

# Proposed 9-1-1 Legislation for Wisconsin Public Safety Emergency Telephone Service

Sent to Governor's Office in March of 2009

## Purpose

The intent of this legislation is to better reflect current and future technology as well as address the expectations of the state's citizens and public safety agencies when 9-1-1 is used to summon assistance. The current state statute regarding 9-1-1 needs to be updated in order to provide for **technology neutral legislation** that will include a methodology to meet those expectations while providing for standards and a funding source that will meet today's public safety needs and carry the state into the future.

### In general, this legislation will:

- Be technology neutral so that any device that can access 9-1-1 is treated equally concerning standards and surcharge amount.
- Give some relief to the state's property taxpayers and help pay for the state's 9-1-1 systems by having the "user" help pay the costs.
- Provide a method for 9-1-1 PSAPs and service providers to recover their costs.
- Provide standards for 9-1-1 PSAPs and providers to meet.
- Allow the 9-1-1 systems to better meet the expectations of the public by providing a financial incentive for better-trained first responders (the dispatchers).
- Allow the 9-1-1 PSAPs access to the latest technology and a financial incentive to take advantage of that technology.
- Continue the legislative intent on one wireless 9-1-1 PSAP per county while not increasing costs to any existing 9-1-1 centers that just handle landline 9-1-1, and continue the grant concept for PSAPs to recover their approved expenditures.
- Provide for a surcharge on any device that can access 9-1-1 that has a cap, and provides a revenue source for the provider and the State to manage the collection and distribution of those funds.

### Specifically, this legislation will cover certain personnel and equipment/services inside the Designated PSAP and certain LEC costs for the remaining Authorized PSAPs in each county in order to hold them harmless:

- Personnel training costs for call takers and dispatchers
- Equipment purchases and maintenance of equipment within the PSAP
- Phone systems that handle landline, wireless, VoIP, and new technologies
- Voice and Instant recorders used by call takers and dispatchers
- CAD/Computer systems used in the receipt and dispatch of emergency calls
- GIS functions needed in mapping and dispatching of police, fire, and EMS calls for service
- Radios and consoles used by dispatchers in the PSAP
- Security needs for the PSAP and their employees
- LEC's (local exchange carriers) charges and 9-1-1 PSAP trunk, line and data maintenance costs of both the Designated and Authorized PSAPs within a county system and their MSAG provider.
- Surcharge collection and the distribution of those funds will follow the same concept used in the Enhanced Wireless 9-1-1 program that very successfully provided the tools needed by public safety in the "implementation" of wireless 9-1-1 in this state, and caps the surcharge at 75 cents.

## Definitions.

The following definitions apply in this Article.

9-1-1 Advisory Board – The group established in this legislation that gives guidance and advice to the PSC on 9-1-1 issues and the collection and distribution of 9-1-1 funds.

Automatic Alarm and Automatic Alerting Devices. – Any automatic device that can be programmed to dial the digits “9-1-1” and do not provide for two-way voice communications.

9-1-1 Fund. – The moneys collected from the surcharge collected by the PSC. The Fund is an interest bearing account.

Automatic location identification. – (ALI), means a system which has the ability to automatically identify and display the address of the device being used to access the 9-1-1 PSAP.

Automatic number identification. – (ANI), means a system which has the ability to automatically identify and display the caller’s telephone number being used to access the 9-1-1 PSAP.

Authorized PSAP - Designated by this legislation as a PSAP, which is part of a County 9-1-1 System, to answer the types of 9-1-1 calls the PSAP was answering as of November 30, 2008. As part of the County System, the county will continue to fund the 9-1-1 trunks and MSAG charges that existed as of that date.

Basic system. – Means a telecommunications system, which automatically connects a person dialing the digits “9-1-1” to a PSAP.

Call taking. – The act of processing a call for emergency assistance up to the point that the call is ready for dispatch, including the use of equipment, call classification, location of a caller, and determination of the appropriate response level for emergency responders.

Centrex. – A business telephone service offered by some Local Exchange Carriers that provides PBX type features over access lines.

Commercial Mobile Radio Service (CMRS). – Defined in 47 C.F.R. § 20.3.

Costs. – Means the costs incurred by the Service Providers and PSAPs after November 30, 2008.

CMRS connection. – Each mobile handset telephone number assigned to a CMRS subscriber with a place of primary use within in the State of Wisconsin.

CMRS provider. – An entity, whether facilities-based or non-facilities-based, that is licensed by the Federal Communications Commission to provide CMRS or that resells CMRS within Wisconsin.

Designated Primary PSAP. – Designated by resolution of the county board to answer 9-1-1 calls and receive surcharge funds from the PSC. Must be providing enhanced 9-1-1 service for landline, wireless, and VOIP systems, as well as dispatch and/or relay these calls for service to the appropriate public safety agency as of November 30, 2008. For counties without wireless Enhanced 9-1-1 services as of November 30, 2008, one PSAP per county may be the Designated Primary PSAP.

Device. - Any electronic piece of equipment that is capable of connecting to a PSAP via the digits 9-1-1.

Enhanced 9-1-1 service. – The delivery of 9-1-1 calls with automatic number identification and automatic location identification to an appropriate PSAP by selective routing based on the geographical location from which the call originated and providing either a specific street address or information defining the approximate geographic location, in accordance with the FCC Order.

Exchange access facility. – The access from a subscriber's premises to the telephone system of a service supplier. The term includes service supplier provided access lines, private branch exchange trunks, and Centrex network access registers, as defined by applicable tariffs approved by the Public Service Commission. The term does not include service supplier owned and operated telephone pay station lines, Wide Area Telecommunications Service (WATS), Foreign Exchange (FX), or incoming only lines.

FCC Order. – The Order of the Federal Communications Commission, FCC Docket No. 94-102, adopted on December 1, 1997, and any consent decrees, rules, and regulations adopted by the Federal Communications Commission pursuant to the Order.

GIS mapping. – Computerized geographical information that can be used to assist in locating a person who calls emergency assistance, including street centerlines, natural features, commonly identified named facilities, ortho-rectified photography, and oblique imaging that is consistent with the application county land records modernization plans developed under s. 59.72 (3) (b), and does not duplicate such efforts funded through the land information program under s. 16.967 (7).

Interconnected VoIP service. – Defined in 47 C.F.R. § 9.3.

Mechanical Dialer.- See automatic alarm and automatic alerting device.

Local exchange carrier. – An entity that is authorized to provide telephone exchange service or exchange access in Wisconsin.

PBX. – Means a Private Branch Exchange that is a private telephone switch that is connected to the Public Switched Telephone Network.

PSC. – Public Service Commission.

Prepaid wireless telecommunications service. - Means a wireless telephone service that allows a caller to dial 9-1-1 to access the 9-1-1 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

Primary PSAP. – The first point of reception of a 9-1-1 call by a public safety answering point.

Proprietary information. – Subscriber lists, technology descriptions, technical information, or trade secrets that are developed, produced, or received internally by a voice communications service provider or by a voice communications service provider.

Provider. – Referred to as a service provider.

Public safety answering point (PSAP). – The public safety agency that receives an incoming 9-1-1 call and dispatches appropriate public safety agencies to respond to the call or transfers that caller to another PSAP (secondary) for appropriate processing.

Secondary PSAP – A PSAP to which 9-1-1 calls are transferred from a Primary PSAP.

Service Provider. – An entity that provides exchange telephone service to a telephone subscriber, or cellular services, or VoIP services, or cable telephony, or provides service to a device that can access 9-1-1.

Subscriber. – A person who purchases a voice communications service or other device and is able to receive it or use it periodically over time.

Surcharge. – Established dollar amount associated with a device that has access to 9-1-1.

TRS. – Telephone relay service for the hearing impaired.

Voice communications service. – Any of the following:

a. The transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used.

b. The ability to receive and terminate voice calls to and from the public switched telephone network.

c. Interconnected VoIP service.

Voice communications service connection. – Each telephone number assigned to a residential or commercial subscriber by a voice communications service provider, without regard to technology deployed.

Voice communications service provider. – An entity that provides voice communications service to a subscriber.

VoIP provider. – An entity that provides interconnected VoIP service.

Wireless PSAP. The primary PSAP designated by a county board to provide enhanced Wireless 9-1-1 services.

### **9-1-1 State Coordinator**

This legislation shall provide the funding and authority for the PSC to implement a State 9-1-1 Coordinator position. This position shall be responsible for the development of a Statewide 9-1-1 Plan, the management of the grant program, and the collection and distribution of surcharge funds.

### **9-1-1 Advisory Board.**

The PSC shall appoint a 9-1-1 Advisory Board to advise the PSC concerning the administration of this act and the administrative rules adopted, and any other matters assigned to it by the PSC. In addition, this Board will assist the State Coordinator in the development of a statewide plan for Enhanced 9-1-1 services for the State.

(a) Membership. – The 9-1-1 Advisory Board shall consist of service providers and public safety representatives. The commission shall appoint a diverse membership to the 9-1-1 Advisory Board. At a minimum the 9-1-1 Advisory Board shall consist of members from the following groups:

- (1) Members appointed by the PSC as follows:
- An individual who represents municipalities appointed upon the recommendation of the League of Wisconsin Municipalities.
  - An individual who represents counties appointed upon the recommendation of the Wisconsin Counties Association.
  - An individual who represents the 9-1-1 PSAPs appointed upon the recommendation of the Wisconsin Chapter of the National Emergency Number Association (WINENA).
  - An individual who represents the Sheriff's appointed upon the recommendation of the Badger State Sheriffs Association.
  - Two individuals who represent CMRS providers operating in Wisconsin.
  - An individual who represents PSAPs appointed upon the recommendation of the Wisconsin Chapter of the Association of Public Safety Communications Officials (WIAPCO).
  - Two individuals who represent local exchange carriers operating in Wisconsin, one of whom represents a local exchange carrier with less than 50,000 access lines appointed upon the recommendation of the Wisconsin State Telecommunications Association (WSTA).
  - An individual who represents a VoIP provider.
  - A Police Chief who represents the states Police Chiefs appointed upon the recommendation of the Wisconsin Police Chiefs Association.
  - A Fire Chief who represents the states Fire Chiefs appointed upon the recommendation of the Wisconsin Fire Chiefs Association
  - An individual who represents the state Emergency Management Directors appointed upon the recommendation of the state Emergency Management Association.
  - An individual who represents the cable industry.
  - A individual who represents the states Emergency Medical Services appointed upon the recommendation of the Wisconsin EMS Association
- (b) Term.
1. Each 9-1-1 Advisory Board member shall be appointed to a staggered three-year term. Members remain in office until their successors are appointed.
  2. Vacancies are filled in the same manner as the original appointment.
  3. The 9-1-1 Advisory Board shall elect a chairperson and vice chairperson from it's membership, not including PSC staff. The term of these positions shall be one year. Elections may be held at the first meeting of each calendar year.
- (c) Meetings.
1. The 9-1-1 Advisory Board meets upon the call of the chair or by a majority vote of the members and shall meet at least twice a year. Meetings shall be open to the public.
  2. Members of the 9-1-1 Advisory Board serve without compensation. Members, other than those representing the service providers may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as part of the Advisory Board, subject to

budget guidelines adopted by the Board. A quorum of the 9-1-1 Board is a majority of the members.

- (d) Duties of the 9-1-1 Advisory Board.
1. To provide advice in the administration of the 9-1-1 Fund, and to undertake its duties in a manner that is competitively and technologically neutral to all service providers.
  2. To adopt by-laws to implement this subsection. This authority does not include the regulation of any enhanced 9-1-1 service, such as the establishment of technical standards.
  3. To develop a statewide 9-1-1 plan.
  4. To take other necessary and proper action to implement the provisions of this subsection.
  5. To advise the State 9-1-1 Coordinator in developing a statewide 9-1-1 plan.
- (e) Prohibition. – In no event shall the 9-1-1 Advisory Board lease, construct, operate, or own a communications network for the purpose of providing 9-1-1 service.

**Surcharge for 9-1-1 service.**

(a) Charge Imposed. – A monthly 9-1-1 surcharge is imposed the next month after 90 days after the legislation is signed by the governor on each active device (voice and non-voice communications service connection) that is capable of accessing the 9-1-1 system, except that the surcharge shall not apply to prepaid wireless telecommunications service, which shall be subject to the surcharge imposed in section (c). The surcharge is initially set to a maximum (CAP) of seventy-five cents (75¢) or a lower amount set by the PSC under subsection (b) of this section. The surcharge is payable by the subscriber to the service provider. The Service Provider may list the surcharge separately from other charges on the bill. Partial payments made by a subscriber are applied first to the amount the subscriber owes the Service Provider for the service.

(b) Adjustment of Charge. – The PSC must monitor the revenues and interest generated by the surcharge.

(1) If the PSC determines that the rate produces revenue in excess of the amount needed, the PSC must reduce the rate. The reduced rate must ensure full cost recovery for Service Providers and for the Designated PSAPs over a reasonable period. A change in the amount of the surcharge rate becomes effective only on January 1 of each year. The PSC must notify providers of a change in the rate at least 90 days before the change becomes effective.

(2) If the PSC determines that the surcharge rate produces revenue in less than the amount needed, the PSC must increase the rate. The increased rate must ensure full cost recovery for service providers and for Designated PSAPs over a reasonable period, and be limited to not increase more than the CAP for that year. A change in the amount of the surcharge rate becomes effective only on January 1 of each year. The

PSC must notify providers of a change in the rate at least 90 days before the change becomes effective.

(3) The 9-1-1 surcharge CAP will be adjusted annually and will not increase more than the Midwestern Consumer Price Index Rate from the US Department of Labor of the previous year.

(c) Prepaid Wireless. – There is hereby imposed a prepaid wireless 9-1-1 surcharge on each retail transaction. The rate of the surcharge per retail transaction shall be one-half of the rate established under section (a) and after the date established in this section.

(1) The prepaid wireless 9-1-1 surcharge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 9-1-1 surcharge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(2) . For purposes of paragraph 1 of this subdivision, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state.

(3) The prepaid wireless 9-1-1 surcharge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 9-1-1 surcharges that the seller collects from consumers as provided in subdivision (a) of this section, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(4) The amount of the prepaid wireless 9-1-1 surcharge that is collected by a seller from a consumer, whether or not such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

(5) The prepaid wireless 9-1-1 surcharge shall be proportionately increased or reduced, as applicable, upon any change to the rate established by subsection (a).of this section. Such increase or reduction shall be effective on the effective date of the change to the rate established by the commission or, if later, the first day of the first calendar month to occur at least 60 days after the implementation of such change.

(6) The PSC shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for the sales tax imposed under Subchapter III of Chapter 77.

(7) The prepaid wireless 9-1-1 surcharge imposed by this subsection shall be the only 9-1-1 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other

charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for 9-1-1 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

(d) Remittance to the PSC. – A Service Provider must remit the surcharge collected by it under this section to the PSC. The Service Provider must remit the collected surcharge by the end of the calendar month following the month the provider received the charges from its subscribers. A provider may deduct and retain from the surcharge it receives from its subscribers and remits to the PSC an administrative allowance equal to the greater of one percent (1%) of the amount of surcharge remitted or fifty dollars (\$50.00) a month.

(e) Collection. – A service provider has no obligation to take any legal action to enforce the collection of the surcharge billed to a subscriber. The PSC may initiate a collection action, and reasonable costs and attorneys' fees associated with that collection action may be assessed against the subscriber. At the request of the PSC, but no more than annually, a service provider must report to the PSC the amount of the provider's uncollected surcharge. The PSC may request, to the extent permitted by federal privacy laws, the name, address, and telephone number of a subscriber who refuses to pay the 9-1-1 surcharge.

#### **9-1-1 Fund.**

(a) Fund. – The 9-1-1 Fund is created as an interest-bearing special revenue fund within the State treasury. The PSC with guidance from the 9-1-1 Advisory Board administers the Fund. The PSC must credit to the 9-1-1 Fund all revenues remitted to it from the surcharge imposed by this legislation on service connections in the State. Revenue and interest in the Fund may only be used as provided in this Article.

(b) Allocation of Revenues. – The PSC may deduct and retain for its administrative expenses up to one percent (1%) of the total surcharge remitted to it for deposit in the 9-1-1 Fund plus interest. The remaining revenues remitted to the PSC for deposit in the 9-1-1 Fund and the interest earned is allocated to reimburse Service Providers and Designated PSAPs for their actual costs.

(c) Report. – In February of each odd-numbered year, the PSC must report to the Wisconsin Legislative Council. The report must contain complete information regarding receipts and expenditures of all funds received by the PSC during the period covered by the report, the status of the 9-1-1 system in Wisconsin at the time of the report, and the results of any investigations by the PSC of PSAPs that have been completed during the period covered by the report.

#### **Fund distribution.**

The PSC shall make grants to reimburse Service Providers and Designated PSAPs for costs approved that are actually incurred by the Service Providers and Designated PSAPs, except that no Service Provider or Designated PSAP may receive a total amount in grants that exceeds the estimated amount approved in the grant by the commission for that Service Provider or Designated PSAP.

## **1. Service Providers.**

(a) Distribution. – Service Providers are eligible for reimbursement from the 9-1-1 Fund for the actual costs incurred by the Service Providers in complying with the requirements of enhanced 9-1-1 service. Costs of complying include costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the recurring and nonrecurring costs of providing the service. To obtain reimbursement, a Service Provider must comply with all of the following:

- (1) All costs and expenses must be commercially reasonable.
- (2) All invoices for reimbursement must be related to compliance with the requirements of enhanced 9-1-1 service.

## **2. Designated Primary PSAPs.**

(a) Distribution. – Only the Designated Primary PSAP that has been in operation as of November 30, 2008 is eligible for reimbursement from the 9-1-1 Fund for the actual costs incurred by the PSAP in complying with the requirements of enhanced 9-1-1 service. Costs of complying include costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the recurring and nonrecurring costs of providing the service, and costs associated with training PSAP personnel. To obtain reimbursement, a Designated Primary PSAP must comply with all of the following:

- (1) An application must be submitted to and approved by the PSC.
- (2) All costs and expenses must be consistent with the areas identified in this legislation.
- (3) All invoices for reimbursement must be related to compliance with the requirements of enhanced 9-1-1 service.
- (4) Must include in their annual grant application the costs of landline 9-1-1 trunks and MSAG charges for the Designated and Authorized PSAPs in their County.

(b) Use of Funds. – A Designated PSAP that receives a distribution from the 9-1-1 Fund may not use the amount received to pay for the lease or purchase of real estate, radio equipment for field personnel or equipment, or the purchase of police vehicles, ambulances, fire engines, or other emergency vehicles, or their associated emergency personnel. Distributions received by a Designated PSAP may be used only to pay for the following:

- (1) Certain Designated PSAP personnel training expenses including their salary while in training, the cost of transportation, lodging, instructors, certifications, improvement programs, quality assurance training, and training associated with call taking, and emergency medical, fire, or law enforcement procedures.
- (2) The lease, purchase, or maintenance of equipment in the Designated PSAP used in the delivery of 9-1-1 calls such as phone systems, database provisioning, addressing, voice recorders, instant

recorders, CAD/Computer systems, GIS functions including computerized geographical information including street centerlines, natural features, commonly identified named facilities, ortho-rectified photography, and oblique imaging, dispatcher consoles and their radio equipment, LEC's (local exchange carriers) and 9-1-1 PSAP trunk and line costs and their data maintenance costs (both the agency and MSAG provider), 9-1-1 trunks and MSAG charges for Authorized PSAPs within a County System

(3) Charges associated with the service supplier's 9-1-1 service and other service supplier recurring charges. The Designated PSAP providing 9-1-1 service is responsible to the voice communications or other service providers for all 9-1-1 installation, service, equipment, operation, and maintenance charges owed to the Service Provider for a County System. A Designated PSAP may contract with a Service Provider on terms agreed to by it and the Service Provider.

(c) Payment Carry forward. – If the total amount of invoices submitted to the PSC and approved for payment in a month exceeds the amount available from the 9-1-1 Fund for reimbursements to Service Providers and Designated PSAPs, the amount payable to each Service Provider and Designated PSAP shall be reduced proportionately so that the amount paid does not exceed the amount available for payment. The balance of the payment is deferred to the following month(s).

(d) Compliance. – A Designated PSAP, or its governing entity must comply with all of the following in order to receive a distribution under this section:

(1) The Designated PSAP must be included in its governing entity's annual audit. The Local governing entity must provide a copy of each audit of a local government entity with a participating Designated PSAP to the PSC upon request.

(2) A Designated PSAP must comply with all requests by the PSC for financial information related to the operation of the PSAP.

### **Recovery of unauthorized use of funds.**

The PSC must give written notice of violation to any service provider or Designated PSAP found by the PSC to be using monies from the 9-1-1 Fund for purposes not authorized by this statute. Upon receipt of notice, the service provider or Designated PSAP must cease making any unauthorized expenditures. Each may petition the PSC for a hearing on the question of whether the expenditures were unauthorized, and the PSC must grant the request within a reasonable period. If, after the hearing, the PSC concludes the expenditures were in fact unauthorized, the PSC may require the service provider or Designated PSAP to refund the monies improperly spent within 90 days of the determination of the PSC.

### **Conditions for providing enhanced Wireless 9-1-1 service.**

In accordance with the FCC Order 94-102, no provider is required to provide enhanced Wireless 9-1-1 service until all of the following conditions are met:

- (1) The provider receives a request for the service from the administrator of a PSAP that is capable of receiving and utilizing the data elements associated with the service.
- (2) Funds for reimbursement of the provider's costs are available.
- (3) The local exchange carrier is able to support the requirements of enhanced 9-1-1 service.

**Audit.**

Recipients of the 9-1-1 surcharge fund monies may be audited by the PSC to ensure that the funding was applied for and used appropriately. The audit and appeal procedures applicable to the sales tax imposed under Subchapter III of Chapter 77 shall apply to prepaid wireless E911 surcharges.

**Automatic Alarm and Automatic Alerting Devices**

The installation of or connection to any network or system of any automatic alarm, automatic alerting device, or mechanical dialer that causes the number 9-1-1 to be dialed in order to directly access emergency services is prohibited in a 9-1-1 system.

**TRS**

Each PSAP receiving funding under this legislation shall comply with the FCC requirements that all 9-1-1 answering positions be equipped with the necessary equipment in order to accept 9-1-1 calls from the hearing impaired directly or through the use of a relaying service.

**Subscriber records.**

This information remains the property of the disclosing provider and must be used only in providing emergency response services to 9-1-1 calls. Service provider connection information obtained by Designate Primary PSAP personnel for public safety purposes is not public information under Section 134.90 of state statutes. No person may disclose or use, for any purpose other than the 9-1-1 system, information contained in the database of the telephone network portion of a 9-1-1 system.

Each Service Provider and PSAP must ensure that changes to the MSAG or other location data are updated within 48-hours during business days of when submitted and/or received by the PSAP.

**Proprietary information.**

All proprietary information submitted to the PSC and 9-1-1 Board or the State Auditor is confidential. Proprietary information submitted pursuant to this Article is not subject to disclosure under Section 134.90 of state statutes, and it may not be released to any person other than to the submitting service provider, the PSC and 9-1-1 Board, and the State Auditor without the express permission of the submitting service provider. General information collected by the PSC and 9-1-1 Board or the State Auditor may be released or published only in aggregate

amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual service provider.

**Limitation of liability.**

A service provider and its employees, directors, officers, and agents or a local government and its employees are not liable for any damages in a civil action to any person who uses an emergency number system (PSAP) resulting from death or injury to any person or from damage to property incurred by any person in connection with developing, adopting, implementing, maintaining, or operating the 9-1-1 system or in complying with emergency-related information requests from State or local government officials.

A Seller of prepaid wireless telecommunications service shall not be liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 9-1-1 service, or for identifying, or failing to identify, the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 9-1-1 service.