

202 KAR 6:100. PSAP Phase II certification.

RELATES TO: KRS 65.7621-65.7643, 47 U.S.C. 153(27), 332(d)

STATUTORY AUTHORITY: KRS 65.7631(6)(a), 65.7633(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.7631 (6)(a) states that no PSAP shall be eligible to request or receive a disbursement from the CMRS fund unless and until the PSAP demonstrates that the PSAP has made the investment which is necessary to allow the PSAP to receive and utilize the data elements associated with wireless E911 service. KRS 65.7633(1) requires the Kentucky 911 Services Board to implement the provisions of KRS 65.7621 to 65.7643 through the promulgation of administrative regulations. This administrative regulation establishes the process by which a PSAP shall demonstrate its ability to receive and utilize the data elements associated with wireless E911 and Next Generation 911 (NG911) service.

Section 1. PSAPs not currently certified by the Kentucky 911 Services Board in accordance with 202 KAR 6:050 shall not be eligible for disbursement from the CMRS fund as provided in KRS 65.7631(6) until they successfully complete both the requirements established in 202 KAR 6:050 and Sections 5 through 7 of this administrative regulation.

Section 2. PSAPs Already Certified by the Kentucky 911 Services Board.

(1) In order to maintain continued eligibility for CMRS funds, PSAPs that are currently certified by the Kentucky 911 Services Board in accordance with 202 KAR 6:050 shall no later than September 1, annually submit:

(a) An updated PSAP Annual Survey, including any changes to the documentation supplied in their original Phase I Application; and

(b) Based on an actual tabulation of call traffic for at least the first week in each calendar quarter:

1. A count of wireless 911 calls received by the PSAP for the previous fiscal year;
2. A count of non-wireless 911 calls received by the PSAP for the previous fiscal year; and
3. An accounting of the receipt and disbursement of funds used to operate the PSAP as provided in KRS 65.7630(3).

(2) Certified PSAPs shall:

(a) Make operational the hardware, software, and database necessary to receive and utilize the data elements associated with Phase II wireless E911 service;

(b) Notify the board, in writing, of their readiness to receive and utilize the data elements associated with Phase II wireless E911 service; and

(c) Supply to the board the following documentation:

1. An electronic copy of the digital maps of the PSAP's response area boundary and emergency service boundaries for law, fire, and emergency medical response, in accordance with subsection (3) of this section;
2. An electronic copy of the digital street centerlines that meets the mapping criteria in Section 3(1)(c) and Section 3(2) of this administrative regulation;
3. Beginning July 1, 2021, an electronic copy of the digital data set of all address site and structure points that meets the mapping criteria as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide;
4. Updated digital mapping data set layers monthly or at least quarterly, as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide;
5.
 - a. Copies of return receipts and letters sent certified mail requesting Phase II service from all wireless carriers licensed to operate in the PSAP's jurisdiction response area; or

- b. Documentation from a wireless carrier licensed to operate within the PSAP response area that Phase II service is operational or has been requested by the PSAP;
- 6. Evidence from the LEC, 911 service provider, and any contracted third party database services that all network elements necessary to the provision of Phase II wireless E911 service are operational; and
- 7. Evidence from hardware and software vendors that all hardware and software necessary to utilize Phase II calls is now operational.
- (3) Digital maps of the PSAP's response area boundary and emergency service boundaries.
 - (a) The digital maps required by subsection (2)(c)1. of this section shall comply with the mapping criteria as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide.
 - (b) Updated electronic response boundary and emergency response boundaries shall be updated or validated at least quarterly.
 - (c)
 - 1. If a PSAP's submitted jurisdictional or an emergency service boundary or boundaries conflicts with the jurisdictional or emergency service boundary or boundaries of another PSAP, the board shall notify all PSAPs affected by the dispute within five (5) working days.
 - 2. The affected PSAPs shall:
 - a. Negotiate a mutually agreeable resolution to the identified problem; and
 - b. Notify the Kentucky 911 Services Board of the result.
 - 3. If within the following thirty (30) days the Kentucky 911 Services Board is not notified of a mutually-agreeable resolution between the affected PSAPs, the board shall establish an arbitration panel that includes no fewer than three (3) members and includes GIS professionals and representatives of PSAPs certified for CMRS funding to determine the proper jurisdictional or emergency service boundary or boundaries.
 - 4. A PSAP may appeal the final determination of a boundary in accordance with KRS Chapter 13B.

Section 3. Mapping Criteria. Regardless of the source of its data, a PSAP certified for CMRS funding shall be responsible for the accuracy of the geographic data and supporting databases used by the PSAP and those supplied to the Kentucky 911 Services Board.

- (1) Maps in use by PSAPs shall include the following:
 - (a) PSAP response boundaries as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide;
 - (b) Emergency response boundaries for law, emergency medical service (EMS), and fire agencies within the PSAP response boundary as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide;
 - (c) Road centerlines that have been prepared and attributed with only items as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide;
 - (d) Beginning July 1, 2021, site and structure points as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide; and
 - (e) Address data that is ninety (90) percent accurate upon audit as established in Section 4 of this administrative regulation.
- (2) The geospatial positional accuracy of all geographic elements submitted shall be within thirty-three (33) feet of its true location, plus the accuracy of the device used to conduct the test, for ninety (90) percent of all tested sites.

Section 4. Geospatial Audit Requirements and Methodology.

- (1) The Kentucky 911 Services Board shall audit the use and quality of geospatial data supplied by certified PSAPs. The PSAP is not responsible for the accuracy of data provided by wireless carriers.
- (2) Audits shall be conducted:
 - (a) Utilizing equipment and methodology as approved and supplied by the Kentucky 911 Services Board or its designee and calibrated according to manufacturer's specifications; and
 - (b) Using tests approved by the board which includes GIS professionals and representatives of PSAPs certified for CMRS funding.
- (3) Audits shall verify that upon receipt of a wireless 911 call the PSAP's mapping component shall:
 - (a) Display the X, Y coordinates on digital base maps used by the PSAP;
 - (b) Identify the incoming 911 call on the map display; and
 - (c) Identify the closest assigned address to the X, Y coordinates provided.
- (4) Each PSAP's mapping shall be tested for the accuracy of the GIS software and hardware used within the PSAP. A minimum of twenty (20) randomly-selected address points shall be tested in each PSAP response area. If a PSAP response area encompasses multiple counties, a sampling of a minimum of twenty (20) randomly-selected address points per county shall be tested. Tested locations shall:
 - (a) Be distributed across the PSAP response area to yield a valid cross section of urban and rural environments;
 - (b) Plot on the correct side of the street as shown on the base map data supplied by the PSAP;
 - (c) Plot within the correct cross streets as shown on the base map data supplied by the PSAP; and
 - (d) Plot within one-tenth (1/10) of a mile of their location on PSAP supplied base maps.

Section 5. Audit Results.

- (1) The Kentucky 911 Services Board shall notify PSAPs, in writing, within ten (10) business days of audit results.
- (2) If a PSAP fails to meet the audit requirements, the Kentucky 911 Services Board shall allow the PSAP ninety (90) days from receipt of the audit notification to remedy the identified problems.
- (3) After receipt of the PSAP response, the board may schedule a reaudit.
- (4) A PSAP shall be decertified for CMRS funding if it:
 - (a) Fails to remedy the problems identified by the board; or
 - (b) Fails a reaudit.
- (5) The board shall notify the PSAP Director, in writing, return receipt requested, of its decision to decertify the PSAP.

Section 6. Appeals of Decertification.

- (1) A PSAP may request a review of its decertification by submitting a request in writing, within thirty (30) days of receipt of a decertification notice.
 - (a) The decertification shall be suspended pending the review by the board.
 - (b) The board shall schedule the requested review at a regularly scheduled board meeting, no later than ninety (90) days after receipt of the PSAP request.
 - (c) The board shall notify the PSAP of the scheduled review date, in writing, at least thirty (30) days prior to the meeting.
 - (d) After the board's review, the board shall notify, in writing, the PSAP of its decision within ten (10) business days.
- (2) A PSAP that has been decertified may further appeal its decertification in accordance with KRS Chapter 13B.

Section 7. Status of PSAP Funds During an Appeal.

(1) During a PSAP's appeal of its decertification, the PSAP's pro rata and workload payments shall be held in reserve in the appropriate CMRS fund account until resolution of all appeals by the PSAP.

(a) If the PSAP's appeal is successful, the reserved funds shall be disbursed to the PSAP with the next regular disbursement of each account.

(b) If the PSAP's appeal is unsuccessful, the reserved funds shall be disbursed to the remaining certified PSAPs with the next regular payments from each account in accordance with KRS 65.7631(5).

(2) All interest accrued by reserved funds shall be distributed among the normal CMRS accounts in accordance with KRS 65.7631.

Section 8. Incorporation by Reference.

(1) The Kentucky 911 Services Board "Kentucky NG911 Mapping Guide", 06/01/2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky 911 Services Board, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

(30 Ky.R. 513; Am. 907; 1208; eff. 12-5-2003; 33 Ky.R. 4221; 34 Ky.R. 238; eff. 8-31-2007; 46 Ky.R. 147, 902; eff. 9-10-2019.)