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September 10, 2020

Senator Wayne Harper
Representative Craig Hall
Senator Ronald Winterton
Representative Carl Albrecht
Members of the 2020 Retirement and Independent Entities Interim Committee
Members of the 2020 Public Utilities, Energy, and Technology Interim Committee
320 State Capitol
Salt Lake City, Utah 84114

Re: Utah Communications Authority's Written Report on its Plan for and Progress in Implementing the Recommendations of the Performance Audit of the Utah Communications Authority and 911 Operations, Report No. 2019-15

Dear Senators and Representatives:

Thank you for the opportunity to provide the Utah Communications Authority's ("UCA") written report on its plan for and progress in implementing the recommendations of Performance Audit number 2019-15, "A Performance Audit of the Utah Communications Authority and 911 Operations" (the "Report"), as required by Utah Code Ann. §63H-7a-206.5. If, after reviewing this report you have any questions, please do not hesitate to contact me.

The Utah Communications Authority maintains and expands the best public safety, emergency, radio communications network in America, assists state/county/local agencies in the provision of 911 services, and improves interoperability across Utah. These are large and complex tasks that form the backbone of Utah's first responder network. UCA is proud of the services it provides and is pleased to support Utah's first responders.

UCA's current Governing Board and Executive Management have been in place since 2017. In that time, UCA has undertaken a number of new projects, including: 1) the upgrade of the radio network to the P25 technology in partnership with L3Harris Technologies, Inc.; 2) the implementation of a statewide, next generation 911 ("NG911") phone system in partnership with Vesta Solutions, Inc. a wholly subsidiary of Motorola Solutions, Inc.; and 3) an expansion of its radio network by approximately 20% to provide coverage in parts of rural Utah. These projects are all well underway and when completed, will provide the latest technology to the first responders and citizens of Utah to guarantee that Utah's public safety communications are second to none.

The goal of this letter is to provide a report on UCA's progress towards and plan for implementing the recommendations that came from the Report. Accordingly, we will address each chapter of the Report that pertains to UCA, the relevant recommendations, and UCA's progress and plans for implementation.

Chapter II of the Report focuses heavily on the transfer of 911 calls between Public Safety Answering Points ("PSAPs"); this is something that UCA has also made a focus of its efforts. UCA agrees with the Report's findings that, except in very limited circumstances, the transfer of a 911 call should be avoided. Some argue that the consolidation of PSAPs is the only way to resolve the transfer problem, however, UCA agrees with the Report that consolidation is not the only way to accomplish this objective. Phase II of UCA's Strategic Plan addresses a concept known as functional or virtual consolidation and espouses the idea that utilizing common phone systems, radio networks, and Computer Aided Dispatch ("CAD") connections, a PSAP can reduce transferred calls. In that vein, UCA has committed the remaining funds in the CAD account to the renewal of a grant to the Valley Emergency Communications Center ("VECC") to implement a CAD system which will decrease internal transfers within VECC as well as between VECC and Salt Lake City's PSAP which serves Salt Lake City and Sandy. In addition, UCA, following the guidelines of the Utah Procurement Code, has entered into a contract with Vesta Solutions, Inc. a wholly owned subsidiary of Motorola Solutions, Inc. This statewide phone system, in particular, will allow for the geospatial routing of 911 calls and will reduce the number of cell phone calls that get misdirected to the wrong PSAP. Of course, individual PSAP policies and practices will still play an important role in decreasing transfers, and for that reason, UCA is very pleased with the efforts that the Utah Legislature made through SB 154 this last session.

The Report recommends that "UCA Should Use the State 911 Account as Incentive to Improve the Statewide 911 System." This is exactly what UCA has done. The website, www.911.gov, maintained by the National Highway Traffic Safety Administration's Office of Emergency Medical Services states that "[t]he success and reliability of 911 will be greatly improved with the implementation of NG911, as it will enhance emergency number services to create a faster, more resilient system that allows voice, photos, videos and text messages to flow seamlessly from the public to the 911 network. NG911 will also improve PSAP ability to help manage call overload, natural disasters, and transferring of 911 calls and proper jurisdictional responses based on location tracking." https://www.911.gov/issue_nextgeneration911.html. The implementation of Utah's Statewide NG911 system is expected to address not only transfers, but also a host of other issues and concerns facing PSAPs. Accordingly, the focus of UCA's 911 Division has been to utilize the Unified Statewide 911 Emergency Service Account to provide a statewide upgrade to NG911. As previously noted, UCA has begun this upgrade and the installation of this new NG911 phone equipment began this week at VECC. We anticipate that by the end of the year, over 50% of the 911 operator positions within Utah will be migrated to this NG911 network and utilizing NG911 phone equipment. The remaining PSAPs and positions will be transitioned by the first quarter of 2022. This upgrade fulfills the requirements of Section 304(2)(a) of the Utah Communications Authority Act which, as amended by SB154 in 2019 provides that with few exceptions, UCA "shall disburse funds in the 911 account for the purpose of enhancing and maintaining the statewide public safety communications network and 911 call processing equipment in order to rapidly, effectively, and with greater interoperability deliver 911 services in the state." This upgrade will

enhance and maintain a 911 network that rapidly and efficiently delivers 911 services in Utah. Similarly, this upgrade will meet the requirements of Section 304(2)(b) – to promote “statewide public safety” and “interoperability” and to impact “the largest service territory,” “densely populated area[s]” and “underserved areas;” Section 304(2)(c) – in accordance with UCA’s Strategic Plan, and Section 102 to “provide administrative and financial support for statewide 911 emergency services.”

The Report focuses one section of the Utah Communications Authority Act, Utah Code Ann. §63H-7a-302(5)(a), which prior to SB154 in 2019, required that UCA’s 911 Division “recommend to the executive director, for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to: (a) administer the program funded by the Unified Statewide 911 Emergency Service restricted account created in Section 63H-7a-304, *including rules that establish the criteria, standards, technology, and equipment that a public safety answer point is required to adopt in order to qualify for goods or services that are funded from the restricted account.*” (emphasis added). The Report relies heavily upon this section for the conclusion that UCA had a statutory obligation to adopt rules which mandate PSAP compliance with certain standards as a precondition to receiving funds or equipment purchased using funds from the Unified Statewide 911 Emergency Service restricted account. As referenced, through SB154 in 2019, the Utah Legislature, building upon a recommendation from UCA found in its response to the Report, eliminated this section and requirement and, instead, codified a procedure whereby a portion of the 911 funds is to be distributed to PSAPs upon their meeting certain requirements which include transfer reductions, call time answering goals, and participating in UCA’s interoperability exercises. As addressed below, SB154 in 2019, sponsored by Senator Harper, was the culmination of discussions with UCA, its advisory committees, and other stakeholders to fulfill the recommendations 2-4 of Chapter II of the Report, as discussed in specific detail below. SB154 also addressed the recommendations of Chapter III, as detailed more fully below, as they related to the request that the Legislature better define UCA’s role and relationship with 911 service providers and as they related to UCA’s balance of collaboration and enforcement.

Chapter IV of the Report addresses claims made by some private communication providers that UCA acted in a manner that was intentionally damaging to those private providers. Since its creation, UCA, formerly UCAN, has strived to construct public safety communications sites that best serve Utah’s citizens. Factors that UCA considers when selecting a public safety communications site included coverage, cost, timeline, and partnership. As the Report notes, UCA has entered into numerous partnerships with government and private partners throughout Utah, utilizing others’ resources and sharing its own. As detailed in the report, in March of 2019, and in conjunction with the largest construction project UCA has undertaken in recent history, UCA adopted a new process whereby it publishes a request for co-location that anyone can view and respond to. Usually, these requests to co-locate are un-responded to as many of UCA’s site locations are too remote for commercial providers. And often, even when a quote is provided, UCA is able to construct its sites for less than the co-location quotes provided. Regardless, this process provides significant transparency which allows all parties the opportunity and option to participate alongside UCA.

The Report also correctly indicates that UCA engages in an identical bid process with respect to its backhaul needs. Depending on a number of factors, UCA has found that

sometimes it is more beneficial for UCA to partner with private fiber providers. Recently fiber providers have been providing geographically diverse fiber paths, allowing UCA to rely on fiber for a public safety purpose. Through the aforementioned bid process, UCA always considers possible fiber options when expanding or replacing a fiber connection and is currently seeking fiber connections to supplement many of its existing network connections. The recommendation to UCA in Chapter IV related to adding some additional detail into UCA's process for comparing bids, a change that was made immediately and continues today, and UCA is consistently entering into contracts with private providers to provide fiber backhaul connections.

Chapter V of the Report addressed UCA's interoperability efforts. UCA has a unique radio system. As the Report notes, Utah is "different than other states in which different state agencies, cities, counties, or other regional jurisdictions fund and operate their own independent radio networks." The Report also accurately notes that, in this regard, Utah is the "envy" of other western states. The reason it is the envy is because of the amazing interoperability that exists within Utah, both between and among agencies, counties, and a vast geographical area. Accordingly, while Chapter V appropriately identifies areas of interoperability improvement, they should not overshadow the reality that Utah has the best public safety, emergency, radio communications network in America.

However, since reviewing the Report, UCA has focused on what it refers to as *micro* interoperability issues, which UCA defines as individual agency interoperability issues, previously unaddressed by UCA's interoperability division. UCA has implemented changes aimed at addressing these concerns. For instance, UCA's small force of Radio Technicians routinely assist agencies in addressing and resolving interoperability issues. In addition, and as referenced above, UCA will be conducting an annual interoperability exercise to help train PSAPs and user agencies on some of the interoperability features that already exist on the network, but have been forgotten or neglected by Utah's public safety personnel. In addition, UCA has recently hired an Interoperability Manager whose focus is to travel Utah meeting with users of the public safety communications systems to address needs and concerns and to provide whatever assistance those agencies need to improve interoperability. Through this and other measures detailed below, UCA has complied with the recommendations of Chapter V.

Chapter VI of the Report recognizes the exceptional role that UCA's Governing Board plays in the oversight of UCA. The Report states that UCA's Governing Board "is providing adequate oversight," and I can personally attest to the guidance and oversight that we received from the very smart, invested, and dedicated members who take very seriously the role they play in public safety. Chapter VI also highlighted UCA's outstanding internal controls. Internal controls have been a focus at UCA since 2017. The few recommendations found in Chapter VI have all been met by UCA.

With all of that said, we would like to specifically address each recommendation directed at UCA in the Report and explain what UCA has done and/or will do to address these recommendations.

Chapter II, Recommendation #2: We recommend that the Utah Communications Authority, as part of its effort to fulfill the legal intent of the state 911 account, create

minimum operational standards that require PSAPs to reduce transfers below a certain threshold.

UCA Response: During the 2020 General Legislative Session, UCA worked with stakeholders and Senator Harper to pass SB 154, which focuses on the aforementioned transfers, and ties PSAPs' decreases of transfers directly to certain funding from the 911Account.

Chapter II, Recommendation #3: We recommend that the Utah Communications Authority work with 911 stakeholders to identify other inefficiencies in the state 911 system that could be the subject of additional UCA funding standards.

UCA's Action Taken/To Be Taken: In May of 2019 UCA met with representatives of each of the non-federal PSAPs in Utah to review UCA's minimum standards and best practices. Consensus amendments were then presented to UCA's Governing Board and based on these recommendations, the minimum standards and best practices were amended pursuant to these suggestions. Since that time, individual PSAP representatives have taken suggestions to UCA's Advisory Committees which have followed the same process. During the 2020 General Legislative Session, UCA worked with stakeholders and Senator Harper to pass SB 154, which focuses on the aforementioned inefficiencies in the state 911 system, and ties PSAPs' correction of these inefficiencies with funding from the 911Account.

Chapter II, Recommendation #4: To enhance radio interoperability as discussed in Chapter V of this report, the Utah Communications Authority should consider a requirement that PSAPs routinely participate in interoperability exercises as a condition of receiving restricted funding from the Unified Statewide 911 Emergency Service Account.

UCA's Action Taken/To Be Taken: During the 2020 General Legislative Session, UCA worked with stakeholders and Senator Harper to pass SB 154, which requires PSAPs to participate in an annual interoperability exercise in order to receive certain funding amounts from the 911 Account. UCA has also hired an Interoperability Manager to oversee trainings and work with agencies as described above.

Chapter III, Recommendation #2: We recommend that the Utah Communications Authority collaborate with PSAPs to identify systemwide inefficiencies and ineffectiveness and craft funding standards in *Administrative Rule* that will make Utah's 911 system more rapid, efficient, and interoperable.

UCA Response: As discussed above in response to Chapter II, Recommendation #3, UCA has an open dialogue with PSAPs and its Advisory Committees to identify systemwide inefficiencies and ineffectiveness. During the 2020 General Legislative Session, UCA worked with stakeholders and Senator Harper to pass SB154, which focuses on the aforementioned inefficiencies in the state 911 system, and ties PSAPs' correction of these inefficiencies with funding from the 911Account. In addition, UCA has submitted draft administrative rules which incorporate the changes in SB154 to the Utah Office of Administrative Rules.

Chapter III, Recommendation #3: We recommend that law enforcement, PSAP directors, and other PSAPs work with the Utah Communications Authority to identify funding standards that will make Utah's 911 system more rapid, efficient, and interoperable.

UCA Response: Though this recommendation is not expressly for UCA, we think it is worthwhile to note that during the 2020 General Legislative Session, UCA worked with stakeholders (law enforcement, PSAP directors, and other PSAPs) and Senator Harper to pass SB 154, which focuses on the aforementioned funding standards, tying PSAPs' correction of these inefficiencies with funding from the 911Account.

Chapter IV, Recommendation #2: We recommend that the Utah Communications Authority refine its process for comparing bids to internal costs for building radio sites by including estimates for internal maintenance costs, a more accurate useful life of equipment, and a methodology that accurately reflects future cash flows.

UCA Response: Every factor that the Report recommends UCA consider has been included in the analyses UCA performs.

Chapter V, Recommendation #1: We recommend that the Utah Communications Authority, as directed by law, coordinate with stakeholders to develop solutions to interoperability problems.

UCA Response: As the Report notes, UCA's Interoperability Division is very involved in large scale interoperability efforts but had been understaffed to address the more localized interoperability issues that arise. In order to better coordinate with stakeholders to develop solutions to interoperability problems, UCA has increased personnel to include a person dedicated to work with agencies to address localized interoperability issues and concerns. These efforts have been delayed slightly due to COVID and UCA engaging in proper safety precautions associated therewith, but we are hoping to put this plan into full effect very shortly. In addition, During the 2020 General Legislative Session, UCA worked with stakeholders and Senator Harper to pass SB 154, which requires PSAPs to participate in UCA's annual interoperability exercise to receive certain funding from the 911Account.

Chapter V, Recommendation #2: We recommend that the Utah Communications Authority develop *Administrative Rules* to specify which local agencies can use the 800 MHz radio network.

UCA Response: Rules which address this recommendation have been drafted, presented to UCA's Governing Board, and have been submitted to the Utah Office of Administrative Rules for publication, public comment, and ultimately, adoption.

Chapter V, Recommendation #4: We recommend that the Utah Communications Authority communicate information on network compatible radios to stakeholders.

UCA Response: This information is currently found on UCA's website, www.uca911.org both under the Radio Division tab as well as under the P25 tab. In addition, UCA has begun publishing a quarterly newsletter to its stakeholders which has contained this information as well as multiple agency contacts agencies can reach out to for specific questions. UCA has also requested two major radio manufacturers provide relevant

information to simplify this question as well. Part of the recent difficulty in communicating this information to stakeholders has been, as noted in the Report, that it is “difficult to definitively say which radios will work in the future.” However, UCA has made repeated efforts to communicate the information it does know.

Chapter VI, Recommendation #1: We recommend that the Utah Communications Authority Board adopt a policy outlining financial control policies and procedures.

UCA Response: As the Report notes, the internal controls were operational, they just were not memorialized in an official policy. UCA’s Governing Board adopted formal policies at its December 11, 2019 meeting to satisfy this recommendation.

Chapter VI, Recommendation #2: We recommend that the Utah Communications Authority conduct a full review of internal practices against the Utah Division of Finance standards for internal financial controls to ensure that policies and procedures are complete.

UCA Response: UCA completed this review and found that with few exceptions UCA’s internal practices and financial controls were complete. Deficiencies were corrected and included in the policies and procedures addressed in response to Chapter VI, Recommendation #1. The Utah Division of Finance standards for internal financial controls also included certain information technology (“IT”) recommendations as well. Though UCA was uncertain whether the Report was recommending these IT policies be implemented, UCA has hired an additional IT specialist and has begun implementing these suggestions as well.

Chapter VI, Recommendation #3: We recommend the Utah Communications Authority Board determine how to best provide board meeting materials to help meeting attendees better understand the decisions being made.

UCA Response: It is important to note that UCA is compliant with both the Open Public Meetings Act and the Governmental Records Access Management Act, both of which are referenced in the Report. This recommendation is not one to bring UCA into compliance with these acts but, rather, a recommendation that UCA provide information above and beyond the statutory requirements. In order to comply with this recommendation and provide attendees with better access to the information being presented and discussed at UCA’s Governing Board meetings, UCA has employed PowerPoint to display documents and, during this COVID time period, has been displaying documents on WebEx to make them available to public meeting participants.

Chapter VI, Recommendation #4: We recommend that the Utah Communications Authority explore ways to make better use of existing state network resources.

UCA Response: UCA has held meetings with the Utah Department of Technology Services, the Utah Department of Transportation, and other relevant state agencies to explore if ways to make better use of existing state network resources. Some efficiencies have been found and we expect more as we have continued collaboration.

In closing, I wish to express my gratitude to your committees for the dedication, commitment, time, effort, and thought that you provide UCA and Utah’s Emergency

Communications generally. UCA is pleased to assist Utah's amazing first responders and looks forward to the continual upward progression of emergency communications in Utah.

Sincerely,

<i>David A. Edmunds</i>	dotloop verified 09/10/20 3:19 PM MDT JHXG-ECE4-5MBG-JDW5
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David A. Edmunds
Executive Director
Utah Communications Authority