

1 STATE OF TENNESSEE
2 DEPARTMENT OF COMMERCE AND INSURANCE
3 TENNESSEE EMERGENCY COMMUNICATIONS BOARD
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10 TRANSCRIPT OF THE PROCEEDINGS
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12 March 19, 2009
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22 Cannon & Stacy
23 Court Reporters
24 117 Arrowhead Drive
Hendersonville, Tennessee 37075
(615) 822-9382

25 Reported by: Amanda F. Martin

1 APPEARANCES:

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3 Board Members Present: Mr. Randy Porter, Chair
4 Mr. Ike Lowry, Vice Chair
5 Ms. Katrina Cobb, Member
6 Mr. Bob Lee, Member
7 Ms. Carolann Mason, Member
8 Mr. Freddie Rich, Member
9 Mr. Steve Smith, Member

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7 Board Members Not Present: Honorable Tom Beehan, Member
8 Mr. James Sneed, Member

8

9 Staff Members Present: Ms. Lynn Questell
10 Executive Director

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11 Mr. James Barnes
12 Accounting Manager

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13 Mr. Rex Hollaway
14 Technical Services Director

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15 Mr. Robert McLeod
16 Director of Audits

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17 Ms. Monica S. Ashford
18 Director Government and
19 External Affairs

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20 Mr. Curtis Sutton
21 Board Attorney

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22 Ms. Vanessa D. Williams
23 Assistant to Executive Director

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1 CHAIR PORTER: Good morning, everyone.
2 It's good to see everyone out this morning.

3 Call to order the March 19th meeting of
4 the Tennessee Emergency Communications Board. Good to see
5 each and every one of you here this morning.

6 We have a new board member with us this
7 morning. As you-all will remember, Charles retired to go on
8 to bigger and better things in Sumner County, I think, and we
9 have Mr. Bobby Lee, who has been appointed as the new rep from
10 the Comptroller's Office to the state board.

11 And, Bobby, we welcome you and look
12 forward to working with you in the future.

13 MEMBER LEE: Thank you.

14 CHAIR PORTER: Let the record show that --
15 let's see. Mr. Beehan -- is he the only one we have absent?

16 MS. QUESTELL: Yes.

17 CHAIR PORTER: And Mr. Sneed.

18 So show both of those absent and all the
19 other members present.

20 Don't have a very long agenda today. This
21 should be a short meeting.

22 One thing I would remind all the board
23 members, especially -- to make sure that you talk into your
24 mics, especially this morning because we're using a new
25 company for the streaming video and audio. We now have video

1 of the meeting also.

2 So, Steve, you've got a hair out of place.

3 (Laughter)

4 MEMBER SMITH: Mr. Chairman, I'm glad just
5 to have some left.

6 CHAIR PORTER: Also, the mics have had to
7 be cut down some so that we don't get a feedback into the
8 audio that's going across the Internet. So everyone try to
9 remember that.

10 The first item on the agenda this morning,
11 as always, is our executive director's report.

12 Lynn?

13 MS. QUESTELL: Thank you, Mr. Chairman.

14 First, before I get started, I would
15 like to introduce all of you to our new general counsel,
16 Curtis Sutton. We are just delighted that he has joined us.
17 And if you have questions, please don't hesitate to give him a
18 call. And we're not hesitating either.

19 So we appreciate you being here.

20 MR. SUTTON: Thank you.

21 MS. QUESTELL: I'd like to first report on
22 the status of wireless carrier and VoIP deployment.

23 T-Mobile is currently completing testing
24 on new towers in Morgan and Union Counties. And they'll be
25 Phase II ready by the end of March, reportedly.

1 Lawrence County went Phase II for its new
2 T-Mobile towers, on March 11, which keeps them on schedule
3 with what they reported they would do at the November 2008
4 board meeting.

5 We've also learned that new towers have
6 been completed in Polk County. And they'll be Phase II by the
7 end of March.

8 I next like to report on misroute or call
9 anomaly issues.

10 There have been several instances of
11 misrouted calls from Cricket subscribers in Maury, Rutherford,
12 Montgomery, and Davidson Counties over the past few months.
13 After numerous exchanges with PSAP and district personnel, as
14 well as Cricket engineers, the problem was determined to be
15 with the routing data translations in the mobile switching
16 center. Changes were made with specific tower routings.

17 And the PSAP personnel will let us know
18 about any new incidents so we can assure that the problems
19 have been corrected.

20 And the person to let know, it would be
21 Rex Hollaway. If you have any of those issues, please report
22 them to him so that we can follow up on it to make sure that
23 the errors have been corrected and stay corrected.

24 As I'm sure you-all know, on January 27th
25 there was a major ice storm that hit a large area of

1 Central United States, including Tennessee and Western
2 Kentucky. And that raised issues for our director of E-911
3 Technical Services, Rex Hollaway, as well.

4 He was notified by TEMA that Lake County's
5 PSAP had experienced a complete failure. And he immediately
6 contacted the PSAP, using their 10-digit telephone number, to
7 make sure that they knew how to -- they were prepared to make
8 backup arrangements.

9 And, apparently, what happened was there
10 was a glitch that created a power surge that defeated their
11 generator's flow of power to critical systems after the local
12 commercial power was lost and we were not able to get through
13 to their chairman, but the local TEMA representative relayed
14 our offer of support and the PSAP was back online in about six
15 hours.

16 After receiving reports of concerns that
17 corporate changes at AT&T had resulted in less responsive
18 error correction, Staff held several meetings with AT&T
19 representatives to discuss these problems and to understand
20 better what their new procedures were. And we had several
21 meetings. They've brought in various management
22 representatives and discussed their new, more streamline
23 solutions to PSAP concerns.

24 And the Office of Information Resources,
25 out of the Department of Finance and Administration,

1 participated in these meetings since they have a major
2 contract with AT&T.

3 So by now each ECD who's served by AT&T
4 should have received new instructions for initial notification
5 of repair issues, as well as their escalation plan. And if
6 you have not received this, please let Rex know. He's
7 currently updating the PSAP Contingency Plan template to
8 incorporate these revised repair contact procedures. And that
9 will be coming out shortly.

10 I'd like to turn to Emergency
11 Communications District management issues. In preparation
12 for the implementation of the Board's NG-911 project,
13 Kimball & Associates, our technical consultants -- under the
14 direction of Rex -- began site visits to 160 PSAPs starting on
15 January 12th. And the purpose of this survey is basically to
16 determine which upgrades need to be done at each site so that
17 they can be deployed to Next Generation 911. And we expect
18 that this phase of the project will be complete around the
19 end of April.

20 The director of E-911 Technical Services,
21 Rex Hollaway, has visited 31 districts since our last meeting
22 in November. Some of those visits were to new PSAPs or the
23 PSAPs under construction. Those include Loudon, Morgan,
24 Decatur, Putnam, and Lewis Counties Emergency Communications
25 Districts.

1 Crockett, Coffee, Moore, Robertson, and
2 Haywood are in the planning stages for new PSAPs that are
3 either going to be standalone buildings or part of new
4 Criminal Justice Centers.

5 Another thing. ATX is a new service.
6 It's similar to OnStar. And it's been introduced for
7 high-end vehicles like Mercedes-Benz, BMW, LEXUS, and others.
8 And Intrado is coordinating the 911 portion of this service.

9 On March 6th, staff forwarded the
10 information on their service that was put out by Intrado to
11 all of the districts. And while acceptance of this program is
12 recommended, each district has the option to receive these
13 calls either over their 911 trunks or their 10-digit lines.

14 I wanted to give thanks and commendations
15 to districts that provided assistance during the recent ice
16 storms.

17 In Williamson County, the Williamson
18 County ECD director, Bill Jorgenson, went to Kentucky after
19 the ice storm to help.

20 And although Dyer County was directly
21 affected by the storm, all their mission critical PSAP systems
22 remained in service and they actually sent support staff and
23 their mobile unit to Fulton County, Kentucky, which -- at the
24 time that the Kentucky Emergency Management Agency requested
25 their assistance, they had no electricity, no water or sewer,

1 no telephone, and was having major communication problems with
2 public safety.

3 The Dyer County ECD group re-established
4 phone and Internet service with the EOC and assisted the local
5 police department in bringing their 911 center back online.

6 And I have to say, after this ice storm
7 hit Obion County, Sherri Hanna -- the director there --
8 actually lived at the PSAP for four days just trying to make
9 sure that everything was going right.

10 I'd like to also issue congratulations to
11 Crockett County ECD. The ECD director, Brian Black, nominated
12 the assistant chief of the Alamo Police Department for the
13 E-911 Institute's First Responder Award.

14 If you'll remember, the E-911 Institute
15 serves the E-911 Caucus in the U.S. Congress. And several
16 years ago our Board actually won -- received an award as the
17 best state or regional program from them. And the assistant
18 chief of the Alamo Police Department, Kevin Sugg, received
19 their First Responder Award this year.

20 And what happened was that he was off
21 duty. He was getting ready to go Christmas shopping. He was
22 driving down the road, saw some fire -- or smoke behind this
23 daycare center, and he called 911, rushed over and kicked in
24 the door, and made two trips in to bring three children out.
25 And they were all children under three. And this is even more

1 heroic when you know that Kevin has really bad asthma and it
2 was challenging to him.

3 But they will leave next week -- Brian
4 and Kevin will leave next week for Washington to receive
5 this award.

6 And I also want to thank Robertson County
7 Emergency Communications District for their kind hospitality.
8 I attended one of their board meetings earlier this week.

9 I want to report on the status of
10 the \$150,000 Essential Equipment Reimbursement.

11 As of March 3, 2009, 88 districts have
12 either been paid or are in the process of being reimbursed for
13 requests totaling \$10,794,000 under this Essential Equipment
14 Program.

15 Forty-two districts have requested the
16 maximum amount of 150,000, and ten more have less than 10,000
17 remaining of their allocation.

18 Twelve districts have not initiated any
19 kind of request for the funding.

20 We put some documents out at the front to
21 kind of just -- as just an FYI to let you-all know what your
22 district status was, as far as how much funding you may have
23 available to you. And that's just out in the vestibule.

24 Right?

25 MS. WILLIAMS: Uh-huh. Uh-huh.

1 MS. QUESTELL: So that's just an FYI for
2 you-all to know where you are on that.

3 The status of the GIS Mapping Maintenance
4 grant. As of March 2009 there are 12 districts who are not
5 participating in the GIS Mapping Maintenance grant program.
6 And we would encourage you to participate, if you choose to
7 do that.

8 The status of the Dispatcher Training
9 Reimbursement Funding.

10 Sixty-one districts have submitted
11 applications for participation in this program, for a total of
12 1,716,000 cost. And several more have communicated they're in
13 the process of completing this application. We are in the
14 process of kind of starting up the reimbursement.

15 If you have more expenditures than
16 you have allocated funds, please go ahead and send those
17 in. Because we will distribute as much of this fund as
18 left over in case -- I mean, not everyone has requested it.
19 So if there's funds left over after May 31st, we will
20 distribute that money to the people that have asked for
21 more.

22 So I encourage you if you have more
23 expenses to let us know about them.

24 The status of the AT&T Inter-tandem
25 Transfer Project. The Board had encouraged staff to

1 try to negotiate a contract with AT&T to facilitate
2 Inter-tandem transfer. I think we're finally closing in
3 on this.

4 The AT&T attorney is currently seeking
5 permission to take some language out that they -- that we
6 found unacceptable in the contract. And if we can't get
7 this contract finalized in the next couple of weeks, we
8 will have to bring this back to the Board. Because I'm not
9 sure that it's a good idea to continue trying to do this.
10 But, hopefully, we will finish this off and get it done.

11 The status of the 911 Reserve Fund.
12 I will talk about that in the context of proposed bills.

13 Federal legislation impacting 911. FCC
14 has started a rulemaking on the New and Emerging Technologies
15 911 Improvement Act. And I think there's going to be various
16 federal grants that may be available to us, especially for our
17 NG project. And Curtis is monitoring that very closely.

18 The ENHANCE 911 Act is up for
19 reauthorization. When it was passed, its whole focus
20 was Phase II. So that really didn't help Tennessee very
21 much because we were already fully Phase II. We were the
22 third state in the country to be fully Phase II ready.

23 But they're going to -- the National
24 Emergency Number Agency is going to make an effort to
25 interject some language in here that will hopefully provide

1 funding for Next Gen projects. So we're keeping an eye on
2 that. We certainly are supportive of doing that. We'd like
3 to get some federal funds for the Next Generation project.

4 As far as TEMA activity, we continue to
5 work closely with TEMA.

6 Rex Hollaway -- our director of E-911
7 Technical Services -- participated in a partial activation
8 of the state EOC, on January 27th, following the ice storm
9 in West Tennessee. And he will participate in an
10 interoperability workshop, in Chattanooga, on March 30th and
11 31st, and has actually been asked to serve on a work committee
12 on this subject for EMAT. Which is -- what does EMAT stand
13 for?

14 MEMBER BARNES: Emergency Medical
15 Association of Tennessee.

16 MS. QUESTELL: So that's like TEMA, right?

17 MEMBER BARNES: Right.

18 MS. QUESTELL: Okay. It's like the TEMA
19 equivalent for -- for TEMA.

20 Okay. Thank you.

21 We would like to move on to action items.

22 Okay. The first action item -- it's kind
23 of a report and a request -- consider authorizing purchase of
24 backup routers for standalone districts.

25 Over the winter a number of routers

1 used to facilitate ALI delivery to the standalone PSAPs in
2 19 districts began to malfunction. And for those of you that
3 may not be familiar with the standalone PSAP, I want to
4 explain what I mean by that.

5 There are 19 districts in our state that
6 are not served by incumbent carriers -- the big carriers like
7 AT&T or Embarq. In the AT&T and Embarq served counties,
8 wireless and VoIP calls are delivered to PSAPs, and ALI data
9 is retrieved over the same infrastructure as wireline calls.
10 But in a standalone district there are no selective routers
11 operated by the incumbent carriers.

12 So the Board absorbs the costs of the
13 routers and network infrastructure in the districts that
14 are not served by AT&T and Embarq so that wireless and VoIP
15 calls can be delivered and ALI data retrieved. Because,
16 otherwise -- well, let me continue.

17 This is a cost effective setup. It keeps
18 the overall cost of wireless and VoIP call delivery down by
19 having wireless and VoIP carriers in the standalone district
20 connect to one selected router at Frontier, rather than paying
21 for similar service at -- for 20 -- over 20 independent
22 telecommunication companies.

23 Because this selective routing
24 infrastructure is strictly for wireless, the district pays --
25 I mean, the Board pays a monthly cost of about 22,000 to AT&T

1 and Embarq for interconnection to multiple wireless carriers
2 and the associated selective routing process on behalf of the
3 AT&T and Embarq served counties.

4 Does that make sense?

5 No? Tell me.

6 Can you explain?

7 CHAIR PORTER: Basically, the standalones
8 are -- we had to -- we requested from AT&T and Embarq, back
9 years ago, to allow us to use their selective routers. That
10 could never be worked out. So Frontier Communications --
11 that is in several of those counties -- agreed to put in a
12 selective router to operate those 19 counties.

13 So, basically, what the Board does is it
14 pays Intrado and Frontier for the cost of operating that
15 tandem that's being put on those 19 counties. Those Cisco
16 routers that brings the data from Intrado back to the
17 standalones, those are about eight or nine years old now and
18 are starting to fail.

19 And the problems we've had with this is --
20 at least three of the districts I know of -- we don't have any
21 backups. So when that router fails, one has to be shipped
22 from Intrado.

23 And you're talking about if it fails on a
24 Friday night -- Clay County's went out on a Friday night, and
25 they got it back up on Tuesday afternoon.

1 So during that period of time, they had no
2 wireless data on any of their 911 calls that came in. So they
3 couldn't do any Phase II, which is -- to me -- detrimental to
4 the citizens of that county.

5 And for the small cost it would be to
6 replace these routers -- which we're in the process of
7 doing -- we think it would be just as good to have a backup
8 router in each one of those counties. So, then, if the router
9 fails, it would be just unplug one and plug the other one up
10 so they won't lose the wireless call data.

11 And that is what I think we're asking the
12 Board to do today.

13 MS. QUESTELL: That is.

14 I was trying to give some background how
15 this actually came to be that there was a standalone district,
16 and I didn't do a very good job.

17 CHAIR PORTER: That's okay.

18 It happened a long time ago. And it was
19 just -- it's kind of the only way, really, to do it. And that
20 was the only option we had doing it, unless we spent a ton of
21 money trying to do it with every little telephone co-op that
22 covers these counties.

23 So the equipment is kind of outdated now.
24 We're just asking to replace the routers to keep them up.

25 MS. QUESTELL: So what actually happened

1 is after the failure in Clay County, Randy and Rex and I got
2 on the phone with some of the Intrado people, and we had a
3 discussion and decided that because this was basically just a
4 maintenance issue, that we would go ahead and authorize that
5 the routers be replaced. Because them being subject to just
6 breaking down like that -- it was happening enough that it
7 really became a public safety issue.

8 So we're basically reporting to you that
9 we made the decision to go ahead and replace these routers.
10 And Rex and Randy -- but mainly Rex -- is actually saving the
11 Board a lot of money by actually going and installing them for
12 each one of these 19 ECDs.

13 CHAIR PORTER: What a guy, Rex.

14 MS. QUESTELL: But what we want to ask
15 the Board to do is to allow us to actually purchase backup
16 routers. We've got the replacement routers. They'll be in
17 place. But routers are subject to go out. And rather than
18 having to send off and wait for a weekend or something for
19 another router, to have a router in house for them. If their
20 router goes down, just simply plug it in and replace it.

21 We would ask the Board to please authorize
22 us to go ahead and make that purchase, too. And if we
23 can, we'll just get it all going at once: get the new
24 routers installed, and get the replacement routers on site,
25 as well. With the Board's permission.

1 CHAIR PORTER: That's our first action
2 item. You've heard the request from Staff. What's the will
3 of the Board?

4 MEMBER LOWRY: So move.

5 CHAIR PORTER: We have a motion by
6 Mr. Lowry.

7 Do I have a second?

8 MEMBER COBB: Second.

9 CHAIR PORTER: Second by Ms. Cobb that we
10 purchase the additional backup routers for the 20 standalones.

11 MS. QUESTELL: I would like --

12 CHAIR PORTER: Discussion?

13 MS. QUESTELL: Yes.

14 CHAIR PORTER: Go ahead.

15 MS. QUESTELL: I left out that the initial
16 cost for the first phase of just purchasing the routers was
17 \$21,000. And that's assuming, again, that Rex or Randy will
18 do the actual installation work. And this will save the Board
19 approximately \$19,000 for their efforts.

20 So the routers are what? 2,000 a piece.

21 MEMBER MASON: 1,000.

22 CHAIR PORTER: 1,000 a piece.

23 MR. HOLLAWAY: I think what we're
24 saying is -- one of the things we're trying to stress is
25 that we've always -- the Board has always tried to fund or

1 reimburse for all of the costs associated with wireless.
2 And so, the 22,000 that's being paid to AT&T and Embarq is
3 certainly the cost to deliver wireless calls and provide for
4 ALI retrieval over an infrastructure that AT&T and Embarq
5 provide.

6 In the 19 counties there is no
7 infrastructure -- or was no infrastructure. So we -- the
8 Board is already paying for Frontier to deliver those costs;
9 pay Intrado to process the addresses, once they get them to
10 the wireless carriers; and then, also, to pay for the extra
11 circuit that's required. Because they can't send those calls
12 over the existing wireline 911 lines that the district is
13 already paying for.

14 So it would have been an unreasonable
15 burden for them to have that added on when the AT&T and Embarq
16 counties didn't -- weren't also required to have a separate
17 infrastructure.

18 So it kind of equals itself out at the end
19 of the day, just as far as what the AT&T counties and Embarq
20 counties get versus the standalone counties. It's pretty
21 even.

22 CHAIR PORTER: Other discussion or
23 questions?

24 (Pause)

25 CHAIR PORTER: Hearing none, all in favor

1 say "aye."

2 THE BOARD: Aye.

3 CHAIR PORTER: All opposed, like sign?

4 (Pause)

5 CHAIR PORTER: Motion carried.

6 Next item, Lynn.

7 MS. QUESTELL: The next item on the agenda
8 is the discussion of the legislation affecting 911 here in
9 Tennessee.

10 CHAIR PORTER: Is that all of your
11 executive report?

12 MS. QUESTELL: Yes.

13 CHAIR PORTER: Did anybody have any
14 question of Lynn on anything she went over with her executive
15 report?

16 MEMBER RICH: Lynn, can you tell us --
17 it's not in the agenda -- any more about the situation with
18 Charter that you updated us yesterday at the meeting? Is
19 there anything else on the situation?

20 MS. QUESTELL: Well, we've added Giles
21 County to the complaint. And I have a call scheduled this
22 afternoon with General Counsel of the Tennessee Regulatory
23 Authority to follow up on this.

24 But we filed the complaint last week,
25 and we're just going to -- actually, this is the first time

1 that the Tennessee Regulatory Authority has really kind of
2 encouraged us to move ahead with this kind of a thing where
3 it's dealing with a landline issue. So I was really delighted
4 at their willingness to cooperate with us.

5 And they have agreed to kind of try to
6 expedite it. Though, I don't know how much they'll be able to
7 do that.

8 We all know that Charter has announced
9 that they are intending to file bankruptcy on April 1st. I'm
10 assuming it will be a Chapter 11. So they'll continue to
11 operate.

12 We've done some research on how that
13 might affect our claim, but, no matter what, it's up to the
14 past damages. What we've got to do is make sure that going
15 forward that they are remitting properly. And we will pursue
16 that.

17 MEMBER RICH: Okay.

18 CHAIR PORTER: Any other questions on the
19 executive director's update?

20 (Pause)

21 CHAIR PORTER: Okay. All right. Now
22 we'll move on to the next item on the agenda.

23 We've got a -- this is the first time the
24 TCB has had a chance to meet since there have been several
25 bills introduced to the legislature. And I know from a lot of

1 e-mails and hearing a lot of comments, I think there's some
2 folks that thought that we had -- were opposing or supporting
3 different bills here or there. And that's just not true.

4 Until the Board officially meets and
5 votes, the TCB doesn't support, deny, neutral, or anything on
6 the bills until it actually is in session to do that.

7 We have about -- one, two, three, four,
8 five, six -- about seven bills, I think, that have been --
9 that are pending in the legislature.

10 What normal procedure is, is for us to
11 discuss each one of those bills and for the Board to decide if
12 it wants to support the bill, if it wants to remain neutral on
13 the bill, or failure to support the bill.

14 And I think maybe with some of the changes
15 and so forth that have happened in the last 24 hours on some
16 of these bills, it may be the best thing for us to do is to go
17 over each bill separately and then the Board decide what it
18 needs to do. If it wants to vote either on any of those or
19 not. And we can discuss them and go from there, if that's
20 okay with everybody.

21 Okay. Lynn, do you want to take them one
22 by one and let's go through them?

23 MS. QUESTELL: I'd be delighted to.

24 The first bill was filed by
25 Representative Fraley, who is out of Winchester --

1 he represents Franklin, Moore, and part of Lincoln Counties --
2 and Senator Tracy, who represents Bedford, Moore, and part of
3 Rutherford County.

4 And what the bill would do, would be
5 prohibit the transfer of the 911 funds for the purpose of
6 balancing expenditures and revenues to close the fiscal year
7 ending June 30th, 2009.

8 And what I would say about this is that
9 there is a federal law -- the NET 911 Improvement Act -- that
10 would prohibit the State from using the 911 funds for anything
11 other than what the state statute on 911 funding says. The
12 State had interpreted that federal statute to not apply to the
13 interest on the 911 fund. And the State -- as I'm sure
14 you-all know -- took \$10 million out of the interest.

15 I really just commend the thought behind
16 this, but I'm not totally sure that it would do anything other
17 than what the NET 911 Improvement Act and the federal law
18 already does.

19 CHAIR PORTER: Does Staff have a
20 recommendation on that bill?

21 MS. QUESTELL: Well, I don't see how the
22 Board could not support anything that would try to keep the
23 911 fund for 911. I mean, whether it does that or not,
24 I think you have to -- for me, I think that it is admirable
25 and worth supporting.

1 CHAIR PORTER: So you've heard the report
2 on Senate Bill 610, House Bill 85. What's the will of the
3 Board?

4 MEMBER RICH: Move to support this bill,
5 Mr. Chairman.

6 CHAIR PORTER: I have a motion by
7 Mr. Rich.

8 Do I have a second?

9 MEMBER MASON: Second.

10 CHAIR PORTER: Second by Ms. Mason that we
11 support Senate Bill 610 and House Bill 85.

12 Any discussion?

13 (Pause)

14 CHAIR PORTER: Hearing none, all in favor
15 say "aye."

16 THE BOARD: Aye.

17 CHAIR PORTER: All opposed, like sign?

18 (Pause)

19 CHAIR PORTER: Motion carries.

20 Next bill, Lynn.

21 MS. QUESTELL: The next bill is
22 Senate Bill 42 and House Bill 111, which was filed by
23 Representative Bell, who represents McMinn and part of
24 Monroe Counties, Tellico Plains, Rural Vale, and Coker
25 Creek; and Senator Bunch, who represents Bradley, McMinn,

1 Meigs, and Polk Counties.

2 This one is a little bit more
3 sophisticated. I spoke with Representative Bell, in December,
4 and explained to him what had happened with the -- as part of
5 our conversation explained about the interest being taken.
6 And as a response to that -- because he is a big supporter of
7 911 -- he filed this bill, which would prohibit use of the
8 911 emergency fund or the interest from being used to fund the
9 general expenses of the state at any time during the fund's
10 existence.

11 I think that this is a great attempt.
12 And I know that both Senator Bunch and Representative Bell
13 are big supporters of 911 and I think that it's well
14 worth supporting.

15 I would add, kind of as a caveat to
16 that -- just as a practical matter -- the budget is always
17 the last bill that is filed. And what happened last year,
18 when the budget was filed, was there was an amendment that
19 says notwithstanding any other law, the State can take money
20 from reserves. And that basically works so that whatever is
21 the last bill filed, if you start it off with "notwithstanding
22 any other law," you can override what's been done before.

23 CHAIR PORTER: Right.

24 MS. QUESTELL: I don't read anything in
25 the present language of this proposed legislation that would

1 prevent that from happening.

2 On the other hand, I do, again, think that
3 this is an admirable intent. And I would urge the Board to
4 support it.

5 CHAIR PORTER: You've heard the
6 Staff's report on Senate Bill 42/House Bill 111 and her
7 recommendation to support. What's the will of the Board?

8 MEMBER COBB: I move to support.

9 CHAIR PORTER: I have a motion by
10 Ms. Cobb.

11 Do I have a second?

12 MEMBER SMITH: Second, Mr. Chairman.

13 CHAIR PORTER: Second by Mr. Smith.
14 Discussion?

15 I guess one question is, is there language
16 that could be added to the bill that would prevent that budget
17 bill from overriding it?

18 MS. QUESTELL: I personally am not aware
19 of any. Monica is our expert on legislative matters.

20 MS. ASHFORD: I just want to clarify. The
21 budget is the last bill passed. Literally, the same file she
22 would pass. And I don't know of any language that could be
23 added, if it's the last bill passed -- that's passed and it
24 has language that states notwithstanding any law to the
25 contrary. And, you know, that is done purposely.

1 CHAIR PORTER: Okay. So let's make
2 sure everybody understands -- especially everybody in the
3 audience -- that even if this bill passes and becomes law,
4 next year or the end of this year if the State decides they
5 want to raid that reserve fund, if they put this same language
6 in the budget bill, it would override this even though it was
7 law.

8 Is that correct?

9 MS. ASHFORD: That is correct. Unless in
10 the meantime -- and I don't see this happening -- to get some
11 clarification on the federal law as to whether the interest
12 is --

13 CHAIR PORTER: That they might add whether
14 the interest be protected on the federal end too.

15 MS. ASHFORD: But absent that -- yeah,
16 that's correct.

17 MS. QUESTELL: I was told by the Attorney
18 General's Office this week that they are working on a written
19 AG opinion about the interest.

20 CHAIR PORTER: We don't know good or bad?

21 MS. QUESTELL: Well, they're the ones that
22 authorize the interest to be taken. The State wouldn't have
23 done it without their permission.

24 CHAIR PORTER: Okay. Any other
25 discussion?

1 (Pause)

2 CHAIR PORTER: Hearing none, all in favor
3 say "aye."

4 THE BOARD: Aye.

5 CHAIR PORTER: All opposed, like sign?

6 (Pause)

7 CHAIR PORTER: Motion carried.

8 Next bill, Lynn.

9 MS. QUESTELL: There are two bills
10 related to 911 funding.

11 The first is House Bill 204/Senate
12 Bill 208, which is sponsored by Representative Matheny, who
13 represents Coffee and Warren County. And the senate sponsor
14 is Eric Stewart, who represents Franklin, Bledsoe, Coffee,
15 Grundy, Sequatchie, Van Buren, and Warren Counties.

16 And the proposed bill, as written, would
17 increase the non-wireline 911 fee to \$1.50 and increase the
18 mandatory percentage of revenue that the Board must disburse
19 to the districts to 65 percent, with an additional 5 percent
20 distributed to the 50 least populous districts maximizing the
21 share of the least populous.

22 My concern about this bill -- and I have
23 expressed it in other venues -- is that it would cut into the
24 Board's budget by about \$15 and a half million. The Board
25 would have to reduce its expenditures in its current budget to

1 implement this bill. So there's a fiscal note on it.

2 The bill -- we talked to the bill's
3 sponsors on more than one occasion. And the bill is
4 aimed to provide more local control of funding, which could
5 be of concern as the Board is trying to implement the
6 Next Generation project. Because the potential is, of
7 course, for the Board to make a decision about something that
8 needs to be implemented in a specific time. And how the Board
9 has done that in the past is the Board makes a decision and
10 gives districts funding to implement that decision and sets a
11 deadline. And that's why we have such a good award-winning
12 911 system.

13 The potential here is that if the Board is
14 not in the position where it can provide funding for the
15 districts for specific equipment and stuff, then it becomes --
16 whether to purchase specific equipment becomes a decision
17 that has to be made in each of 100 emergency communications
18 districts. And they're going to have to weigh their
19 priorities. And that could cause some problems, if you're
20 trying to implement a statewide uniform IP system. There's
21 certain equipment that will have to be done in a uniform
22 way -- put in in a uniform way.

23 So that is a concern with that bill.

24 Yesterday we met with Senator Matheny and
25 some of his --

1 CHAIR PORTER: Representative Matheny.

2 MS. QUESTELL: Oh, I'm so sorry.

3 Representative Matheny and some of his constituents -- and I
4 think he also announced at TENA that he intended to amend this
5 bill.

6 During the meeting that we had, some of
7 the participates -- there were members, representatives, and
8 senators also involved in this meeting. And it was said that
9 at least one member of the state subcommittee simply could not
10 support any kind of a rate increase for anything.

11 And after that was said, Representative
12 Matheny proposed -- correct me if I'm wrong, please --
13 proposed that what he would like to do to assure more local
14 control would be to turn the Board's 14 Million Operational
15 Funding program into a statutory requirement.

16 And he also stated that he would like to
17 have a legislative committee to study 911 funding.

18 And at no time during that meeting did
19 I -- or would I -- ever agree to any of those items. I simply
20 said that anything -- any decision about any of that sort of
21 thing would have to be done by the Board.

22 But I had a big speech written out for
23 this, but I'm just going to talk.

24 I think that this matter really, really
25 does deserve some study. We were lucky enough to have a

1 meeting in Senator Bunch's office with some representatives
2 from Bradley County -- Joe Wilson, Joe Davis, and
3 Danny Lawson. And we all kind of, I think, at the close
4 of the meeting really came together and agreed that 911
5 deserved to have a really good hard look at the funding issue.

6 And right after we had that meeting, as an
7 expression of how seriously we took that need, we scheduled a
8 hearing in Sevierville, on April 23rd, to just kind of kickoff
9 the idea of really taking the temperature of 911 and the
10 financial situation.

11 There's been a lot of discussion about
12 the financial condition of 911. And we all know that the
13 landlines are going down and that that is an issue.

14 And, you know, we're looking at the audit
15 reports that you-all send in. And we're looking at -- which
16 are dated. I mean, they're a year old. Things could have
17 happened that we don't know about.

18 And we're looking at, you know, the fact
19 that there's only two districts that are financially
20 distressed, which is lower than any other time in the Board's
21 history.

22 And, you know, we sent out this e-mail in
23 December asking for districts, if you are financially at risk,
24 to please let us know so that we could provide assistance.
25 And not one district let us know.

1 So we're -- clearly there are other
2 opinions about the financial situation. And it really
3 deserves study. I mean, we admittedly don't have the most
4 recent information.

5 And, also, we want your opinions. We want
6 to know what you think.

7 And so having these hearings will give us
8 an opportunity to really take the temperature of where you are
9 financially, what you want.

10 And we've got the first one scheduled for
11 April 23rd. We'll have one in Middle Tennessee -- if the
12 Board does not object -- one in Middle Tennessee, and then
13 one in West Tennessee. And if there needs to be more, we'll
14 do that, too. But we'll try to make -- get some really
15 comprehensive statewide information.

16 And if the Board does not object, we would
17 like the Policy Advisory Committee to then take a look at all
18 of this information.

19 The Policy Advisory Committee has got
20 representatives from 911 districts -- big and little,
21 rural and cities -- all across the state. And it's also got
22 representatives from the County Commissioners Association,
23 TML, the Fire Chief's Association, Police Chief's Association,
24 Sheriff's Association, and EMS.

25 And this -- I mean, these are the people

1 that brought you the Dispatcher Training Funding Program.
2 These are really smart people. And we would like to have an
3 opportunity to kind of build a record.

4 If the rates need to be increased, having
5 a record to support it will be really important. I mean, I'll
6 fight, but I've got to have some evidence. And this would
7 actually provide evidence.

8 But just as importantly, I think it's
9 important for us to know what the districts are thinking, what
10 their opinions are about certain really important topics. And
11 this will be an opportunity for everybody to come and to
12 provide information -- up-to-date information about this.

13 And I know that Representative Matheny
14 talked about a legislative study. And I -- you know,
15 that's -- I think the information that we get from these
16 hearings might be useful in that to really make sure that we
17 have a comprehensive study that really reflects what you are
18 thinking and what you want.

19 How could that be a bad thing?

20 So I guess as written, because it would
21 put the Board in the hole, I would recommend that the Board
22 oppose the bill as written.

23 But I don't see how the Board can weigh
24 in on what Representative Matheny proposed to do yesterday
25 because it's not in writing. All we know is what -- I mean,

1 the devil is in the details. We all know that.

2 So I would -- I don't see how the Board
3 can even weigh in on something that it really hasn't even seen
4 in writing. But the bill that is presently in existence, I
5 think could really cause serious problems to the Board's
6 operations, especially to the Next Gen project.

7 CHAIR PORTER: You've heard the report on
8 Senate Bill 208 and House Bill 204. What's the will of the
9 Board?

10 MEMBER LOWRY: I move we take no action
11 and wait to see what happens.

12 CHAIR PORTER: I have a motion by
13 Mr. Lowry.

14 Do I have a second?

15 MEMBER COBB: I'll second.

16 CHAIR PORTER: Motion, and second by
17 Ms. Cobb that we defer any action on these two bills until we
18 see what the final version of those bills are.

19 Is there any discussion?

20 MEMBER LEE: Well, my only concern on that
21 is the timing aspect of when the Board may get back together
22 and the movement of the legislation at the Legislative Plaza.
23 I think staff needs some kind of direction to go.

24 I know I'm new on this board. But it's my
25 understanding this takes the authority out of the control of

1 the Board on setting that fee, and also takes the control out
2 of this Board on administering that fund somewhat. If we do
3 have the New Generation, it's my understanding, coming on,
4 that that fund needs to support.

5 So I understand not taking action on not
6 knowing how Representative Matheny's proposed amendment is
7 going to be, but I think the staff needs some direction on the
8 bill as currently drafted -- that is currently drafted. The
9 Board should take a position on it as currently drafted, but
10 take no action on the proposed talked-about amendment on the
11 study.

12 Like I said, I'm new.

13 CHAIR PORTER: The only thought we had,
14 Bobby, was -- is that, in my thinking, we would have an
15 emergency conference call once the bill is amended to decide
16 if we want to support it or not.

17 But I agree with you.

18 I mean, we can take action on the current
19 version and then wait to see what the other one does. Or we
20 could have the emergency conference call, if we needed to,
21 just to decide on that one issue -- that one bill.

22 MEMBER LEE: I was unaware of the
23 possibility of a conference call or something. At least --
24 you know, the Staff is going to need some kind of direction.
25 I think that would be adequate to give them direction of

1 the Board.

2 CHAIR PORTER: Other discussion?

3 (Pause)

4 MS. QUESTELL: I would really like to say
5 something, if that's okay?

6 CHAIR PORTER: Okay.

7 MS. QUESTELL: The bill -- as it is
8 currently written -- could very much damage the operation of
9 the Board. Now, we know that Representative Matheny has said
10 that he's going to amend it, but what's before the Board now
11 is what is currently proposed.

12 And I think that it would be helpful to
13 staff -- I mean, right now we're in a position where we have a
14 bill that could very much change the operation of the Board
15 and the Board's voted-on plans. And -- I mean, right now all
16 Staff can do -- and if you want us to continue doing that,
17 that is what we will do -- is we will say we do not take a
18 position on this, but the bill does raise concerns.

19 And that's all we have done. And if
20 that's what you want us to continue to do, then that's what we
21 will continue to do.

22 MEMBER LOWRY: I'll withdrawal my motion
23 for a better one.

24 CHAIR PORTER: Second the withdrawal?

25 MEMBER COBB: Yes.

1 CHAIR PORTER: Okay. Somebody else want
2 to try another one?

3 MEMBER COBB: I would move that we oppose
4 the bill as written.

5 CHAIR PORTER: Have a motion.
6 Do I have a second?

7 MEMBER MASON: Second.

8 CHAIR PORTER: Have a motion by Ms. Cobb
9 and a second by Ms. Mason that we oppose Senate Bill 208 and
10 House Bill 204 in its current form.

11 Is that right?

12 MEMBER COBB: Correct.

13 CHAIR PORTER: Discussion?

14 (Pause)

15 CHAIR PORTER: Hearing none, all in favor
16 say "aye."

17 THE BOARD: Aye.

18 CHAIR PORTER: All opposed, like sign?

19 (Pause)

20 CHAIR PORTER: Motion carried.

21 We're still open -- if that bill gets
22 amended -- to come back and make a change if we need to.

23 Okay. Next one, Lynn, is what? Senate
24 Bill 170?

25 MS. QUESTELL: No. The next one is

1 House Bill 424 and Senate Bill 200, which is sponsored by
2 Senator Bunch, who represents Bradley, McMinn, Meigs, and
3 Polk County; and Representative Bell, who represents McMinn
4 and part of Monroe Counties.

5 And what this bill would do, it does not
6 raise the 911 fee, but it would change the percentage of
7 distribution out to the districts. It would increase the
8 amount of 911 funds. The Board would be required by law to
9 send out to the districts to 50 percent, and it would include
10 an additional 28 percent to be distributed to the financially
11 distressed districts.

12 There are two financially distressed
13 districts currently. So that would distribute approximately
14 14 million to be split between the two districts.

15 Senator Bunch has been very forthright
16 in trying to sponsor a dialogue between Staff and his
17 constituents. And he actually indicated to us that this
18 was really more of a caption bill than anything. That he was
19 trying to stick to, per se, the exact numbers. And what he
20 was really interested in was a discussion.

21 And he was kind enough to invite Staff to
22 meet, as I said earlier, with his constituents. And we met
23 with Joe Wilson and Joe Davis and the Bradley County chairman,
24 Danny Lawson, last week -- or the week before that.

25 And I think that the consensus coming out

1 of that meeting -- though they did not agree to withdrawal
2 these bills at all. But I think that the real consensus was
3 that the 911 issue really deserves some study and some good
4 hard looks.

5 So I think that -- this is a situation
6 where I think that there's some good intentions here. Really
7 good intentions. And I know that Representative Mike Bell,
8 who is the House sponsor, is also intending good things for
9 911.

10 But as written, this bill would totally
11 disrupt the way the Board operates, and it would put us
12 \$27 million in the hole. We would have to really alter
13 all of our funding programs. And there is that inequity
14 of providing two districts who are climbing out of their
15 financial distress with a windfall of annually about
16 \$7 million a year. And I think that it could -- coming from
17 a public policy standpoint -- encourage districts to become
18 financially distressed to get a piece of that pie.

19 And I know that was not Senator Bunches'
20 intent. So I just want to make that clear that this was about
21 getting a discussion going, and we very much appreciate the
22 opportunity to really sit down and discuss this with folks.
23 But as written, I do not see how the Board could support this
24 bill.

25 CHAIR PORTER: Let's correct something.

1 According to the agenda, we're going out of order. We had
2 Senate Bill 170 as next.

3 MS. QUESTELL: I'm sorry.

4 CHAIR PORTER: That's okay.

5 We're skipping that one and going to
6 Senate Bill 200. There's probably a typo. We have that
7 listed as House Bill 425 on the agenda, and you have it listed
8 as House Bill 424.

9 MEMBER LEE: 424.

10 CHAIR PORTER: Yeah. 424.

11 MEMBER LEE: That's where I got it.

12 CHAIR PORTER: Okay. So the agenda is
13 incorrect.

14 If you have an agenda, make sure you
15 correct that to House Bill 424, instead of 425.

16 Okay. You have heard Staff's report on
17 Senate Bill 200 and House Bill 424. What's the will of the
18 Board?

19 MEMBER LOWRY: I move we not support it.

20 CHAIR PORTER: We have a motion that we
21 oppose the bill.

22 Is there a second?

23 MEMBER RICH: Second.

24 CHAIR PORTER: We have a motion by
25 Mr. Lowry, second by Mr. Rich, that we oppose Senate Bill 200

1 and House Bill 424.

2 Is there any discussion?

3 MEMBER LEE: Again, I would add that
4 that's in its current form.

5 CHAIR PORTER: In its current form.

6 MEMBER LEE: Thank you.

7 CHAIR PORTER: Any other discussion?

8 (Pause)

9 CHAIR PORTER: Hearing none, all in favor
10 say "aye."

11 THE BOARD: Aye.

12 CHAIR PORTER: All opposed, like sign?

13 (Pause)

14 CHAIR PORTER: Motion carried.

15 Now, are we going back up, or are we going
16 back down?

17 MS. QUESTELL: Well, with that Senate Bill
18 170/House Bill 615 -- is that --

19 CHAIR PORTER: Senate Bill 170 -- 615 was
20 the next one.

21 MS. QUESTELL: That's -- we'd like to
22 withdrawal that. It really doesn't have enough to do with 911
23 to really make it a 911-related bill.

24 CHAIR PORTER: So you want to take it off
25 of the agenda?

1 MS. QUESTELL: Yes.

2 CHAIR PORTER: Any objection to that from
3 any of the board members?

4 (Pause)

5 CHAIR PORTER: Okay. All right. So then
6 our next bill is Senate Bill 1988 and House Bill 1765.

7 Is that correct?

8 MS. QUESTELL: Yes.

9 This is a bill that would provide
10 some emergency funding to -- actually, it's mostly to
11 fire-related emergency responders.

12 And what we would like to do is ask
13 the Board's permission to make efforts to get Emergency
14 Communications Districts to be added to the possible
15 recipients of these funds. They're federal funds that
16 will be administered by the Department of Finance and
17 Administration. And we would like to try to get 911 listed
18 on, if possible.

19 CHAIR PORTER: You've heard the request
20 of Staff. What's the will on Senate Bill 1988?

21 MEMBER SMITH: Mr. Chairman, I'd move that
22 we support the bill and the staff recommendation to proceed
23 with inclusion of 911 districts.

24 CHAIR PORTER: Do I have a second?

25 MEMBER COBB: I second.

1 CHAIR PORTER: Motion by Mr. Smith and a
2 second by Mr. Cobb -- Ms. Cobb -- excuse me -- that Senate
3 Bill 1988 and House Bill 1765, we support it with the
4 inclusion of the ECDs being able to receive this money and
5 also being added to the bill.

6 Any discussion?

7 MEMBER LEE: One question I have, do we
8 know about how much is available with these programs in this
9 stimulus package?

10 MS. ASHFORD: No. I'm not sure. The bill
11 doesn't address that.

12 CHAIR PORTER: Any other discussion?

13 (Pause)

14 CHAIR PORTER: Hearing none, all in favor
15 say "aye."

16 THE BOARD: Aye.

17 CHAIR PORTER: All opposed, like sign?

18 (Pause)

19 CHAIR PORTER: Motion carried.

20 Next bill is Senate Bill 506. And the way
21 I understand it, this does not have a House companion.

22 So would this bill not be dead without a
23 House companion or not?

24 MS. ASHFORD: There's no way that it
25 could get passed without -- and signed into law without a

1 House companion.

2 CHAIR PORTER: And it's already too late
3 to submit a House opinion. Right?

4 MS. ASHFORD: Now, there may be caption
5 bills out there that it could be added onto --

6 CHAIR PORTER: So we need to take action
7 on it then, right?

8 MS. ASHFORD: Yes.

9 CHAIR PORTER: All right. Lynn?

10 MS. QUESTELL: What the bill does is make
11 911 subject to the regulation and administration of cities for
12 operations within cities. And we think that this could be
13 extremely disruptive to the current way of doing things. The
14 bill does not describe what they mean by "regulate." It does
15 not indicate how this would be funded.

16 And we think that -- we would certainly
17 recommend that the Board oppose this bill.

18 CHAIR PORTER: You've heard the
19 recommendation of Staff on Senate Bill 506. What's your will?

20 MEMBER RICH: Move we oppose.

21 CHAIR PORTER: Do I have a second?

22 MEMBER MASON: Second.

23 CHAIR PORTER: We have a motion by
24 Mr. Rich, a second by Ms. Mason, that we oppose Senate Bill
25 506.

1 Any discussion?

2 (Pause)

3 CHAIR PORTER: Hearing none, all in favor
4 say "aye."

5 THE BOARD: Aye.

6 CHAIR PORTER: All opposed, like sign?

7 (Pause)

8 CHAIR PORTER: Motion carried.

9 I'm going to just say a few words. I feel
10 like I have to. And if any of the rest of you want to, too,
11 maybe this is the time.

12 You know, over the last three or four
13 months -- well, the last three months, anyway, it's kind of
14 been a tough time for Lynn and the staff -- especially when
15 all these bills started hitting the hopper and the Board not
16 meeting until March and not being able to give them direction
17 on whether we oppose or supported them.

18 And I know they've had a tough time --
19 especially Lynn -- in a lot of meetings. And a lot of folks
20 took it upon themselves to say that we were not supporting
21 bills or we were supporting bills, when that actually wasn't
22 the truth. And it's easy for rumors to get spread and so
23 forth.

24 But, you know, some folks -- some folks
25 made it personal. And I hate to see that happen. You know,

1 we're a family of 911. We all do the same thing. Whether
2 you're doing it in Knoxville, Chattanooga, Shelby County,
3 Putnam County, Murfreesboro, or the smallest little county in
4 Polk or Lake or somewhere, you know, we're all answering calls
5 for help. And we've always been a united group on just about
6 everything we've done. And it really -- I hate to see 911 get
7 split over something like this.

8 But I guess I just want to say, you know,
9 maybe shame on some of you-all that made personal comments
10 about Lynn's family and so forth.

11 And she's had a tough time with her
12 husband. He had a cardiac arrest and almost died. I mean,
13 he came as close to dying, I guess as you -- he actually did,
14 but they got him back.

15 And it's tough when you're in the position
16 that Lynn is in. You've got to have tough skin, but at the
17 same time it hurts when people make comments that, I think,
18 kind of crosses the line. I hate to see that happen.

19 And I'm hoping that over the next few
20 months that this board -- and I think this board has always
21 been dedicated with trying to do what's best for 911 -- that
22 with these meetings across the region that we're looking at
23 doing, and with the policy committee that we're looking at
24 studying this -- and hopefully coming up with some funding
25 answers for the future -- that we could all come back together

1 into the 911 family that we've always been.

2 You know, we've all got an opinion on how
3 things should go. And just because I have an opinion, it
4 doesn't mean my opinion is right. And I think we have to
5 accept that. That just because we're for this or against it,
6 you know, it doesn't mean that everybody else is. And
7 sometimes we just have to agree to disagree and still stay
8 together as a group.

9 Because I assure you, I heard comments
10 from some of the state reps that it looked like 911 was split
11 over these bills and these issues and that they wouldn't touch
12 it as long as the group wasn't organized together for it, you
13 know, one way or the other.

14 And I think we have a lot of power when it
15 comes to TENA and the TCB and all of the people that make up
16 911 in the state of Tennessee to get something done and to
17 help 911 for the future and to take us into the future. But I
18 think we've got to do it together. And I think we have to do
19 it as one body.

20 And I think if we do do that, if we can
21 all come together and come up with something that we can all
22 support, I think it's guaranteed to go. I think we can make
23 that happen. We have proved that over the years in Tennessee
24 by the way that we've done stuff, and being one of the first
25 states to do Phase I and Phase II. And you've got folks that

1 are still sitting out in the country that don't have those.

2 And I just hope that we could all come back together.

3 And I promise you on my end, and I think
4 all these board members -- I'm not speaking for them, but I
5 think they all feel the same way. We're going to do whatever
6 we can to make sure that 911 is solvent and that it stays
7 healthy and that we do whatever we can to make sure that it
8 stays that way in the future.

9 But we need your opinions. We need your
10 input. And I just -- I know in the past we've held regional
11 meetings and ten or twelve districts show up when it should
12 have been 40 or 50.

13 And so come to these meetings, bring your
14 opinions, and let us put them all together and see if we can't
15 come up with something that we can all live with and that will
16 work for all 911 in Tennessee that we can move forward with.

17 And I appreciate all of you-all that are
18 here this morning.

19 I felt good about the TENA meetings
20 yesterday that I attended. And TENA has done a great job in
21 taking this on and trying to pull everybody back together as
22 things were kind of splitting apart. And I applaud them for
23 the job that they're doing also.

24 Does anybody else on any of those issues
25 want to say anything?

1 MS. QUESTELL: Actually, thank you for
2 your kind words.

3 I think that Staff might appreciate it if
4 the Board would actually vote on whether to proceed with the
5 hearings and with the policy committee.

6 CHAIR PORTER: You've got a request from
7 Staff that we take official action to vote whether we want to
8 hold the regional meetings and the policy committee to start
9 looking at the funding issue. What's the will of the Board?

10 MEMBER LEE: I make such motion.

11 MEMBER COBB: I will second.

12 CHAIR PORTER: We have a motion by
13 Mr. Lee and a second by Ms. Cobb that we direct staff to
14 hold the regional meetings to gather record and for the
15 policy committee to take this funding issue -- and any other
16 issues that it needs to look at for the solvency of 911 on --
17 and report back to the Board.

18 Is there discussion?

19 (Pause)

20 CHAIR PORTER: Hearing none, all in favor
21 say "aye."

22 THE BOARD: Aye.

23 CHAIR PORTER: All opposed, like sign?

24 (Pause)

25 CHAIR PORTER: Motion carried.

1 Thank you.

2 Okay. Next item on the agenda is to
3 consider appointing a member to the Policy Advisory Committee
4 to replace retiring -- or resigning member Mr. David Baxter of
5 the Tennessee Fire Chief's Association.

6 Lynn, do you have any --

7 MS. QUESTELL: Yes. Thank you,
8 Mr. Chairman.

9 Chief Baxter retired. And when he retired
10 he decided that he would also resign from the Policy Advisory
11 Committee. And I want to say that he contributed so much to
12 this committee, and we really appreciate his service.

13 After he resigned I contacted the
14 current president of the Tennessee Fire Chief's Association,
15 Jerry Crawford, who's the fire chief in Collierville; and I
16 asked him to either serve on the committee or to recommend
17 somebody to serve on the committee. And he recommended
18 Chief Blare, of Putnam County, to serve on the Policy Advisory
19 Committee.

20 And I talked with Chief Blare and asked if
21 he would be willing to serve, subject to the Board's approval,
22 and he was willing.

23 So Staff requests that the Board
24 affirm President Crawford's selection of Chief Blare as
25 the Fire Chief's Association's representative on the

1 Policy Advisory Committee.

2 CHAIR PORTER: You've heard the
3 recommendation from Staff.

4 Let me say, first of all, I did everything
5 I could to try to talk him out of it. And just because he's
6 from Putnam County doesn't mean I like him, so -- okay?

7 (Laughter)

8 CHAIR PORTER: You know, I don't want
9 anybody to think I had anything to do with that. I didn't.
10 So if you-all want to, fine. If you
11 don't, okay.

12 MEMBER SMITH: Mr. Chairman, I'd
13 move that -- recommend that we'd appoint Chief Blare, of
14 Putnam County, to the Policy Advisory Committee.

15 CHAIR PORTER: I have a motion.
16 Do I have a second?

17 MEMBER RICH: Second.

18 CHAIR PORTER: Motion by Mr. Smith,
19 second by Mr. Rich, that Chief Blare be appointed to the
20 Policy Committee as the representative of the Fire Chief's
21 Association.

22 Is there discussion?

23 MEMBER LEE: Is Chief Blare here?

24 CHAIR PORTER: No.

25 MS. QUESTELL: No, he's not.

1 MEMBER LEE: See, when you don't show up,
2 you get things appointed.

3 (Laughter)

4 CHAIR PORTER: Don't mess with me.

5 MS. QUESTELL: I checked with him ahead of
6 time. He really did agree to serve on the committee.

7 CHAIR PORTER: Any other discussion?

8 (Pause)

9 CHAIR PORTER: Hearing none, all in favor
10 say "aye."

11 THE BOARD: Aye.

12 CHAIR PORTER: All opposed, like sign?

13 (Pause)

14 CHAIR PORTER: Motion carried.

15 Next item is to consider proposed
16 revisions to Policy Number 40, Uninsured Catastrophic Loss
17 Assistance.

18 MS. QUESTELL: Yes.

19 This is the second time that the Board
20 has considered this policy. During a prior meeting the
21 Board asked Staff to revise it to clarify clearly that it
22 was not intended to provide funding for uninsured or
23 underinsured losses.

24 And at the time the Board asked Staff to
25 research whether there was any requirement that the districts

1 obtained insurance. And we've had our general counsel
2 research this issue, and he has found no statutory requirement
3 that districts obtain insurance. But -- and there's -- we
4 want to emphasize the importance, notwithstanding a legal
5 requirement, that every district be properly insured.

6 Just like all the districts are unique,
7 the research that Curtis did showed that districts obtain
8 insurance in different ways. Some -- especially the districts
9 that are affiliated with municipalities, that they get their
10 insurance through the Municipal League Risk Management Pool,
11 or others fall under insurance with their counties.

12 But no matter how districts obtain it, we
13 would encourage each district to get the proper insurance.

14 So what this amended policy does is it
15 clarifies that the benefits are not intended to be provided in
16 lieu of insurance. It makes clear that the policy is only
17 applicable to districts that already have insurance.

18 And what the policy is for is to provide
19 immediate funding to allow continuation of 911 service in an
20 emergency situation where funds from an insurance carrier
21 might not be available quickly enough to assure that 911
22 service is maintained or to provide funds for losses that
23 are not covered by insurance.

24 But what we've done with the policy --
25 it's very long. And we -- we provided copies of it out in the

1 vestibule for everyone. I'm happy to read the policy into the
2 record, if that's what the Board would want.

3 We could --

4 CHAIR PORTER: -- give the reporter a
5 copy.

6 MS. QUESTELL: -- just give the court
7 reporter a copy of it to include in the record.

8 (Exhibit 1, Policy number 40, marked and
9 included in this record.)

10 MS. QUESTELL: It really doesn't change
11 the existing policy all that much. It defines more clearly
12 what a catastrophic loss is and really just simply emphasizes
13 that it's not meant to be in lieu of insurance. And then it
14 provides a methodology for obtaining emergency funds, if need
15 be.

16 Actually, it's pretty much echoed in the
17 prior policy.

18 But I'm happy to read it into the record,
19 if the Board would like that.

20 CHAIR PORTER: I see a bunch of shaking
21 heads no.

22 You've heard Staff's request on Policy
23 Number 40, amending it. What's the will of the Board?

24 MEMBER LOWRY: Amendment approved.

25 CHAIR PORTER: I have a motion.

1 Do I have a second?

2 MEMBER SMITH: Second.

3 CHAIR PORTER: Motion by Mr. Lowry, a
4 second by Mr. Smith, that we approve Staff's request to amend
5 Policy Number 40.

6 Is there discussion?

7 (Pause)

8 CHAIR PORTER: Hearing none, all in favor
9 say "aye."

10 THE BOARD: Aye.

11 CHAIR PORTER: All opposed, like sign?

12 (Pause)

13 CHAIR PORTER: Motion carried.

14 Next item on the agenda is to consider
15 offer of U.S. Cellular to resolve controversy over
16 remittances.

17 MS. QUESTELL: Would the representative
18 from U.S. Cellular please come forward, just in case the Board
19 has any questions?

20 This is Henry Walker. He's the counsel
21 for U.S. Cellular.

22 If you don't mind, I'll kind of explain
23 the gist of it.

24 Staff and U.S. Cellular have been in
25 negotiations with regard to a dispute that was arising from

1 their imposition of the 911 wireless fees only on addresses
2 rather than users and subscribers. And the exact amount
3 involved in this settlement are proprietary under Tennessee
4 Regulation 0780-6-1.

5 So we can't talk in public about the exact
6 numbers. Though, all that information is available to the
7 Board, subject to the regulation, which requires that it be
8 kept secured.

9 So it can't be -- the exact numbers can't
10 be disclosed. But I really would like to talk about the
11 actual structure of this agreement. There are basically three
12 components to this agreement.

13 As soon as the Board realized that
14 U.S. Cellular was not remitting properly -- and that was
15 discovered by them in one of their biannual attestation
16 engagements. And when they -- when that came to -- and we
17 understood -- that they brought that to our attention, and
18 they immediately starting remitting properly.

19 So as soon as we found out that there was
20 a problem, we cut off cost recovery. So the components of
21 this settlement are cash: past cost recovery and future cost
22 recovery.

23 As you-all know, all of -- when we get in
24 wireless money, 25 percent of that goes back to the districts.
25 And the way this is structured is -- because that 25 percent

1 is sacrosanct. And so the agreement involves taking that
2 25 percent in cash to be distributed back to the districts so
3 that the districts will take no loss on this agreement. And
4 the districts will be made whole.

5 And the Board will take its part of the
6 settlement in their agreement to not seek past cost recovery
7 and to not seek cost recovery at all in the future.

8 So the districts would be made whole,
9 and the Board would be made whole through the cost recovery
10 payment.

11 And I have -- the basic parameter --
12 these are the basic parameters of the agreement. And I have
13 actually shown the actual numbers to the Attorney General's
14 Office, and they did not oppose it. And the exact numbers are
15 available to each member of the board.

16 And what we basically ask is that you
17 would kind of approve the parameters of this agreement, and
18 then we will reduce it to writing with the exact numbers
19 and -- then the Board would -- then that would be subject to
20 the Board's approval. But we didn't want to proceed without
21 the Board kind of signing off on this basic approach.

22 So, Henry, did you have anything to add?

23 MR. WALKER: I just want to thank the
24 staff. We've worked very long and hard on the settlement
25 process. I know that Lynn has had a lot on her plate.

1 But believe me, without divulging the negotiations, if you
2 would have seen where we started and where we ended up, you
3 would fully appreciate the work that your staff has done on
4 this settlement.

5 CHAIR PORTER: Staff spent months on this.
6 And I saw the actual numbers. And you-all are welcome to
7 review them after the meeting, if you want to. But I think
8 it's a really good settlement for both parties. And I think
9 it's something that Staff has recommended that we approve.

10 And then would the final have to come back
11 to us again or not?

12 MS. QUESTELL: Well, I think, if there's
13 no objection, the way we would work it would be -- and please
14 let me know, General Counsel, if you disagree with this --
15 would be that if the Board approves the basic approach, then
16 we would reduce this to writing and each board member would
17 sign it.

18 If you chose not to sign it, then we would
19 bring it back before a board meeting and we would renegotiate
20 or address your concerns.

21 CHAIR PORTER: Okay. So you've heard the
22 request of the Staff for us to approve the concept of this
23 agreement. What's the will of the Board?

24 MEMBER LEE: I have a couple of questions
25 for General Counsel and Lynn -- or for Mr. Walker.

1 Is this a pending litigation?

2 MR. WALKER: No.

3 MEMBER LEE: Is it a pending matter before
4 the TRA?

5 MR. WALKER: No.

6 MEMBER LEE: The reason I'm asking is
7 the Comptroller has to approve some settlements through the
8 Attorney General's Office, and I'm involved in that process
9 some. So I'm not sure if I will be involved in the compromise
10 of the settlement of this matter.

11 Do you know, Henry?

12 MR. WALKER: Well, it is not litigation.
13 In fact, it's to avoid litigation.

14 MEMBER LEE: Okay.

15 MR. WALKER: So I don't know the answer to
16 your question.

17 MEMBER LEE: Okay.

18 MS. QUESTELL: Well, also the Tennessee
19 Regulatory Authority would not have jurisdiction over this
20 wireless issue. They just have jurisdiction over wireline.

21 MEMBER LEE: Okay. Out of the abundance
22 of caution, though, I'm going to recuse myself from this.
23 Because as I say, the Comptroller has approval authority
24 with the Attorney General and the Governor on a lot of
25 settlements, and just out of caution, because I am involved

1 in that process, I will recuse myself. If that's okay?

2 CHAIR PORTER: That's fine.

3 MS. QUESTELL: I would like to just state,
4 for the record, that in other settlements that the Board has
5 undertaken, the Comptroller's Office has not been involved in
6 the settlement.

7 MEMBER LEE: Okay.

8 CHAIR PORTER: Do I hear a motion?

9 MEMBER LOWRY: I'll make a motion that we
10 accept it.

11 CHAIR PORTER: Do I have a second?

12 MEMBER COBB: Second.

13 CHAIR PORTER: Motion by Mr. Lowry, a
14 second by Ms. Cobb, that we approve Staff's recommendation
15 to do the -- resolve the controversy with U.S. Cellular on the
16 cost recovery and remittances and so forth.

17 Is there other discussion?

18 (Pause)

19 CHAIR PORTER: Let the record show that
20 Mr. Lee is abstaining from voting on this matter.

21 MEMBER LEE: Thank you.

22 CHAIR PORTER: All in favor say "aye."

23 THE BOARD: Aye.

24 CHAIR PORTER: All opposed, like sign?

25 (Pause)

1 CHAIR PORTER: Motion carried.

2 Dennis Pedersen, are you still here? Did
3 you want to introduce your new employee to the Board and come
4 up?

5 This is for you-all -- he's OIR-GIS, for
6 those of you-all that might not know him.

7 Dennis?

8 MR. PEDERSEN: Mr. Chairman, it's my
9 pleasure to introduce Patrick Melancon.

10 Patrick, would you stand up?

11 Patrick comes from Tele Atlas,
12 Incorporation, from New Hampshire. He's been with us
13 for about three weeks now. And he'll be our public safety
14 GS manager. He's got a wealth of experience working with the
15 build out of our Tennessee base map, known as the TIPS --
16 Tennessee Information for Public Safety -- data set.

17 We've already introduced Patrick to some
18 of the 911 community. He'll look forward to working with the
19 Board and the rest of the membership in the future.

20 CHAIR PORTER: Good. Thanks, Dennis.

21 As you-all know, James Wood retired -- or
22 resigned to go into the private sector. And so he's taking
23 James' place.

24 So same telephone number?

25 MR. PEDERSEN: Same telephone number.

1 Yep.

2 CHAIR PORTER: Okay. So same contact
3 information, phone-wise, for James that you had will work for
4 him, also.

5 So we're glad to have you with us and look
6 forward to working with you.

7 MR. PEDERSEN: Thank you, Mr. Chairman.

8 CHAIR PORTER: Thanks.

9 Any other items that need to come before
10 the Board?

11 (Pause)

12 CHAIR PORTER: Any announcements?

13 (Pause)

14 CHAIR PORTER: Hearing none, then I'll
15 accept a motion to adjourn.

16 MEMBER SMITH: Motion to adjourn.

17 CHAIR PORTER: Do I have a second?

18 MEMBER LEE: Second.

19 CHAIR PORTER: All in favor say "aye."

20 THE BOARD: Aye.

21 CHAIR PORTER: All opposed, like sign?

22 (Pause)

23 CHAIR PORTER: Motion carried.

24 (End of the proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF SMITH)

I, Amanda F. Martin, court reporter and
notary public in and for the state of Tennessee,

DO HEREBY CERTIFY that the foregoing
transcript of the proceedings were taken on the date and place
set forth in the caption thereof; that the proceedings were
stenographically reported by me in shorthand; and the
foregoing proceedings constitute a true and correct transcript
of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to
any of the parties named herein, nor their counsel, and have
no interest, financial or otherwise, in the outcome or events
of this action.

IN WITNESS WHEREOF, I have hereunto
affixed my official signature and seal of office, this 1st day
of May, 2009.

Amanda F. Martin
Notary Public, State of Tennessee

My Commission Expires: March 15, 2010.

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