

R174. Communications Authority Board (Utah), Administration.

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) "Call-taking Position" means the services and equipment furnished under the NG911 Contract, necessary for a single 911 operator at a PSAP or Dispatch Center to receive and respond to a 911 call. This includes customer premises equipment, ESINet connection, and access to NG911 services but excludes optional equipment and services.

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

(4) "Executive Director" means the Authority's Executive Director described in Section 63H-7a-205.

(5) "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 or Selective Router prior to the implementation of the NG911 system;

(6) "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;

(7) "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;

(8) "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;

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

(10) "PSAP Advisory Committee" means the PSAP advisory committee created by Section 63H-7a-208;

(11) "Public safety radio network" means the statewide radio network operated and maintained by the Authority pursuant to Section 63H-7a-402;

(12) "Radio Console" means ~~the Symphony Dispatch Consoles~~ a dispatch console and associated software and licenses furnished under the P25 Contract;

(13) "RFAI ESINet" means the transitional ESINet provided and maintained by the Authority as of July 1, 2020.

(14) "Selective Router" means the legacy 911 routing network ~~which is the subject of maintained pursuant to State of Utah Contract #136401 between the Authority and CenturyLink.~~

(15) "Shared CAD System" means a shared computer aided dispatch system as defined in Subsection 63H-7a-303(2)(b).

(16) "State" means the State of Utah; and

(17) "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 or Selective Router 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 initially 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. Change in Allocation of Call-taking Positions to Participating PSAPs.

~~(1) The Authority will allocate to a participating PSAP or remove from a participating PSAP Call-taking Positions based on a formula adopted by the Board through the following process:~~

~~(a) On or before January 15, 2022, the Board will schedule a meeting to consider adoption of a formula recommended by the Executive Director. The meeting may be a regular meeting or a special meeting convened for this purpose. The Board will give the Executive Director and the PSAP Advisory Committee not less than 120 days notice of the date of the proposed meeting. The meeting shall be publicly noticed as required by Title 52, Chapter 4.~~

~~(b) Not less than 90 days prior to the Board meeting, the PSAP Advisory Committee will make a recommendation to the 911 Division of a proposed formula.~~

~~(c) Not less than 60 days prior to the Board meeting, after considering the proposal from the PSAP Advisory Committee, the 911 Division will make a recommendation to the Executive Director of a proposed formula.~~

~~(d) Not less than 30 days prior to the Board meeting, after considering the proposal from the PSAP Advisory Committee, 911 Division, and any other person or persons the Executive Director deems necessary or desirable, the Executive Director will make a recommendation to the Board of a proposed formula.~~

~~(e) At the meeting, the Board will consider the formula recommended by the Executive Director and may adopt the formula, adopt the formula with modifications, or reject the formula.~~

~~(f) If the Board adopts the formula recommended by the Executive Director, or adopts the formula with modifications:~~

~~(i) the formula shall remain in place for three years unless modified by the Board;~~

~~_____ (ii) prior to the expiration of the three-year period, the Board shall schedule a meeting to consider adoption of a formula recommended by the Executive Director pursuant to the procedure set forth in subsection (1)(a) to (e); and~~

~~_____ (iii) the Board may, upon a determination that exigent circumstances exist which require a modification to the formula during this three-year period, in which case it may:~~

~~_____ (A) direct the Executive Director to review the formula and recommend changes on a schedule and terms specified by the Board; and~~

~~_____ (B) adopt the changes recommended by the Executive Director, with or without modifications.~~

~~_____ (g) If the Board rejects the formula recommended by the Executive Director, the Board shall direct the Executive Director to prepare a revised recommendation on a schedule and terms specified by the Board.~~

~~_____ (2) If the Board determines it is in the interest of public safety, the Board may increase or decrease the number of Call-taking positions allocated to a PSAP.~~

~~_____ (3) In the event a PSAP removes a Call-taking Position from service, the PSAP shall notify the Authority to allow the Authority to recover the Call-taking Position:~~

~~_____ (1) A PSAP may request that the number of Call-taking Positions allocated to it be increased or decreased by submitting a written request to the Executive Director and providing a copy to the PSAP Advisory Committee and the Authority's 911 Division Director. The written request must include an explanation of all of the PSAP's reasons and justifications for the request.~~

~~_____ (a) After receiving a copy of the written request, the PSAP Advisory Committee and the Authority's 911 Division Director shall each issue a recommendation to the Executive Director analyzing the PSAP's request.~~

~~_____ (b) After receiving the recommendations from the PSAP Advisory Committee and the Authority's 911 Division Director, the Executive Director shall issue a recommendation to the Board setting forth the Executive Director's analysis of the PSAP's request. The Executive Director shall include with his recommendation a copy of the PSAP's request, the PSAP Advisory Committee's recommendation and the 911 Division Director's recommendation.~~

~~_____ (c) After receiving the recommendation of the Executive Director, the Board shall make a determination as to whether the PSAP's allocation of Call-taking Positions shall be increased or decreased and when any such increase or decrease should take effect. In making this determination, the Board may consider any relevant factors, including:~~

~~_____ (i) Growth;~~

~~_____ (ii) PSAP staffing;~~

~~_____ (iii) Financial or contract issues; and~~

~~_____ (iv) The PSAP's compliance with minimum standards and best practices.~~

~~_____ (2) The Authority may request that the number of Call-taking Positions allocated to a PSAP be increased or decreased by submitting a written request to the PSAP Advisory Committee and the Board. The written request must include an explanation of all of the PSAP's reasons and justifications for the request.~~

~~_____ (a) Within 30 days after receiving a copy of the written request from the Authority, the PSAP Advisory Committee shall issue a recommendation to the Board setting forth its analysis of the Authority's request.~~

~~_____ (b) After receiving the recommendation of the PSAP Advisory Committee, the Board shall make a determination as to whether the PSAP's allocation of Call-taking Positions shall be increased or decreased and when any such increase or decrease should take effect. In making this determination, the Board may consider any relevant factors, including those set forth under subsection (1)(c).~~

~~_____ (3) Notwithstanding any of the foregoing, the Board retains the discretion to increase or decrease the number of Call-taking Positions at any time upon a determination that such an adjustment is in the best interests of the Authority and the State.~~

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 Section R174-1-305 and R174-1-306.

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 or services 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 or services 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 creation of a Shared CAD System.

(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 Shared CAD System.

(3) To be eligible for reimbursement under this Section, a Shared CAD System must 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) A Shared CAD System that was implemented or became operational prior to January 1, 2020;
- (c) Ongoing maintenance of any Shared CAD System or CAD Software;
- (d) Hardware, software, services, or equipment other than that necessary for implementation of an eligible Shared CAD

System;

(e) Security system and key costs;

(f) Costs of non-emergency or administrative phone lines; or

(g) Any other costs or systems that do not comply with this section or Section 63H-7a-303.

(5) Any PSAP intending to apply for funds from the Computer Aided Dispatch Restricted Account under this section shall provide written notice to the 911 Division prior to the beginning of the fiscal year in which reimbursement will be sought to allow the reimbursement request to be considered in the budget cycle.

(6) 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 geographic areas served by the Shared CAD System;

(c) The date upon which the eligible Shared CAD System became or will become operational, 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 Shared CAD System;

(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 Shared CAD System;

(f) A description of the anticipated effect of the eligible Shared CAD System 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.

(7) After consultation with the 911 Division, the Executive Director shall recommend to the Board that the Board 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.

(8) 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 a lesser amount, conditional upon sufficient funds being available in the Computer Aided Dispatch Restricted Account; or

(b) deny the application without prejudice to a future application for reimbursement of the eligible Shared CAD System.

(9) 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.

(10) If the Executive Director determines that funds were disbursed to an applicant for a Shared CAD System 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.

~~(1) 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; and
- (c) a public safety answering point;

~~(2) 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) 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 public safety agency; 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
- ~~(b)~~ (b) any other person or entity with the express approval of the 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)(1) shall be assigned to Tier One;
- (b) each participant under Section R174-1-501(d)(2) shall be assigned to either Tier One or Tier Two at the Executive Director's discretion;
- ~~(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(2) 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(2);

- (c) For an entity seeking participation under Subsection R174-1-501(2)(a)(d):
 - (i) the name of the sponsoring ~~entity~~ public safety agency;
 - (ii) approval signed by an authorized representative of the sponsoring ~~entity~~ public safety agency; and
 - (iii) the public safety purpose for which admission is requested;
- (d) For an entity seeking participation under Subsection R174-1-501(2)(b)(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(2)(a), 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 Reserved.~~

- (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 initially 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. Change in Allocation of Radio Consoles to Participating PSAPs.

- (1) ~~The Authority will allocate to a PSAP or remove from a PSAP Radio Consoles based on a formula adopted by the Board through the following process:~~
 - (a) ~~On or before January 15, 2022, the Board will schedule a meeting to consider adoption of a formula recommended by the Executive Director. The meeting may be a regular meeting or a special meeting convened for this purpose. The Board will give the Executive Director and the PSAP Advisory Committee not less than 120 days notice of the date of the proposed meeting. The meeting shall be publicly noticed as required by Title 52, Chapter 4.~~
 - (b) ~~Not less than 90 days prior to the Board meeting, the PSAP Advisory Committee will make a recommendation to the 911 Division and Radio Division of a proposed formula.~~
 - (c) ~~Not less than 60 days prior to the Board meeting, after considering the recommendation from the PSAP Advisory Committee, the 911 Division and Radio Division will make a joint recommendation to the Executive Director of a proposed formula.~~
 - (d) ~~Not less than 30 days prior to the Board meeting, after considering the recommendation from the PSAP Advisory Committee and the joint recommendation of the 911 Division and Radio Division, the Executive Director will make a recommendation to the Board of a proposed formula.~~
 - (e) ~~At the meeting, the Board will consider the formula recommended by the Executive Director and may adopt the formula, adopt the formula with modifications, or reject the formula.~~
 - (f) ~~If the Board adopts the formula recommended by the Executive Director, or adopts the formula with modifications:~~

~~(i) the formula shall remain in place for three years unless modified by the Board;~~
~~(ii) prior to the expiration of the three year period, the Board shall schedule a meeting to consider adoption of a formula recommended by the Executive Director pursuant to the procedure set forth in subsection (1)(a) to (e); and~~
~~(iii) the Board may, upon a determination that exigent circumstances exist which require a modification to the formula during this three year period, in which case it may:~~
~~(A) direct the Executive Director to review the formula and recommend changes on a schedule and terms specified by the Board; and~~
~~(B) adopt the changes recommended by the Executive Director, with or without modifications;~~
~~(g) If the Board rejects the formula recommended by the Executive Director, the Board shall direct the Executive Director to prepare a revised recommendation on a schedule and terms specified by the Board.~~
~~(2) If the Board determines it is in the interest of public safety, the Board may increase or decrease the number of Call-taking positions allocated to a PSAP.~~
~~(3) In the event a PSAP removes a Call taking Position from service, the PSAP shall notify the Authority to allow the Authority to recover the Call taking Position.~~
(1) A PSAP may request that the number of Radio Consoles allocated to it be increased or decreased by submitting a written request to the Executive Director and providing a copy to the PSAP Advisory Committee, the Authority's 911 Division Director, and the Authority's Radio Division Director. The written request must include an explanation of all of the PSAP's reasons and justifications for the request.
(a) After receiving a copy of the written request, the PSAP Advisory Committee, the Authority's 911 Division Director, and the Authority's Radio Division Director shall each issue a recommendation to the Executive Director analyzing the PSAP's request.
(b) After receiving the recommendations from the PSAP Advisory Committee, the Authority's 911 Division Director, and the Authority's Radio Division Director, the Executive Director shall issue a recommendation to the Board setting forth the Executive Director's analysis of the PSAP's request. The Executive Director shall include with his recommendation a copy of the PSAP's request, the PSAP Advisory Committee's recommendation, the 911 Division Director's recommendation, and the Radio Division Director's recommendation.
(c) After receiving the recommendation of the Executive Director, the Board shall make a determination as to whether the PSAP's allocation of Radio Consoles shall be increased or decreased and when any such increase or decrease should take effect. In making this determination, the Board may consider any relevant factors, including:
(i) Growth;
(ii) PSAP staffing;
(iii) Financial or contract issues;
(iv) Core capacity issues; and
(v) The PSAP's compliance with minimum standards and best practices.
(2) The Authority may request that the number of Radio Consoles allocated to a PSAP be increased or decreased by submitting a written request to the PSAP Advisory Committee and the Board. The written request must include an explanation of all of the Authority's reasons and justifications for the request.
(a) Within 30 days after receiving a copy of the written request from the Authority, the PSAP Advisory Committee shall issue a recommendation to the Board setting forth its analysis of the Authority's request.
(b) After receiving the recommendation of the PSAP Advisory Committee, the Board shall make a determination as to whether the PSAP's allocation of Radio Consoles shall be increased or decreased and when any such increase or decrease should take effect. In making this determination, the Board may consider any relevant factors, including those set forth under subsection (1)(c).
(3) Notwithstanding any of the foregoing, the Board retains the discretion to increase or decrease the number of Radio Consoles at any time upon a determination that such an adjustment is in the best interests of the Authority and the State.

R174-1-507. Payment for Allocated Radio Consoles.

The Authority shall be responsible for purchase and maintenance costs for all Radio Consoles allocated under Section R174-1-505 and R174-1-506. 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 public safety agency or other entity approved to participate in the public safety radio network pursuant to R174-1-501 ~~participating PSAP or Dispatch Center~~ may purchase Radio Consoles ~~radio consoles~~ at its own expense and connect these radio consoles to the public safety radio network cores by direct backhaul connection. ~~Any~~ Whenever possible, 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 ~~Radio Consoles~~ and may charge the purchasing entity ~~PSAP or Dispatch Center~~ a programming or maintenance fee for any service the Authority performs on such radio consoles ~~Radio Consoles~~ at the request of the purchasing entity ~~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 device's manufacturer must provide the Authority with a copy of the summary test report ~~must be posted on~~ maintained by the Department of Homeland Security website;

(b) The CAP testing facility or facilities 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.

R174-1-701. Appeals.

Any person aggrieved by a decision of the Executive Director under this Rule may appeal to the Board by submitting a written request for review of the Executive Director's decision, setting forth all factual and legal grounds for the appeal and attaching all supporting evidence, to the Board and the Executive Director. To be timely, an appeal must be received by the Board within seven days after the aggrieved person's receipt of the Executive Director's decision. A timely appeal shall be heard and decided at a meeting of the Board held within 90 days of the Board's receipt of the appeal. Any decision not timely appealed shall be deemed final and not subject to appeal under this Rule.

KEY: Utah Communications Authority, Administration

Date of Enactment or Last Substantive Amendment: July 7, 2021

Notice of Continuation: April 14, 2021

Authorizing, and Implemented or Interpreted Law: 63H-7a-303; 63H-7a-304; 63H-7a-304.5