



**LIVINGSTON COUNTY, MICHIGAN**  
**911 CENTRAL DISPATCH**

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## Memorandum

**To: Livingston County Board of Commissioners**

**From: Leane Lowe, 911 Deputy Director**

**Date: March 4, 2021**

**Re: FCC 911 Fee Diversion**

On December 27, 2020, new federal legislation (the Don't Break Up the T-Band Act of 2020) was signed into law that requires the FCC to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. The Federal Communications Commission (FCC) approved a Notice of Proposed Rulemaking (NPRM) on February 17, 2021 in regards to 911 fee (surcharge) diversion.

While the 911 community in Michigan agrees with the intent of the proposed rules, language in the NPRM brings concerns to many 911 centers in Michigan. Michigan has a strong reputation for NOT diverting fees by maintaining an 'allowable/disallowable' list determined by the State 911 Committee, along with random compliance reviews of counties by the State 911 Office. However, there is a conflict between what the FCC defines as allowable use of 911 fees and the definitions used by agencies in the state of Michigan. The NPRM appears to only identify costs in the PSAP (911 center) as allowable. For example, the state of Michigan's concept of the '911 ecosystem' includes radio systems and communications system infrastructure for first responders that are directly dispatched by the 911 center. These systems are critical in allowing information sharing between 911 and first responders.

Failure by the FCC to include definitions of allowable expenses which are similar to those identified by the State of Michigan would result in Livingston County, along with many other counties in Michigan, being identified as diverting 911 fees. The recent investment in a microwave radio system, radio tower infrastructure, and CAD connectivity is considered allowable under the current state rules; however, the FCC NPRM language would no longer qualify these as allowable expenses. Items such as this would have to be paid for out of general fund or at the public safety agencies expense.

Due to the potential negative impact this would have on Livingston County, I recommend that we provide the attached resolution to the FCC on this NPRM.