STATE OF ILLINOIS
DEPARTMENT OF STATE POLICE

Williamson County 911
Consolidation Waiver Request

Case No. 16-W-136

RECOMMENDED DECISION

By Administrative Law Judge Leslie Haynes:

I. BACKGROUND

On June 29, 2016, Williamson County 911 (“Williamson”) filed a verified Request for Waiver of the 9-1-1 Consolidation Plan (“Consolidation Plan”) requirement, pursuant to Section 15.4a(c) of the Emergency Telephone System Act (“Act”) (50 ILCS 750/0.01, et seq.). Section 15.4a requires consolidation of certain Emergency Telephone System Boards (“ETSBs”), Joint Emergency Telephone System Boards, qualified governmental entities, and Public Safety Answering Points (“PSAPs”). Affected entities are required to file a Consolidation Plan or a Request for Waiver by July 1, 2016. The rules concerning waivers are set forth in Section 200(e) of 83 Ill. Adm. Code 1324 (“Part 1324”) - Consolidation of 9-1-1 Emergency Systems.

Williamson is required to consolidate, pursuant to Section 15.4a(a)(4) of the Act, because Williamson County, which has a population less than 250,000, has a single ETSB and more than two PSAPs. Williamson currently has three PSAPs: Williamson County Sheriff’s Department, Herrin Police Department, and Marion Police Department. Williamson requests a waiver on the grounds that consolidation would be economically unreasonable.

A hearing was held before a duly authorized Administrative Law Judge on August 18, 2016. Kenneth Smith, 9-1-1 Coordinator for Williamson County, William Barrett, 9-1-1 Coordinator, Douglas Stewart, PSAP Supervisor and Communications Supervisor, Quinn Laird, Chief of Police for the City of Herrin Police Department, and Adam Compton, PSAP Supervisor at the Herrin Police Department, appeared at the hearing and testified in support of the waiver request. John Hosteny, Legal Counsel for the Department of State Police (“Department”), and Stacy Ross, 9-1-1 Program Analyst for the Office of Statewide 9-1-1 Administrator, appeared on behalf of the Department.

II. WILLIAMSON’S WAIVER REQUEST

Williamson’s Request for Waiver is verified by Kenneth Smith, 9-1-1 Coordinator. The Request for Waiver includes a narrative statement explaining the basis for the Request for Waiver (“Narrative”). The Narrative states that Williamson requests a waiver in order to be allowed to downgrade its Herrin Police PSAP, a primary PSAP, to a secondary PSAP. At the hearing, Mr. Smith clarified that Williamson would ideally like to...
keep the Herrin Police PSAP as a primary PSAP, but requests at least to be allowed to change it to a secondary PSAP. Tr. at 7. Mr. Smith also stated that Williamson is requesting a waiver on the grounds of economic infeasibility and public safety. Tr. at 7.

Williamson asserts that its ETSB is far ahead of the rest of the state in implementing Next Generation 9-1-1 (“NG 9-1-1”), and it is the only system in the state being asked to eliminate a fully functioning NG 9-1-1 PSAP. The Narrative explains that in Williamson County all three of its PSAPs are already NG 9-1-1, with fiber in place.

At the hearing, Mr. Smith explained that Williamson County is part of a 13-county regional project that was a pilot project for the National Emergency Number Association, funded with $33 million in federal funds, $12 million in State funds, and a couple million dollars in local funds. Clearwave Communications ran fiber to 17 PSAPs in the 13-county region and to two shared data centers. The project spent $750,000 in Department of Justice and Delta Development grant funds for the equipment for the PSAPs, including the three PSAPs located in Williamson County. Mr. Smith noted that the project recently was awarded a national award by the National 9-1-1 Institute for its regional cooperation and vision in doing a virtual consolidation – the first of its kind in the country. Tr. at 8. He further explained that Williamson County’s NG 9-1-1 went on-line in January of 2015. Tr. at 14. Next Generation 9-1-1, Inc. is Williamson’s NG 9-1-1 vendor.

According to the Narrative, eliminating a PSAP will not save the State money on network charges. It explains that in a legacy system, there are separate charges for trunks and circuits from the central offices to each PSAP, but in Williamson’s regional NG 9-1-1 system, the network charges will not change with the elimination of a PSAP. The Narrative states that the only savings to the state would be $250 per month to Clearwave for the ESINet. Further, that charge is part of a long-term contract and if the state no longer paid it, Herrin or the ETSB would still have pay regardless of the PSAP status. The Narrative states that if Herrin is allowed to keep its PSAP, Herrin will pay that charge.

With the passage of the new law, Williamson County decided to form a Joint ETSB comprised of the former Herrin ETSB and the Williamson County ETSB. Tr. at 10. The Joint ETSB was formed in September of 2015. Tr. at 11. At the same time, it was decided to eliminate the Marion fire department PSAP, which had acted as the backup for the Marion police department PSAP.

The Williamson County ETSB currently provides grants of $36,000 per year to each PSAP to help offset costs of training and to ensure adequate staffing. If the Herrin PSAP were to close, all of Herrin’s calls would have to be answered at either the Sheriff’s Department or Marion Police. The Sheriff has the same CAD system and same EMD policies and many of the rural calls answered by Herrin now are in the Sheriff’s coverage area, not Marion’s. If the Sheriff had to answer all those calls, their call load would go from 10,000 to 15,600, an increase of 56%. Adding one dispatcher per shift would require four additional people at a cost of about $320,000 per year in salaries and benefits. Reallocating the $36,000 now contributed by the ETSB from Herrin to the Sheriff would fall short of covering that increase. The ETSB does not have the power to force the Sheriff to hire more people or increase staffing.
The Narrative states that all three of the PSAPs serve vital roles in the system. Herrin handles fewer calls than Marion and the Sheriff and has no room for expansion; however, they are better situated to cover the fast-growing northwest section of the county and they provide geographic diversity. The Narrative explains that Herrin has had to take over all dispatching for the Sheriff’s Department on multiple occasions in the past few years - once it was due to a lightning strike, once for asbestos contamination and a third as the result of a construction accident during renovations. In addition, Marion was hit by tornado-like winds in 1982, 1991, and 2008. The Narrative suggests that having a geographically diverse PSAP such as Herrin is a huge advantage in those situations. The Marion Police Department and the Sheriff’s Department are about 1 mile apart and the Herrin Police Department is 12-14 miles away. Tr. at 13.

The regional NG 9-1-1 system essentially means there are 16 other PSAPs backing up the Williamson PSAPs. Tr. at 19. Mr. Smith made clear, however, that although that means 9-1-1 calls will be answered, the surrounding counties do not have the radio capability to direct dispatch all of Williamson’s emergency service agencies. Tr. at 18. Mr. Smith also testified that the regional NG 9-1-1 will be able to provide Pope and Hardin County NG 9-1-1, which means that those counties will go from no 9-1-1 service to NG 9-1-1 service. Tr. at 23.

If Herrin is downgraded to a secondary PSAP, 9-1-1 calls from Herrin would have to be answered by a primary PSAP and then transferred to the Herrin PSAP for dispatch. Tr. at 27-28. On cross examination, Mr. Hosteny questioned whether Williamson had considered closing the Marion PSAP. In response, Mr. Smith explained that Marion Police is the busiest dispatch center and the best staffed and that although Williamson considered closing the Marion PSAP, it was decided that it was not logical to close the best-staffed PSAP. In addition, Mr. Smith clarified that if Herrin remained a primary PSAP there would not be an issue with transfers because the 9-1-1 calls would be answered by the Herrin PSAP and dispatched by the Herrin PSAP. Tr. at 40.

Mr. Compton, the PSAP supervisor at Herrin explained that the ability to answer 9-1-1 calls will be downgraded with the elimination of a PSAP. Tr. at 42. Mr. Compton explained that by closing Herrin as a PSAP, it is only answering 9-1-1 calls that will be removed. The Herrin Police Department will not close, because the employees perform so many other duties, such as: answering other incoming calls, handling walk-in complaints, handling cell checks, and matron duty. He further explained that the 9-1-1 calls would most likely be answered by the Marion police department and transferred to Herrin for dispatch. Tr. at 44-45. He concluded that eliminating the PSAP out of the Herrin Police Department does not reduce employees, and it does not keep the police department from hiring staff as employees retire or leave. It simply increases transfer time or actually decreases the chance that you could get through to a local 9-1-1 operator at all. Tr. at 46. Upon cross examination from Mr. Hosteny, Mr. Compton explained that if the Herrin PSAP had to close, the Marion PSAP would not be able to direct dispatch to the police department because the radio systems are not compatible. Tr. at 50. A price quotation is included in Williamson’s waiver request and shows that the cost to upgrade the radios at the Marion PSAP to make them compatible and to add an additional radio console at the Sheriff’s department would be $75,000.
III. THE DEPARTMENT’S POSITION

The Department did not call Ms. Ross to testify. Mr. Hosteny stated that a
committee reviews the waiver requests, and it was the consensus of the committee that
Williamson has done an excellent job and is ahead of everyone else with respect to NG
9-1-1. He further stated that the purpose behind the rule not allowing downgrades to
secondary PSAP is to reduce transfers. Tr. at 39. Thus, the Department does not support
this waiver because it requests approval to downgrade a primary PSAP to a secondary
PSAP. He also stated that the committee did not consider a waiver request that would
allow Williamson to keep all three PSAPs, but he opined that it would probably oppose
that request as well.

The Department received no written comments or requests to speak. The
Department received no objections to the Request for Waiver.

IV. ANALYSIS

The purpose of the Emergency Telephone System Act is:

…to shorten the time required for a citizen to request and receive emergency aid.

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The General Assembly further finds and declares that the
establishment of a uniform, statewide emergency number is
a matter of statewide concern and interest to all inhabitants
and citizens of this State. It is the purpose of this Act to
establish the number "9-1-1" as the primary emergency
telephone number for use in this State and to encourage
units of local government and combinations of such units to
develop and improve emergency communication procedures
and facilities in such a manner as to be able to quickly
respond to any person calling the telephone number "9-1-1"
seeking police, fire, medical, rescue, and other emergency
services.

50 ILCS 750/1. Williamson has shown that it is already providing NG 9-1-1 service to its
residents. The statute requires, however, that because of its size and the number of
PSAPs in the county, it must consolidate. Based on my review of the record, I find that
Williamson has demonstrated that consolidation is economically unreasonable as
provided for in Section 15.4a(c).

Williamson has made a huge investment in upgrading its 9-1-1 system to next
generation, well in advance of the 2020 deadline. In fact, Williamson’s NG 9-1-1 has
been operational since January of 2015. Requiring Williamson to spend more money to
downgrade its system is illogical. It is clear that no money will be saved if a PSAP is
eliminated; indeed, Williamson has a long-term contract with Clearwave for the ESINet,
which will be $250 per month, whether Herrin is a primary PSAP or not. Also, Herrin has
indicated that it will assume responsibility for this cost if it is able to remain a PSAP. In addition, eliminating a PSAP will require additional employees at the two remaining PSAPs, which would cost an estimated additional $320,000 per year in salaries and benefits. Reallocating the $36,000 now contributed by the ETSB from Herrin to the Sheriff would fall short of covering that increase.

Public safety will be compromised if Williamson is required to reduce its number of PSAPs. It became clear at the hearing that a reduction in the number of primary PSAPs will require 9-1-1 calls to be transferred more frequently. This is because 9-1-1 calls are answered at the primary PSAPs, but then many of the calls would need to be transferred for dispatch. Although, the radio systems could be upgraded to avoid this, it would require a $75,000 investment and would not immediately be in place. With the three existing PSAPs already being NG 9-1-1, requiring this investment does not make sense.

Although, the Department recommended that the waiver not be granted because the requirements of the statute to consolidate PSAPs cannot be avoided by downgrading a primary PSAP to a secondary PSAP, I recommend approval of Williamson’s Request for Waiver and recommend that Williamson be allowed to keep three primary PSAPs. It is clear from the record that no costs will be saved if Williamson is required to reduce the number of PSAPs. All three PSAPs are already NG 9-1-1. The Act requires that by July 1, 2020, every 9-1-1 system in Illinois shall provide Next Generation 9-1-1 service. 50 ILCS 750/3. Williamson is already in compliance with this requirement and should not be required to undo its work to provide its residents with NG 9-1-1. I believe approval of the Request for Waiver furthers the statutory goals of the Act and satisfies the requirements of Section 200(e) of Part 1324.

V. FINDINGS AND RECOMMENDATION

The undersigned Administrative Law Judge, having reviewed the entire record herein and being fully advised in the premises, is of the opinion and finds that:

(1) Williamson County 911 filed a Request for Waiver from the 9-1-1 Consolidation Plan and the consolidation requirements of 50 ILCS 750/15.4a of the Emergency Telephone System Act;

(2) Williamson County 911 demonstrated that consolidation is economically unreasonable; and

(3) the requirement that Williamson County 911 file a Consolidation Plan should be waived.

This Recommended Decision of the Administrative Law Judge is issued, this 12th day of September, 2016.

(SIGNED) Leslie Haynes
Administrative Law Judge