

State of Utah
Administrative Rule Analysis
 Revised May 2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment ___; Repeal ___; Repeal and Reenact <u>X</u>		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R174-1	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):		

Agency Information

1. Department:	Independent State Agency	
Agency:	Utah Communications Authority	
Room no.:		
Building:		
Street address:	5215 Wiley Post Way, Suite 550	
City, state:	Salt Lake City, Utah 84116	
Mailing address:	SAME	
City, state, zip:		
Contact person(s):		
Name:	Phone:	Email:
Quinton Stephens	8016410547	qstephens@uca911.org
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Nathan Marigoni	8018404200	marigonin@ballardspahr.com
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Administration
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
Significant legislation has been passed since the current version of the rules were promulgated. This legislation renders the existing rules moot and requires updates and revisions which are proposed through this submission.
4. Summary of the new rule or change:
The proposed rule addresses the methods and means for providing access and/or equipment to both the statewide public safety radio network and the statewide NG911 system. These rules also include procedures for the distribution of statutorily provided funds in accordance with the Utah Communications Authority Act, Title 63H, Chapter 7a.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule is not expected to have any fiscal impacts on state government revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services that have already been procured and budgeted by the Utah Communications Authority ("UCA"). All of UCA's funding comes from restricted accounts and service fees dedicated for these emergency communications services. Those portions of the rule addressing distributions from UCA's restricted accounts to participating entities only set forth the procedure for distributions already required by statute, i.e., Utah Code Ann. 63H-7a-304.5. The proposed rule itself will have <u>no effect on any state budget.</u>

B) Local governments:

This proposed rule is not expected to have any fiscal impacts on local government revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services that have already been procured and budgeted by UCA. All of UCA's funding comes from restricted accounts and service fees dedicated for these emergency communications services. Those portions of the rule addressing distributions from UCA's restricted accounts to participating entities only set forth the procedure for distributions already required by statute, i.e., Utah Code Ann. 63H-7a-304.5. The proposed rule itself will have no effect on any local budget.

C) Small businesses ("small business" means a business employing 1-49 persons):

This proposed rule is not expected to have any fiscal impacts on small business revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. UCA provides no services to businesses and businesses are not permitted to participate in these emergency communications services.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This proposed rule is not expected to have any fiscal impacts on small business revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. UCA provides no services to businesses and businesses are not permitted to participate in these emergency communications services.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This proposed rule is not expected to have any fiscal impacts on small business revenues or expenditures because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. UCA provides no services to entities other than state and local government entities and no entities other than state and local government entities are permitted to participate in these emergency communications services.

F) Compliance costs for affected persons:

This proposed rule is not expected to have any compliance costs because the rule addresses participation by state and local government entities in statewide emergency communications services maintained by UCA. The rule establishes only a procedure for UCA to manage participation in the system and participating entities and it is not anticipated that such entities will incur any compliance costs as a result of the rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The head of the Utah Communications Authority, Executive Director David Edmunds, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

As an independent state entity, I, David Edmunds, UCA's Executive Director, am the department head. I concur with the above statements and indicate that these rules, in and of themselves, will have no direct fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

David A. Edmunds, Executive Director, Utah Communications Authority

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Title 63H, Chapter 7a	Section 63H-7a-304.5	
Section 63H-7a-303		
Section 63H-7a-304		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 11/02/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY become effective on (mm/dd/yyyy): 11/9/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	David Edmunds	Date (mm/dd/yyyy):	09/09/2020
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~~R174. Communications Authority Board (Utah)~~

~~R174 1. Utah 911 Advisory Committee~~

~~R174-1-1. Purpose.~~

~~The purpose of this rule is to outline the operation of the committee and procedures whereby the committee shall award funds to Public Safety Answering Points (PSAPs) and Dispatch Centers throughout the State of Utah for the establishment and maintenance of a statewide unified E 911 emergency system, and to establish the framework to provide grants from the Computer Aided Dispatch (CAD) Restricted Account.~~

~~R174-1-2. Authority.~~

~~This rule is authorized by Section 63H 7a 302(5), and Section 63H 7a 204(11).~~

~~R174 1 3. Definitions.~~

~~(1) Definitions used in the rule are defined in Section 69-2-2.~~

~~(2) In addition:~~

~~(a) "applicant" means a Public Safety Answering Point (PSAP) submitting a grant application;~~

~~(b) "Authority" means the Utah Communications Authority established in Section 67H 7a 201;~~

~~(c) "Board" means the Utah Communications Authority Board established in Section 67H 7a 203;~~

~~(d) "CAD2CAD Interface" means a component to share CAD data between disparate CAD systems on a statewide or regional basis;~~

~~(e) "committee" means the 911 Advisory Committee established in Section 63H 7a 307.~~

~~(f) "grant" means an appropriation of funds from the restricted Unified Statewide Emergency Service Account created in Section 63H 7a 304 or the Computer Aided Dispatch Restricted Account created in Section 63H 7a 303;~~

~~(g) "PSAP" means a public safety answering point as defined in Section 69-2-2(7).~~

~~(h) "Program" means the defined activities funded by the Unified Statewide 911 Emergency Service Account in Section 63H 7a 304(2) or the defined activities funded by the Computer Aided Dispatch Restricted Account in Section 63H 7a 303(2); and~~

~~(i) "State" means the state of Utah.~~

~~R174 1 4. Operation of the Committee.~~

~~(1)(a) A chairperson shall be elected as provided in Section 63H 7a 307(3)(a) at the first meeting of each calendar year.~~

~~(b) The committee shall also elect a vice chairperson at that time to assist the chairperson with administrative duties.~~

~~(2)(a) The committee shall meet monthly unless circumstances otherwise dictate.~~

~~(b) Members of the committee may participate in the meeting by electronic means such as internet connection or a phone bridge.~~

~~R174 1 5. Grant Process.~~

~~(1)(a) A PSAP seeking a grant from the Unified Statewide 911 Emergency Service Account or the Computer Aided Dispatch Restricted Account shall make application to the committee using the Utah 911 Committee Grant Application forms.~~

~~(b) The application must include:~~

~~(i) a description of all equipment or services that may be purchased with the grant;~~

~~(ii) a list of vendors and contractors who may be used to provide equipment or services;~~

- (iii) evidence that the PSAP has used a competitive process when procuring equipment or services;
- (iv) a complete narrative justifying the need for the grant;
- (v) if applying for a grant from the Computer Aided Dispatch Restricted Account, a description of how the project fulfills the purposes outlined in 63H 7a 303;
- (vi) a description of any other funding sources that may be used to pay for the acquisition of equipment, construction of facilities or services;
- (vii) additional information as requested by the committee; and
- (viii) the signature of the authorized agency official.

(2)(a) Any PSAP intending to apply for a grant shall submit a notice of intent to Agency staff prior to the beginning of the calendar year for consideration in the next budget cycle.

(b) PSAPs that submit a notice of intent may receive priority over PSAPs that do not submit a notice of intent prior to making a grant application.

(3)(a) The committee requires a 30 day review period to consider grant application submissions.

(i) In cases of extenuating circumstances, a PSAP may request that the committee shorten the 30 day review period and consider the application at its next regularly scheduled meeting.

(ii) The request for a shorter review period shall be made in writing, and explain the extenuating circumstances that justify the expedited consideration of the grant application.

(b) Following the 30 day review period, a representative from the PSAP making the application shall be present, in person or by electronic means, at the next regularly scheduled committee meeting to present the grant application.

(4) PSAPs in the third through sixth class counties may apply for grants that enhance 911 emergency services. The committee shall consider these applications on a case by case basis.

R174 1 6. Criteria for Determining Grant Eligibility.

(1) In order to be eligible for a grant, a PSAP shall comply with all of the requirements found in Title 63H Chapter 7a Part 3; Title 53, Chapter 10, Part 6; and Title 69, Chapter 2.

(2)(a) When determining which PSAPS may receive grants, the committee shall give priority to 911 projects that:

- (b) enhance public safety by providing a statewide, unified 911 emergency system;
- (c) include a maintenance package that extends the life of the 911 system;
- (d) increase the value of the 911 system by ensuring compatibility with emerging technology;
- (e) replace equipment which is no longer reliable or functioning; and
- (f) include a local share of funding according to the following formula:
 - (i) PSAPs in a county of the first class that pay at least 30% of the total cost of the project;
 - (ii) PSAPs in a county of the second class that pay at least 20% of the total cost of the project; and
 - (iii) PSAPs in a county of the third through sixth class that pay up to 10% of the total cost of the project.

(3) Eligible CAD functional elements— Refer to Section R174 1 8, Attachment A — Eligible CAD Functional Elements.

(a) In the case of an award from the Computer Aided Dispatch Restricted Account, PSAPs shall pay a grant match of 20% regardless of class.

~~(4) If a grant application includes equipment that utilizes geographical information systems or geo-positioning systems, the PSAP shall consult with the State Automated Geographic Reference Center (AGRC) in the Division of Integrated Technology of the Department of Technology Services.~~

~~(5) When economically feasible and advantageous to the individual PSAPs, the committee may negotiate with vendors on behalf of the PSAPs as a group.~~

~~(6) Where applicable, PSAPs shall provide evidence from the Bureau of Emergency Medical Services (BEMS) that they are a Designated Emergency Medical Dispatch Center.~~

R174-1-7. Awarding a Grant.

~~(1) The recommendation to award a grant shall be made by a majority vote of the committee.~~

~~(2) The committee may only recommend grants for the purchase of equipment or the delivery of services in an amount which is equal to, or less than, the amount that would be paid to a State vendor or contractor.~~

~~(3)(a) All grant awards shall be memorialized in a contract between the Authority and the grant recipient.~~

~~(b) Each contract shall include the following conditions:~~

~~(i) the state or local entity shall agree to participate in the statewide 911 data management system sponsored by the committee;~~

~~(ii) the grant may be used only for the purposes specified in the application; and~~

~~(iii) the grant shall be de-obligated if the state or local entity breaches the terms of the contract.~~

~~(4)(a) Unspent grant funds shall be automatically de-obligated within one year from the approval of the original grant.~~

~~(b) A PSAP may request a time extension to spend grant funds in extenuating circumstances.~~

~~(i) The request shall be made in writing and explain the extenuating circumstances that justify additional time to spend the grant funds.~~

~~(ii) The committee shall recommend the approval or denial of the request by a majority vote.~~

R174-1-8. Attachment A — Eligible CAD Functional Elements.

~~(i) Hardware: Servers and other hardware are eligible for full reimbursement when the equipment is required to support the core CAD functionality. New CAD required hardware that also supports associated functions such as Records Management Systems is eligible for reimbursement at the apportioned rate of documented use.~~

~~(ii) Software: CAD software fulfilling the core missions of call entry, address verification, unit recommendation, dispatching and tracking of units, and mapping. Eligible items include:~~

~~(a) Core System to support CAD (apportioned to actual cost of modules to support CAD)~~

~~(b) CAD application~~

~~(c) Geo-base address verification~~

~~(d) Mapping~~

~~(e) Automatic Vehicle Location~~

~~(f) Unit Recommendations or Response Plans~~

~~(g) E911 copy over~~

~~(h) Interfaces to closely related 3rd party applications (medical/fire/police card system, fire department paging system, or UCJIS)~~

~~(i) Premise (apportioned at 50%)~~

~~(iii) Professional Services: (installation, configuration, etc.) apportioned for eligible items.~~

~~(iv) Maintenance: Ineligible other than CAD2CAD interface.~~

~~(v) Database Merging/Conversion: Eligible for CAD data merging/conversion, apportioned at 50% if RMS data is also included in the merge/conversion.~~

(vi) Ineligible software items include, but are not limited to:

(a) RMS related modules

(b) System dashboards or monitoring

(c) Aerial photography

(d) Equipment tracking

(e) Personnel tracking

(f) Imaging

(g) Pin mapping or statistics packages]

R174. Utah Communications Authority

R174-1. Utah Communications Authority Board

R174-1-101. Purpose

The purpose of this rule is to provide for the management and administration of the public safety communications network, defined by Subsection 63H-7a-103(15) to include regional and statewide public safety governmental communications networks and 911 emergency services, including radio communications, connectivity, and 911 call processing equipment; to provide standards and procedures for participation in the public safety communications network consistent with the Authority's statutory duties; and to provide standards and procedures for administering restricted accounts to provide administrative and financial support for statewide 911 emergency services.

R174-1-102. Definitions

Terms used in this rule shall have the meaning set forth in Section 63H-7a-103. In addition:

(1) "NG911 Contract" means the contract between the Authority and Vesta Solutions, Inc. dated June 19, 2020, procured by the Authority pursuant to RFP Solicitation #CO20022;

(2) "CAD-to-CAD Interface" means software and/or hardware utilized to share CAD data between separate instances of one vendor's CAD systems on a statewide or regional basis;

(3) "CAD Aggregator" means software/hardware utilized to share CAD data between separate instances of different vendors' CAD systems on a statewide or regional basis ; and

(4) "CAD-to-CAD Transfer" means the seamless transfer of a 911 call from one PSAP CAD system to another PSAP CAD system through a CAD-to-CAD Interface or CAD Aggregator.

(5) "Call-taking Position" means the services and equipment furnished under the NG911 Contract, including customer premises equipment, ESINet connection, and access to NG911 services but excluding optional equipment and services.

(6) "ESINet" means the emergency services IP network maintained by the Authority;

(7) "Legacy Call-taking Position" means the services and equipment necessary for a single 911 operator in a PSAP or dispatch center to receive and respond to a 911 call and currently in use by the PSAP or dispatch center and connected to the Authority's Legacy RFAI ESINet prior to the implementation of the NG911 system;

(8) “Legacy Radio Console” means the services and equipment necessary for a single dispatcher or telecommunicator in a PSAP or dispatch center to connect to and send and receive communications on the public safety radio network and in use by the PSAP or dispatch center and registered with the public safety radio network prior to the implementation of the P25 upgrade to the public safety radio network;

(9) “NG911” means the next-generation 911 core services and call handling solution procured by the Authority pursuant to RFP Solicitation #CO20022 and all associated equipment, network connections, and services;

(10) “P25” means the Project 25 suite of standards for digital mobile radio communications adopted and published by the Association of Public-Safety Communications Officials (APCO) and any revisions or modification of those standards adopted by APCO;

(11) “P25 Contract” means the contract between the Authority and L3Harris Technologies, dated June 7, 2019, procured by the Authority pursuant to RFP Solicitation #CO19008;

(12) “Public safety radio network” shall mean the statewide radio network operated and maintained by the Authority pursuant to Section 63H-7a-402;

(13) “Radio Console” means the Symphony Dispatch Consoles and associated software and licenses furnished under the P25 Contract;

(14). “RFAI ESINet” refers to the transitional ESINet that is being provided and maintained by the Authority as of July 1, 2020.

(15) “State” means the State of Utah; and

(16) “Stage agency” means any department, division, agency, commission, board, council, committee, authority, or any other institution of the State.

R174-1-103. Authority

This rule is authorized by Subsection 63H-7a-204(12).

R174-1-201. Board Compensation Prohibited; Permissible Reimbursement

(1) Pursuant to Subsection 63H-7a-203(11), a member of the Board shall not receive compensation for the member’s service on the Board. Notwithstanding the foregoing, in discharging any duties as a Board member or official business of the Authority that require travel, a Board member may receive from the Authority:

(a) a per diem at the rate established under Section 63A-3-106; and

(b) travel expenses at the rate established under Section 63A-3-107.

(2) A Board member seeking such per diem and travel expenses shall submit to the Authority documentation showing the dates and purpose of any travel for any per diem sought and dates, purpose of travel, and actual travel expenses incurred for reimbursement of travel expenses. The Executive Director may approve such requests or present such requests for consideration and approval by the Board at its next public meeting.

R174-1-301. Participation in NG911 System

A PSAP or Dispatch Center established pursuant to Section 69-2-201 may, upon approval of the Executive Director, participate in the NG911 system implemented and maintained by the Authority.

R174-1-302. Participation by PSAP

(1) All PSAPs connected to and participating in the Authority’s legacy RFAI ESINet as of July 1, 2020, shall be deemed a participating PSAP under this Section.

(2) Any non-participating PSAP that seeks to participate and connect to the Authority’s NG911 system shall submit a written request to the Executive Director. Upon the Executive Director’s approval, the PSAP shall become a participating PSAP under this Section.

R174-1-303. Application for Participation by Dispatch Centers

(1) A Dispatch Center that seeks to participate in and connect to the Authority's NG911 system shall submit the application described herein to the Executive Director.

(2) UCA shall maintain and publish an application form, approved by the Executive Director, that requires the following information from each applicant:

- (a) The name of the entity that operates the Dispatch Center;
- (b) Contact information for the Dispatch Center, including a single point of contact during emergencies;
- (c) The geographic area served by the Dispatch Center;
- (d) A copy of any agreements between the Dispatch Center and any other party relating to the provision of 911 services;
- (e) The estimated number of 911 calls transferred to the Dispatch Center on an annual basis;
- (f) The number of Legacy Call-taking Positions currently operated by the Dispatch Center and the number of Call-taking Positions the Dispatch Center anticipates purchasing;
- (g) The source of funding for the anticipated Call-taking Positions;
- (h) Any other information required by the Executive Director.

(3) The Executive Director shall approve an application under this Section if the Executive Director determines:

- (a) participation by the applicant will serve a public safety purpose; and
- (b) participation by the applicant is not inconsistent with the Authority's duties under Title 63H, Chapter 7a.

(4) If the Executive Director rejects an application under this Section, the Executive Director shall make a written determination of the reasons for the rejection and provide that determination to the applicant.

R174-1-304. NG911 Service Model and Cooperative Purchase

The Authority has procured NG911 Core Services, ESINet, and customer premises equipment and call handling positions through a managed service model under the NG911 Contract. Services and equipment shall be furnished to a PSAP or dispatch center under the NG911 Contract only at the direction of or with the approval of the Authority.

R174-1-305. Initial Allocation of Call-taking Positions

The Authority will allocate Call-taking Positions to each participating PSAP identified in Subsection R174-1-302(1) on a one-to-one basis with Legacy Call-taking Positions deployed and in active use at the PSAP, based upon the documentation on file with the Authority as of June 5, 2020. That allocation shall constitute the "Baseline" Call-taking Position count for the PSAP for purposes of this rule.

R174-1-306. Allocation of Additional Call-taking Positions to PSAPs

(1) The Authority will allocate additional Call-taking positions to a participating PSAP based on increases in three-year average call volume for the PSAP as determined by the Authority.

(2) To determine whether to allocate additional Call-taking Positions to a PSAP, the Authority shall:

(a) Prepare and maintain a "Baseline" call count for each PSAP based on the three-year average annual call volume reported for the PSAP as of December 31, 2019. This Baseline call count shall correspond to the Baseline Call-taking Position count allocated to the PSAP under Section R174-1-305; and

(b) On an annual basis, compare the three-year average annual call volume for the PSAP to the Baseline call count and allocate additional Call-taking Positions to the PSAP based on the growth in call volume as follows:

(i) The authority shall allocate to a PSAP one additional Call-taking Position per each Call Volume Increment, as defined below, above the Baseline call count;

(ii) For the period ending in 2025, the Call Volume Increment shall be an increase of 3,000 calls per year in the three-year annual average;

(iii) For each three-year period ending after 2025, the Authority's Executive Director shall calculate a Call Volume Increment that, in the Executive Director's judgment, justifies allocating an additional Call-taking Position to a PSAP.

(iv) In making this determination, the Executive Director may consider, among other things, the ratio of call volume to Call-taking Positions in similarly situated PSAPs; performance metrics such as call answer time, transfers, and holds; one-time and recurring costs of additional Call-taking Positions; legislative appropriations and budget forecasts; and any other information that bears on the feasibility or advisability of allocating an additional Call-taking Position to a PSAP.

(v) In the event a PSAP's call volume for a given three-year period decreases such that the PSAP would be allocated fewer Call-taking Positions than a previous year, the PSAP will be permitted to retain already allocated CPE positions unless the Executive Director determines it is in the Authority's best interest to reduce the allocation of Call-taking Positions to that PSAP.

(vi) If the Executive Director determines it is in the Authority's best interest, the Executive Director may defer or cancel the allocation of additional Call-taking Positions that would otherwise be allocated under this Section. The Executive Director shall make a written determination of the reasons for any such deferral or cancellation and provide that determination to the affected PSAP.

(3) In the event a PSAP removes a Call-taking Position allocated under this Section from service, the PSAP shall notify the Authority to allow the Call-taking Position to be reallocated at the discretion of the Authority and pursuant to the above guidelines.

R174-1-307. Payment for Allocated Call-taking Positions

The Authority shall be responsible for payment of non-recurring and recurring costs for all Call-taking Positions allocated under Sections R174-1-305 and -306.

R174-1-308. Purchase of Call-taking Positions or Optional Equipment

Upon the Authority's written approval, a participating PSAP or Dispatch Center may purchase Call-taking Positions or optional equipment authorized by the NG911 Contract at its own expense. Any such purchase shall be pursuant to the cooperative purchase provision of the NG911 Contract. The Authority shall not be responsible for payment of non-recurring or recurring costs for any such Call-taking Positions or optional equipment authorized by the NG911 Contract.

R174-1-401. Restricted Account Funding Procedures

Sections R174-1-401 through R174-1-404 apply to all requests for payment or reimbursement from restricted accounts maintained by the Authority pursuant to Sections 63H-7a-303, -304.

R174-1-402. Authority

This rule is authorized by Subsection 63H-7a-302(5).

R174-1-403. Disbursements from Computer Aided Dispatch Restricted Account

(1) The Authority shall make available to participating PSAPs funds from the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303 as reimbursement for costs incurred for the purchase and implementation of an eligible CAD-to-CAD Interface or CAD Aggregator.

(2) Upon the approval by the Executive Director of a PSAP's application for reimbursement under this section, the Authority shall reimburse the applicant from the Computer Aided Dispatch Restricted Account for 80% of the costs actually incurred by the applicant in purchasing and implementing an eligible CAD-to-CAD Interface or CAD Aggregator.

(3) To be eligible for reimbursement under this Section, a CAD-to-CAD Interface or CAD Aggregator must:

(a) connect the CAD systems of two or more geographically contiguous areas;

(b) allow for CAD-to-CAD Transfer in conformity with the Statewide Standard Operating Procedures adopted by the Authority's Board;

(c) be purchased and implemented for the purpose of attaining performance benchmarks for reduction of 911 call transfers set forth in statute, administrative rule, or the Authority's strategic plan, as applicable.

(4) The following shall be ineligible for reimbursement under this Section:

(a) Any expenses that are inconsistent with the Authority's strategic plan;

(b) New CAD platforms or software solutions;

(c) A CAD-to-CAD or CAD Aggregator that was implemented or became operational prior to January 1, 2020;

(d) Ongoing maintenance of any CAD-to-CAD Interface, CAD Aggregator, or CAD Software;

(e) Hardware, software, services, or equipment other than that necessary for implementation of an eligible CAD-to-CAD Interface or CAD Aggregator;

(f) Security system and key costs; or

(g) Costs of non-emergency or administrative phone lines.

(5) The Authority shall maintain and publish an application form, approved by the Executive Director, that requires the following information from any applicant for reimbursement under this section:

(a) The name of the entity or entities applying for reimbursement;

(b) The CAD systems and geographic areas that are connected by the eligible CAD-to-CAD Interface or CAD Aggregator;

(c) The date upon which the eligible CAD-to-CAD Interface or CAD Aggregator became operations, such as a substantial completion, commissioning, or cutover date;

(d) A proposal, scope of work, or itemized invoice sufficient to show all hardware, equipment, services, or other costs incurred in the purchase of the eligible CAD-to-CAD Interface or CAD Aggregator;

(e) Bills of sale, receipts, cancelled checks, wire transfer records, or other documents sufficient to demonstrate the amounts actually paid by the applicant(s) for the eligible CAD-to-CAD Interface or CAD Aggregator;

(f) A description of the anticipated effect of the eligible CAD-to-CAD Interface and CAD Aggregator on the 911 call transfer rate for the applicant(s), including whether the anticipated 911 call transfer rate will meet any applicable benchmarks, and a narrative setting forth the basis of any anticipated effect on 911 call transfer rates; and

(g) Any other information required by the Executive Director.

(6) The Executive Director shall approve an application under this Section unless the Executive Director determines:

(a) the application is incomplete or inaccurate;

(b) the applications seeks reimbursement for ineligible costs;

(c) reimbursement would not be consistent with the Authority's duties under Title 63H, Chapter 7a;

(d) there are insufficient funds in the Computer Aided Dispatch Restricted Account to reimburse the amounts sought; or

(e) the application or proposal violates this rule or any other applicable rule or statute.

(7) If the Executive Director determines that insufficient funds in the Computer Aided Dispatch Restricted Account to reimburse the amounts requested in an application under this Section, the Executive Director may:

(a) approve the application for payment at a later date, conditional upon sufficient funds being available in the Computer Aided Dispatch Restricted Account at that later date; or

(b) deny the application without prejudice to a future application for reimbursement of the eligible CAD-to-CAD Interface or CAD Aggregator.

(8) If the Executive Director rejects an application under this Section, the Executive Director shall make a written determination of the reasons for the rejection and provide that determination to the applicant.

(9) If the Executive Director determines that funds were disbursed to an applicant for a CAD-to-CAD Interface or CAD Aggregator that does not meet the criteria set forth in subsection (3), or that an applicant was reimbursed for ineligible costs under subsection (4), upon written demand by the Executive Director, the applicant shall return the funds to the Authority for deposit in the Computer Aided Dispatch Restricted Account.

R174-1-404. Disbursements from Unified Statewide 911 Emergency Service Account

(1) Beginning in its Fiscal Year 2022, the Authority shall make available annually to participating PSAPs funds from the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304 in accordance with the requirements of Section 63H-7a-304.5.

(2) The funds available for distribution shall be those funds described in Subsection 63H-7a-304(1), less:

(a) funds expended or disbursed pursuant to Subsection 63H-7a-304(2)(a), (3), or (4);

(b) funds otherwise expended or disbursed by the Authority consistent with its strategic plan, including:

(i) implementing, maintaining, or upgrading the public safety communications network or statewide 911 phone system, including implementation of NG911; or

(ii) overhead of the Authority for management of the 911 portion of the public safety communications network; and

(c) funds the Board determines should remain in the Unified Statewide 911 Emergency Service Account for future use.

(3) To be eligible for a distribution under Section 63H-7a-304.5, a PSAP must be a Qualifying PSAP as defined in Subsection 63H-7a-304.5(d) for the fiscal year in which a distribution is sought.

(4) A Qualifying PSAP that seeks a proportionate share of available funds shall submit the certified statement defined in Subsection 63H-7a-304.5(1)(a) to the Executive Director no later than July 31 following the end of the fiscal year for which the distribution is sought.

(5) If the Authority determines that a certified statement submitted by a PSAP is untimely, does not comply with the requirements of Subsection 63H-7a-304.5(1)(a), or does not demonstrate that the PSAP is a Qualifying PSAP, the Executive Director shall make a written determination of the reasons for the deficiency in the certified statement and provide that determination to the PSAP.

(6) For each fiscal year, the Authority shall distribute a proportionate share of available funds to each Qualifying PSAPs that timely submitted a certified statement. The proportionate share for a PSAP shall be calculated in accordance with Subsection 63H-7a-305.5(1)(c) and (3)(b).

(a) In the event that Subsection 63H-7a-305.5(3)(b) does not permit distribution of all available funds to Qualifying PSAPs, any remaining funds shall remain in the Unified Statewide 911 Emergency Service Account for use by the Authority or distribution in a subsequent fiscal year.

(7) If the Executive Director determines that funds were disbursed to a PSAP that was not a Qualifying PSAP, upon written demand by the Executive Director, the PSAP shall return the funds to the Authority for use by the Authority or distribution in a subsequent fiscal year.

R174-1-501. Participation in Public Safety Radio Network; Eligibility

The following persons or entities are eligible for participation in the public safety radio network pursuant to an application approved by the executive director:

- (a) a state agency;
- (b) a public safety agency;
- (c) a public safety answering point;
- (d) a political subdivision of the state or agency thereof that is:
 - (i) not a public safety agency or public safety answering point;
 - (ii) sponsored by an entity defined in subsections (a), (b), or (c) that is an approved participant in the public safety communications network; and
 - (iii) approved to participate for a specified public safety purpose; or
- (e) any other person or entity with the express approval of the Authority's Executive Director.

R174-1-502. Service Tiers

(1) To ensure reliability and high availability of the public safety radio network for first responders, the Authority shall implement network-management policies and procedures that prioritize network traffic and access to the public safety radio network by establishing service tiers.

(2) Approved participants in the public safety radio network shall be assigned to the following service tiers for purposes of the Authority's network-management policies and procedures:

- (a) each participant under Section R174-1-501(a), (b), or (c) shall be assigned to Tier One;
- (b) each participant under Section R174-1-501(d) shall be assigned to Tier Two;
- (c) each participant under Section R174-1-501(e) shall be assigned to Tier One or Tier Two at the Executive Director's discretion.

(3) The Executive Director may limit access to the public safety radio network for Tier Two participants as may be necessary to ensure network availability for Tier One participants in the Executive Director's judgment.

R174-1-503. Application

(1) Each entity described in Section R174-1-501 that seeks to participate in the public safety radio network shall submit the application described herein to the Executive Director.

(2) UCA shall maintain and publish an application form, approved by the Executive Director, that requires the following information from each applicant:

- (a) The name of the entity applying;
- (b) The basis for eligibility to participate in the public safety communications network under Section R174-1-501;
- (c) For an entity seeking participation under Subsection R174-1-501(d):
 - (i) the name of the sponsoring entity;
 - (ii) approval signed by an authorized representative of the sponsoring entity; and
 - (iii) the public safety purpose for which admission is requested;
- (d) For an entity seeking participation under Subsection R174-1-501(e):
 - (i) a copy of the written agreement allowing participation;
 - (e) The estimated number of users for the period running for five years from July 1 following the date of the application.

(f) Any other information required by the Executive Director.

(3) For an application pursuant to Subsection R174-1-501(a), (b), (c), or (e), the Executive Director shall approve the application unless permitting access would not be consistent with the Authority's duties under Title 63H, Chapter 7a.

(4) For an application pursuant to Subsection R174-1-501(d), the Executive Director shall approve the application if the Executive Director determines:

(a) participation by the applicant will serve a public safety purpose; and

(b) participation by the applicant is not inconsistent with the Authority's duties under Title 63H, Chapter 7a.

(5) If the Executive Director rejects an application under this Section, the Executive Director shall make a written determination of the reasons for the rejection and provide that determination to the applicant and its sponsoring entity, if any.

R174-1-504. Recertification

(1) Each participant in the public safety communications network shall submit to the Authority an application to participate in the form prescribed by Section R174-1-503 no later than July 1 in the year that is five years from the date of its original application or its last recertification application, whichever is later.

(2) Each eligible entity that is a participant in the public safety communications network on January 1, 2020 shall submit to the Authority a recertification application in the form prescribed by Section R174-1-503 no later than:

(a) for a state agency, June 30 2022;

(b) for a county of the first or second class, December 31, 2021;

(c) for all other entities, June 30, 2021.

(3) A PSAP recertifying under this Section shall provide to the Authority, together with its recertification application, a copy of any PSAP interlocal agreement.

(4) The Authority shall notify any participating entity of its failure to submit a timely recertification application under this section.

(5) The Executive Director shall review each recertification application under this section in the manner set forth in Section R174-1-503.

(6) If an application is rejected, or if an entity fails to timely submit an application and such failure is not cured by the entity or excused by the Executive Director, the entity shall be removed as a participant in the public safety radio network on the later of either December 31 of the year in which the recertification application was required or six months from the due date.

R174-1-505. Initial Allocation of Radio Consoles to Participating PSAPs

The Authority will allocate Radio Consoles to each participating PSAP identified in Subsection R174-1-302(1) on a one-to-one basis with Legacy Radio Consoles deployed and connected to the Authority's legacy public safety radio system based upon the documentation on file with the Authority as of June 5, 2020. That allocation shall constitute the "Baseline" Dispatch Position count for the PSAP for purposes of this rule.

R174-1-506. Allocation of Additional Radio Consoles to PSAPs

(1) The Authority will allocate additional Radio Consoles to a participating PSAP based on increases in three-year average call volume for the PSAP as determined by the Authority.

(2) To determine whether to allocate additional Radio Consoles to a PSAP, the Authority shall:

(a) On an annual basis, compare the three-year average annual call volume for the PSAP to the Baseline call count established in Subsection R174-1-306(2)(a) and allocate additional Radio Consoles to the PSAP based on the growth in call volume as follows:

(i) The authority shall allocate to a PSAP one additional Radio Consoles per each Call Volume Increment, as defined in R174-1-306(2)(a)(ii)-(iii), above the Baseline call count;

(ii) In the event a PSAP's call volume for a given three-year period decreases such that the PSAP would be allocated fewer Radio Consoles than a previous year, the PSAP will be permitted to retain already allocated Radio Consoles unless the Executive Director determines it is in the Authority's best interest to reduce the allocation of Radio Consoles to that PSAP.

(iii) If the Executive Director determines it is in the Authority's best interest, the Executive Director may defer or cancel the allocation of additional Radio Consoles that would otherwise be allocated under this Section. The Executive Director shall make a written determination of the reasons for any such deferral or cancellation and provide that determination to the affected PSAP.

(3) In the event a PSAP removes a Radio Console allocated under this Section from service, the PSAP shall notify the Authority to allow the Radio Console to be reallocated.

R174-1-507. Payment for Allocated Radio Consoles

The Authority shall be responsible for purchase and maintenance costs for all Radio Consoles allocated under Sections R174-1-505 and -506. All such Radio Consoles shall remain the sole property of the Authority.

R174-1-508. Purchase of Radio Consoles

Upon the Executive Director's written approval, a participating PSAP or Dispatch Center may purchase Radio Consoles at its own expense. Any such purchase shall be pursuant to the cooperative purchase provision of the Authority's P25 Contract. The Authority shall not be responsible for purchase or maintenance costs for any such Radio Consoles and may charge the PSAP or Dispatch Center a programming or maintenance fee for any service the Authority performs on such Radio Consoles at the request of the PSAP or Dispatch Center.

R174-1-509. Radio Console Connection Fee

The Authority may charge a person or entity other than a PSAP a fee for connecting a Radio Console to the public safety communications network as permitted by Subsection 63H-7a-404(3)(c).

R174-1-601. Approved Devices

To ensure network reliability and availability and to maintain an appropriate level of expertise and efficiency of UCA personnel in supporting end-user radio devices, users of the public safety radio network may not connect a radio device to the public safety radio network unless the radio device is one approved under this Rule.

R174-1-602. Approved Radio List

The Authority shall develop and maintain a list, approved by the Executive Director, of radio devices authorized and approved to operate on the public safety radio network. The approved radio list shall initially include all P25-compliant radios that are connected to and operational on the Authority's legacy radio system. Additional radio devices shall be added to the approved radio list from time to time at the Executive Director's discretion or upon the request of an authorized user and a showing that the radio complies with the requirements of Section R174-1-603.

R174-1-603. Radio Compatibility Requirements

(1) To be authorized for operation on the public safety radio network or for inclusion on the approved radio list, a radio device must meet the following requirements:

(a) The radio device must be P25 Compliance Assessment Program (CAP) certified with the Harris MSTR V 900 Trunked Radio for both Phase 1 and Phase 2 and the summary test report must be posted on the Department of Homeland Security website;

(b) The CAP testing facility(ies) must have a Scope of Recognition that meets all of the P25 CAP test requirements; and

(c) The radio must be tested by Authority personnel for compatibility with the public safety radio network after radio personalities and fleet maps are developed by Authority personnel.

(2) An authorized user requesting a radio device be authorized for use or added to the approved radio list shall provide to the Executive Director satisfactory evidence that the radio device meets each of the foregoing criteria. If the Executive Director

concludes the radio device meets the required criteria, the Executive Director may direct the radio device be added to the approved radio list or provide a written authorization for the requesting user to operate the radio device on the public safety radio network. A device that does not appear on the approved radio list shall not be operated on the public safety radio network without written authorization from the Executive Director.

KEY

Utah Communications Authority, [~~Utah 911 Advisory Committee~~] Administration

Date of Enactment or Last Substantive Amendment

September 29, 2015

Notice of Continuation

May 2, 2016

Authorizing, Implemented, or Interpreted Law

63H-7a-303; 63H-7a-304; 63H-7a-304.5