



Aug. 7, 2009

Ms. Lynn Questell  
State of Tennessee  
Tennessee Emergency Communications Board  
Department of Commerce and Insurance  
500 James Robertson Parkway  
Nashville, TN 37243

Dear Ms. Questell:

AT&T is in receipt of your letter dated July 31, 2009 regarding wireless 911 cost recovery and appreciates the opportunity to provide the following brief comments.

9-1-1 service is unique in several respects, but one of the most important facets of this emergency service is that it represents a working partnership between government and private telecommunications companies to create the 911 system and to provide the 911 service. AT&T is proud of this working partnership and we think it has served the residents of Tennessee well.

The Tennessee legislature made CMRS carrier 911 cost recovery an important part of this partnership. AT&T collects the statutory 911 surcharge from its customers and remits the proceeds to the 911 Emergency Communications Fund ("Fund"), as directed by state law.<sup>1</sup> Also pursuant to state law, the Board has used such funds to reimburse emergency communications districts and interested wireless carriers, including AT&T, for expenditures to implement, maintain, operate, and enhance statewide wireless enhanced 911 service.<sup>2</sup> This approach to wireless 911 deployment has worked. Tennessee was one of the first states in the country to provide wireless Phase II service to all of its citizens.<sup>3</sup>

AT&T believes the Fund was clearly intended to be used at least in part to reimburse wireless carriers for their eligible 911 expenses. And while the FCC eliminated the *requirement* that states reimburse wireless carriers for 911 expenses, it expressly did not preempt state laws that provide for wireless carrier 911 cost recovery.<sup>4</sup> The fact that

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<sup>1</sup> TCA 7-86-108.

<sup>2</sup> TCA 7-86-303 (d)(2) and 7-86-306 (a)(11).

<sup>3</sup> A number of larger, more populous -- and supposedly more progressive -- states are still not completely Phase II compliant.

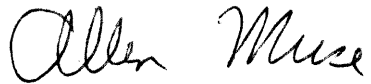
<sup>4</sup> "We are not here limiting or prohibiting the states in the creation of cost recovery procedures that include carriers' expenses, or preempting any existing cost recovery legislation." *Second Memorandum Opinion*

some wireless carriers choose for business reasons not to participate in this funding is beside the point. In conjunction with the reasonable financial needs of the emergency communications districts, AT&T believes the statute authorizes it to receive 911 cost recovery.

To the extent that AT&T is not reimbursed from the Fund for its 911 compliance costs in Tennessee, it will likely pass this deficit through to its subscribers in Tennessee in the form of a discretionary (not a tax) line-item charge. AT&T believes the legislature intended that the 911 fee assessed against wireless customers would cover, or at least largely cover, the costs of 911 deployment in the state and that no additional assessments against the customer would be necessary. Elimination or a reduction of wireless 911 cost recovery will likely necessitate additional assessments on customers.<sup>5</sup>

In brief, the current 911 partnership in Tennessee seems to be working. To the extent it needs adjustment, AT&T urges caution.

Respectfully,



Allen Muse  
Manager of Public Safety Relations  
AT&T Mobility, LLC

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*and Order, In Re. Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Docket No. 94-102, FCC 99-352 (Rel. Dec. 8, 1999), at 19 (para. 54).

<sup>5</sup> A reduction in the statutory wireless 911 surcharge might be a way to help mitigate the adverse impact of any additional cost recovery charges being passed through to wireless customers.