

Legislative Analysis



E9-1-1 IMPLEMENTATION: MULTILINE TELEPHONE SYSTEMS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

**House Bill 4683 as enacted
Public Act 271 of 2011
Sponsor: Rep. Paul Opsommer**

**House Committee: Energy and Technology
Senate Committee: Energy and Technology**

Complete to 1-4-12

A SUMMARY OF HOUSE BILL 4683 AS ENACTED 12-19-11

The substitute bill would amend the Emergency 9-1-1 Service Enabling Act to delay the implementation of Public Service Commission (PSC) rules requiring multiline telephone systems (MLTS) to be able to provide the specific location of callers dialing 9-1-1.

Under the PSC's rules (R) "multiline telephone system" is defined to mean "a system comprised of common control unit or units, telephone sets with unique telephone numbers, and control hardware and software."¹ (Reportedly, many businesses, government agencies, hotels, and schools use these systems, which provide local telephone service to multiple end-users.)

Under the act, the PSC (in consultation with the State 9-1-1 Committee) is to promulgate administrative rules requiring each service user with a MLTS to install the necessary equipment and software to provide the specific location of a 9-1-1 call beginning no later than December 31, 2011.

House Bill 4683 pushes back the implementation of this requirement from December 31, 2011 to December 31, 2016.

MCL 484.1405

BACKGROUND INFORMATION:

In its model legislation on E9-1-1 service for MTLTS systems the National Emergency Number Association (NENA) notes,

The digits 9-1-1 are designated as the emergency telephone number. Enhancements to the 9-1-1 system typically enable the caller's telephone number and service address to be

¹ See, <http://efile.mpsc.state.mi.us/efile/docs/16439/0001.pdf>. A similar definition is used by the National Emergency Number Association (NENA) in *NENA Technical Requirements Document on Model Legislation for E9-1-1 for Multi-Line Telephone Systems*, updated February 5, 2011, at: http://www.nena.org/sites/default/files/20110205_06-750_v3.pdf.

displayed to the Public Safety Answering Point (PSAP). As a result, when the caller is calling from a single-line telephone or a MLTS serving a compact area, the address associated with the caller's telephone number can be retrieved and usually provides a reasonably precise identification of the caller's location. Public safety agencies increasingly rely on the Enhanced 9-1-1 system to provide dependable and precise information about the caller's location and a reliable number to call back in order to reach the caller. However, in some cases 9-1-1 calls made from telephones connected to a MLTS may not be precisely located by the 9-1-1 system, eliminating some of the benefit of Enhanced 9-1-1. This lack of adequate location information can be life threatening if the caller cannot supply the correct location. The nature of 9-1-1 calls is such that the likelihood for the need to respond directly to the caller with minimal delay increases with the type of calls where the caller for some reason cannot provide information to the PSAP. Related problems occur when the caller is remote from the location supplied to the 9-1-1 system. In this instance not only is response delayed but limited public safety resources are dispatched where they are not needed. There may also be considerable disruption in business operations as the response units attempt to locate the caller.²

In response, a number of states have enacted legislation or regulations requiring MLTS operators to transmit information identifying the precise location of a 9-1-1 caller to the PSAP. In a November 2006 report, the State 9-1-1 Committee noted,

Presently, when a 9-1-1 call is dialed from a facility with a multi-line telephone system (MLTS) the location information that typically appears on the 9-1-1 operator's screen does not display the caller's actual location. The automatic location identification (ALI) the 9-1-1 operator will see is the address of the MLTS's switch equipment or a primary building on the MLTS. Since MLTS is utilized for schools, manufacturing plants, universities, and hospitals, the lack of specific information can cost valuable time in locating the caller's precise location. Providers of MLTS are not required to provide specific location information for 9-1-1 calls. The lack of location information is recognized as a public safety priority by the [State 9-1-1 Committee] and the Association of Public-Safety Communications Officials (APCO).³

The State 9-1-1 Committee recommended to the Legislature that location information for 9-1-1 calls made through MLTS systems should be legislatively mandated and should:

1. Require caller information on 9-1-1 calls that provides the building and floor of the caller or an adequate alternative internal method to provide location information for public safety responders.
2. Establish provisions in regard to square footage of buildings and multi-building facilities.

² NENA Technical Requirements Document on Model Legislation for E9-1-1 for Multi-Line Telephone Systems, National Emergency Number Association, NENA 06-750 Version 3, updated February 5, 2011, http://www.nena.org/sites/default/files/20110205_06-750_v3.pdf.

³ http://www.michigan.gov/documents/msp/PA249_of_2006_178037_7.pdf

3. Establish a phased-in time period of 84 months for compliance.
4. Be applicable to all MTLIS phone systems, regardless of system technology (i.e. IP-based, fixed-line, or wireless).

Following the committee's recommendation, the legislature enacted Public Act 165 of 2007, which, among other things, charged the PSC with promulgating rules in consultation with the State 9-1-1 Committee requiring MLTS operators to install the necessary equipment and software enabling 9-1-1 calls originating from MLTS systems to transmit location information to the PSAP. In response, the MPSC began an informal process in May 2009 to draft rules and solicit comments from interested stakeholders.⁴ In August 2010, the State Office of Administrative Hearings and Rules approved the PSC's Request for Rulemaking (RFR).⁵ On February 25, 2011, the PSC opened a docket (Case No. U-16439) on the proposed rules, provided notice to interested parties of the public hearing, and solicited comments.⁶ These rules (R 484.901 et seq.) went into effect on October 24, 2011 and provide,⁷

1. The MLTS operator shall assure that the multiline telephone system is capable of routing 9-1-1 calls to the 9-1-1 network, and answered by a primary PSAP, in a manner that the calls result in accurate ALI and ANI that can be verified in the 9-1-1 location database and include the specific location of the communications device.
2. For a building having its own street address and containing an occupied area of 40,000 square feet or less, all located on a single floor and on a single contiguous property, the MLTS operator shall identify the specific location of each communications device, including the street address.
3. For a building having its own street address and containing an occupied area of more than 40,000 square feet on multiple floors, the MLTS operator shall identify the specific location of each communications device including the street address and building floor.
4. For separate buildings using one MLTS containing a total occupied area between 7,000 square feet and 40,000 square feet on multiple floors and on a single contiguous property having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, including the street address, building floor and any unique building identifier, if applicable.

⁴ <http://www.michigan.gov/mpsc/0,1607,7-159-16372-220667--,00.html>

⁵ See Section 39 of the Administrative Procedures Act, 1969 PA 306, MCL 24.239. Under EO 2011-5, SOAHR's authority and oversight over the promulgation of administrative rules was transferred to the newly created Office of Regulatory Reinvention.

⁶ <http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=16439>. The public hearing was held on April 19, 2011, at the PSC's offices in Lansing. The MPSC finally approved the rule set on October 20, 2011.

⁷ http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=48400901&Dpt=LG&RngHigh=

5. For separate buildings using one MLTS containing an occupied area of more than 40,000 square feet all located on a single floor and on a single contiguous property and having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, in addition to the street address.
6. Communications devices that do not have 3-digit dialing of 9-1-1 shall have 9-1-1 dialing instructions posted on or within 5 feet of each communications device.
7. The MLTS operator is exempt from the specific location identification requirements if the building maintains, on a 24-hour basis, an alternative method of notification and adequate means of signaling and responding to emergencies including, but not limited to, a communications system that provides the specific location of 9-1-1 calls from within the building or the building is serviced with its own appropriate medical, fire, and security personnel.
8. MLTS operators not serviced by enhanced 9-1-1 service are exempt until enhanced 9-1-1 is available.
9. MLTS operators in violation of the act after December 31, 2011, must provide the commission and the committee with information on the failure to meet the deadline, and, within 60 days of the violation, provide a plan to remedy the failure within 6 months.⁸
10. MLTS operators in violation of the act after December 31, 2011, may be assessed a fine by the commission from \$500.00 to \$5,000.00 per offense.⁹

FISCAL IMPACT:

The bill would have an indeterminate, but varying, fiscal impact on the state or local units of government, depending ultimately on the final rules promulgated by the Public Service Commission, the costs incurred by MLTS operators to comply with the rules, and the ability of MLTS operators to comply with the rules' requirements by the end of the year (the deadline currently established in statute and the proposed rules). At a minimum, the bill would enable MLTS operators to temporarily forego incurring these costs, given the rather compressed timeframe in which they currently have to comply under current law. The bill would enable MLTS operators to transition to a newer system over a 5-year period, allowing those costs to be spread over a period of several years. The PSC's regulatory impact statement on the rules notes flatly that "there will be additional costs to state and local governments, to implement equipment and software, in government buildings" but concedes that estimating these compliance costs is "difficult" without expressing the magnitude of the cost implications.¹⁰

⁸ Notwithstanding the December 31, 2011 date in this provision, rule R 484.901(2) provides that the MTLS rules shall be mandatory not later than the date specified in MCL 484.1405 (the section amended by the bill).

⁹ Notwithstanding the December 31, 2011 date in this provision, rule R 484.901(2) provides that the MTLS rules shall be mandatory not later than the date specified in MCL 484.1405 (the section amended by the bill).

¹⁰ <http://www.state.mi.us/orr/emi/arcrules.asp?type=Numeric&id=2010&subId=2010%2D040+LR&subCat=RIS>

In one example, in written comments to the PSC on August 19, 2009, regarding an earlier draft of the rules, a Michigan State University official noted that the "proposed rules create a serious financial and operational burden in their current form because the affected systems are not funded for replacement in the proposed timeframe yet said systems meet all other needs of their current users."¹¹ In public comment on the proposed rules, an MSU official noted that while 68 buildings on campus are already compliant with E9-1-1, another 88 buildings are not, with it "very unlikely that we can meet any deadline in the next six months due, not just to finances, but the fact that you cannot simply convert 88 buildings to compliance in that short of time given the resources available."¹² The university has indicated that, depending on the technology, the cost to the university to comply with the rules would range between \$3.0 million and \$5.0 million, with the transition occurring over the next five years, given the resources available and the university's operational needs.

Additionally, in written comments provided to the MPSC on the February 25th draft of the rules, MiCTA, a telecommunications association representing state and local units of government, universities, independent colleges, school districts, health care providers, and non-profit organizations, surveyed its Michigan members, with 12% indicating they would not incur any "significant" costs to comply with the rules, while 57% indicated that they would incur "significant" costs to comply with the rules. Additionally, the MiCTA survey indicated that nearly one-third (32%) of respondents said that they would be able to comply with the rules by December 31, 2011. Sixteen percent said they wouldn't be able to meet the deadline, while 51% did not know.¹³ The ability of MLTS operators to meet the December 31st deadline is also an issue, given that the February 25th draft of the rules imposes a financial penalty ranging from \$500 to \$5,000 per offense for failing to comply with the rules. By moving back the deadline, HB 4683 would enable MTLIS operators to avoid these costs.

Legislative/Fiscal Analyst: Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹¹ http://www.michigan.gov/documents/mpsc/mlts_msu_290068_7.pdf.

¹² <http://efile.mpsc.state.mi.us/efile/docs/16439/0011.pdf>.

¹³ See, <http://efile.mpsc.state.mi.us/efile/docs/16439/0008.pdf>