

REQUEST FOR WAIVER OF RRC RULE

I request a waiver of RRC Rule 26 NCAC 05.0112 on behalf of the North Carolina 911 Board.

Agency Requesting Waiver: North Carolina 911 Board

Person Requesting Waiver: Richard Bradford, Special Deputy Attorney General, counsel to the NC 911 Board

Reason for Waiver: The 911 Board strongly believes it is necessary, and best, for the rules process to move forward as local governments enter into their budgeting process with an expectation that the effective date will coincide with the beginning of the next fiscal year. The Board developed the rules in close concert with its regulated public. The Board's membership includes representatives from its regulated public: public members representing local government and private members representing telecommunications providers.

Date: December 12, 2015

Factors to be used in determining whether RRC shall grant a waiver (26 NCAC 05 .0112):

- (1) the necessity for a waiver;
- (2) the amount of notice given to the Commission and its staff, the agency proposing the rule, and interested parties;
- (3) the applicant's responsibility for the conditions creating the need for a waiver;
- (4) the applicant's previous requests for a waiver;
- (5) the applicant's knowledge of or experience with the rulemaking process;
- (6) the precedential value of such a waiver;
- (7) the harm to the applicant if a waiver is not granted;
- (8) the harm to the agency if a waiver is granted when the agency is not the applicant.

List and explain the appropriate factors affecting your request and why the waiver should be granted:

The Board appointed a "standards committee" to develop the rules. The committee began with published standards familiar to the PSAP (public safety answering point, or 911 center) community and developed the rules over a period of several years. The committee membership majority was selected from the Board's regulated public. Hence the text of the rules, meaning and application have been vetted thoroughly among persons involved in PSAP operation. This represents an inclusive principle the Board has observed, and plans to further by

continuing collaborative communications with PSAPs, local government finance officers and others. It is important to the Board that the Commission act at the earliest opportunity so that its regulated public may have the rules in place well prior to the effective date.

The rules were published in the NC Register on June 15, 2015. Following publication, the standards committee continued to meet and discuss further policies and potential rules. The Board sponsored a series of four meetings for PSAP directors and others across the State relating to the rules: July 8, 9, 15 and 16. During the Board's public comment period, which ended August 28, comments received from PSAPs prompted refinement of some rules, and those refinements are reflected non-substantive text changes. No comments were received from voice communications service providers.

The Board staff has responded to questions and engaged in discussions with RRC staff promptly. The RRC staff noted a number of questions that relate to 911 communications operations as well as technical corrections. These were discussed with the Commission's staff counsel on December 9. All persons have worked diligently, and although the time available may have been less than desired, a completed set of rules has been achieved. The Board's counsel attended continuing legal education on December 8 and 9, and Commission staff counsel attended continuing legal education on December 10 and 11. The 911 Board is aware of the filing requirements of 26 NCAC 5.0108, and sincerely appreciates the Commission's staff counsel's efforts to resolve all questions and technical changes. The agency rules coordinator delivered the completed rules electronically on Monday, December 14. The Board respectfully requests that the Commission consider the rules.

The Board has not requested waivers previously, and finds no precedential value in a waiver granted upon this request.

Signature:  _____