fails to file the 9-1-1 system financial reports required:
 - 1) by Section 27 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/27] through December 31, 2015, applicable to reports due October 1, 2015; or
 - 2) beginning January 1, 2016, by ETSA Section 40.
- b) A 9-1-1 Authority that fails to file the reports required by subsection (a) is referred to in the remainder of this Section as a "noncompliant provider".
- c) Department Review of Financial Statements
 - 1) The financial statements required under subsection (a) shall be reviewed to determine whether a 9-1-1 Authority that receives funds from the Wireless Service Emergency Fund has:
 - A) filed an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period that is erroneous;

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- B) failed to file the 9-1-1 system financial reports as required by law;
or
 - C) filed a report that is not *in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting* [50 ILCS 751/27(b)], in the case of reports due October 1, 2015, or has filed a report that is not *in a form and manner prescribed by the Department* [50 ILCS 750/40(b)], in the case of reports due October 1, 2016 and after.
- 2) The Department shall contact each allegedly noncompliant provider in writing and request a response regarding its noncompliance with the Act.
- d) The noncompliant provider shall have 30 days to respond in writing. Upon receipt of the response, the Department shall prepare and present the Administrator with a verified report concerning the allegedly noncompliant provider. When the noncompliant provider has failed to file the required form or has not filed it in the form and manner prescribed by law, the Department shall withhold monthly surcharge disbursements as follows:
- 1) If the verified report establishes that the noncompliant provider has not filed a report at all, the monthly surcharge disbursements otherwise payable to the allegedly noncompliant provider under ETSA Section 30 shall be suspended and withheld until the Department determines that the noncompliant provider is substantially in compliance with the statute and in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (e); or
 - 2) If the verified report states that the noncompliant provider has made an effort to file a report, but the report is not substantially in the form and manner prescribed by law, the monthly surcharge disbursements otherwise payable to the allegedly noncompliant provider under ETSA Section 30 shall be suspended beginning 30 days after the date of the verified report and withheld until the Department determines that the noncompliant provider is substantially in compliance with the statute and has filed the report in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (e).

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- e) When the noncompliant provider has filed an amount equal to the average monthly wireline and VoIP surcharge revenue attributable to the most recent 12-month period that the Department finds to be erroneous, the Department will first request that the noncompliant provider agree to amend the report. If the noncompliant provider will not amend the report within 30 days after notice from the Department, the Department will suspend further surcharge disbursements under ETSA Section 30(b)(2)(A)(i) of disputed amounts and file a petition with the Commission seeking to adjust the number by order under Article X of the Public Utilities Act, so that the monthly amount paid accurately reflects one-twelfth of the aggregate wireline and VoIP surcharge revenue properly attributable to the most recent 12-month period reported.
- f) If a noncompliant provider disputes the validity of the suspension of surcharge disbursements, the noncompliant provider may petition the Administrator for a hearing to appeal the suspension.
- g) When the Administrator receives a petition for appeal, or a verified staff report concerning a noncompliant provider whose surcharge disbursements have been suspended for 12 months or more, the Administrator shall determine whether a hearing is necessary. If the Administrator determines a hearing is necessary, the following shall apply:
 - 1) The Administrator shall determine the date, time and location of any hearing and shall make reasonable efforts to hold the hearing at a date, time and location convenient to all parties.
 - 2) The Administrator shall appoint an administrative law judge (ALJ) to preside over the hearing.
 - A) Any testimony requested or permitted shall be under oath or affirmation, which will be administered by the ALJ.
 - B) Hearings shall be open to the public; however, only those members of the public who have filed a witness slip and have been acknowledged will be permitted to speak during the hearing.
 - 3) The procedures for admissibility of evidence shall be as described in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] and as ordered by the presiding ALJ.

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- 4) A transcript of the recorded hearing shall be provided to the applicant upon written request.
 - A) The cost of transcription shall be the responsibility of the applicant.
 - B) Fees shall not exceed the actual cost for the preparation of the transcript.
 - C) The record need not be transcribed unless the Board receives a written request and fee from the applicant in accordance with this Section.
- 5) Regardless of whether a hearing is called, all disputes shall be resolved by a final order of the Administrator.
- h) The payment of any monthly proportional grant to a 9-1-1 Authority shall not constitute acknowledgment that ETSA or the qualified governmental entity has filed a 9-1-1 system financial report as required under ETSA Section 40, or has filed a report that is in a form and manner prescribed by the Department.
- i) Any proceeding initiated by the Commission before January 1, 2016, under 83 Ill. Adm. Code 729.610 and Section 27 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/27], shall continue to completion under those provisions after January 1, 2016, as provided in ETSA Section 75(c).

SUBPART F: MISCELLANEOUS

Section 1329.600 Use of Grants and Surcharge Disbursements

Grants and surcharge disbursements may be used only for the purposes set forth in ETSA.

Section 1329.610 Distributions Subject to Appropriation

- a) Notwithstanding any other provision of this Part, grants and surcharge disbursements shall be payable solely from funds appropriated by the General Assembly to the Fund for the purpose of making disbursements under this Part.
- b) The Department shall notify eligible providers and vendors of any applicable lack of appropriations as soon as is practicable.

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Section 1329.620 Records

- a) **Surcharge**
Carriers and Interconnected VoIP providers shall maintain detailed books and records related to surcharges billed and collected by geographic area, where applicable.
- b) **Network Costs**
Vendors shall maintain records necessary to support invoices submitted for network costs in accordance with applicable law and generally accepted accounting principles.
- c) **Grants and Surcharge Disbursements**
9-1-1 Authorities shall maintain detailed books and records related to consolidation grants and surcharge disbursements received and use of those funds in accordance with applicable law and generally accepted accounting principles.
- d) **Effective January 1, 2016, all books and records shall be retained for a minimum of five years. All books and records shall be available for review or audit by the Department, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority, upon reasonable notice and during normal business hours. Carriers, vendors, Interconnected VoIP providers, and 9-1-1 Authorities shall cooperate fully with any such review or audit. If any audit indicates overpayment or underpayment to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, the Department shall adjust payments otherwise due. If no payments are due and owed to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, or if the overpayment exceeds the amount otherwise due, the carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority shall immediately refund all amounts that may be due to the Fund.**

Section 1329.630 Indemnification

Except as explicitly set forth in ETSA, and except as explicitly prohibited by law, each 9-1-1 Authority requesting surcharge disbursements shall indemnify and hold the State of Illinois, including the Commission and the Department, and their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and related expenses that may arise by reason of the functions or services provided by the Commission and the Department under ETSA and this Part. In the event of any demand or claim

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against the Commission or the Department, the Commission or Department will notify the responsible 9-1-1 Authority in writing. The Commission and the Department may elect to defend any demand or claim and will be entitled to be paid by the 9-1-1 Authority for all damages, costs and attorneys' fees incurred.

Section 1329.640 Intergovernmental Agreement

Section 75 of the Act permits the Department to enter into an intergovernmental agreement with the Commission for assistance in carrying out its duties. The agreement may provide for funding for the Commission. Any assistance provided by the Commission under the agreement shall be compensated through the Department from the Fund, as agreed between the Department and the Commission. Consideration under the agreement may include services provided by employees of either agency to the other agency.

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Section 1329.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal

MONTHLY SUBSCRIBER COUNT FILE

Storage Media: file attached to an Email or a CD-ROM

File Format: Text file or Microsoft EXCEL file

Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an H indicator in the first position and the carrier name in the remaining 31 positions. The trailer record must have a T in the first position and the total number of records on the file excluding the header and trailer records for 10 positions, followed by the FEIN. If using a Microsoft EXCEL file, the file records shall all be placed in one column of the file.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:

Hcarriername

Trailer

T99999999990

This is a sample text file:

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HCARRIERNAME

99999999904106270412340000000005

99999999904106270400000000000025

T0000000002999999999

Questions concerning the field requirements may be addressed to:

Illinois State Police

9-1-1 Administrative Support Command

801 South 7th Street

Springfield IL 62703

Email: 911_Admin_Support@isp.state.il.us

Phone: 217/785-2035

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Section 1329.APPENDIX B Format of Carrier Remittance Transmittal

WIRELINE / VoIP CARRIER REMITTANCE FORM FOR ILLINOIS 9-1-1 SURCHARGE

CARRIER NAME _____

CARRIER FEIN _____

CARRIER ADDRESS _____

CITY/ST/ZIP _____

CONTACT NAME _____

CONTACT PHONE # _____

CHECK NUMBER _____

CHECK DATE _____

REMITTANCE BREAKDOWN:

REMIT MONTH / YEAR _____

<u>Service Type</u>	<u>Number</u>	<u>Connections</u>	<u>Amount Remitted</u>
Wireline		\$0.87	\$ -
Interconnected VoIP		\$0.87	\$ -
Less 3% Admin if withheld (Wireline and VoIP only)		3%	\$ -
TOTAL PAYMENT	-		\$ -*

* If remitting multiple months, please attach remittance detail by month on a separate page.

- The surcharge rate is \$0.87 per connection, per month, for connections located outside of the City of Chicago; see section 20 of the Emergency Telephone System Act.
- Pre-paid wireless surcharge should be remitted to the Department of Revenue. Contact them, or visit <http://www.tax.illinois.gov> for further information.

Send Check and remittance form to:
 Illinois State Police
 911 Administrative Support Command
 911 Surcharge

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**801 South 7th Street
Springfield IL 62703**

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POST-PAID WIRELESS CARRIER REMITTANCE FORM FOR ILLINOIS 9-1-1 SURCHARGE

CARRIER NAME _____

CARRIER FEIN _____

CARRIER ADDRESS _____

CITY/ST/ZIP _____

CONTACT NAME _____

CONTACT PHONE # _____

CHECK NUMBER _____

CHECK DATE _____

REMITTANCE BREAKDOWN:

<u>Service Type</u>	<u>Month / Year</u>	<u>Connections</u>	<u>Rate</u>	<u>Amount Remitted</u>
Post-Paid Wireless			\$0.87	\$ -
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL PAYMENT		-		\$ - *

- The surcharge rate is \$0.87 per connection, per month, for connections located outside of the City of Chicago; see section 20 of the Emergency Telephone System Act.
 - Post-paid wireless carriers must also email corresponding subscriber file to: 911_Admin_Support@isp.state.il.us.
- Noncompliance will result in penalties.
- Per statute, wireless carriers cannot withhold 3% for admin until July 1, 2022.
 - Pre-paid wireless surcharge should be remitted to the Department of Revenue. Contact them, or visit <http://www.tax.illinois.gov> for further information.

Send Check and remittance form to:

Illinois State Police
 911 Administrative Support Command
 911 Surcharge
 801 South 7th Street
 Springfield IL 62703