



June 20, 2022

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
48 L Street, NE
Washington, D.C. 20554

Re: Notice of Ex Parte Letter, WT Docket 20-291 and 90-14

The local Illinois chapters of the Association of Public-Safety Communications Officials (IL-APCO) and the National Emergency Number Association (IL-NENA) submits this ex parte letter to raise concerns and requests that the commission provide a clear determination as to using 9-1-1 Fees for 9-8-8 is a 9-1-1 Fee Diversion.

At the National Emergency Number Association (NENA) Annual Conference being held in Louisville, Kentucky this week, representatives of the Federal Communications Commission (FCC) were present and were asked the specific question of whether the transfer of surcharge funds from the 9-1-1 fund to the 9-8-8 fund would constitute a diversion of 9-1-1 funds under the terms of the FCC's recent rulemaking on the use of surcharge funds.

It was stated that the transfer of 9-1-1 surcharge funds to a 9-8-8 trust fund would constitute a diversion of fees which could disqualify the State of Illinois from receipt of future federal grant funding. This opinion was based on the history of the FCC's application of the definition of diversion and use of 9-1-1 surcharge funds.

On July 1st 2022, the State of Illinois is authorized to transfer 5 million dollars in 9-1-1 Fees to 9-8-8. After this transfer of 9-1-1 fees, based on the opinion of the FCC, would the State be ineligible for Federal Next Generation 9-1-1 grants? If so, would the State be able to repay the money to the 9-1-1 fund within the State's fiscal year without impacting the State's ability to secure Next Generation 9-1-1 grant funding?

As funding continues to be an issue for 9-1-1 systems nationally, the diversion of 9-1-1 Fees to support another program directly impacts the ability to build a sustainable National Next Generation 9-1-1 network.

Unless a formal opinion is made by the Commission, it is likely that a systemic diversion of 9-1-1 Fees will be used to build and support 9-8-8 operations nationally.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Reynolds".

Brent Reynolds, Illinois APCO President

A handwritten signature in black ink, appearing to read "Shelley Dallas".

Shelley Dallas, Illinois NENA President