

THURSTON COUNTY DEPARTMENT OF COMMUNICATIONS "CAPCOM"



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Washington Military Department
Attention, Ms. Laura Vander Meer,
Finance Director

December 1, 2008

Dear Ms. Vander Meer,

The Military Department's Next Generation 9-1-1 Funding Mechanisms Report that was released today suggests that questions about the report be directed to you. Having called the phone number listed, I found that you are on vacation, and the Mr. Woodruff was the alternate contact. Since he was not able to answer one of my questions about distribution, I am emailing you both because timely answers will be critical to the preparation for the upcoming Legislative Session.

Following approval of the Proviso, the State E9-1-1 Advisory Committee formed a Subcommittee that was charged with developing an RFP for the Study. Their recommendations became the foundation for the State 9-1-1 Program Office RFP that was provided to the Emergency Management Department and Legal Department for review prior to its release on July 1, 2008. Following its release, proposals were received scored and an award went to Kimball & Associates. The contract was signed and became effective on September 18, 2008.

As you are aware, the Military Department chose to issue an RFP for preparation of the a 9-1-1 Funding Study, that was authorized through a 2008 Legislative Proviso. I have been advised that approximately \$160,000 was the cost of the Study, that was awarded to Kimball Consulting for preparation of the Study. The Final Report was received by your Department on November 14th, per published timelines that were developed by the State 9-1-1 Program Office project manager, Bruce Baardson. I have been advised that the Final Report was accepted by the 9-1-1 Program Office.

The Legislative Proviso was very specific as to timelines for delivery which was by November 1, 2008, to allow the Department to submit to DOR, and OFM. And to allow the Department to submit to the House of Representatives Finance committee, and Technology, energy and communications committee by Dec 1, 2008. And to allow the Department to submit to the Senate Ways and Means committee and Water, energy and telecommunications committees by Dec 1, 2008.

As you can well imagine, a Study of this magnitude required a great deal of information, much of which did not exist in the State E9-1-1 Program Office, and needed to be provided in a very short timeline. The Counties, and their 9-1-1 Coordinators, worked tirelessly to provide the information with only a 48 hour turn around to meet the timelines in the Proviso. Everyone went the extra mile calling in extra staff, and working long hours to meet the deadlines set by the vendor. For the first time in the history of this program, all 39 counties completed their work and submitted their information through the State 9-1-1 Program Office, to make this Study as accurate as possible. It reflects for the very first time, the total cost

of our 9-1-1 system, rather than just the 9-1-1 excise tax part of what makes up our Statewide E9-1-1 system.

The Vendor and Project Manager agreed on project timelines, that included a Kick-off meeting with all stakeholders on October 7th, that included the State E9-1-1 Program Office staff, County 9-1-1 Coordinators, E9-1-1 Advisory Committee members, NG9-1-1 Subcommittee members Telecommunications representatives, OFM and DOR. Because RFP responses for Next Generation 9-1-1 ESInet and ALI Database were due on October 31st, it was recommended that inclusion of that first hand costing information would further enhance the validity of the report. So OFM and DOR were asked if they would agree to receipt of the Final Report by November 14th. A list of timelines were published and distributed to all groups and participants that included:

- October 20th a Draft Study will be distributed to all participants
- October 22nd, All comments on the Draft Study must be received
- November 14th Final Report distributed to OFM, DOR, Advisory Committee and 9-1-1 Coordinators
- December 1st Final Report to House and Senate Committees

After all initial input was received, Kimball prepared a Draft Study that was provided to every participant in the above list on October 20th, that asked for feedback on the report by October 22. Input was received from many as well as the NG9-1-1 Committee, and from that input, Kimball prepared their Final Report and submitted it to the E9-1-1 Program Office by November 13th, consistent with the published timeline so it could be submitted to OFM and DOR on time.

We have been told that EMD received input from OFM on the Draft Study, rather than being directed to the Project Manager (21 days after the deadline for input). EMD, requested a meeting on the Study on November 12th, and another on November 14th. The meetings included Jim Mullen, you, Bob Oenning and Bruce Baardson. The Final Report has been held up by EMD and the Military Department, and as a result, the deadline for delivery to OFM and DOR was missed.

On November 19th, we were informed after asking about the status, that EMD/Military Department had barred any release of the Final Report.

I shared the following concerns with General Lowenberg based on that directive:

1. EMD chose to contract out for the completion of this 9-1-1 Financial Study resulting in an independent Study for the Legislature that represents the total costs of the current E9-1-1 system and the migration to, and the on-going operation of Next Generation 9-1-1, to include both State and Local governments. We are concerned that it appears that EMD may be attempting to narrow the scope, or manipulate this Independent Study, limiting it to only the State portion of the cost of 9-1-1 (that represents only 10% of the overall 9-1-1 costs statewide). This after EMD approved the scope of the Study before issuance of the RFP.
2. While the Military Department was charged with producing the Study, the Proviso was a result of the VoIP Bills requested by APCO and NENA in the 2008 Legislative Session, to assist the Legislature in understanding the true overall cost of statewide E9-1-1 as well as the migration to and on-going operation of NG9-1-1 for both State and Local governments during the upcoming Legislative Session.

3. EMD's delay of release of the Final Report of the 9-1-1 Funding Study has made it impossible to share the Study with the E9-1-1 Advisory Committee , and all County 9-1-1 Coordinators on November 20th as was planned and in time to share with County Commissioners prior to the Legislative session.
4. EMD's delay of release of the Final Report of the 9-1-1 Funding Study has made it impossible for the Legislative Committees of APCO and NENA to work with Telecommunications representatives who traveled from across the country to attend a 1:30 PM meeting (on November 20th). The objective for the meeting was to use the Study as a starting point to find consensus around how best to approach the Legislature to fund costs associated with this 'statewide essential service' as migration begins from E9-1-1 to NG9-1-1 during this biennium.
5. The unwarranted delay of the Final Report of this Independent 9-1-1 Funding Study, gives the appearance of outright arrogance by Washington State Emergency Management Department (EMD) that prevents the continued dedicated efforts of the State E9-1-1 Advisory Committee, County 9-1-1 Coordinators, Telecommunications Company representatives, and the Washington State Legislature.
6. EMD's delay of release of the Final Report for the completed 9-1-1 Funding Study is directly affecting local government's being able to plan for its funding needs that are associated with this 'statewide essential service' as migration begins from E9-1-1 to NG9-1-1 during this biennium.
7. State and Local 9-1-1 excise tax revenues amount to only 36 % of the total 9-1-1 costs. Not being able to utilize the Study to address the 64% of 9-1-1 costs that local governments fund (from general funds, member fees , or sales tax for emergency communications)to work with Legislators before the holidays means that EMD is undermining both the Military Department and Local Governments.

General Lowenberg, as I hope you can see, this is an issue that affects every County Board of Commissioners, every County 9-1-1 Coordinator, all Telecommunications companies, and citizen in our state. Mr. Mullen's directive to prevent the release of this important Study reflects poorly on the Military Department, the Legislature and our Governor.

My concerns are as follows:

Today, we received the NEXT GENERATION 911 FUNDING MECANISMS report from the Military Department. What we found was rather than a summary of the contents of the Independent Study, entirely new recommendations were produced, utilizing snip-its of Independent Study.

We were told that the Independent Study could be released to those who requested it. While that in itself was not at issue, what was received when requested is of concern. We are aware that a Final Report was delivered to the State 9-1-1 Program Office, and that it was accepted. Yet what has been delivered based on our request was a DRAFT report.

Access to the Final Report has either been denied, or EMD/Military Department is attempting to narrow the scope, or manipulate this Independent Study by asking for a rewrite. In a phone conversation with the General, he assured me that the Study would not be modified or rewritten, and that release to the Legislature would occur today, December 1st.

He also reassured me that the Final Report would not be withheld.

As I stated in my letter to the General, the unwarranted delay of the Final Report of this Independent 9-1-1 Funding Study, gives the appearance of outright arrogance by Washington State Emergency Management Department (EMD) that prevents the continued dedicated efforts of the State E9-1-1 Advisory Committee, County 9-1-1 Coordinators, Telecommunications Company representatives, and the Washington State Legislature.

My questions are as follows:

1. Will the Legislative Committees receive both the Military Department 9-1-1 Funding Mechanisms Report and the Final 9-1-1 Funding Study as prepared and delivered on November 13th, by Kimball Consulting? Or will they receive the Draft Report despite the fact that a Final Report was issued and accepted, and why?
2. Why have requests for the Final Kimball Consulting Study that I sent to the General, on November 19th, been denied, and in lieu of providing that report, a Draft Kimball Consulting Study is being distributed, without advising why the Final Report has been denied. The State Public Records Act RCW 42.17.020, is clear that this is a public document. I find no exemption that applies, nor was one offered as required by the Act.
3. If the Independent Final Report is being changed by either EMD or the Military Department, it is no longer an Independent Study. Can you please explain how this fits under the transparency of government concept?
4. If the report is being manipulated, I assume that the cost of the report will also climb. Can you provide justification for the increased costs in these tight budget times?

Thank you for the opportunity to ask questions about what was released.

Sincerely,

James C. Quackenbush, Director

Cc General Timothy Lowenberg