

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES

CHAPTER IV: DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

PART 1326

ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

SUBPART A: GENERAL PROVISIONS

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1326.110	Definitions
1326.120	Duties

All three titles the same as prior 1329

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1326.210	Eligibility of 9-1-1 Authorities for Network Cost Payments on their Behalf	

Previously "1329.210 Eligibility for Network Cost Reimbursement"

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Previous 1329

1329.500 Resolution of Geographic Disputes

1329.510 Noncompliance - Financial Reports

SUBPART F: MISCELLANEOUS

Section	
1326.600	Records

Previous 1329

1329.600 Use of Grants and Surcharge Disbursements / 1329.610 Distributions Subject to Appropriation / 1329.620 Records / 1329.630 Indemnification / 1329.640 Intergovernmental Agreement

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

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

SUBPART A: GENERAL PROVISIONS

Section 1326.100 Scope

This Part shall apply to all carriers and 9-1-1 Authorities, except that municipalities having a population of at least 500,000 shall collect their own surcharge and pay their own network costs consistent with Sections 15.3 and 15.3a of the Act.

Previously said 1329.100

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

Section 1326.110 Definitions

"9-1-1 Authority" means an Emergency Telephone System Board or Joint Emergency Telephone System Board that provides for the management and operation of a 9-1-1 system. "9-1-1 Authority" includes the Illinois State Police only to the extent it provides 9-1-1 services under this Act.

Matches statutory language

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"9-1-1 Authority Certification Form" means a notarized document in a format prescribed by the Department that is signed by a representative of a 9-1-1 Authority attesting to any questions on the form as well as the financial information contained within the AFR and its compliance with ETSA.

Not in Previous Definitions

"9-1-1 Network" means the network used for the delivery of 9-1-1 calls and messages over dedicated and redundant facilities to a primary or backup 9-1-1 PSAP that meets the appropriate grade of service.

Matches Statutory Language

"9-1-1 System" means the geographic area that has been granted an order of authority by the Commission or the Statewide 9-1-1 Administrator to use "9-1-1" as the primary emergency telephone number including but not limited to network, software applications, databases, CPE components and operational and management procedures required to provide 9-1-1 service.

Matches Statutory Language

"9-1-1 System Manager" means the manager, director, administrator, or coordinator who at the direction of his or her Emergency Telephone System Board is responsible for the implementation and execution of the order of authority issued by the Commission or the Statewide 9-1-1 Administrator through the programs, policies, procedures, and daily operations of the 9-1-1 system consistent with the provisions of this Act .

Matches Statutory Language

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

Matches Statutory Language

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

Same As Previous

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

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

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

Matches Statutory Language

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

Same as Previous

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"AFR" means the financial report due annually pursuant to Section 40 of the ETSA [50 ILCS 750/40] to the Department from every 9-1-1 Authority receiving Surcharge funds.

"Answering Point" means a PSAP, SAP, Backup PSAP, Unmanned Backup Answering Point, or VAP.

"Auditor Verification Form" means a notarized document in a format prescribed by the Department that is signed by an independent auditor attesting to the validity of the audit findings associated with his/her inspection and examination of a 9-1-1 Authority's receipts and expenses of 9-1-1 funds as well as compliance with the ETSA.

"Automatic Location Identification" or "ALI" means the automatic display at the Public Safety Answering Point of the address or location of the caller's telephone and supplementary emergency services information of the location from which a call originates.

"Authorized Entity" means an answering point or participating agency other than a decommissioned PSAP.

"Backup PSAP" means an answering point that meets the appropriate standards of service and serves as an alternate to the PSAP operating independently from the PSAP at a different location, that has the capability to direct dispatch for the PSAP or otherwise transfer emergency calls directly to an authorized entity. A backup PSAP may accept overflow calls from the PSAP or be activated if the primary PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of 9-1-1 traffic is handled in the central office.

"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of 9-1-1 traffic is handled in the central office.

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

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

Not in Previous 1329

Matches Statutory Language

Not in Previous 1329

Matches Statutory Language

Matches Statutory Language

Matches Statutory Language

Adds "9-1-1" before traffic

Adds "9-1-1" before traffic

Matches Statutory Language

Same as previous

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the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

"Commission" means the Illinois Commerce Commission.

"Customer Premise Equipment" or "CPE" means communications or terminal equipment located in the customer's facilities - terminal equipment at a PSAP.

"Department" means the Illinois State Police.

"Emergency Call" means any type of request for emergency assistance through a 9-1-1 network either to the digits 9-1-1 or the emergency 24/7 10-digit telephone number for all answering points. An emergency call is not limited to a voice telephone call. It could be a two-way video call, an interactive text, Teletypewriter (TTY), an SMS, an Instant Message, or any new mechanism for communications available in the future. An emergency call occurs when the request for emergency assistance is received by a public safety telecommunicator.

"ETSB" means an emergency telephone system board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system.

"Fund" means the Statewide 9-1-1 Fund named as such under ETSA Section 30 [50 ILCS 750/30].

"Grade of service" means P.01 for E9-1-1 enhanced 9-1-1 services or the equivalent for NENA Baseline NG9-1-1 as set forth in the NENA i3 Solution adopted standard for NG9-1-1.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" has the meaning given to that term under Section 13-235 of the Public Utilities Act.

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

Matches Statutory Language

Matches Statutory Language

Matches Statutory Language

Matches Statutory Language

Previous 1329 "means the Statewide 9-1-1 Fund named as such under ETSB Section 30, and includes any monies remaining in, and authority for expenditures from ,the Wireless Service Emergency Fund as of January 1, 2016

Previous 1329 "means P.01 for Basic 9-1-1 or E9-1-1 services or NENA i3 Solution standard for NG 9-1-1 services/

Matches Statutory Language

Matches Statutory Language

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"NENA i3 Solution Standard" means the Detailed Functional and Interface Standard for NG9-1-1 (i3) (NENA-STA-010.3d-2021), published by the National Emergency Number Association, 1700 Diagonal Rd., Suite 500, Alexandria VA 22314 (www.NENA.org) (March 10, 2023). These Standards are hereby incorporated by reference and do not include any later amendments or additions.

"Network Costs" means those recurring costs that directly relate to the operation of the 9-1-1 network as determined by the Statewide 9-1-1 Administrator with the advice of the Statewide 9-1-1 Advisory Board, which may include, but need not be limited to, some or all of the following: costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, independent local exchange carrier charges and non-system provider charges, carrier charges for third party database for on-site customer premise equipment, backup PSAP trunks for non-system providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than for 9-1-1 services.

"NG9-1-1 Costs" means those recurring costs that directly relate to Next Generation 9-1-1 service as determined by the Statewide 9-1-1 Administrator with the advice of the Statewide 9-1-1 Advisory Board, which may include, but need not be limited to, costs for NENA i3 Core Components (Border Control Function (BCF)), Emergency Call Routing Function (ECRF), Location Validation Function (LVF), Emergency Services Routing Proxy (ESRP), Policy Store/Policy Routing Functions (PSPRF) and Location Information Servers (LIS)), Statewide ESInet, software external to the PSAP (data collection, identity management, aggregation, and GIS functionality), and gateways (legacy 9-1-1 tandems or gateways or both).

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

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

Previously 1329 "means the NENA 08-003 Detailed Functional and Interface Standard for NG 9-1-1 (i3) published by the National Emergency Number Association, 1700 Diagonal Rd., Suite 500, Alexandria VA 22314 (www.NENA.org) (June 14, 2011). These standards are hereby incorporated by reference and do not include any later amendments or additions."

Matches Statutory Language

Matches Statutory Language

Same as previous

Same as Previous

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"Public Safety Answering Point" or "PSAP" means the primary answering location of an emergency call that meets the appropriate standards of service and is responsible for receiving and processing those calls and events according to a specified operational policy.

"Public safety telecommunicator" means any person employed in a full-time or part-time capacity at an answering point whose duties or responsibilities include answering, receiving, or transferring an emergency call for dispatch to the appropriate emergency responder."

"Subscriber" means an individual or entity to whom a wireless carrier has assigned a wireless service account or number.

"Surcharge Distribution" means any distribution from the Fund to a 9-1-1 Authority pursuant to ETSA Section 30 [50 ILCS 750/30], except for grants for NG9-1-1 expenses and consolidations.

"Telecommunications Carrier" means those entities included within the definition specified in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], and includes those carriers acting as resellers of telecommunications services. "Telecommunications carrier" includes telephone systems operating as mutual concerns, "Telecommunications carrier" does not include a wireless carrier.

"Vendor" means an entity that provides some or all elements of E9-1-1, NG9-1-1 and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"VoIP" (Voice over Internet Protocol) - means technology that allows for the delivery of voice calls and other real-time multimedia sessions over IP networks.

"Wireless Carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHz and 900 MHz Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographic area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.

Matches Statutory Language

Matches Statutory Language

Previous 1329 "means a wireless subscriber"

Not in previous 1329

Matches Statutory Language

Previous 1329 "means an entity that provides some or all elements of 9-1-1, E9-1-1, and/or other services for which it incurs network costs for one or more 9-1-1 Authorities

Not in Previous 1329

Matches Statutory Language

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Section 1326.120 Duties

- a) The Department has the following responsibilities under the Act:
- 1) To adopt rules governing Multi-Line Telephone Systems remittances under ETSA Section 15.3, carrier remittances under ETSA Section 20, statewide surcharge disbursements to 9-1-1 Authorities under ETSA Section 30 and financial reports under ETSA Section 40;
 - 2) To review and monitor the Fund and to provide administrative enforcement to ensure compliance with the Act.
 - 3) To develop and maintain a database of 9-1-1 Authorities eligible to receive surcharge disbursements and carriers required to collect surcharges under the Act;
 - 4) To collect and process carrier subscriber files submitted by wireless carriers
 - 5) To collect surcharges remitted by carriers into the Fund, calculate the surcharge allocation and make monthly surcharge disbursements to eligible 9-1-1 Authorities;
 - 6) To account for all surcharges collected and monies disbursed;
 - 7) To pay all 9-1-1 network costs as defined herein for systems outside of municipalities having a population of at least 500,000;
 - 8) To maintain auditable records of receipts and disbursements;
 - 9) To establish and maintain a statewide Next Generation 9-1-1 network;
 - 10) To prescribe a form and manner for the submission of the AFR due annually to the Department from the 9-1-1 Authorities; and
 - 11) To resolve disputes as required by the Act.

Previous 1329.120 Duties

- a) The Department has the following responsibilities under the Act:
- i) To adopt rules governing carrier remittances under ETSA Section 20 and surcharge disbursements to 9-1-1 Authorities under ETSA Section 30;
 - ii) To develop and maintain a database of 9-1-1 Authorities eligible to receive grants and carriers required to collect surcharges under the Act;
 - iii) To collect and allocate surcharges remitted by carriers into the Fund and the WCRF;
 - iv) To make monthly surcharge disbursements to eligible 9-1-1 Authorities;
 - v) To account for surcharges collected and monies disbursed;
 - vi) To pay all 9-1-1 network costs for systems outside of municipalities having a population of at least 500,000;
 - vii) To maintain auditable records of receipts and disbursements;
 - viii) To procure and enter into a contract with a vendor certified under Section 13-900 of the Public Utilities Act to establish a statewide Next Generation 9-1-1 network;
 - ix) To prescribe a form and manner for the transmittal of financial reports due annually to the Department from the 9-1-1 Authorities; and
 - x) To resolve disputes as required by the act.

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- b) The Statewide 9-1-1 Administrator has the following responsibilities under the Act:
 - 1) To implement systems established under the Act;
 - 2) To effectuate the purpose of the Act;
 - 3) To develop and implement a plan for a statewide NG9-1-1 Network; and
 - 4) To determine which costs are directly related to the operation of the 9-1-1 network and assist the Department with vendor invoice research and disputes.

- c) The Statewide 9-1-1 Advisory Board is responsible for providing advice to the Statewide Administrator and the Department regarding:
 - 1) Implementing systems established under the Act;
 - 2) Effectuating the purpose of the Act;
 - 3) Developing and implementing a plan for a statewide NG9-1-1 Network; and
 - 4) Determining which costs are directly related to the operation of the 9-1-1 network.

This section did not previously exist in 1329

Previous 1329

"The Advisory Board has the responsibility under the Act to determine which costs are directly related to the operation of the 9-1-1 network."

SUBPART B: ELIGIBILITY

Section 1326.200 Eligibility of 9-1-1 Authorities for Surcharge Disbursements Under ETSA Previously included "Section 30(b)(2)(E)

- a) To be eligible to receive a surcharge disbursement under ETSA Section 30(b)(1)(A), 30(b)(1)(D) and 30(b)(2)(E), any 9-1-1 Authority other than the Department must file a plan with the Department pursuant to 83 Ill. Adm. Code 1324.200, whichever is applicable and provide 9-1-1 service. The Statewide 9-1-1 Administrator will notify the entity in writing, stating that it has the authorization to operate as a PSAP.

Previous 1329.200

- a) To be eligible to receive a disbursement under ETSA Section 30(b)(2)(E), any 9-1-1 authority other than the Department must file a wireless plan with the Department's Office of 9-1-1 Administrator pursuant to 83 Ill. Adm. Code 1328.210 and provide wireless 9-1-1 service/ The Department's Office of 9-1-1 Administrator will notify the entity in writing, stating it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the 9-1-1 Authority has received its authorization letter, it must provide the following information to the Department"
 - i) A detailed explanation of the geographic area the Commission or the Department has granted it authority to cover, by five-digit zip code, including all zip codes in which the provider has the sole authority from the Commission or the Department to handle wireless 9-1-1 calls;
 - ii) A list of all zip codes, including provider names, in which the petitioning provider has shared authority from the Commission or Department to handle wireless 9-1-1 calls (in this instance the provider may also define its geographic coverage by nine-digit zip code). If none are known, a statement to that effect; and
 - iii) Copies of all agreements with other providers governing the manner in which surcharge disbursements relating to subscribers in overlapping geographic areas (defined by zip code).

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- b) A 9-1-1 Authority with an authorization letter from the Commission, that filed the information required under subsections (a)(1) through (3) before January 1, 2016 or authority from the Administrator after January 1, 2016 with initial, consolidation or modification plans filed as defined in 1324.200 or 1324.300 shall be eligible for surcharge disbursements under ETSA Section 30(b)(1)(A), 30(b)(1)(D) and 30(b)(2)(E), without any further action under this Section.
- c) Consistent with ETSA Section 15.6a(c), until the jurisdiction comes into compliance with Section 15.4a of this Act, the Department shall be the primary wireless 9-1-1 PSAP for any jurisdiction that did not provide notice to the Commission or the Department and shall be ineligible to receive surcharge disbursements without complying with this Section.

Previous 1329.200b

"A 9-1-1 Authority with an authorization letter from the Commission that filed the information required under subsections (a)(1) through (3) before January 1, 2016 shall be eligible for surcharge disbursements under ETSA Section 30 (b)(2)(E) without any further action under this Section, provided there is no change in the information required under subsections a(1) through (3)"

New version references a(1) through (3) but it is missing above.

Previous 1329.200c

"Consistent with ETSA Section 15.6a(c), the Department shall be the primary wireless 9-1-1 PSAP for any jurisdiction that did not provide notice to the Commission or the Department and shall be eligible to receive surcharge disbursements without complying with this section.

Section 1326.210 Eligibility for Network Cost Payment Previous said "Reimbursement" not "Payment"

- a) Pursuant to ETSA Section 30, the Department will pay the vendor on behalf of the 9-1-1 Authorities for network costs incurred on or after January 1, 2016, for systems outside of municipalities with a population of at least 500,000 for 9-1-1 networks maintained at the applicable grade of service.
- b) Costs for 9-1-1 Authorities to exceed the applicable grade of service shall not be eligible for payment unless the 9-1-1 Authority has obtained, at its own expense:
 - 1) a traffic study demonstrating the public safety need to exceed the applicable grade of service; and
 - 2) approval from the Administrator.
- c) Costs for 9-1-1 Authorities that exceed the baseline Grade of Service and for NG9-1-1 service and ESInet connectivity, as defined by the NENA i3 standard shall not be eligible for payment reimbursement. Costs that exceed the baseline include but are not limited to:
 - 1) geographically diverse and/or redundant ESInet connectivity, including FirstNet;
 - 2) increased ESInet bandwidth beyond that engineered by the State's NG9-1-1 provider; and

Same as Previous

Previously "Reimbursement" changed to "Payment"

Same as previous

Same as previous

All of Section C is new and was not previously in 1329.

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- 3) any other changes to network costs not pre-approved by the Administrator, for example:
- i. establishing or supporting an unmanned backup; or
 - ii. changes to the NG9-1-1 ESInet, Next Generation Core Services or Network or Security Operation Centers.
- d) The Department will collaborate directly with carriers and Integrated VoIP providers to resolve or address day-to-day billing anomalies.
- e) If the Department determines there is a question as to whether a cost is directly related to the operation of the 9-1-1 network (i.e., whether it is a network cost), the Department shall notify the Administrator who shall confer with the Advisory Board prior to rejecting the cost for payment pursuant to the ETSA.
- f) 9-1-1 Authorities shall be responsible for paying the vendor any amounts billed to the Department for services provided to 9-1-1 Authorities that the Department does not pay the vendor based on a determination by the Administrator that the amounts do not represent network costs or are otherwise ineligible for payment by the Department pursuant to ETSA Section 30 or this Part.
- g) Every 9-1-1 Authority must comply with Section 3 of the Act to be eligible to receive NG9-1-1 expenses grant funds issued under Section 30(b)(1)(E) of the Act

Deleted: 1

New Language

Same as previous 1329.210c

Same as previous 1329.210d

New Language

SUBPART C: WIRELESS CARRIER REPORTING AND SURCHARGE ADMINISTRATION

Section 1326.300 Subscriber Information Submission Previously titled "Transmittal of Subscriber Information"

- a) Prior to the first submission of surcharges collected under ETSA Section 20, new wireless carriers should submit a vendor liaison form and an IRS Form W-9 to the Department. When available, the carrier should complete the registration process for access to the Department's carrier portal that allows for electronic subscriber file submission. The vendor registration form and registration information are available on the Department's website.

New Language

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- b) With the first submission of surcharges collected under ETSA Section 20, and at the end of each billing month after the first submission (no later than the last day of the next calendar month; for example, a July subscriber submission is due no later than August 31st), each wireless carrier shall submit to the Department its updated total number of subscribers per ZIP code for that billing month. ZIP Codes are the five-digit, or nine-digit code assigned by the United State Postal Service. Where available, the nine-digit code must be submitted. ZIP Codes assigned to the City of Chicago only should not be included in the submission. ZIP Codes that are shared by the City of Chicago with other municipality(ies) are included in the submission and must be distributed to the correct collecting agency. Submissions shall be made in an electronic format as prescribed by the Department on its website. Subscriber information submission files shall be emailed to the Department at: ISP.911admin@illinois.gov, until such time as the carrier portal is available.
- c) Noncompliance with this Section shall subject the carrier to the penalty provisions of ETSA Section 20(g).

Section 1326.310 Surcharge Remittance *Previously titled "Transmittal Surcharge Monies"*

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

Previously 1329.300a

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

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

Same as Previous

Same as previous language 1329.310

Same as previous 1329.310a1

Same as previous 1329.310a2

New language

Same as previous 1329.310b

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Each Interconnected VoIP provider shall remit 9-1-1 surcharges collected from its end-user customers in aggregate to:

- 1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and
 - 2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.
- c) Each carrier and Interconnected VoIP provider collecting 9-1-1 surcharges may deduct and retain an amount not to exceed 1.74% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges.
- If a carrier or Interconnected VoIP provider, pursuant to this subsection, wishes to deduct and retain an amount greater than 1.74% but not to exceed 2.5% of the gross amount of surcharges collected, supporting documentation must be submitted to the Department before deducting an amount greater than 1.74%. The Department will seek input from the Advisory Board before determining final approval. The deduction of bad debt or any other subscriber expenses from a surcharge distribution is not allowable. A violation of this section may subject the carrier or Interconnected VoIP provider to penalties defined in Section 20.
- d) Surcharge monies collected under ETSA Section 20 shall be remitted by check or electronic funds transfer, by the end of the next calendar month after the calendar month in which it was collected for deposit into the Statewide 9-1-1 Fund. Each remittance detailed portion if paid by check shall display the provider's name and a single Federal Employer Identification Number (FEIN) and a unique remittance number.
 - e) Electronic payments may be submitted on the website designated by the Department.
 - f) Each remittance of surcharge by check under this Section shall be accompanied by a form to the Department, in the format prescribed by the Department and available on its website.

Checks and remittance forms shall be mailed to:

Same as previous

Same as previous

Previous 1329.310c

"Each telecommunications carrier and Interconnected VoIP provider collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges. On or after July 1, 2022, wireless carriers collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges.

Previous 1329.310d

Surcharge monies collected under ETSA section 20 shall be remitted by check or may be remitted by electronic funds transfer, once the Department implements and makes this payment remittance method available, on a monthly basis within 30 days after collection. Each remittance check shall display the remitting carrier or interconnected VoIP provider's name and a single Federal Employer Identification Number and a unique check number on the face. The payee shall be designated as "State of Illinois, ETSA Funds."

Previous 1329.310e

Each remittance of fees under this section shall be accompanied by a transmittal to the Department, in substantially the form set forth in Appendix B.

Previous 1329.310f

The checks and remittance transmittal shall be mailed to:

Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Surcharge
801 South 7th St.
Springfield IL 62703

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Illinois State Police - Office of Finance
Accounts Receivable/9-1-1 Surcharge
801 South 7th Street
Springfield, IL 62703

- g) Each remittance of surcharge electronically shall include the information requested by the Department during the electronic payment process.
- h) Funds are due to the Department by the end of the next calendar month after the calendar month in which they were collected from the customer, regardless of whether the carrier or Interconnected VoIP provider inadvertently paid those monies to the 9-1-1 Authority. If the carrier or Interconnected VoIP provider incorrectly pays monies due to the Department to a 9-1-1 Authority, it shall be the carrier or Interconnected VoIP provider's responsibility to recover those monies from the 9-1-1 Authority and shall have no bearing on what is due to the Department.
- i) Noncompliance with this Section shall subject the carrier or Interconnected VoIP provider to the penalty provisions of ETSA Section 20(f).

New Language

Same as previous 1329.310g

Same as previous

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

Section 1326.400 Disbursement of Monies Previously titled "Distribution of Monies"

- a) Subject to appropriation, monies in the Fund may be used only for the purposes defined in Section 902 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Division FF, Title IX, section 902(c)(1)(C) of 9-1-1 and provided in ETSA Section 35 and shall be distributed in accordance with the priority order specified in ETSA Section 30(b), except as provided in ETSA Section 40(d) and Section 1326.610 of this Part.
 - 1) Monies collected under the Prepaid Act or any other appropriations, grants or gifts and any income from interest, penalties, premiums, gains, or other earnings shall be deposited or transferred into the Fund for disbursement in accordance with ETSA Section 30(b).
 - 2) Funds distributed under ETSA Sections 30(b)(1)(D) and 30(b)(2)(E) and Section 1326.200 of this Part shall be distributed based upon the number

Previously 1329.400a

Subject to appropriation, monies in the Fund may be used only for the purposes provided in ETSA Section 35, and shall be distributed in accordance with the priority order specified in ETSA Section 30(b), except as provided in ETSA Section 40(d) and Section 1329.610 or this part.

Previously 1329.400a1

Monies collected under the Prepaid Act shall be deposited into the Fund for distribution in accordance with ETSA Section 30(b)

Previously 1329.400a2

"Funds distributed under ETSA section 30(b)(2)(E) and Section 1329.200 of this Part shall be distributed based upon the number of monthly subscribers in the geographic area (defined by zip code) in which the 9-1-1 Authority is certified as a wireless 9-1-1 service provider by the Administrator.

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of monthly wireless subscribers in the geographic area (defined by ZIP Code) in which the 9-1-1 Authority is authorized by the Commission or the Administrator to operate as a PSAP and in accordance with the GIS data.

- 3) Funds otherwise payable under ETSA Sections 30(b)(1)(D) and 30(b)(2)(E) and Section 1326.200 of this Part that are associated with geographic areas that are contested between eligible 9-1-1 Authorities shall be held in escrow until proper determination has been made as provided in Section 1326.500.
 - 4) Of the amounts deposited into the Fund under Section 1326.320, \$.017 of each surcharge shall be allocated to the Department to cover its administrative costs [50 ILCS 750/30(b)(1)(C)].
- b) Administrative costs of the Department shall be chargeable to the Fund, consistent with ETSA Section 30(b)(1)(C).
 - c) Costs incurred for the development of standards, training, testing and certification of Telecommunicators as required under ETSA Section 7.1 shall be paid by the Department from the funds available to the Administrator under Section 30 of this Act. Nothing in this subsection shall prohibit the use of grants or other non-surcharge funding sources available for this purpose.

Section 1326.420 Network Costs Previously titled "Reimbursement for Network Costs"

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

- a) Vendors shall submit monthly invoices for network costs that are in sufficient detail to permit the Department and the 9-1-1 Authority to determine that the costs billed are in fact "network costs" as defined in Section 1326.210. The Department or the 9-1-1 Authority may request additional invoice information from vendors. Invoices shall be submitted electronically to ISP.911admin@illinois.gov or if not capable then mailed to:

Previously 1329.400a4

"Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this part that are associated with geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of a 9-1-1 authority other than the Department and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to the Department.

Previously 1329.400a5

"Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part are associated with geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made as provided in Section 1329.600

Previously 1329.400a6

Of the amounts deposited into the Fund under Section 1329.320, \$.007 of each surcharge shall be disbursed to the Department to cover its administrative costs [50 ILCS 750/30(b)(1)(C)].

New Language

Same as previous

Previously 1329.405a

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

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

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Illinois State Police
Statewide 9-1-1 Bureau
9-1-1 Network Costs
801 South 7th Street
Springfield IL 62703

- b) By submitting invoices, the vendor certifies that the amount billed, and expenses incurred are allowed under the Act and this Section.
- b) Changes in the 9-1-1 Network that may result in increased network costs must be presented to the Administrator for pre-approval before the 9-1-1 Authority and the vendor sign a contract. Once the vendor and the 9-1-1 authority have received pre-approval, the 9-1-1 Authority must file a plan prior to any work performed by the vendor, consistent with 83 Ill. Adm. Code 1324.200 or 1325.200 whichever is applicable and receive approval from the Administrator for the network cost to be eligible for payment under this Section.

Section 1326.430 Network Invoice Review and Cost Dispute Process

- a) Network Invoice Review
 - 1) For expenses incurred under contracts executed between the Department and the network provider, the Department shall
 - A) Review and verify the accuracy of invoices and identify questionable charges.
 - B) The Department shall consult with the Administrator as needed to confirm determination on questionable charges.
 - C) The Department will notify the vendor in writing by sending an explanation of the charges in question.
 - D) If the vendor agrees the charges in question are incorrect, a reduction shall be taken on subsequent invoices from the vendor until the vendor corrects the billing for the agreed upon charges. The Department will also obtain a credit for the incorrect charge

Previously stated "by submitting monthly invoices"

Previously 1329.405d
Changes in the 9-1-1 Network that result in increased network costs must be approved consistent with 83 Ill. Adm. Code 1324 or 1325, which ever is applicable, to be eligible for reimbursement under this section.

Previously 1329.405e
Monthly Invoice Reconciliation

- 1) Within 30 days after the date the vendor invoice is received by the Department, each 9-1-1 authority shall:
 - a) review the monthly invoice and verify the monthly statements; and
 - b) notify the Administrator and vendor in writing of any disputes identified and the basis for the disputes. If the 9-1-1 Authority does not provide notification within the 30-day time frame, the vendor invoice shall be further processed for payment.
- 2) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification of a dispute under subsection (e)(1) to reconcile the dispute. Within this 30-day period, the parties must notify the Administrator in writing of their proposed resolution of the dispute or, if the dispute is not resolved, an explanation of each party's position regarding the dispute.
- 3) If the Department disputes any portion of an invoice on the grounds that it includes amounts that do not qualify as network costs or are otherwise ineligible for reimbursement from the Fund under ETSA Section 30, the Department will provide a written notice to the Advisory Board vendor and 9-1-1 Authority of that dispute, which shall identify in detail the basis for the dispute, the account number under which the invoice has been rendered, the date of the bill, and the specific items on the invoice being disputed.

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originally identified. The reduction(s) taken should be documented in the Department's tracking sheet.

- E) If the dispute is not resolved, the Department will notify the Administrator in writing and provide an explanation of each party's position regarding the dispute.
 - F) The Administrator shall review the information provided by the Department and the vendor and notify the parties of its decision reconciling the dispute within 21 days following the date of any notification under subsection (a)(1)(E).
- 2) For expenses incurred under contracts executed between the 9-1-1 authority and the network provider, The Department shall review and verify the accuracy of invoices and send a copy to the 9-1-1 Authority for review.
- A) The 9-1-1 Authority shall have 10 days following invoice receipt to notify the Department in writing of questionable charges or the invoice will be processed as billed.
 - i. If the Department agrees with the 9-1-1 Authority, the Department will follow the process steps outlined beginning in subsection (a)(1)(C).
 - ii. If the Department disagrees with the 9-1-1 Authority, it will consult with the Administrator. Based on a determination from the Administrator, the Department will either pay the invoice as billed and notify the 9-1-1 Authority or refer the matter to the 9-1-1 Authority for resolution between the 9-1-1 Authority and the vendor. Invoices in dispute will not be processed until the Department is notified by the 9-1-1 Authority of the resolution.
 - B) For questionable charges noted by the Department, the Department will notify the 9-1-1 authority in writing and follow the process steps outlined beginning in subsection (a)(1).

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

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- 3) For any invoice billed directly to a 9-1-1 Authority for a network expense the 9-1-1 Authority concludes the State should pay, the 9-1-1 Authority shall:
 - A) Notify the Department, and vendor in writing as soon as the 9-1-1 authority disputes the charge. If notification is not given within 10 days from the billing date, the charges on the invoice in question are deemed valid and subsequent charges should be disputed. under subsection (d)(2). The 9-1-1 Authority will be responsible for any expenses that were incurred prior to the notification period.
 - B) The Department and 9-1-1 Authority shall have 30 days following the date of any notification of a dispute under subsection (e)(2) to resolve the dispute. If the dispute is not resolved, the Department will notify the Administrator in writing and provide an explanation of each party's position regarding the dispute.
 - C) The Administrator shall have an additional 21 days to review any information received from the Department, the 9-1-1 Authority, or the vendor and provide a decision in writing to the parties resolving the dispute. The Administrator will consult the Advisory Board as needed for dispute resolution.
 - E) 9-1-1 authorities are not allowed to change the responsible party billed by the vendor from the Authority to the Department.
- 4) For any invoice billed directly to the Department that the Department concludes should be paid by the 9-1-1 Authority shall:
 - A) Notify the 9-1-1 Authority and vendor in writing as soon as the Department disputes the charge. If notification is not given within 10 days from the billing date, the charges on the invoice in question are deemed valid and subsequent charges should be disputed. The Department is responsible for any expenses that were incurred prior to the notification period.

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- B) The Department and 9-1-1 Authority shall have 30 days following the date of any notification of a dispute under subsection (e)(2) to resolve the dispute. If the dispute is not resolved, the Department will notify the Administrator in writing and provide an explanation of each party's position regarding the dispute.
- C) The Administrator shall have an additional 21 days to review any information received from the Department, the 9-1-1 Authority, or the vendor and provide a decision in writing to the parties resolving the dispute. The Administrator will consult the Advisory Board as needed for resolution.

Section 1326.440 Surcharge Disbursements in Overlapping Jurisdictions Previously titled "Surcharge Disbursements for Subscribers in Overlapping Jurisdictions"

The Department will complete an annual reconciliation no later than July 1st of each year for 9-1-1 Authorities sharing surcharge within a geographic area. NG9-1-1 GIS address points included within each zip code boundary that each 9-1-1 Authority is required to submit as a component of the required NG9-1-1 layers to support geo-spatial routing will be used to complete the annual reconciliation. Each 9-1-1 Authority is responsible for ensuring their NG9-1-1 GIS address point layer is correctly submitted. This annual reconciliation will be applied to the remittance period immediately following the reconciliation.

Previously 1329.410
"9-1-1 Authorities sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which wireless surcharge disbursements into the shared areas shall be made under ETSA Section 30(b)(2)(E). Wireless providers in shared geographic areas that do not enter into agreements shall be prepared, upon 60 days notice, to submit documentation to the Department outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 1329.600

Section 1326.450 Overpayments and Underpayments

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

- a) Instruct an overpaid 9-1-1 Authority, by email or mail, to redirect funds with a check to the proper (underpaid) 9-1-1 Authority in applicable instances (in which case, each affected 9-1-1 Authority shall furnish proof to the Department that the redirection of funds was completed as instructed);
- b) Offset one or more future disbursements to an overpaid 9-1-1 Authority;
- c) Increase one or more future disbursements to an underpaid 9-1-1 Authority; or
- d) Release a disbursement to an underpaid 9-1-1 Authority on an interim basis during the month under the following conditions:

Same as previous

Same as previous

Deleted: Same as previous

Same as previous

In the above the work disbursements was written as "grant payments" in previous Admin Rules

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- 1) The underpaid 9-1-1 Authority has requested this remedy, by mail or email, due to fiscal constraints; and
- 2) The Statewide 9-1-1 Fund contains sufficient funds to avoid underpaying another 9-1-1 Authority on the next monthly disbursement due to this interim release of funds.

Same as previous

Same as previous

SUBPART E: SURCHARGE USAGE, MANAGEMENT AND ANNUAL FINANCIAL REPORTS

Section 1326.500 Acceptable Obligations or Expenditures of 9-1-1 Disbursements

- a) The designation of acceptable obligations or expenditures is defined in section 902 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Division FF, Title IX, section 902(c)(1)(C) of 9-1-1 and in Section 35 of the Act.
- b) Acceptable purposes and functions for the obligation or expenditure of 9-1-1 fees or charges for purposes of section 902 are limited to:
 - 1) Support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and
 - 2) Operational expenses of public safety answering points within such State or taxing jurisdiction.
- c) Examples of acceptable purposes and functions include, but are not limited to, the following, provided that the State or taxing jurisdiction can adequately document that it has obligated or spent the fees or charges in question for these purposes and functions:
 - 1) PSAP operating costs, including lease, purchase, maintenance, replacement, and upgrade of customer premises equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility and including NG9-1-1, cybersecurity, pre-arrival instructions, and emergency notification systems (ENS). PSAP operating costs include technological innovation that supports 9-1-1;

New Section not in previous admin rules

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- 2) PSAP personnel costs, including telecommunicators' salaries and training;
 - 3) PSAP administration, including costs for administration of 9-1-1 services and travel expenses associated with the provision of 9-1-1 services;
 - 4) Integrating public safety/first responder dispatch and 9-1-1 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 9-1-1 and public safety dispatch operations; and
 - 5) Providing for the interoperability of 9-1-1 systems with one another and with public safety/first responder radio systems.
- d) Examples of purposes and functions that are not acceptable for the obligation or expenditure of 9-1-1 fees or charges for purposes of section 902 include, but are not limited to, the following:
- 1) Transfer of 9-1-1 fees into a State or other jurisdiction's general fund or another fund for non-9-1-1 purposes;
 - 2) Equipment or infrastructure for constructing or expanding non-public safety communications networks (e.g., commercial cellular networks);
 - 3) Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities that do not directly support providing 9-1-1 services; and
 - 4) Miscellaneous optional services available to 9-1-1 Authorities, such as call handling features, additional GIS services, or 3rd party product integration.
 - 5) The initial acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the Emergency Telephone System and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and

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street signs. Funds may not be used for ongoing expenses associated with road or street sign maintenance and replacement.

- e) Notwithstanding, paragraph (d) of this Section, expenses not specifically enumerated in Section 35 of the Act or paragraph (c) of this Section must be reviewed and pre-approved by the Administrator with input from the Advisory Board.
- 1) Requests for review shall be submitted in writing to the Administrator at:
- Statewide 9-1-1 Administrator
Illinois State Police
801 South 7th Street
Springfield IL 62703
Email: ISP.911administrator@illinois.gov
- 2) ~~The Administrator shall review the request to determine whether previous guidance has been given regarding the expenditure.~~
- A) If it has, the Administrator shall advise the 9-1-1 Authority consistent with the previous guidance.
- B) If it has not, the Administrator shall seek the advice and recommendation of the Statewide 9-1-1 Advisory Board.
- C) The Statewide 9-1-1 Advisory Board will review the request and provide a recommendation at its next regular meeting.
- 3) The Administrator shall either approve or deny the request within 90 days of receipt.
- 4) The Administrator shall notify the 9-1-1 Authority and the Department of a decision. Notice of these decisions will be posted on the Department's website.
- f) The ETSB is responsible for approving all expenditures of surcharge distributions and must ensure all reallocations of or contracts requiring payment from Surcharge distributions are invoiced or priced in sufficient detail to differentiate 9-1-1 expenses from non-9-1-1 expenses.

Deleted: ¶

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Section 1326.510 Disbursements Subject to Appropriation **Previously 1329.610**

- a) Notwithstanding any other provision of this Part, grants and surcharge disbursements shall be payable solely from funds appropriated by the General Assembly to the Fund for the purpose of making disbursements under this Part.
- b) The Department shall notify eligible 9-1-1 Authorities and vendors of any applicable lack of appropriations as soon as is practicable.

Same as Previous

Same as Previous

Section 1326.520 Annual Financial Reports (AFRs)

- a) All 9-1-1 Authorities are required to file an AFR no later than January 31st of each year for the prior calendar year.
- b) All 9-1-1 Authorities must submit a current IRS Form W-9 with their AFR. The name and the employer identification number (EIN) reported on the form should agree with the payment recipient name and EIN for monthly surcharge distribution payments and all Statewide 9-1-1 grant applications and corresponding grant reimbursements.
- c) The AFR must be filed by submitting an electronic format in the manner prescribed by the Department on its website.
 - 1) 9-1-1 Authorities must ensure and be able to demonstrate that surcharge disbursements received pursuant to the Act were used only for acceptable purposes and functions necessary to operate or maintain a 9-1-1 system in accordance with Section 1326.600 of this Part.
 - 2) Surcharge disbursements received pursuant to this Act may not be commingled with other revenue received by the 9-1-1 Authority.
- d) Accounting records must be supported by documentation retained by or available to the 9-1-1 Authority such as invoices, contracts, leases, loans, rental agreements, contracts, time sheets, bank statements, itemized deposit transactions, cancelled checks, etc. and must be retained in accordance with Section 1326.620 of this Part. These records shall be submitted only upon request of the Department.

New Section not in previous Admin Rules

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Section 1326.530 Noncompliance

- a) A 9-1-1 Authority will be deemed non-compliant if it (1) fails to file the AFR required in violation of ETSA Section 40 [50 ILCS 750/40], (2) does not follow the rules established in Section 1326.615 of this part, (3) answers the AFR certification question(s) in the negative, (4) uses funds contrary to the rules established in Section 1326.600 of this part, or (5) does not follow the rules established in Section 1326.605 of this part.
- b) A 9-1-1 Authority found to be in violation of subsection (a) is referred to in the remainder of this Section as a "noncompliant 9-1-1 Authority".
- c) Department Review of AFRs
 - 1) The financial statements required under Section 1326.615 of this Part shall be reviewed to determine whether a 9-1-1 Authority that receives funds from the Statewide 9-1-1 Fund has:
 - A) complied with the provisions of Section 1326.600 of this Part;
 - B) complied with the provisions of Section 1326.605 of this Part;
 - C) complied with the provisions of Section 1326.615 of this Part; and
 - D) answered the certification questions in the negative.
 - 2) The Department shall contact each allegedly noncompliant 9-1-1 Authority in writing and request a response regarding its noncompliance with the Act.
- d) The noncompliant 9-1-1 Authority shall have 30 days to respond in writing. The Department shall notify the Administrator of any allegedly noncompliant 9-1-1 Authority. If at the end of that 30-day period the noncompliant 9-1-1 Authority has failed to respond to the Department's findings of noncompliance in writing, the Department shall withhold monthly surcharge disbursements as follows:
 - 1) If the noncompliant 9-1-1 Authority has not filed a report at all, the monthly surcharge disbursements otherwise payable to the allegedly

Not consistent with previous
Non-Compliance section of 1329.
Appears to be total re-write

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noncompliant 9-1-1 Authority under ETSA Section 30 shall be suspended and withheld until the Department determines that the noncompliant 9-1-1 Authority is in compliance with the statute and in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and distributed to compliant 9-1-1 Authorities, as provided in subsection (e); or

- 2) If the noncompliant 9-1-1 Authority has made an effort to file a report, but the report is otherwise contrary to the Act or the rules established in this Part, the monthly surcharge disbursements otherwise payable to the allegedly noncompliant 9-1-1 Authority under ETSA Section 30 shall be suspended beginning 30 days after the date the 9-1-1 Authority is notified that they are non-compliant. Surcharge will be withheld until the Department determines that the noncompliant 9-1-1 Authority complies with the statute and has filed the report in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant 9-1-1 Authorities, as provided in subsection (e).
 - 3) In addition to the provisions of subsections d)1) and d)2), if the noncompliant 9-1-1 Authority has misused surcharge funds in violation of Section 1326.600 of this Part, the noncompliant 9-1-1 Authority will be required to repay the diverted surcharge funds and required to provide verification from an external auditor that the repayment has occurred before any further surcharge disbursements will be made. The noncompliant 9-1-1 Authority will be ineligible for receiving grant money, other than the surcharge disbursements, for a period of two grant cycles after a final administrative decision determining it has misused surcharge funds.
- e) If a noncompliant 9-1-1 authority disputes the validity of the suspension of surcharge disbursements, the noncompliant 9-1-1 authority may provide documentation to the Department to dispute the validity of the suspension of surcharge within 30 days of receiving notice of the suspension. The Department will review the documentation and notify the 9-1-1 Authority of its final findings within 30 days of receiving notice of and documentation regarding the dispute.

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- (f) Any findings or decisions of the Department under this Section shall be deemed a final administrative decision and shall be subject to judicial review under the Administrative Review Law.
- (g) The payment of any monthly surcharge disbursement to a 9-1-1 Authority shall not constitute acknowledgment that the 9-1-1 authority has filed a financial report as required under ETSA Section 40 or has filed a report that is in a form and manner prescribed by the Department.

SUBPART F: MISCELLANEOUS

Section 1326.600 Records

Previously 1329.620

- a) Surcharge
Carriers and Interconnected VoIP providers shall maintain detailed books and records related to surcharges billed and collected by geographic area, where applicable.
- b) Network Costs
Vendors shall maintain records necessary to support invoices submitted for network costs in accordance with applicable law and generally accepted accounting principles.
- c) Grants and Surcharge Disbursements
9-1-1 Authorities shall maintain detailed books and records related to grants and surcharge disbursements received and use of those funds in accordance with applicable law and generally accepted accounting principles.
- d) Records Retention
Effective January 1, 2016, all books and records shall be retained for a minimum of ten years. All books and records shall be available for review or audit by the Department, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority, upon reasonable notice and during normal business hours. Carriers, vendors, Interconnected VoIP providers, and 9-1-1 Authorities shall cooperate fully with any such review or audit. If any audit indicates overpayment or underpayment to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, the Department shall adjust payments

Same as previous

Same as previous

Same as previous

Only change is previously under 1329.620d the time period was 5 years.

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otherwise due. If no payments are due and owed to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, or if the overpayment exceeds the amount otherwise due, the carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority shall immediately refund all amounts that may be due to the Fund.

