

NC APCO Meeting Agenda
May 29, 2009
Charlotte, NC

President Withrow welcomed everyone to Charlotte and thanked Intrado/Positron, Carolina Recording and Verizon Business for providing lunch.

Grayson Gusa showed the new NC APCO website. He also announced new websites for the APCO East Coast Regional (apcoeastcoastregional.com) and the North Carolina State Conference (nc911conference.com).

First time attendees, past presidents, RPL's, and life members were recognized.

President Withrow presented a certificate to Brenda Hewlett who is retiring from New Hanover County for her years of service to NENA and the state conference committee.

Marsha reminded everyone that the APCO East Coast Regional is in April of 2010.

If you know of APCO members who haven't renewed their membership, please contact them and encourage them to renew their membership.

VIPER panel discussion will immediately follow lunch. Panel members: Mike Hodgson, NCSHP, Dennis Baucom, Charlotte Radio Shop Manager, and Nick Babin with SC Public Safety.

Tonya Pearce made a motion to dispense with the reading of the minutes. The motion was seconded by Kelly Palmer. Motion carried.

Treasurer's Report:

TC Account -	\$7,248.25
Main Account -	\$19,331.61
East Coast -	\$3,060.32
Scholarship -	\$4,000.00
Money Market -	\$43,513.92
Total Assets -	\$77,154.10

Committee Reports:

CCAM – Chapter Commercial Advisor Member – no report.

Activities – Jeryl Brown advised we will be waiting to see how budgets are going to be before starting anything new.

Resolution and Bylaws – David Dodd announced the changes to the bylaws will be posted on the website – deletions are in yellow and new information in red. The main changes are: grammatical changes throughout, the terminology “fall conference” changed to “annual conference”, date changes for submission of the year-end report, Members at Large renamed to Regional Ambassadors and the voting section revised for on-line voting/ballots (which will save at least \$1,000 per year).

Nominating – There are three people running for second vice president – Ray Gilleland, Randy Wood and Barry Furey. All other offices up for re-election have only one candidate. Ray and Randy introduced themselves. Kelly Palmer spoke for Barry.

Historical – (Terry Bailey) – no report.

Operations/Technology – no report.

Inter-agency Communications – no report.

CJIN – Steve Lingerfelt reported that the next meeting will be in September. The minutes from the previous meeting are on the website.

Frequency Advisor – President Withrow read the report from Rodney Spell - One point that may be of interest to anyone involved in 800 MHz rebanding – the FCC adopted ruling is attached. In short, this ruling transfers control of the 800 MHz Transition Administrator (TA) from BearingPoint to Baseline Wireless Services. This transfer is a result of BearingPoint filing for Chapter 11, Title 11 of the Bankruptcy Code. While this should not present a problem for anyone, it may be helpful information if any members are still negotiating with the TA.

E-911 Legislative Committee – no report.

Training –

The Annual APCO-sponsored Telecommunicator Conference was held at NC Justice Academy. It was a definite success despite agency budget restrictions. There were a total of 95 attendees. Special thanks to Carolina Recording Systems for the conference bags and Positron and Intrado for the conference staff shirts.

There was a CTO class at Cary PD in April with 8 attendees. The suicidal caller class scheduled for Charlotte in April was cancelled and will be rescheduled later in the year.

Upcoming training opportunities:

- 2009 Mandatory Sheriff Standards In-Service Training
 - July 8, 2009 at Cary Police Department
 - Topics: Teamwork in Communications Center and Professionalism in Emergency Services

- Reminder to everyone that 7 months are left in 2009 to get the required in-service
- APCO Fire Communications Course
 - July 13-15 at Charlotte Police/Fire Training Academy
 - Fee is \$125 per registration
- Annual School Director's Conference
 - August 6 in eastern part of the state
 - August 14 in Morganton
- APCO Supervisor Class
 - Will be held in October in Pasquotank County

NC APCO is also working to setup additional CTO classes throughout the state. Reminder to everyone to check the NC APCO website for the most up-to-date information on training

Jeryl announced that the annual mandatory conference for school directors was going to be a one-day only event this year – with one day being at Salemburg and the other in Edneyville. Remember to ensure you have completed your 2009 training prior to the end of the year – do not wait until December to start training.

Long Range Planning – no report.

Audit Committee – no report

National Conference Committee – no report.

Awards Committee – President Withrow reminded everyone to nominate their staff for awards - Telecommunicator, Line Supervisor, Center Manager/Director, Commercial Member, Technician, Communications Team/Shift, and the Craig Moser Award. There will be a new award this year for support personnel such as CAD technician, Admin, Training, QA, etc. The forms are on the website and the cutoff date for submitting awards is July 31st. The awards committee members will remain anonymous. You can submit your nominations on-line and all members of the committee will receive them.

Conference Committee – The CVENT registration for attendees and exhibitors is up and running. If we have your email address you will get an email and if not you can access it from our website www.ncapco.org .

Member at Large Reports –

Region A – no report.

Region B – Cary Police is hosting a 47 hour Basic Telecommunicator Certification June 14th -19th. They also have an opening for an Emergency Communications Officer and a Communications Center Supervisor. Durham 911 just completed their on-site assessment for CALEA accreditation. Johnston County 911 just installed Positron Viper Power Phone at their main and back-up centers. They also purchased Russ Bassett furniture for both primary and back-up sites. They will be in the final phase of 800 MHz re-banding in early June. Nash County Communications went live in February with Positron Viper (7 positions) including Power MIS. They purchased through Embarq and are very happy with the product. Anyone interested in seeing the product in a live environment is welcome to do so. Raleigh-Wake 911 honored employees who delivered babies in 2008. They honored 11 people with 12 babies (one set of twins).

Region C – no report.

Region D – Beth Smith from High Point reported that they held their 2nd annual golf tournament which was originally started for Susan Fulton. It was a very successful event and this year's recipient is a High Points Records Supervisor who has breast cancer. She thanks CRS and OSSI for their sponsorship. Rockingham County plans to move into their new center on July 29th with Plant CML, Viper 800 and Carolina Recording System. They are currently fully staffed. Guilford County's GIS department received an award for their work done during consolidation. Randolph County promoted a new Emergency Management Directory.

Region E – David Dodd reported he would be going to a new 800 system in the next 30 60 days. Cabarrus County moved into new office with new OSSI CAD/AVL, Postiron/Viper system and Bramic furniture – you are welcome to visit. Charlotte Fire signed a contract with a consultant to choose a new 911 system.

Region F – no report.

Executive Council Report – Jeryl Brown reported for Frank Thomason:

NC APCO Members;

As the budget year winds up for APCO as well, I have some very good news to report from National Headquarters.

We are on strong financial standing. As the 3rd quarter ended, the Automated Frequency Coordination, or AFC section is having a strong year with a high number of radio frequency coordination requests for licensing. Just as well, the APCO Institute is having a good year also. Both are surpassing last years performance!

Membership is stable and expenses in most all areas are lower than expected due to oversight by the National Board and Staff.

For the 2009 Annual Conference, total rooms nights sold are up 20 percent from 2008 and up 2 percent from 2007, which was also the highest attended Annual Conference. This is a positive sign that we'll have good turnout for our 75th anniversary.

A decision was approved by Council to retire the bonds used to fund the purchase of the Headquarters building, which was in the amount of slightly over \$1.2 million.

The long term debt of the Association is now \$0. The short term liabilities, are only slightly over \$27,000. I believe it would be difficult to be in a much better financial position than we currently are. To quote my fellow Council representative Dave Saffel, of the Budget & Finance Committee: "APCO International is strong, well managed, and staffed by people who truly desire for their Association to be successful."

As we prepare for the August Annual Conference. Two items I would like to bring to your attention and remind everyone about. One, Virginia APCO member and Executive Council Representative Terry Hall will be running for our National Board of Officers for Second Vice President. I have known Terry for several years on the Council, and feel that he will make a great national officer and representative to the East Coast Region of our Association. Second, our Strategic Governance Implementation process continues to move forward and there will be another vote to implement the new governance model at the Fall Conference. This last year has allowed many fellow APCO members across the nation to weigh in on this process and have their questions or concerns addressed. I look forward to this new model and feel that it is right for our Association to place us in a better position to move our Association forward into the future.

My best to all and my appreciation for allowing me to serve each of you in this capacity.

911 Board Report – (David Dodd)

Since the NC Chapter of APCO's last meeting in March, the NC 911 Board has met twice, on April 24, 2009 and May 15, 2009, at the Governor's Crime Commission Building in Raleigh. The following is a summary of major items of interest to PSAPs, discussed at these meetings.

At the April meeting, the Board heard a request from the Town of Blowing Rock for secondary PSAP funding. This request was denied since the Statute does not provide for any direct funding for secondary PSAPs. Due to equipment limitations, it was determined that Blowing Rock would not be eligible for funds as a backup PSAP for Watauga County or the City of Boone.

The Board also heard and denied a request from Davidson County that all or a portion of a Training Officer's position be funded with surcharge money.

During the April and May meetings, the Board viewed web presentations from Indiana, Tennessee, and Florida, on how 911 is administered and funded in those states. This will hopefully give the Board some ideas as a Statewide Plan is developed for N.C.

At the May meeting, the Board approved a request for primary PSAP funding for Washington PD. It is important to note that this was not the creation of a new primary PSAP, which is prohibited by Statute. Washington PD was meeting all necessary criteria of being a primary wire line PSAP, including filing an expense report with the Office of State Treasurer. Their only shortcoming was not being able to receive wireless 911 calls. They are in the process of installing the necessary equipment to rectify that shortcoming.

The filing period for the PSAP Grant Program closed on May 10, 2009. A total of 36 grants were received. Two of the grants were received after the advertised closing date. The total dollar amount of the remaining 34 grants was in the vicinity of 22 million dollars. The largest request was for approximately 12 million dollars, to initiate a statewide ortho-mapping project.

Board staff has identified one issue that needs to be noted. Under the Eligibility section of the Grants Policy and Procedure document, it states all Revenue and Expense Reports and any other financial reporting must be up to date for a PSAP to be eligible for grant funding. Several grant applicants have not met this requirement. Board staff is in the process of mailing or emailing these applicants, asking them to correct his problem.

The Board also approved a new "Functional Justification" spreadsheet that will hopefully better enable PSAPs to justify job functions eligible for surcharge funding. A secondary benefit from this new form will hopefully be a data collection tool the Board can use to identify and compare the actual cost in delivering 911 service in this state.

The Board continues to wait and see if the Governor will take money from the 911 surcharge fund to help balance the state budget. There is currently a fund balance of approximately 23 million in the wireless carrier reimbursement fund, and approximately 9 million in the PSAP fund. As of May 26, 2009 there has been no formal order made for the Board to transfer any funds to the general budget. At the May 15th meeting, there were reports that up to 15 million could be taken from the Board funds. The Governor's office has been reminded that if 911 surcharge monies are used for anything other than the purpose they were intended, the State will be ineligible for any federal 911 grant funding.

During this session of the General Assembly, there have been several bills introduced to allow expanded use of 911 surcharge funds, particularly toward the purchase of radio equipment. Most of these bills have been rolled into a study bill, House Bill 1480, that will solicit feedback from several sources, including the 911 Board on how to proceed with this issue.

In response to the expanded use of funds issue, and the need for the creation of a new funding model for PSAPs, the Board has endorsed the creation of a study committee to

explore these issues, and make recommendations back to the Board. The committee will be comprised of 4 combined appointments from APCO and NENA, 4 appointments from the NC League of Municipalities, 4 appointees from the NC League of County Commissioners, and 4 appointees from the telephone providers. This committee must complete their task quickly, as the General Assembly expects to hear reports from those studying these bills in the fall.

Finally, while there has been no official announcement made to the 911 Board, a memo has been drafted and distributed within the NC Information Technology Department. This memo indicates Dr. Bill Willis, the 911 Board's Chair has resigned from State employment, to accept a position in the private sector. This will mean the Director of NC Information Technology Department will have to appoint a new designee to serve as Board Chair.

Old Business – no old business.

New Business:

Craig Whittington sent out an e-mail regarding community colleges and the possibility that firefighters and other public safety personnel may no longer be exempt and may have to pay a fee to take a class. This has not been put into a bill yet but something we need to watch for.

Jeryl Brown announced the dates for the 09-10 chapter meetings: November 6th, January 29th, March 26th, May 21st and July 23rd.

President Withrow reminded everyone to stay for our panel discussion on VIPER and Palmetto immediately following lunch in the auditorium. The next meeting is July 10, 2009 at the Herb Young Community Center at 101 Wilkinson Ave., Cary, NC, hosted by Cary PD.

Conference registration will be through the website which takes you to CVENT. Please accept the e-mail invitation. Our slogan this year is "911 Heroes in Action". Motorola is again sponsoring the Monday night event. We will have one pre-conference class in which you will receive a certificate of completion. We still need more speakers especially topics for telecommunicators. Please see Jeryl Brown, Grayson Gusa or Angie Schulz if you are interested. Please submit photos of people in your agency to Tonya Pearce that may be used during a presentation at the conference. A reminder that there will be no "byob" at conference events. Anyone who brings their own alcohol will be asked to leave.

Harold Oakley made a motion to adjourn. Meeting adjourned.

Respectfully submitted,

Judy Capparelli
NC APCO Secretary

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Improving Public Safety Communications in the) WT Docket No. 02-55
800 MHz Band)
)

ORDER

Adopted: May 20, 2009

Released: May 20, 2009

By the Acting Chief, Public Safety and Homeland Security Bureau:

1. By this *Order*, we approve the transfer of control of the 800 MHz Transition Administrator LLC (TA LLC) from BearingPoint, Inc., debtor-in-possession (BE), to Baseline Wireless Services LLC (BWS). The transfer is occurring in conjunction with the acquisition in bankruptcy of certain of BE's assets by Deloitte LLP (Deloitte), and will facilitate Deloitte's replacement of BE within the structure the 800 MHz Transition Administrator (TA) in a smooth transition that will further the Commission's goal of timely reconfiguration of the 800 MHz band.

2. *Background.* In July 2004, the Federal Communications Commission adopted a *Report and Order* in this docket which reconfigured the 800 MHz band to eliminate interference to public safety and other land mobile communication systems operating in the band.¹ In the 800 MHz R&O, the Commission established the TA as an independent entity to oversee the reconfiguration process. Subsequently, on the recommendation of major stakeholders in the 800 MHz band,² the Commission selected the team of BE, Squire Sanders & Dempsey LLP (SSD), and Baseline Telecom, Inc. (BTI) (the TA Entities) to perform the TA functions.³ The TA Entities then formed the TA LLC, a legal entity of which BE is the sole owner, to enter into the necessary contracts with each of the TA Entities and other parties. Thus, BTI and BE, respectively, currently provide engineering and project management services under subcontracts with the TA LLC, while SSD provides legal services to the TA LLC pursuant to an engagement letter.

3. On February 18, 2009, BE and certain of its affiliates (collectively, Sellers) filed separate voluntary petitions for relief under Chapter 11 of Title 11, United States Code (Bankruptcy Code) with the United States Bankruptcy Court for the Southern District of New York (Court). On March 23, 2009, the Sellers, as debtors-in-possession, entered into an agreement (Purchase Agreement) with Deloitte by which Deloitte will acquire substantially all of the assets of BE's North American Public Services

¹ Improving Public Safety Communication in the 800 MHz Band, WT Docket No. 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004) (*800 MHz R&O*), as amended by *Erratum*, DA 04-3208, 19 FCC Rcd 19651 (2004), *Second Erratum*, DA 04-3459, 19 FCC Rcd 19651 (2004); and *Third Erratum*, 19 FCC Rcd 21818 (2004).

² The stakeholders were Nextel Communications, Inc. (Nextel), the Association of Public Safety Communications Officials-International (APCO), the Industrial Telecommunications Association (ITA), Southern LINC; and the United Telecom Council (UTC). See *800 MHz R&O*, 19 FCC Rcd 15070-75 ¶¶ 190-200.

³ See Wireless Telecommunications Bureau Concurs With Search Committee Selection of a Transition Administrator, *Public Notice*, 19 FCC Rcd 21923 (WTB 2004).

business unit. The TA LLC and the Amended and Restated Professional Services Subcontract Agreement between the TA LLC and BE (Subcontract) both are assets of BE's North American Public Services business unit subject to purchase by Deloitte.⁴ On April 17, 2009, the Court entered an order (Sale Order) approving the sale of such assets to Deloitte. BE and Deloitte closed the sale of the North American Public Services business unit on May 8, 2009. As noted below, however, Deloitte did not acquire the TA LLC at closing.

4. On May 7, 2009, BWS, BE, SSD, Deloitte, and the TA LLC (Joint Parties) jointly filed a letter with the Public Safety and Homeland Security Bureau seeking Commission consent to the transfer of control of the TA LLC from BE to BWS.⁵ The Joint Parties stated that the practical consequence of Deloitte's acquisition of BE's assets would be that Deloitte's subsidiary, Deloitte Consulting LLP, would replace BE as a subcontractor to the TA LLC, and would assume the Subcontract with certain minor amendments.⁶ The Joint Parties note that Deloitte is not acquiring the TA LLC because "due to the role of Deloitte & Touche LLP, a subsidiary of Deloitte LLP, as an auditor for certain stakeholders in the 800 MHz reconfiguration program, neither Deloitte LLP nor any of its subsidiaries can acquire the membership interests of TA LLC."⁷ Accordingly, the Joint Parties state that BWS has agreed to acquire the TA LLC and represent that "pursuant to the terms of the [bankruptcy court] Order, Deloitte LLP will instruct BE to transfer its membership interest in TA LLC to BWS upon grant of the Commission's consent to this request."⁸

5. The Joint Parties represent that "the transfer of control of the TA LLC will not materially or substantively affect the respective roles, responsibilities or use of the TA Entities."⁹ In particular, they assert that there will be no change in BE's substantive role, "as assumed by Deloitte Consulting LLP, other than with respect to the change in the ownership of TA LLC and with respect to [issuance of formal recommendations regarding] the Letter of Credit."¹⁰ To ensure continuity of operations in the 800 MHz reconfiguration program, Deloitte has assured the Commission that it will "avoid any programmatic disruptions by making offers to all BE personnel associated with the Reconfiguration."¹¹ Deloitte has

⁴ Due to an error in the wording of the Purchase Agreement, the TA LLC's membership interests initially were not included as part of the assets that were sold to Deloitte. However, the Order remedied the omission and the TA LLC membership interests were included.

⁵ Letter to David L. Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, from Alan J. Boyer (Baseline Telecom, Inc. and Baseline Wireless Services, LLC), John DeGrotte (Bearing Point, Inc.) Eugene A. Procknow (Deloitte LLP), Robert B. Kelly (Squire Sanders & Dempsey LLP) and Brett Haan (800 MHz Transition Administrator, LLC), May 7, 2009 (Joint Letter).

⁶ *Id.* at 1.

⁷ *Id.* Exhibit C to the Joint Letter contains a more detailed recitation of the reasons Deloitte cannot acquire membership in the TA LLC. Deloitte and BE have requested confidential treatment of Exhibits A and C to the Joint Letter. See Letter to David L. Furth, Acting Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, from Scott Silverstein, Assistant General Counsel, Deloitte LLP, May 7, 2009.

⁸ Joint Letter at 3.

⁹ *Id.* at 3.

¹⁰ *Id.* The parties state that "[i]n order to comply with federal and state requirements concerning auditor independence, Deloitte will not make formal recommendations to the Commission as to whether the Commission should approve proposed decreases (or increases) in the 800 MHz Letter of Credit. Deloitte will perform an analysis of such proposals and provide that information to the Commission which remains ultimately responsible for acting on such requests."

¹¹ The offers are subject to "Deloitte Consulting's customary internal hiring procedures." Deloitte Consulting has agreed that "BE personnel associated with the Reconfiguration who are hired by Deloitte Consulting will only be

(continued....)

certified that, “to its knowledge, it has no financial interest in any of the existing 800 MHz licensees” and has disclosed financial information related to its commercial relationships with Sprint Nextel Corporation (Sprint) and its affiliates. It also has represented that it will adhere to the “principles and procedures established in the Amended Independence Management Plan being developed by Deloitte Consulting, BTI and SSD.”¹² Finally, the parties have included Sprint’s written consent to the proposed transaction as an attachment to the Joint Letter.¹³

6. *Discussion.* We have evaluated the proposed transaction in light of the BE bankruptcy and conclude that it provides the optimum means of ensuring that Deloitte will assume substantially all of BE’s programmatic responsibilities in a smooth transition without adverse effect on 800 MHz band rebanding or participating licensees. The assignment of the TA LLC from BE to BWS alters the legal structure of the TA but will not affect the duties performed by each of the TA Entities. Deloitte, a company with substantial management experience and resources, will provide the project management services to the TA that were previously furnished by BE using the same or substantially the same staff previously employed by BE.¹⁴ Also as before, BTI and SSD will continue to provide their respective engineering and legal services to the TA.

7. We are also satisfied with Deloitte’s proposed role in connection with future requests by Sprint for reductions to the Letter of Credit. Although Deloitte will not be recommending whether the Commission should decrease or increase the Letter of Credit - a task previously assigned to BE - we do not regard this change as material because, as the parties point out, the ultimate decision concerning the letter of credit rests with the Commission and Deloitte will provide the data and analysis necessary to support the Commission’s decision.¹⁵ In sum, we conclude that the proposed transaction is consistent with the Commission’s goals in establishing the Transition Administrator and is otherwise in the public interest.¹⁶

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transferred from the Reconfiguration with the permission of the Program Manager and/or the Deputy Program Manager.” *Id.*

¹² *Id.* The Amended Independence Management Plan will be developed within thirty days of the closing of the contemplated transaction and submitted to the Commission for approval. In the interim, Deloitte Consulting will be bound by the provisions of the existing Independence Management Plan. *See id.* at 3-4 n.6.

¹³ *Id.* at Ex. B.

¹⁴ Deloitte LLP has agreed it will not replace the current Program Manager or Deputy Program manager absent thirty days advance notice to the Commission, and that, if any successor Program Manager or Deputy Program Manager is unacceptable to the Commission, Deloitte LLP will replace such successor manager within thirty days. *See id.* at 3 n.5.

¹⁵ Joint Letter at 3 n.4.

¹⁶ We expect that all members of the Transition Administrator team or their respective parents (Deloitte LLP, SSD and BTI) will provide letters of guarantee to the Commission that will replace the guarantee previously given by BE. We further remind Deloitte Consulting that, should it wish to make further changes to its subcontract with the TA LLC, it should provide a draft of the changes to the Commission in advance of making the changes and, if appropriate, request the Commission’s consent for a change of Use (as such term is defined in the Tri-Party Agreement, dated June 6, 2005, by and among Nextel Operations, Inc., the TA LLC, and U.S. Bank N.A).

8. *Ordering Clause.* Accordingly, IT IS ORDERED that the Federal Communications Commission HEREBY CONSENTS to the transfer of control of the 800 MHz Transition Administrator LLC from Bearing Point, Inc., debtor-in-possession, to Baseline Wireless Services LLC.

FEDERAL COMMUNICATIONS COMMISSION

David L. Furth
Acting Chief
Public Safety and Homeland Security Bureau