

**STATE OF ILLINOIS  
BUREAU OF ADMINISTRATIVE HEARINGS  
FOR  
ILLINOIS STATE POLICE**

Proviso-Leyden Joint 9-1-1 Authority	)	
	)	Case No. 19-C-255
Application for Consolidation Plan	)	

**RECOMMENDED DECISION**

**I. BACKGROUND**

On September 30, 2019, Proviso-Leyden Joint 9-1-1 Authority (the “Applicant”) filed a Consolidation Plan (“Consolidation Plan” or “Plan”) with the Office of the Statewide 9-1-1 Administrator pursuant to Section 15.4a of the Emergency Telephone System Act (“ETSA”), 50 ILCS 750/15.4a. The Applicant currently operates a Joint Emergency Telephone System Board (“JETSB”). The Plan proposes the addition of the Village of Rosemont to the existing JETSB.

Under Section 15.4a(a)(2) of the ETSA, 50 ILCS 750/15.4a(a)(2), in any county with a population of at least 250,000 that has more than one Emergency Telephone System Board, Joint Emergency Telephone System Board, or qualified government entity, any 9-1-1 Authority serving a population of less than 25,000 shall be consolidated such that no 9-1-1 Authority in the county serves a population of less than 25,000. The Village of Rosemont Emergency Telephone System Board currently serves a population of approximately 4,202, thus requiring consolidation pursuant to the ETSA. The Proviso-Leyden Joint 9-1-1 Authority serves a population of approximately 77,213, and post-consolidation with the Village of Rosemont would serve approximately 81,415. The regulations promulgated pursuant to the ETSA specify the procedures and requirements of such a consolidation plan, 83 Ill. Adm. Code 1324.200, *et. seq.* (the “Regulations”).

On October 10, 2019, the Department of State Police (“Department”) staff, Stacy Ross, issued a Department Review of Consolidation reporting on a technical review of the Consolidation Plan, as required by Section 1324.200(f)(1) of the Regulations, 83 Ill. Adm. Code 1324.200(f)(1).

An administrative hearing was held before a duly authorized Administrative Law Judge, Katy L. Straub, on November 13, 2019.<sup>1</sup> Donald Nielsen, Executive Director of the Proviso-Leyden JETSB, appeared in support of the Consolidation Plan, represented by attorney John Kelly of the firm Ottosen Britz Kelly Cooper Gilbert & DiNolfo, Ltd. Mr. Kelly serves as special counsel to the Proviso-Leyden Joint 9-1-1 Authority and to NORCOMM Public Safety Communications, Inc., the primary Public Safety Answering Point (“PSAP”) for the Proviso-Leyden Joint 9-1-1 Authority. Michael Tillman and David B. Hill, III, of NORCOMM were also present. Sergeant Carrillo and Deputy Chief Mazuka of the Village of Rosemont Public Safety Department were present. Attorney

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<sup>1</sup> The transcript of the administrative hearing consists of an audio recording of the proceeding, duration 16 minutes, 49 seconds, currently in possession of the Bureau of Administrative Hearings.

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Suzanne Bond appeared for the Department, accompanied by Lieutenant Colonel Campbell and Stacy Ross.

Donald Nielsen presented the Consolidation Plan. Ms. Ross testified that she prepared the Department Review of Consolidation, and that no comments had been received by the Department regarding the Consolidation Plan. Neither the Illinois Commerce Commission or the public had expressed concerns or objections to the Consolidation Plan. Ms. Bond indicated that with the addition of the supplemental financial information provided, the Department recommends approval of the Consolidation Plan without any alterations and without delay.

**II. EVIDENCE**

The evidence adduced at the Hearing is:

1. The Consolidation Application filed with the Department on September 30, 2019, as supplemented by additional financial information tendered on November 12, 2019;
2. The Department Review of Consolidation dated October 10, 2019, authored by Stacy Ross, and the testimony of Ms. Ross at hearing; and
3. The presentation and explanation of the Consolidation Plan presented by Donald Nielsen.

**III. CONSOLIDATION PLAN**

The Consolidation Plan and the testimony of the witnesses at the hearing established the following facts:

1. The Village of Rosemont passed an ordinance on July 10, 2019, Ordinance No. 2019-7-10A, terminating the Rosemont Emergency Telephone System Board, effective upon approval of the Statewide 9-1-1 Administrator to join the Proviso-Leyden JETSB.
2. The Village of Rosemont has entered into an intergovernmental agreement with the Proviso-Leyden Joint 9-1-1 Authority to join its JETSB. An addendum to the intergovernmental agreement establishing the Proviso-Leyden Joint 9-1-1 Authority for the new membership of the Village of Rosemont has been executed.
3. The Village of Rosemont has contracted with NORCOMM Public Safety Communications Inc. for the provision of Emergency Dispatch Services.

**IV. TECHNICAL REVIEW**

The technical review performed by Stacy Ross concludes that Applicant's Consolidation Plan, together with the supplemental financial information provided, meets the requirements for a consolidation plan as prescribed by Section 1324.200(c) of the Consolidation of 9-1-1 Emergency Systems and Standards of Service Applicable to 9-1-1 Emergency Systems Regulations. Cost

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Projections, Network Costs, Back-up PSAP Agreement or Call-Handling and Aid Agreements have been supplied to the Statewide 9-1-1 Administrator. The Technical Review indicates that the proposed Proviso-Leyden JETSB complies with necessary requirements for approval of the Consolidation Plan.

**V. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

HAVING REVIEWED the entire record herein and being fully advised in the premises, the undersigned Administrative Law Judge hereby:

**A. FINDS that:**

1. The Consolidation Plan furthers the statutory goal of ETSA to establish 9-1-1 as the primary emergency telephone number for use in the State of Illinois. ETSA further states the statutory goal that "it is in the public interest to shorten the time required for a citizen to request and receive emergency aid." 50 ILCS 750/1. This goal will be furthered with the approval of this Consolidation Plan.
2. The Consolidation Plan meets the requirements for a consolidation plan as required by Section 200(c) of Part 1324 of the Regulations.
3. In particular, the Consolidation Plan includes a completed application consisting of the following documents:
  - a. Contact and 9-1-1 system information;
  - b. Sworn statement attesting to the truth of the information provided in the Plan;
  - c. Letter that is sent to the 9-1-1 system provider with a copy of the Plan; and
  - d. Summary of the proposed system's operation, including information as to how the plan will assist with achieving the statutory goals enumerated in ETSA Section 5.4b(a). 83 Ill. Adm. Code 1324.200(c)(1).
4. In addition, the Consolidation Plan provides the following in compliance with Section 200(c)(1)(F) -(I) of Part 1324 of the Regulations:
  - a. List of all communities that are served by the 9-1-1 system;
  - b. List of public safety agencies that are dispatched by the 9-1-1 system;
  - c. List of the public safety agencies that are adjacent to the 9-1-1 system's geographic boundaries; and
  - d. List of the carriers and Interconnected VoIP providers that are known by the Applicant to provide service within the jurisdiction of the 9-1-1 system.



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5. The Applicant has attached to the Consolidation Plan the following documents as required by Section 200(c)(1)(J) and (K) of Part 1324:
  - a. A local ordinance that dissolves an existing ETSB;
  - b. An intergovernmental agreement creating a Joint ETSB or any other agreements pertinent to the 9-1-1 system consolidation;
  - c. The network diagram that is provided by the 9-1-1 system provider;
  - d. The Call Handling and Aid Outside Jurisdictional Boundaries Agreements; and
  - e. The Test Plan, 83 Ill. Adm. Code 1324.200(c)(1)(J) and (K).
6. The Consolidation Plan does not incorporate a next generation (NG9-1-1) solution; however, the Proviso-Leyden Joint 9-1-1 Authority represents that it has an NG9-1-1 capable system and is working toward the State's mandate for use.

**B. DETERMINES that:**

1. The Proviso-Leyden JETSB has filed a 9-1-1 Consolidation Plan pursuant to 50 ILCS 750/15.4a of the Emergency Telephone System Act;
2. The Proviso-Leyden JETSB Consolidation Plan furthers the statutory goals of the Emergency Telephone System Act;
3. The Proviso-Leyden JETSB Consolidation Plan meets the requirements of 83 Ill. Adm. Code 1324.200(c); and
4. The Proviso-Leyden JETSB Consolidation Plan should be approved.

IT IS THEREFORE RECOMMENDED that the Proviso-Leyden JETSB Consolidation Plan be approved.

**BUREAU OF ADMINISTRATIVE HEARINGS**



Katy L. Straub, Administrative Law Judge

Dated: November 15, 2019

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing RECOMMENDED DECISION was served upon the parties of record to the above cause by electronic mail on November 15, 2019, addressed to such parties as shown below. The original was filed with the Bureau of Administrative Hearings as a part of the permanent case file, currently in the possession of the Administrative Law Judge and to be delivered to the Department of State Police upon the conclusion of this matter.

**BUREAU OF ADMINISTRATIVE HEARINGS**

Dated: November 15, 2019

  
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Katy L. Straub, Administrative Law Judge

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