

STATE OF ILLINOIS
BUREAU OF ADMINISTRATIVE HEARINGS
FOR
DEPARTMENT OF STATE POLICE
OFFICE OF THE STATEWIDE 9-1-1 ADMINISTRATOR

Wheeling-Des Plaines JETSB,)	
Applicant.)	
)	16-C-155
)	
Application for 9-1-1 Consolidation)	

RECOMMENDED DECISION

I. BACKGROUND

On August 2, 2017, Wheeling-Des Plaines JETSB (the “Applicant” or “WDP”) 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 proposes the dissolution of the individual Emergency Telephone System Boards (“ETSB”) of Wheeling and Des Plaines and formation of Wheeling-Des Plaines JETSB. Currently, Wheeling provides dispatch services for Des Plaines; therefore, no changes in PSAP is required by the proposed JETSB.

Under Section 15.4a(a)(2) of the Emergency Telephone System Act (50 ILCS 750/15.4a(a)(2)), in any county with a population of at least 250,000 that has more than one ETSB, Joint Emergency Telephone System Board (“JETSB”), or qualified governmental 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. Neither of the communities served by the current ETSBs individually serves a population greater than 25,000. 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 August 21, 2017, Illinois State Police staff, Ms. Marci Elliott, issued a Department Review of Consolidation reporting on a technical review of the Consolidation Plan, as required by the Section 1324.200(f)(1) of the Regulations, 83 Ill. Adm. Code 1324.200(f)(1).

A hearing was held before a duly authorized Administrative Law Judge, Daniel P. Schuering, on September 29, 2017. Ms. Rocella Rodgers appeared on behalf of the Applicant, represented by the attorney for the Village of Wheeling, Mr. James V. Ferolo, Klein, Thorpe & Jenkins, Ltd. Ms. Elliott, appeared for the Illinois State Police; she stated that no comments had been received by the Department regarding the Consolidation Plan and that there were no requests to speak at the hearing. Ms. Elliott indicated at the conclusion of the hearing that the Department recommends approval of the Consolidation Plan with necessary changes to the Intergovernmental Agreement discussed below.

II. EVIDENCE

The evidence adduced at the Hearing is:

1. The Consolidation Application dated July 31, 2017, filed on August 3, 2017;
2. The Department Review of Consolidation dated July 3, 2017 authored by Marci Elliott;
3. The presentation and explanation of the Consolidation Plan presented by Mr. Ferolo;
4. The testimony of Ms. Rocella Rodgers on behalf of the Applicant; and
5. The testimony of Ms. Marci Elliott on behalf of the Department.

III. CONSOLIDATION PLAN

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

- A. The Village of Wheeling has authorized the consolidation of its ETSB by ordinance Number 5083 with the Des Plaines ETSB adopted on April 18, 2017;
- B. The Village of Wheeling has dissolved its ETSB by ordinance number 5092 adopted on June 19, 2017;
- C. The City of Des Plaines has dissolved its ETSB and authorized the Intergovernmental Agreement providing for the Wheeling-Des Plaines JETSB by ordinance M-15-17 adopted on July 17, 2017. However, the Intergovernmental

Agreement does not comply with amendments to the Emergency Telephone Systems Act which became effective on July 1, 2017; and

- D. The consolidation of the Wheeling and Des Plaines ETSB into the Wheeling-Des Plaines JETSB will have no financial or operational impact due to the fact that Wheeling currently operates a PSAP which provides call handling and dispatch for the City of Des Plaines. See, Public Act 100-20.

IV. TECHNICAL REVIEW

The technical review performed by Ms. Ross concludes that Applicant's consolidation plan meets the requirements for a consolidation plan as prescribed by Section 1324.200(c) of the Consolidation of 9-1-1 Emergency Systems Regulations. No cost projections, Network Costs, Back-up PSAP Agreement or Call-Handling and Aid Agreements are necessary because the Wheeling PSAP is in current operation dispatching calls for Des Plaines with necessary requirements complied with. However, revisions to the Intergovernmental Agreement are necessary to comply with the amended provisions of the Emergency Telephone System Act, 50 ILCS 750/0.01, *et. seq.*

V. FINDINGS OF FACT AND RECOMMENDATION

HAVING REVIEWED the entire record herein and being fully advised in the premises, it is:

A. FOUND 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 of 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 interconnection VoIP providers that are known by the Applicant to provide service within the jurisdiction of the 9-1-1 system.
5. The Applicant has attached to the Consolidation Plan the following documents as required by Section 200(c)(1)(J) of Part 1324:
- a. Local ordinances that dissolve an existing ETSB;
 - b. An intergovernmental agreement creating a Joint ETSB or any other agreements pertinent to the 9-1-1 system consolidation;
 - d. The network diagram that is provided by the 9-1-1 system provider; and
 - e. The Call Handling and Aid Outside Jurisdictional Boundaries Agreements 83 Ill. Adm. Code 1324.200(c)(1)(J).
6. The Consolidation Plan does not incorporate a next generation (NG9-1-1) solution.

B. DETERMINED that:

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

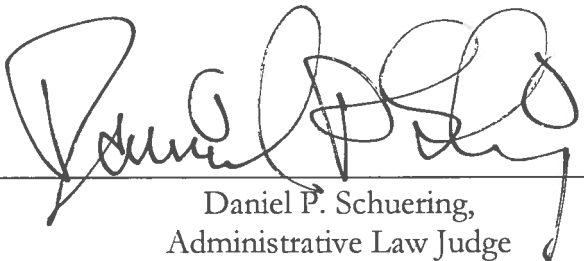
4. The intergovernmental agreement does not comply with the amended provisions of Section 45.4(a) of the ETSA because the intergovernmental agreement does not provide for the appointment of a representative of the PSAP to the JETSB; and
5. The WDP JETSB Consolidation Plan should be approved conditioned upon a requirement that the JETSB shall, within 120 days hereof, file with the Statewide 9-1-1 Administrator an amended Intergovernmental Agreement correcting the composition of the JETSB to comply with the amended statutory provisions.

IT IS THEREFORE RECOMMENDED that the WDP JETSB Consolidation Plan be approved, subject to the condition identified above.

This Recommended Decision of the Administrative Law Judge is issued this 16th day of October, 2017.

BUREAU OF ADMINISTRATIVE HEARINGS

Dated: October 16, 2017



Daniel P. Schuering,
Administrative Law Judge