



STATE OF TENNESSEE
TENNESSEE EMERGENCY COMMUNICATIONS BOARD
DEPARTMENT OF COMMERCE & INSURANCE
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POLICIES

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AMENDED POLICY NO. 1

COMMITMENTS RELATED TO DISBURSEMENTS AND REIMBURSEMENTS

Unless otherwise determined, neither the Board nor its employees shall make any commitment related to disbursements or reimbursements from the "911 Emergency Communications Funds" as set forth in Tennessee Code Annotated § 7-86-303; provided, however, that this shall not apply to those funds required for the administrative and operating expenses of the Board, or to such expenditures that are required and necessary to implement, operate, maintain, or enhance statewide wireless enhanced 911 service in conformance with Tennessee Code Annotated § 7-86-306(a)(10), any applicable rules or orders of the Federal Communications Commission, or any other state and federal requirements that pertain to wireless enhanced 911 service in Tennessee. Any such commitment to reimbursement or disbursement shall be made subject to the availability of funds in accordance with Tennessee Code Annotated § 7-86-306(a)(10).

Upon receipt of a request for disbursement or reimbursement not authorized under Paragraph 1 of this policy, the Board's Executive Director is authorized, without further Board action, to inform the requestor that no such disbursement will be considered or made until such time as the "911 Emergency Communications Fund" is fully funded and methods of disbursement and reimbursement have been instituted.

The Executive Director shall inform the Board of all such requests received.

Adopted November 23, 1999.

POLICY NO. 2

**AUTHORIZATION TO EXECUTIVE DIRECTOR
ON PERSONNEL MATTERS**

Subject to the provisions of T.C.A. Title 9, Chapter 6, and T.C.A. §7-86-306(3), the Board's Executive Director is authorized to make all decisions related to the employment and termination of personnel within the Board's office.

Adopted December 15, 1998.

AMENDED POLICY NO. 3

**AUTHORIZATION TO EXECUTIVE DIRECTOR
ON CONTRACTUAL MATTERS**

Subject to the provisions of T.C.A. Title 12, and T.C.A. §7-86-306, and after review and approval by the Board's legal counsel and a designated member of the Board (the Comptroller of the Treasury or the Comptroller's designee), the Board's Executive Director is authorized to enter into contracts in order to assist the Board in performing its statutory duties.

Adopted December 15, 1998; Amended May 27, 2004.

POLICY NO. 4

PROCEDURES FOR HANDLING PROPRIETARY INFORMATION

When information is submitted to the Board in conformity with Rule 0780-6-1-.03 (Submission of Proprietary Information) the following procedures shall be followed by the Board's staff.

1. Documents, envelopes and/or packages received by the Board office that are marked "CONFIDENTIAL" shall only be opened and/or reviewed by the Board's Executive Director or other individuals designated by the Director. All such individuals shall be in conformity with Rule 0780-6-1-.04 (Access to Proprietary Information).
2. Proprietary information that is received by the Board office in envelopes and/or packaging that has previously been opened shall be immediately brought to the attention of the Executive Director or the Director's designee(s). **As soon as possible thereafter, the delivering entity and the sender shall be notified in writing of the condition of the envelope or packaging as it existed when received by the Board office.**
3. Proprietary information that is received by the Board office in envelopes and/or packaging that is not marked "CONFIDENTIAL" and that is subsequently opened by a Board staff member other than the Executive Director or the Director's designee, shall be immediately brought to the attention of the Executive Director or the Director's designee(s).
4. The Board's Executive Director or the Director's designee(s) shall review the information and determine if it qualifies as proprietary information under the Board's rules.
5. Information that is deemed proprietary shall be shall be secured and stored in accordance with rule 0780-6-1-.05.
6. Information that is not deemed to be proprietary shall be sealed and returned to the sender via certified mail. A notation shall be made in a Board log that specifies the date the information was returned and the individual or entity to whom it was returned.

Adopted August 22, 2000.

POLICY NO. 5

DESIGNATIONS REGARDING THE MEDIA

The Emergency Communications Board (“the Board”) finds that it is necessary to designate representatives who are authorized to speak to Media representatives on behalf of the Board and to make statements to other individuals and organizations regarding established Board policies, standards, rules, and decisions. Therefore, the Board hereby designates the Board Chair and/or the Board’s Executive Director as such authorized representatives. No other individual shall speak on behalf of the Board without first obtaining approval from the Board, which approval must be properly voted upon on the record at a full Board meeting. Nothing contained herein shall prohibit the Board’s staff attorney or General Counsel from making any statements regarding legal matters affecting the Board.

Adopted June 29, 2000.

POLICY NO. 6

Rescinded January 15, 2004.

POLICY NO. 7

AUTHORIZATION TO PROVIDE OPINIONS TO DISTRICTS

The Executive Director and/or Staff Attorney are hereby authorized to render opinions to local Emergency Communications Districts and CMRS providers regarding matters which can be addressed through reference to the Emergency Communications District Law or any Rules, Policies or Standards established by the Emergency Communications Board. In formulating

such opinions, the Director and/or Attorney are authorized to take into consideration any previous opinions/actions taken by the Board regarding the same or similar matters.

Adopted February 22, 2001.

POLICY NO. 8

SUCCESSION OF DISTRICT BOARD MEMBERS

WHEREAS, it has come to the attention of the Tennessee Emergency Communications Board (the "ECB") that certain Emergency Communications Districts ("Districts") and local governmental entities may be confused with regard to the status of 911 board members whose term has expired but who continue to serve as holdovers pending appointment and confirmation of their successors; and

WHEREAS, pursuant to Tennessee Code Annotated §7-86-106, a District shall be a "municipality" or public corporation and shall be "a body politic and corporate with power of perpetual succession..." and

WHEREAS, if District board members did not holdover in office, a District could be rendered incapable of conducting business by the failure of local governmental officials and/or bodies to appoint and/or confirm board members. It is the interpretation of the ECB that the Legislature did not intend to grant to these entities the power to nullify a District's ability to function in this manner. Further, such a circumstance would not be in the best interests of the public; and

WHEREAS, pursuant to Tennessee Code Annotated §7-86-306(13), the ECB is vested with the power and authority "to take all actions necessary, proper, or convenient for the accomplishment of the purposes enumerated herein; and

WHEREAS, the Tennessee Attorney General in Opinion No. 00-119 has opined that a regulatory board has the authority to interpret its own law, especially where such interpretation would further the intent of the legislature in enacting such law.

NOW THEREFORE, the Tennessee Emergency Communications Board hereby enacts the following policy:

It is in the best interests of the public to ensure that Districts are able to operate and provide 911 service to the citizens of Tennessee without interruption. Toward that end, it is the policy of the ECB that a District board member shall serve in office until his/her successor is duly appointed and confirmed.

Adopted February 22, 2001.

POLICY NO. 9

CONTACT AND INFORMATION REQUIREMENTS FOR CMRS PROVIDERS, PSAPS AND DISTRICTS

WHEREAS, the Tennessee Emergency Communications Board (the Board) finds that there is a need for public safety answering points (PSAPs) to obtain a caller's identification, call-back number and location information from commercial mobile radio service (CMRS) providers immediately in an emergency situation; and

WHEREAS, Title 47, United States Code, Section 222 specifically permits the release of such information to public safety answering points and providers of emergency services:

NOW THEREFORE, the Board hereby enacts the following policy:

Requirements for CMRS Providers:

1. All CMRS Providers providing Commercial Mobile Radio Service in the State of Tennessee shall establish a dedicated emergency toll-free number restricted for use in emergency situations by Emergency Communications Districts (Districts), PSAPs, and other public safety emergency service providers (as defined by T.C.A. §7-86-103(1)). This number shall be staffed twenty-four hours per day, seven days per week.
2. All CMRS Providers shall provide a customer's name and address immediately upon request of a District, PSAP or other public safety emergency services provider for use in an emergency situation. No subpoena shall be necessary. Nothing herein shall prohibit a CMRS provider from requesting written confirmation of the request after the emergency has abated.
3. Each CMRS Provider shall provide the Board and each District in its service area with the provider's non-emergency toll-free number, as well as the number established pursuant to item number one above, and with the address to which any non-emergency requests or subpoenas for information should be sent.
4. Each CMRS Provider shall provide the Board and each District director with an escalation list within the provider's company that can be followed by the District in the event that the procedures outlined below are not followed by the provider's employees.

Requirements for PSAPs and Districts:

1. Each District shall provide the Board with PSAP information lists for all PSAPs within their service area together with the following information for each PSAP:
 - a. Name of Supervisor/Director;
 - b. Call-back number for use by CMRS providers; and
 - c. Address.

The Board shall provide each CMRS provider with this information for PSAPs within the provider's service area.

Information Request Procedures:

1. Where a PSAP, District, or emergency services provider requires customer information in an emergency situation, the person calling shall:
 - a. Call the provider's dedicated emergency toll-free number;
 - b. Identify themselves and their PSAP by name and county and give their Operator name and number;
 - c. Identify the emergency; and
 - d. Specify the information required.
2. Upon receipt of a request for information in an emergency, the CMRS provider shall immediately look up the customer information requested. The provider shall then reference the PSAP information list provided by the Board and contact the Director/Supervisor designated thereon for the requesting PSAP to deliver the information.

Adopted February 22, 2001.

POLICY NO. 10

**TIME REQUIREMENTS FOR IMPLEMENTING ADJUSTMENT TO
EMERGENCY TELEPHONE SERVICE CHARGE**

WHEREAS, pursuant to Tennessee Code Annotated §7-86-306(a)(11) and §7-86-304, the Tennessee Emergency Communications Board ("the Board") has the authority to raise the emergency telephone service charge rates of an individual emergency communications district ("ECD"); and

WHEREAS, the Board finds that it is imperative that any rate increases be implemented in a timely manner in order to ensure public safety through the continued operation of the ECD in question; and

WHEREAS, the Tennessee General Assembly, in Tennessee Code Annotated §7-86-108(a)(1)(B)(i), has determined that sixty (60) days is a reasonable time within which to require implementation of a service charge rate change for commercial mobile radio service providers; and

WHEREAS, the Board finds that sixty (60) days is a reasonable amount of time within which to require implementation of a service charge rate change for landline service suppliers and that certain local exchange carriers are, in fact, implementing rate changes within this time frame; and

WHEREAS, Tennessee Code Annotated §7-86-306(a)(13) authorizes the Board to take all the actions necessary, proper, or convenient for the accomplishment of the purposes enumerated herein;

NOW THEREFORE, the Board hereby enacts the following policy:

Service suppliers shall implement any change to the emergency telephone service charge for an ECD within their service area no later than sixty (60) calendar days after receiving notification of such change from the ECD.

Adopted August 30, 2001.

AMENDED POLICY NO. 11

MODIFICATIONS TO SERVICE CHARGE INCREASES

Any rate increases granted by the Tennessee Emergency Communications Board ("the Board" or "TECB") pursuant to Tennessee Code Annotated §§7-86-304 and 7-86-306(a)(11) shall be subject to modification by the Board at any time. Such modifications may include, but are not limited to, imposition of an expiration date, reduction of the amount by which such rates were increased, and/or reversal of the rate increase. Each ECD that has received a rate increase from the TECB shall provide to the Board a TECB-defined report every three (3) years from the date the rate increase was approved.

Adopted August 30, 2001; Amended September 28, 2006; Amended April 19, 2007.

POLICY NO. 12

DIRECT DEPOSIT POLICY

Effective July 1, 2002, funds remitted to the Tennessee Emergency Communications Board by wireless carriers shall be sent via direct deposit.

Adopted May 24, 2002.

POLICY NO. 13

TIME FOR FILING BUDGETS

Effective June 30, 2003, individual Tennessee Emergency Communications District's approved budgets are due to the Tennessee Emergency Communications Board no later than 45 days after the local ECD approval budget has been approved.

Adopted September 12, 2002.

AMENDED POLICY NO. 14

PROCEDURES FOR ECD RATE INCREASE REQUESTS AND REQUESTS FOR EXTENSION OF INCREASE

The following are procedures to be used by districts to apply to the Tennessee Emergency Communications Board (TECB) for initial increases to the emergency telephone service charge (also referred to below as "rates"):

1. The Board of Directors of an Emergency Communications District (ECD) must vote to initiate a rate increase request, with proposed rates, desired effective date(s), the amount of additional revenue, and justification for the rate increase.
2. (a) The ECD must send a letter to the County Executive (for a county ECD) or Mayor (for a municipal ECD) notifying them of the ECD's intent to petition the TECB for a rate increase. The County Executive/Mayor must sign a statement acknowledging receipt of such letter, which the ECD shall include in its application to the TECB.

OR

- (b) The ECD must send a certified letter to the County Executive (for a county ECD) or Mayor (for a municipal ECD) notifying him or her of the ECD's intent to petition the TECB for a rate increase.
3. The ECD must publish a Public Hearing Notice indicating its intent to petition the TECB for a rate increase in a newspaper of general circulation (that serves that ECD's area) at least two weeks before such Public Hearing. At least two weeks before such Public Hearing, the ECD must also physically post notices of the hearing in at least two locations where a member of the community could become aware of such notice.
4. The ECD must hold the Public Hearing on its rate increase request. Minutes must be kept and sent to the TECB as part of the ECD's rate increase application.
5. The ECD must adopt a resolution to request the TECB to raise its rates.¹ The resolution must contain the proposed rates, amount of additional revenue, desired effective date(s), and justification for the rate increase.
6. The ECD must complete and return an application from the TECB. The completed application packet should be sent to the following address:

Tennessee Emergency Communications Board
Department of Commerce and Insurance
500 James Robertson Parkway, Fifth Floor
Nashville, TN 37243

7. In the application packet, the ECD shall include an interlocal agreement with each local governmental entity that contributes facilities, resources and/or income of any kind to the ECD or receives such from the ECD, in which such entity agrees that in exchange for the added or continued service that will be facilitated by the Emergency Communications Board's approval of an increase to the emergency telephone service charge within the ECD, the local governmental entity will not decrease its contribution to the ECD below the maximum amount it contributed during the prior fiscal year;²
8. In the application packet, the ECD shall execute the following certification:

¹ The ECD can decide to not adopt the resolution. If this action occurs, then the process stops.

² This requirement is evidentiary. The fact that a district is unable to obtain such an agreement will be considered as part of the rate increase information, but will not, in and of itself, preclude a district from receiving a rate increase, so long as the district provides evidence of its attempt to comply with this requirement.

Certification of Dispatcher Training

I hereby certify that each emergency call taker or public safety dispatcher who receives an initial or transferred 911 call from the public who is working for or, pursuant to an interlocal agreement, on behalf of the _____ Emergency Communications District has satisfied the minimum requirements for dispatcher training established in Tenn. Comp. R. & Reg. 0780-6-2. I further certify that evidence of completion of such training is available for inspection, as are attendance records, course outlines and lesson plans.

9. The TECB staff will review the application for completeness. The resolution referred to in #5 above must be included in the application package. If an application is incomplete or inaccurate, it may increase needed review time and ultimately delay consideration by the TECB.
10. The TECB staff will conduct a review of the district and its rate increase request, including, but not limited to, an on-site visit, review of the material submitted, and a meeting with the ECD Director and/or Board Chair.
11. The TECB staff may set deadlines for submitting all necessary materials for consideration in order to provide adequate review time by TECB staff.
12. The TECB staff will submit its "findings," and the "application" to the TECB at a public meeting.
13. The TECB will deliberate the rate increase request. At a minimum, the ECD Chair and Director shall attend this meeting, and be prepared to respond to questions from the TECB regarding the need for the request.
14. The TECB will either approve or deny the rate increase request, and provide rationale for its decision.
15. If the rate increase request is approved by the TECB, the TECB Executive Director shall send a letter to the ECD to keep on file, as well as inform the Tennessee Regulatory Authority. The rate increase approval letter may be used to notify the appropriate telephone companies of the approved rate increase.
16. Every three years following the TECB's decision to increase an ECD's landline rates, the ECD shall file with the TECB a report:
 1. Identifying current rates, date approved by TECB, and date increased revenue was first realized.
 2. Identifying the reasons for the rate increase as stated in original application and the subsequent applications to extend the increased rate.
 3. Describing the status of each reason listed in the various applications and how the rate increase was applied.
 4. Identifying reasons for continuing the current rate.
 5. Providing projected budgets for the next three years showing sources of revenue and projected expenditures with a net increase or decrease in fund balance for each year.
 6. Providing a current copy of any applicable interlocal agreements.
 7. Providing an updated financial statement.
17. TECB staff shall analyze each report, notify the TECB of its findings and make a written recommendation on inconsistencies or irregularities not resolvable by staff, to be placed on an agenda for the Board's consideration.

Adopted September 12, 2002; Amended July 16, 2004; Amended November 10, 2005; Amended April 20, 2006; Amended October 31, 2006; Amended April 19, 2007; Amended May 14, 2008; Amended October 27, 2011.

AMENDED POLICY NO. 15

DISTRICT CONTACT INFORMATION REQUIREMENTS

Effective February 1, 2004, each Emergency Communications District in Tennessee shall annually provide to the Tennessee Emergency Communications Board the name, address, telephone number and email address, if any, of each current member of such Emergency Communications District Board. Any vacancies arising on an Emergency Communications District Board and/or any change in the membership of a Board and the newly appointed member's name, address, telephone number and email address, if any, shall be reported within ten (10) days of the confirmation of such member or the effective date of the change in membership, if the member is appointed without confirmation.

Emergency Communications Districts that vote to adjust their landline rates by any authority other than TECB approval under Tenn. Code Ann. § 7-86-306 shall notify the Tennessee Emergency Communications Board within seven (7) days of the amount and effective date of the adjustment.

Adopted January 15, 2004; Amended August 20, 2007.

AMENDED POLICY NO. 16

Financially Distressed and At Risk Districts

I. Financial Distress

- A. **Defined:** Tenn. Code Ann. § 7-86-304(d) deems emergency communications districts (ECDs) financially distressed that “as shown by the annual audits” have a negative change in net assets for a period of three (3) consecutive years. This is intended to discourage ECDs from the practice of habitually spending more revenue than they receive and does not take reserves into consideration. By law, ECDs are also financially distressed if they have deficit total net assets, or are in default on any indebtedness.

The Tennessee Emergency Communications Board (Board or TECB) may determine that a district is financially distressed if: a district is the subject of a lien filed by the internal revenue service; it appears that the district cannot satisfy its financial obligations to the extent that the continued operation of the district is at risk; or the district has defaulted on any indebtedness due to insufficient funds, such default is not cured within sixty (60) days and, upon determination of the board, it appears that the district cannot satisfy its financial obligations to the extent that the continued operation of the district is at risk.

Pursuant to Tenn. Code Ann. § 7-86-304(d)(1), financially distressed ECDs “shall be subject to the supervision and evaluation of the Board.”

- B. **Notice:** ECDs shall provide the TECB with notice in the event that they are: (1) predicting or operating under an annual net loss; (2) in default on any debt; and or 3) anticipating a decrease in local governmental funding or support. Such notice shall be provided in writing within ten (10) days of becoming aware of such event. (Formally Policy No.21)
- C. **TECB Evaluation:** The TECB shall, during an open meeting, evaluate the financial statements and operations of a financially distressed emergency communications district. At a minimum, the ECD Chair and Director shall attend this meeting and be prepared to respond to questions from the TECB regarding the ECD’s financial status. After considering the evaluation and recommendation of TECB staff, the TECB may elect to designate a financially distressed district a “Confirmed” financially distressed district or an “At Risk” district. In determining whether an ECD will be designated “Confirmed” or “At Risk,” the ECD’s financial status shall be taken into consideration, including, but not limited, to the following
1. The ECD’s fund balance in relation to its most recent operating budget.
 2. Amount of the negative changes in net assets for the three years which determined the ECD as financially distressed in relation to revenue received by the ECD for those years.
 3. Increase or decrease in the cash flow.
 4. Source of cash resources which paid for excessive expenditures.
 4. Recurring or non-recurring nature of expenditures which caused negative change.
 6. Effect of recording depreciation expense on change in net assets.
- D. **TECB Supervision of “Confirmed” Financially Distressed Districts:** Financially distressed ECDs in which such status is deemed “Confirmed” by TECB shall be subject to the following:

1. Pursuant to Tenn. Code Ann. § 7-86-304(d)(3), after holding a public hearing within such district's service area, the TECB may prescribe a rate structure, up to the maximum established pursuant to § 7-86-108(a)(2)(A), to be adopted by the financially distressed ECD, as may be necessary to cause the district to liquidate in an orderly fashion any deficit total net assets, to cure a default on any indebtedness of the district, and to eliminate the negative change in net assets, or any of these.
 2. A financially distressed ECD must request and obtain TECB approval before authorizing, making or entering into an obligation to obtain goods or services with a cost in excess of five thousand dollars (\$5,000) or increasing their budgeted recurring payroll costs over one thousand dollars (\$1,000). This requirement applies to purchases and expenditures involving partial payments of less than \$5,000, provided the payment totals more than \$5,000 over time. Subject to the provisions of Tenn. Code Ann. § 7-86-306, the TECB executive director is authorized to approve or deny such requests. If such a request is denied by the Executive Director, the district may appeal the decision to the TECB members at a TECB meeting. (Formerly Policy No. 37).
 3. A financially distressed ECD shall adopt a balanced budget or be prepared to explain any unbalanced budget to the TECB. A balanced budget is one in which recurring operating expenditures include depreciation expense as a budget line item expenditure and recurring expenditures do not exceed recurring revenues. A financially distressed ECD must provide the TECB with a copy of any proposed budget and advise the TECB at least ten (10) days prior to any ECD board meeting in which the ECD budget or any amendment to the budget is on the agenda to be discussed or approved.
 4. A financially distressed ECD board of directors must meet at least bi-monthly (six (6) times per year) in order to review and consider financial statements, operations, and efforts to end its distressed status. The ECD must provide copies to the TECB of all ECD board of directors meeting minutes and the financial reports required to be provided at every regularly scheduled meeting under Tenn. Code Ann. § 7-86-123. Minutes shall be filed with the TECB no later than seven (7) days after approval; financial reports shall be filed no later than seven (7) days after each ECD meeting. (formerly Policy No. 41).
 5. A financially distressed ECD shall provide written notice to TECB staff of all meetings and hearings held by the ECD board of directors no less than ten (10) days in advance of such meeting or hearing. Reasonable notice of emergency meetings shall be provided to the TECB.
 6. A financially distressed ECD must provide a written corrective action plan to the TECB within three months of the designation of financial distress. The corrective action plan shall describe efforts or activities that will move the ECD toward having positive changes in net assets.
 7. TECB staff shall make periodic visits and/or establish frequent communications with ECDs to advise and to be available to assist in efforts to improve financial health.
- E. **Duration of "Confirmed" Financial Distress Status:** An ECD deemed a "Confirmed" financially distressed district pursuant to Tenn. Code Ann. § 7-86-304(d) with three (3) consecutive years of negative changes in net assets is subject to the supervision and evaluation of the TECB until the ECD demonstrates a positive change in net assets on audited financial statements for two (2) consecutive years. (Formerly Policy No. 16)

II. "At Risk"

- A. **Defined:** An ECD that is financially distressed pursuant to Tenn. Code Ann. § 7-86-304(d)(1)(A) for having a negative change in net assets for three (3) consecutive years may be deemed "At Risk" by the TECB as described in subsection III above. (Formerly Policy No. 27)
- B. **TECB Evaluation and Supervision of "At Risk" Districts:** The following procedures and policies shall be applicable to ECDs deemed "At Risk": (Formerly Policy No. 27)
1. The status of each "At Risk" ECD shall be reviewed annually by TECB staff and recommended for consideration by the TECB for one of the following actions: 1) removal from "At Risk" status, 2) continuation of "At Risk" status, or 3) designation as a "Confirmed" financially distressed district.
 2. TECB members annually shall be provided a list of ECDs that are "At Risk" as determined by staff analysis of audits and other available reports.
 3. ECDs deemed "At Risk" must submit a balanced budget and all budget amendments to the TECB. A balanced budget is one in which recurring operating expenditures include depreciation expense as a budget line item expenditure and recurring expenditures do not exceed recurring revenues.
 4. ECDs deemed "At Risk" shall provide a written corrective action plan to the TECB within three months of the designation of "at risk". The corrective action plan shall describe efforts or activities that will move the ECD toward having positive changes in net assets.
 5. The ECD shall provide copies of all minutes from ECD board of directors meetings and the financial reports required to be provided at every regularly scheduled meeting under Tenn. Code Ann. § 7-86-123. Minutes shall be filed with the TECB no later than seven (7) days after approval; financial reports shall be filed no later than seven (7) days after each ECD meeting.
 6. ECDs deemed "At risk" shall work with TECB staff to try to avoid a designation of financial distress under Tenn. Code Ann. § 7-86-304(d).
 7. TECB staff shall make periodic visits and/or otherwise assist the ECD in efforts to improve financial health.
- C. **IX. Duration of "At Risk" Status:** An "At Risk" ECD may be deemed no longer "At Risk" upon attaining a positive change in net assets in an audit report.

III. Assistance to ECDs with one and/or two consecutive years of negative changes in net assets as shown by their annual audits:

- A. **One Year with a negative change:** An ECD that has a negative change in net assets reflected on an annual audit will be offered assistance and guidance by TECB.
1. A written notification of a negative change in net assets and offer of TECB assistance will be provided to the ECD director, board chair and the TECB.
- B. **Two consecutive years of negative changes in net assets:**
1. A written notice of the existence of two consecutive years of negative changes will be submitted to the ECD director, board chair and the TECB. TECB staff is directed to

provide an annual review of the status of all ECDs with two consecutive years negative changes in net assets to the TECB.

2. TECB will request an explanation of the cause of the negative change and request a meeting with the ECD director and board chair to offer assistance and develop a plan of corrective action. Corrective action must include at least:
 - a. ECD board approval of a balanced budget. A balanced budget is one in which recurring operating expenditures include depreciation expense as a budget line item expenditure and recurring expenditures do not exceed recurring revenues.
 - b. Providing copies to TECB of all minutes and financial reports required for every regularly scheduled meeting ECD board meeting
 - c. Working with TECB staff to try to avoid a designation of financial distress under Tenn. Code Ann. § 7-86-304(d).
 3. The TECB shall make periodic visits and/or otherwise assist ECDs in their efforts to improve their financial health.
- C. **Duration:** One year of having a positive change in net assets will remove any of the conditions or requirements imposed under this policy for ECDs with two consecutive years of negative changes in net assets.

Adopted January 15, 2004; Amended April 19, 2007; Amended September 16, 2010; Amended August 25, 2011; Amended October 25, 2012.

POLICY NO. 17

PENALTY FOR FAILURE TO SUBMIT ANNUAL BUDGET

Effective February 1, 2004, pursuant to Tenn. Code Ann. § 7-86-108(f), the Executive Director of the Emergency Communications Board is authorized to withhold the distribution of the wireless emergency telephone service charge collected pursuant to Tenn. Code Ann. § 7-86-108(a)(1)(B) to all Emergency Communications Districts that fail to submit an annual budget as required by Tenn. Code Ann. § 7-86-304(c) no later than 45 days after local Emergency Communications District approval of such budget. The emergency telephone service charge shall be withheld until a copy of such budget is filed.

Adopted January 15, 2004.

POLICY NO. 18

TECB ETHICS POLICY

1. Persons covered. This Policy applies to all members of the Tennessee Emergency Communications Board.
2. Board member responsibilities. Each board member shall avoid any action, whether or not specifically prohibited by statute, regulation, or this Policy, which might result in or create the appearance of:
 - i. Using public office for private gain;
 - ii. Giving preferential treatment to any person;
 - iii. Impeding government efficiency or economy;
 - iv. Losing complete independence or impartiality;
 - v. Making a government decision outside of official channels; or
 - vi. Affecting adversely the confidence of the public in the integrity of the Emergency Communications Board.
3. Gifts. No board member shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the board member's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
 - i. Has, or is seeking to obtain, contractual or other business or financial relations with the Emergency Communications Board or any other entity in which the board member is employed; or
 - ii. Conducts operations or activities that are regulated by the Emergency Communications Board or any other entity in which the board member is employed; or
 - iii. Has interests that may be substantially affected by the performance or nonperformance of the board member's official duties.
4. Exceptions. The prohibition on accepting gifts in paragraph 3 does not apply to:
 - i. A gift given by a member of the board member's immediate family, or by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the board member. In determining whether a gift falls within this subsection, the factors contained in Tenn. Code Ann. Section 3-6-114(b) (3) (A) and (B) shall apply.
 - ii. Informational materials in the form of books, articles periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
 - iii. Sample merchandise, promotional items, and appreciation tokens; provided they are routinely given to customers, suppliers or potential customers in the ordinary course of business;
 - iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided that any such item shall not be in a form which can be readily converted to cash;
 - v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in paragraph 3;

- vi. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the State. In such circumstances, the board member is to use his or her best judgment, and provide to the other board members a written disclosure of the gift, including a description, estimated value, the identity of the person or entity providing the gift, and any explanation necessary within fourteen (14) days;
 - vii. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the board member is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and
 - viii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 3.
5. Financial Interests.
- i. With the exception of the salary of the board member appointed pursuant to Tenn. Code Ann. § 7-86-302(b)(2), if such board member is a state employee, no board member shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State or any of its agencies with regard to matters related to E911 or emergency communications. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a “benefit” to the board member, provided the contract with the State was procured without any participation, assistance or influence by the board member.
 - ii. No board member shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her board-related duties or responsibilities. “Indirect financial interest” in this case includes a substantial interest on the part of a parent, spouse, or minor child of the board member. This subsection shall not apply to interests that have been placed into a “blind trust” arrangement pursuant to which the board member does not have knowledge of the retention or disposition of such interests. This subsection also shall not apply to ownership of publicly traded stocks or bonds where such ownership constitutes less than two percent (2%) of the total outstanding amount of the stocks or bonds of the issuing entity. If, at the time the board member begins his or her term on the board or at any subsequent time while serving on the Board, the board member possesses such direct or indirect financial interests prohibited by subsections (i) or (ii), the board member shall divest such interest within a reasonable time.
6. Use of information. No board member shall, directly or indirectly:
- i. Use, disclose, or allow the use of official information which was obtained through or in connection with his or her membership on the Emergency Communications Board and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the board member; or
 - ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her membership on the Emergency Communications Board.
7. Use of government property. No board member shall make use of the facilities, equipment, personnel or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or *de minimus* or is lawfully available to the general public.
8. *Ex Parte* Communications in pending proceedings pursuant to Tenn. Code Ann. § 7-86-312.
- i. Upon receipt by the Board of a resolution from a city or county governing body requesting the Board to review a decision of the board of directors of the emergency communications district serving such city or county pursuant to Tenn. Code Ann. § 7-86-312, Board members may not communicate, directly or indirectly, regarding any issue related to the decision under review,

while the request for review is pending, with any person without providing notice and an opportunity to participate in the communication.

- ii. Notwithstanding subsection (i) Board members may communicate with Board staff on pending requests for review, members of the staff of the attorney general and reporter or a licensed attorney who has no interest in the decision being reviewed and agrees that the communication is privileged.

Adopted January 15, 2004.

POLICY NO. 19

PSAP MASTER CLOCKS

Effective April 1, 2004, emergency communications districts are encouraged to obtain for each public safety answering point (PSAP) therein that is capable of receiving enhanced 911 calls, a PSAP Master Clock that meets or exceeds the recommended standards of the National Emergency Number Association. The Tennessee Emergency Communications Board shall provide cost recovery for PSAP Master Clocks not to exceed \$5,000 per district, subject to availability of funds. Districts that presently possess such a PSAP Master Clock shall be eligible for such cost recovery upon production of paid invoices therefore.

Adopted March 12, 2004.

AMENDED POLICY NO. 20

GIS MAPPING SYSTEM CAPABILITIES

- A. Effective April 1, 2004, within one year, all public safety answering points in Tennessee that are receiving cost recovery for their Geographic Information Systems ("GIS") Mapping systems from the Tennessee Emergency Communications Board ("TECB"), and are receiving 911 calls with enhanced 911 data, shall obtain and be capable of effectively operating their GIS Mapping system in accordance with the minimum standards set forth by the TECB. It is recommended that emergency communications districts cooperate with neighboring governmental entities, if possible, to obtain and/or utilize a single GIS Mapping system meeting such minimum standards in their area, rather than expending limited resources on duplicate systems. Public safety answering points that are not receiving cost recovery for their GIS Mapping systems from the TECB are strongly encouraged to utilize the TECB's minimum standards for GIS Mapping systems.
- B. Effective May 26, 2005, within six months, all public safety answering points operated by emergency communications districts shall secure an agreement to obtain a GIS Mapping system that will be fully operational no later than December 31, 2005.
- C. Effective May 19, 2011, all public safety answering points (PSAPs) affiliated with emergency communications districts (ECD) shall migrate their Geographic Information Systems ("GIS") data to follow the Tennessee Information for Public Safety ("TIPS") format,³ defining field naming conventions for address points, street centerlines and ESN boundaries. This shall be required for participation in the Next Generation 911 network and for participation in the GIS Financial Incentive.

Each ECD shall:

1. Provide the TECB with the name of an individual who shall be responsible for their GIS Mapping and maintenance.
2. Obtain the approvals necessary to migrate their GIS data to the TIPS format and provide that data to OIR/GIS or other TECB designee as requested.
3. Coordinate with OIR/GIS or other TECB designee to migrate GIS data to the TIPS format and maintain TIPS data on a monthly basis.
4. Annually update GIS maintenance plan on a form provided by the TECB and submit the form to OIR/GIS or other TECB designees.
5. Implement and maintain the following data layers and provide that data to OIR/GIS or other TECB designees:
 - i. Street Centerlines;
 - ii. Address Points;
 - iii. Emergency Service Zone Boundaries (ESN Boundaries);
 - iv. Area Landmarks;
 - v. Fire Hydrants;
 - vi. Administrative Boundaries (City, State, and County);

³ The TIPS format is available at http://gis.state.tn.us/tips_docs/TIPS_Specifications_v50.pdf and is incorporated by reference into Policy No. 20. TIPS incorporates current GIS standards adopted by the National Emergency Number Association (NENA) and uses the ESRI (Environmental Systems Research Institute) data format.

- vii. Ortho Photography;
- viii. Other layers NENA may require.

Absent a waiver by the TECB, data layers for Street Centerlines, Address Points and ESN Boundaries shall be implemented no later than June 1, 2012.

- 6. Upon request, cooperate with OIR/GIS or other TECB designees and GIS personnel in adjacent counties/jurisdictions to ensure that:
 - i. Emergency service zones and street centerline data layers are seamless between counties with no gaps or overlaps between boundary polygons; and
 - ii. All boundary street centerlines share an exact begin or end node with the adjacent county street centerline.
- 7. Comply with NENA GIS Mapping Standards.⁴

Adopted March 12, 2004; Amended May 26, 2005; Amended November 10, 2005; Amended May 19, 2011.

⁴ The NENA GIS Standards are available at http://www.nena.org/sites/default/files/02-014_20070717.pdf

POLICY NO. 21

“Consolidated with Policy No.16 September 16, 2010”

POLICY NO. 22

VoIP

The Tennessee Emergency Communications Board hereby adopts the following policies on Voice Over Internet Protocol ("VoIP") as it relates to emergency communications: (1) consumers should be provided with notice of the extent to which their VoIP technology is able to accurately locate them for emergency communications purposes; (2) location technology should be required on all VoIP technology; and (3) providers of VoIP should be required to assist in maintaining the funding of 911 resources at a level equivalent to those generated by current or evolving funding processes.

Adopted March 12, 2004.

POLICY NO. 23

LINE CHARGES ON T1 and PRI CIRCUITS

The calculation of emergency telephone service charges on T1 and PRI circuits by local exchange carriers is far from uniform, resulting in possible competitive disadvantages in the marketplace. Inasmuch as use of the emergency telephone service charge as a competitive tool contravenes public policy, the Tennessee Emergency Communications Board ("TECB") interprets Tenn. Code Ann. § 7-86-108(a)(1)(A) as authorizing the imposition of such charges on each line in T1 and PRI circuits that can transmit a telephone call. Tenn. Code Ann. § 7-86-108 authorizes the imposition of the emergency telephone service charge on "exchange access facilities."⁵ Tenn. Code Ann. § 7-86-103(b) defines "exchange access facilities" as follows:

"Exchange access facilities" means all lines, provided by the service supplier for the provision of exchange telephone service, as defined in existing general subscriber services tariffs filed by the service supplier with the Tennessee regulatory authority;⁶

The TECB interprets this language to reach "all lines" used to provide exchange telephone service. In the case of a T1 circuit, this would include each of the twenty-four (24) lines available to the subscriber that can transmit a telephone call and, as to a PRI, each of the twenty-three (23) lines used for telephonic purposes that are available to the subscriber.

Adopted July 16, 2004.

⁵ Tenn. Code Ann. § 7-86-108 (which states in pertinent part):

(a)(1)(A) The board of directors of the district may levy an emergency telephone service charge in an amount not to exceed sixty-five cents (65¢) per month for residence-classification service users, and not to exceed two dollars (\$2.00) per month for business-classification service users, to be used to fund the 911 emergency telephone service. Any such service charge shall have uniform application and shall be imposed throughout the entire district to the greatest extent possible in conformity with the availability of such service within the district. No such service charge shall be imposed upon more than one hundred (100) exchange access facilities per service user per location. . . .

⁶ Tenn. Code Ann. § 7-86-103(7).

POLICY NO. 24

NOTICE TO TECB

Effective July 16, 2004, in order to be effective all documents, notices and notifications to the Tennessee Emergency Communications Board ("TECB") shall be provided in writing to the Executive Director at the TECB offices located at 500 James Robertson Parkway, Nashville, Tennessee 37243 or by some form of electronic communication."

Adopted July 16, 2004.

POLICY NO. 25

INTERLOCAL AGREEMENTS

Effective August 1, 2004, all agreements or arrangements between an emergency communications district and another governmental entity in which facilities, resources and/or income of any kind are shared, contributed or obtained shall be memorialized in written interlocal agreements and adopted by the board of directors of the local emergency communications district before the implementation of such an agreement.

Adopted July 16, 2004.

POLICY NO. 26

**TIME FOR FILING APPLICATIONS FOR EMERGENCY TELEPHONE
SERVICE CHARGE INCREASES AND EXTENSIONS OF INCREASES**

Effective July 16, 2004, all applications for increases to the emergency telephone service charge and all applications for extensions of such increases shall be filed with the Tennessee Emergency Communications Board ("TECB") no later than thirty (30) days prior to the public meeting during which such application shall be considered. The TECB shall not consider applications that are filed after the thirty (30) day deadline and/or are inaccurate or incomplete absent extraordinary circumstances which could not be prevented by the exercise of prudence, diligence and due care.

Adopted July 16, 2004.

POLICY NO. 27

“Consolidated with Policy No.16 September 16, 2010”

POLICY NO. 28

PROCEDURE FOR SEEKING TEMPORARY SERVICE CHARGE INCREASE EXTENSION PAST THE EXPIRATION DATE PENDING TECB CONSIDERATION

No later than ninety (90) days prior to the date an increase to the emergency telephone service charge in an emergency communications district is scheduled to expire, the Chairman of the affected district shall require the Board of Directors of such district to determine whether an extension of the increase is warranted. The Chairman shall provide written notice of the outcome of that determination to the Executive Director of the Emergency Communications Board ("TECB") within ten (10) days of such vote.

In the event that a district Board of Directors votes to seek an extension of the service charge increase and its expiration date will occur before the TECB can consider the district's application for extension of the increase, the Chairman of the District Board of Directors may file a written request to the Executive Director of the TECB, that the increase be extended until the next TECB meeting. The Executive Director may allow such temporary extension provided the district has filed a complete and correct application for an extension of the rate increase.

Adopted September 10, 2004.

AMENDED POLICY NO. 29

ETHICS POLICIES FOR EMERGENCY COMMUNICATIONS DISTRICTS

Boards of directors of emergency communications districts shall adopt ethics policies consistent with the Comprehensive Ethics Reform Act, Tenn. Code Ann. § 8-17-101, et seq.

Adopted September 10, 2004; Amended August 30, 2007.

POLICY NO. 30

CARRIERS REQUIRED TO PROVIDE PSAPs WITH ALL CALL DATA

With regard to all 911 calls transmitted by CMRS providers, all call data obtained from each call, including but not limited to cell sector, tower location, Phase 2 location data, carrier name, call-back number, class of service, PANI or ESRK and call confidence level, shall be provided to the public safety answering point receiving the call.

Adopted September 10, 2004.

POLICY NO. 31

NOTICE OF OUTAGE

Emergency communications districts ("ECDs") or their agents or designees responsible for carrying out "operations of the district," shall notify the Network Operations Center designated by the Tennessee Emergency Communications Board ("Board") of any misrouted 911 calls or any failure or decrease in the level of any type or degree of 911 service of a duration over, or predicted to be over, thirty (30) minutes. Such notices shall be provided as soon as practicable after the outage occurs or notice of a predicted outage is received in order to permit the Board to assist in the restoration of service, if appropriate. The Executive Director shall determine the Board's level of involvement, if any, in assisting ECDs, carriers and service providers in restoring the appropriate level of E-911 service.

Consistent with current practice, in the event of service interruptions, ECDs shall be responsible for maintaining and/or restoring service. ECDs and carriers shall receive authorization from the Executive Director or the Executive Director's designee prior to halting or reducing the level or quality of E-911 service within any area of the state.

The NOC shall be notified of all activities in the PSAP that could impact NG911 equipment or connectivity to the NG911 network as follows:

1. No later than 24 hours prior to scheduled activities; and
2. As soon as possible for unscheduled events and no later than one hour after such event.
3. Upon the second violation of this Policy, the Board may require the director and chairman of the Emergency Communications District to appear at the next regularly scheduled meeting of the TECB for a determination of whether the district is taking sufficient actions or acting in good faith to establish, maintain or advance 911 service for the citizens of the district as contemplated by Tenn. Code Ann. § 7-86-108(f). It is recommended that ECD leadership require their CPE vendors to execute an agreement promising not to undertake any activities that could impact NG911 equipment or connectivity to the network without first notifying the NOC consistent with this Policy

Adopted March 17, 2005, Amended October 31, 2013, Amended February 20, 2014.

AMENDED POLICY NO. 32

MINIMUM BACKUP POWER REQUIREMENTS

All public safety answering points ("PSAPs") operated by Emergency Communications Districts shall obtain:

1. an uninterruptible power supply ("UPS") capable of providing uninterrupted power to emergency communications operations for a minimum of one hour; and
2. an emergency generator and fuel source for the generator capable of providing power sufficient to maintain minimum E-911 service operations and a suitable work environment to the PSAP for a minimum of forty-eight hours;

Minimum backup power requirements shall apply to equipment used to provide Next Generation 911 service to the PSAP.

An additional backup emergency generator that utilizes an alternative fuel source is recommended but not required.

It is also recommended that ECD management assure that backup power equipment and fuel supplies are not located in areas prone to flooding.

Adopted March 17, 2005, Amended May 26, 2005, Amended February 20, 2014.

AMENDED POLICY NO. 33

MINIMUM TECHNICAL OPERATING STANDARD OF CARE FOR E-911 SERVICE

Pursuant to Tenn. Code Ann. § 7-86-306(a)(8), all public safety answering points in Tennessee shall:

1. Be capable of receiving and utilizing the data elements associated with wireline and wireless E-911 Phase II service, including Automatic Numbering Identification ("ANI") to determine a caller's phone number, Automatic Location Identification ("ALI") to pinpoint a wireline caller's location, and Phase II wireless coordinates as contemplated by 47 C.F.R. § 20.18 and the applicable orders of the Federal Communication Commission and their progeny; and
2. Possess and regularly maintain a GIS Mapping system capable of auto-populating E-911 location data.
3. Possess:
 - (1) an uninterruptible power supply ("UPS") capable of providing uninterrupted power to emergency communications operations for a minimum of one hour; and
 - (2) an emergency generator and fuel source for the generator capable of providing power sufficient to maintain minimum E-911 service operations and a suitable work environment to the PSAP for a minimum of forty-eight hours.

An additional backup emergency generator that utilizes an alternative power source is recommended but not required.

4. No later than 12 months from the adoption of this amendment, arrange with other PSAPs within the District or within a close proximity for 911 call answering in the event of a major equipment failure or PSAP evacuation.⁷ In cases where a PSAP is so large that another

PSAP within close proximity cannot adequately provide call answering, then that PSAP should establish an alternate answering center or arrangement that ensures that 911 calls do not go unanswered. It is strongly recommended that ECDs develop partnerships with adjacent ECDs to avoid building backup PSAP facilities or mobile PSAP units that are unused the majority of the time.

5. Prepare and regularly test (at least annually) a PSAP Operations Continuity Plan that specifically provides procedures for on-duty personnel in the re-routing of 911 calls, switchover to backup systems, evacuation plans, temporary call answering plans, return to normal plans, and other plans that ensure that 911 calls do not go unanswered. (The TECB will provide, upon request, a model plan that can be customized for individual PSAPs.)

Adopted March 17, 2005; Amended May 26, 2005; Amended October 31, 2006.

⁷ Typically, alternate routing of 911 calls to an adjacent PSAP or mobile PSAP unit would be considered a short range plan with a projected duration of less than a week. This gives the PSAP and ECD managers time to implement more long range plans when re-occupancy of a PSAP will be delayed due to fire, tornado damage, or other significant event.

AMENDED POLICY NO. 34

FINANCIAL SUPPORT TO PROMOTE CONSOLIDATION OF ECDs

In order to effectuate the purposes of Tenn. Code Ann. § 7-86-105(b)(6), each emergency communications district (ECD) that consolidates with another, up to a maximum of three (3) ECDs, shall be eligible for financial assistance up to a maximum of \$150,000 each toward the cost of consolidation, to be determined on a case-by-case basis after a site visit and analysis by the Board or its designee, and the development in conjunction with the effected districts of a consolidation plan, including the projected costs associated with the project, subject to the Board's approval. The consolidation shall be memorialized in a written intergovernmental agreement consistent with Tenn. Code Ann. § 7-86-105(b)(6). The amount of financial support for consolidation of more than three (3) ECDs shall be determined on a case-by-case basis by the TECB.

Adopted July 28, 2005; Amended June 22, 2006; Amended February 22, 2007.

POLICY NO. 35

**MINIMUM STANDARDS FOR FREQUENCY OF ECD BOARD MEETINGS
AND ELECTION OF OFFICERS**

Effective April 20, 2006, each Emergency Communications District ("ECD") board of directors shall meet at least quarterly, and at the call of the chair. Each board also shall elect a chair and such other officers as it deems appropriate. At a minimum, such elections shall be conducted at least every two (2) years.

Adopted April 20, 2006.

AMENDED POLICY NO. 36

REQUIREMENT FOR ECDs TO ADOPT A WRITTEN PLAN FOR REROUTING 911 CALLS IN CASE OF NETWORK, EQUIPMENT, OR FACILITY FAILURE¹

All Emergency Communications Districts shall develop and adopt a written plan that defines how 911 calls will be rerouted for all affiliated or self-operated Public Safety Answering Points (PSAPs) in the event network facilities are disrupted, equipment fails, the PSAP(s) must be evacuated, or for any other reason that 911 calls cannot be answered at the intended PSAP(s). Each ECD must file its plan(s) with the TECB on or before July 31, 2009. Plans that require calls to be rerouted to another ECD must include a written agreement with the ECD that will receive the rerouted calls. Any changes or revisions to the plan must be filed with the TECB thirty (30) days after such changes or revisions are made.

Adopted April 20, 2006; Amended May 7, 2009; Amended February 7, 2013

¹ The plan required under this policy may be included in the overall and written contingency plans for the ECD or their agents or designees if desired. This policy does not negate the requirement in Policy No. 31 that the ECB Executive Director or designee be notified when outages exceed a duration of over sixty (60) minutes.

POLICY NO. 37

“Consolidated with Policy No.16 September 16, 2010”

POLICY NO. 38

REMOVAL OF COMMITTEE MEMBERS

If a member of any Tennessee Emergency Communications Board ("TECB") committee has more than three (3) unexcused absences⁹ in a twelve (12) month period, the TECB may, at its option, remove or replace the member upon notice.

Adopted June 22, 2006.

⁹ Unexcused absences are all absences except: (1) absences required due to an unavoidable conflict, which are excused in advance of the meeting by TECB staff or (2) unexpected absences due to unavoidable emergency circumstances (such as medical or family emergency), provided notice of the emergency is given to TECB staff within five (5) business days. When a committee has provided for telephonic participation, a committee member is not deemed to be absent when the member participates in the meeting by telephone.

POLICY NO. 39

APPLICATION OF EMERGENCY TELEPHONE SERVICE CHARGE TO VoIP SERVICE

Effective July 1, 2006, all subscribers and users of voice over internet protocol ("VoIP") service are subject to the emergency telephone service charge.¹⁰ The Tennessee Emergency Communications Board ("TECB") understands that VoIP providers may be unable to determine the number of users utilizing VoIP service through a VoIP account, especially in the context of commercial accounts. For each VoIP account, the TECB interprets Tennessee Code Annotated § 7-86-108(a)(1)(B)(vi) as imposing the emergency telephone service charge on all circuits or capacity by which the account may simultaneously transmit a telephone call to a public safety answering point, which otherwise may be understood to be the account's concurrent call volume or the account's capacity for making simultaneous calls. One service charge should be assessed on each such circuit or capacity for each account.¹¹

Adopted September 28, 2006.

¹⁰ 2006 Tenn. Pub. Acts 925.

¹¹ As an illustration: if a VoIP provider sells service to a business account and configures the service such that the account may make a maximum of 100 outgoing calls simultaneously under optimum conditions, the account should be assessed the emergency telephone service charge for 100 "subscribers or users" regardless of the number of VoIP devices connected by the account on any given day (whether 20, 200, or any other number of devices).

AMENDED POLICY NO. 40

CATASTROPHIC LOSS ASSISTANCE

On January 26, 2006, the Tennessee Emergency Communications Board ("TECB") initiated a program making an emergency communications district ("ECD") with a catastrophic loss or losses eligible for financial assistance in an amount up to \$100,000, per catastrophic event. This program was initiated to: 1) provide immediate temporary assistance to ECDs in the event of a catastrophic loss; and 2) provide assistance for costs due to a catastrophic loss in excess of ECD comprehensive insurance coverage.

ECDs without comprehensive insurance coverage are not eligible for this assistance.

Catastrophic loss is defined as a partial or complete loss of equipment or facilities which incapacitates or reduces the ability of the ECD to perform 911 functions, due to fire, earthquake, tornado, lightning, hazardous waste, acts of God, or other events deemed catastrophic by the TECB in accordance with this policy.

Items that are eligible for consideration of TECB reimbursement, if properly justified and documented, include: the purchase price for replacement of equipment or property that was damaged; the cost of clean-up and waste/trash removal; the cost of materials and labor to install or prepare replacement equipment and property for use; the cost of any insurance company mandated deductible; the cost of refurbishing the facilities to make them useful, safe, and habitable; the cost of overtime pay that might be incurred for staff for clean-up; overtime and premium overtime salary costs to maintain 911 services disrupted by the event; etc. This list is not inclusive of every cost that may be eligible.

An ECD may elect to request funds for immediate needs, or initially pay for their catastrophic loss and request reimbursement for any remaining costs after insurance settlement. The criteria for application for advance funds or reimbursement costs differ only in the type of documentation presented to TECB. All funds advanced for immediate needs must subsequently be justified and supported after insurance settlement is complete by the submission of appropriate documentation to the same extent that reimbursement funds are held accountable after the settlement.

Any overpayment from the advance must be returned to TECB. The need for a site visit by the Director of E-911 Technical Services to verify use of the funds will be determined on a case by case basis, as soon as practicable after the event.

In order to expedite assistance to ECDs during a catastrophe, the Executive Director of the TECB is authorized to release funds, subject to approval by the TECB chairman, if the following criteria have been met:

1. Release of the funds is necessary for the restoration or adequate provision of 911 service;
2. The funds shall be used only for items authorized by the 911 Revenue Standards;
3. The ECD Director or Chairperson completes a form designated "Request for Advance or Reimbursement of Catastrophic Loss." This form is available on the website; it includes certifications:
 - Of the total amount needed;
 - That if an advance payment is requested, the ECD is in immediate need of cash resources to initiate and maintain 911 services at an acceptable level of operations.
 - That the ECD had a valid insurance policy in effect at the time of the catastrophic event and subsequently filed or will file claims for reimbursement in accordance with the policy

requirements to the extent necessary to ensure full allowable reimbursement and that any cost recovery amounts received by the ECD from insurance or other agencies resulting from processed claims shall be returned to the TECB.

- That the request for cost reimbursement is correct and valid, and that the amount claimed was expended to implement, operate, maintain or enhance statewide wireless enhanced 911 service in conformance with all applicable orders and rules of the Federal Communications Commission and other federal and state requirements that pertain to wireless enhanced 911 service.

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4. Copies of vendor quotation(s) for the item(s) for which funding is sought must be provided

In order to reimburse costs in excess of insurance payments, the TECB will follow the same process and require the same documentation that is used for other equipment reimbursement programs. ECDs seeking reimbursement of costs in excess of insurance payments shall:

1. Document that the restoration is or will be to the level prior to the catastrophic loss. Enhancements or improvements are not eligible for reimbursement under this program, unless determined otherwise by the TECB.
2. Provide documentation of insurance company reimbursements. Requests for TECB reimbursement are limited to costs that were not paid by other providers. Contributions from private citizens are not considered payments by other providers.

Commencing July 1, 2012, all emergency communications districts shall obtain comprehensive insurance on equipment for which the district received reimbursement of all or part of the purchase price from the Tennessee Emergency Communications Board. It is strongly recommended that comprehensive insurance be obtained on all real or personal property, facilities and/or equipment owned by or used in the operation of the district. Districts that fail to procure insurance are ineligible to apply for further reimbursement of lost or damaged equipment from the Tennessee Emergency Communications Board.

Adopted April 19, 2007; Amended August 30, 2007; Amended March 19, 2009; Amended May 17, 2012.

POLICY NO. 41

“Consolidated with Policy No.16 September 16, 2010”

POLICY NO. 42

NOTIFICATION TO TECB OF REDUCTION IN FUNDING

EFFECTIVE September 24, 2009, Emergency Communications Districts (ECDs) participating in the \$14 Million operational funding program or any successor program such as the Recurring Operational Funding (ROF) Program shall notify the TECB within ten (10) business days of receiving notice that local governmental entities that were providing contributions to the ECD intend to reduce such contributions. ECDs are facing decreasing landline revenue and increasing costs for personnel, operations and technical improvements. The purpose of this Policy is to ensure that the revenue associated with the above mentioned funding programs is used for maintenance or enhancement of ECD operations as contemplated by Tenn. Code Ann. § 7-86-102(d) and not to supplant funding provided to the ECD by local government.

Adopted September 24, 2009.

POLICY NO. 43

COMPOSITION AND SELECTION OF BOARD OF DIRECTORS OF MULTI-JURISDICTIONAL DISTRICT CREATED PURSUANT TO TECB ORDER OF CONSOLIDATION

The board of directors of a multi-jurisdictional district created by order of consolidation of the Tennessee Emergency Communications Board ("the Board" or "TECB") pursuant to

Tennessee Code Annotated §7-86-305 shall be composed of no fewer than seven (7) and no more than twelve (12) members, unless otherwise directed by the TECB.

No less than twenty-five percent (25%) and no more than thirty-four percent (34%) of the membership of the consolidated board of directors of such district shall represent the area of the financially distressed district.

The members representing the financially distressed district shall be appointed by the county mayor or chief executive officer and confirmed by the legislative body of the area they represent. If the legislative body does not act to confirm or reject the appointment within ninety (90) days or until the conclusion of its next regularly scheduled meeting, whichever is later, the appointment shall take effect without confirmation. The members representing the financially distressed district shall be appointed for staggered terms of two (2), three (3) and four (4) years, dating from the effective date of consolidation. Thereafter, the members shall serve for a term of four (4) years.

The number and terms of the members representing the non-financially distressed district shall not change as a result of the consolidation unless agreed to otherwise by the non-financially distressed district and the TECB prior to consolidation.

Members shall serve until a successor is duly appointed and confirmed.

Adopted May 19, 2011.

AMENDED POLICY NO. 44

DEPLOYMENT OF NEXT GENERATION 911 PROJECT: ADDITIONAL TRUNK CARDS AND RELOCATION OF PSAPS

The Next Generation 911 (NG911) project to convert Tennessee's 911 infrastructure from analog to digital is being deployed in the most public safety-conscious way possible. Wireless and Voice over Internet Protocol (VoIP) service is being deployed first. This will allow the extra layer of redundancy from the wireline infrastructure to remain in place during deployment.

The TECB has provided funding for the State's 100 emergency communications districts (ECDs) to purchase NG911 capable equipment to connect to the new infrastructure (i3 Compliant Controllers). ECDs that have not purchased i3 Compliant Controllers can still connect to the NG911 infrastructure with some additional equipment.

It is recommended that ECDs that have not purchased i3 Compliant Controllers and have limited trunking capacity obtain additional trunk cards to take advantage of the extra layer of redundancy from the wireline infrastructure that is remaining in place. ECDs that have not purchased i3 Compliant Controllers and do not obtain additional trunk cards should be aware that they could be limiting or reducing the number 911 calls that their PSAP can receive, thereby not taking advantage of the extra layer of redundancy built into the deployment plan. The Tennessee Emergency Communications Board assumes no liability for districts that choose to operate without an i3 controller or sufficient trunks to take advantage of the added redundancy built into the deployment plan.

ECDs planning to relocate PSAPs shall provide the TECB with written notice no later than 60 days prior to the move. ECDs with PSAPs that are connected to the NG911 infrastructure prior to relocation shall bear the costs connecting their new locations to the NG911 Infrastructure.

Adopted May 17, 2012; Amended February 7, 2013.

POLICY NO. 45

DEPLOYMENT OF NEXT GENERATION 911 PROJECT: ECD TIMELINES

1. Timeline for Connecting to the NG911 Infrastructure Using CAMA Gateways or i3 Capable Controllers

In order to fully and efficiently deploy the NG911 project, it is necessary for each PSAP to connect to the NG911 infrastructure in a manner that will not delay deployment of the entire project. The NG911 infrastructure can be connected to via an i3 controller or a CAMA gateway into an analog controller. Connection to the NG911 infrastructure is not dependent upon the purchase of an i3 controller. Allowing both methods of connection provides PSAPs with the autonomy to deploy NG911 in a manner of their choosing without impacting the progress of the project as a whole.

The timelines for connecting to NG911 are as follows:

A. Notification to TECB of Method of Connection:

PSAPs not connected to the NG911 infrastructure must notify the TECB by April 1, 2013 whether they will be prepared to connect using an i3 controller or will connect with a CAMA gateway.

B. Connect to NG911

All PSAPs shall be ready to connect to the NG911 infrastructure by the method they choose – either i3 or CAMA gateway by July 15, 2013.

In order to encourage deployment of i3 controllers, before ECDs that have not purchased an i3 controller by the effective date of this Policy may access any of the additional \$300,000 added to the Essential and Necessary equipment program during the August 2012 the following conditions shall apply:

- a) ECDs must provide a written request to the TECB describing the proposed purchase and explaining why it should have priority over the purchase of an i3 controller.
- b) The purchase will be subject to the approval of TECB staff. Only compelling explanations related to public safety may be approved.
- c) Staff's decision shall be appealable to the TECB at an open meeting.

2. Timeline for GIS Mapping Centerlines:

To assure that the NG911 team has sufficient information to deploy Tennessee's own ALI database, each ECD, with the assistance from OIR/GIS technicians, shall have their street centerline data synchronized with their MSAG by July 15, 2013. Obtaining this data will allow the TECB to prepare for its role as ALI database provider by having a GIS dataset that matches the current MSAG, thus allowing address validation for existing phone numbers.

3. Timeline for GIS Mapping Address Points:

Address validation is required to provide true and accurate i3 call routing. Therefore, address points shall be completed to 98% accuracy by December 1, 2013.

Adopted February 7, 2013.

Policy No. 46

Assistance to Districts' Incurring Loss due to Charter Fiberlink's Change in Remittance Practices

This program is intended to provide temporary assistance to emergency communications districts ("ECDs") incurring losses of revenue due to Charter Fiberlink's ("Charter") decision to cease remitting 911 surcharges to ECDs as a "service supplier"¹ and to begin remitting surcharges as a provider of "non-wireline service"² to the Tennessee Emergency Communications Board ("Board"). This program shall be limited by the availability of the Board's resources and shall expire on June 30, 2014 unless extended by the Board.

Requirements:

1. In order to be eligible for assistance ECDs must:
 - A. Establish and certify that the level and quality of 911 services will be negatively impacted without assistance.
 - B. Substantiate the total amount of revenue received from Charter during last full twelve months of Charter remittances.
2. Eligible assistance is defined as 100 percent (100%) of the total amount of revenue received from Charter during the last full twelve months of Charter remittances to an ECD.
3. Pursuant to Tenn. Code Ann. § 7-86-303(d), the TECB shall make a one-time payment to each ECD submitting a completed request for temporary assistance for revenue loss and documentation of compliance with required components of this policy in the amount of eligible assistance.
4. This assistance is intended to make whole ECDs that have incurred losses from the change in remittances by Charter for a twelve month period. In the event an ECD receives this assistance and a local government responds by reducing its funding to the ECD, the ECD shall notify TECB of the local government's action within fourteen (14) calendar days of the reduction in funding.

Adopted October 31, 2013

¹ Tenn. Code Ann. § 7-86-103(15)

² Tenn. Code Ann. § 7-86-103(11)