

**ALABAMA 9-1-1 BOARD MEETING
Phelps Activity Center
2200 Rock Quarry Drive
Tuscaloosa, Alabama 35406**

Minutes of January 22, 2014

Prior notice of this regularly scheduled meeting of the Alabama 9-1-1 Board was given in accordance with the Alabama Open Meetings Act.

The roll was called as follows by the Board Chairman, Roger Wilson:

Roger Wilson, Chairman - present
Riley Blount, Vice Chairman - absent
Ernie Blair - present
Bill Brodeur - present
Chris Heger - present
Melissa Dove - present
Fred Johnson - present
Johnny Hart - present
Wayne Hutchens - absent
John Nettles - present
Jerry Renfroe - present
Donnie Smith – present
Rick Wolfe - present

A quorum was established. Chairman Roger Wilson who acted as presiding officer of the meeting called the meeting to order at 10:00 AM.

The Chairman welcomed Rick Wolfe as the newest Board Member. He was recently appointed to take the seat of Mark Brown, who resigned.

The Chairman entertained a motion to approve the agenda. Chris Heger made the motion and Bill Brodeur seconded this. A vote was taken and the motion was carried unanimously.

The Chairman asked to table the minutes from the December Board meeting until the February 19, 2014 Board meeting.

Cost Recovery Report:

Mr. Brodeur reported that for Phase I reimbursements for September 30, 2014, Cellular South requested \$14,739.58 recurring. He recommended approval of this as it was within their plan. He stated that PineBelt requested \$3,020.00 non-recurring and \$8,648.80 recurring. He recommended approval of these as they were within their plan.

Mr. Brodeur reported that Phase II reimbursements for September 30, 2014 that were paid in January were as follows. Cellular South requested \$19,357.62 and PineBelt Wireless requested \$275.00 non-recurring and \$5,544.00 recurring. He recommended approval of these.

Donnie Smith made a motion to approve these payments and Melissa Dove seconded this. A vote was taken and the motion carried unanimously.

Financial Report:

Donnie Smith presented the Board's expense reports. He complimented the staff on the Board Members' notebooks saying they were well organized and contained the material that he would present to the Board.

Mr. Smith reported that for the month of December, Board Member expenses totaled \$2,212.46. This contained expenses from Roger Wilson of \$23.40 and \$299.16, from Mr. Blair of \$236.13, from Mr. Brodeur of \$318.38, from Ms. Dove of \$96.01, from Mr. Johnson of \$421.87, from Mr. Hart of \$336.46 from Ms. Heger of \$318.38, from Mr. Nettles of \$61.02 and from Mr. Smith of \$101.65.

Mr. Smith reported that bills and contract expenses ran as follows. The Retirement Systems of Alabama for \$1,879.25, MDA Professional Group for \$8,428.81, AUM for \$3,799.46, Charter Communications for \$234.00, One Commerce Holding Corporation for \$2,415.00, Ellison Consulting for \$490.55, Department of Corrections for \$2,290.00, Mr. Sasser for \$8,094.83, SEIB for \$1,521.00, Skinner Printing for \$542.00, Wells Fargo for \$7,058.91.

Mr. Smith stated that Mr. Sasser received two additional bills that morning from the Legislative Reference Service. The payment of these bills was tabled until such time as Mr. Sasser can determine if this billing system is standard procedure.

Mr. Smith made a motion to approve payment of travel expenses and bills minus the bills from Legislative Reference Service and Jerry Renfroe seconded this. A vote was taken and the motion carried unanimously.

Legal Report:

Mr. Sasser reported that the rules were promulgated or adopted and went into effect as law on December 31, 2013. He reported on the Legislative Council meeting that was held following the last Alabama 9-1-1 Board meeting on December 18, 2013 at the request of Tracfone who had objections to four of the Board's adopted rules. The Legislative Council adjourned without taking any action on these objections and therefore by operation of law, those rules were approved as of December 31, 2013. He reported that he met with Tracfone and Sprint representatives and stated that the Board needs to determine what action they want to take if these companies do not remit in February 2014. Mr. Sasser reported proposed legislation that would change how

agencies adopt rules and regulations. It would require an affirmative vote from the Legislative Council for rules and regulations to go forward which is not required now.

Mr. Sasser presented the Board Members with the Code of Alabama section regarding excess money in cost recovery. He reminded the Board that there had been an issue regarding whether AT&T should be paid cost recovery money after they began to self-recover from their customers. He stated that AT&T has agreed to forego any claims they might have for Phase II cost recovery through 2010. He stated that the Board, by statute, may distribute excess revenues to the districts. He assured the Board that enough money would remain in the cost recovery fund to continue funding cost recovery and ANGEN projects. Jerry Renfroe requested that it be noted that AT&T walked away from money.

Mr. Johnson asked the Chairman and Mr. Sasser two questions. He requested clarification that this motion would declare \$13,000,000.00 surplus and that this surplus would be distributed in accordance with the Act. Mr. Sasser assured him that the only entity that could have a claim to this money was AT&T and they are foregoing their claim by virtue of their recent correspondence expressing it. Mr. Johnson requested clarification that the Board has all the statutory authority necessary to do this. Mr. Sasser referred to the code section that was presented. Mr. Johnson stated that in his personal opinion, Mr. Wilson's explanation about the background of cost recovery was satisfying and that he appreciated the Chairman's efforts in that area.

Mr. Nettles inquired whether this distribution would be a pro-rata distribution. Mr. Wilson stated that it would be a percentage of the population of the state. He stated this was per law. Mr. Sasser stated that the distribution would be handled exactly like the code section states that the Board must distribute excess funds. Mr. Nettles requested that the population distribution formula be revisited at some point, expressing his concern that it was disproportionate for rural counties in the state. Mr. Smith stated that this excess cost recovery distribution would be a blessing to his district and reported that to date, his district was \$60,000.00 behind where it was last year. He stated that this distribution would relieve some of that worry while this new system works out the flaws.

Mr. Dowdy assured the Board Members that the monthly amount of \$541,000.00 would continue to be deposited into the cost recovery fund so there would be no shortfall there. Mr. Johnson clarified that the Board would approve the amount of \$13,026,957.46 for distribution to the ECDs. Mr. Smith made the motion to declare \$13,026,957.46 as excess cost recovery, in accordance with Act 11-98-5 and that we make an immediate special distribution to the ECDs in that amount. Bill Brodeur seconded this motion. A vote was taken and the motion carried unanimously.

Melissa Dove requested that a letter be sent to each ECD explaining this distribution.

Mr. Sasser reminded everyone that there would be a public hearing on Rule 585-x-4.02 at the next Board meeting on February 19, 2014.

Accountants' Report:

Ralph Dowdy of MDA Professional Group provided the accountants' report. He reported that the revenue account is the money that is allocated to the ECDs for distribution. The operating account is the account for Board activities. He stated that Wells Fargo is asking for a resolution from the Board authorizing MDA to change the name of the Department of Transportation fund to the Department of Alabama Public Examiners' Audit Fund. The Chairman corroborated that the bank would take the minutes of this Board meeting as an official document in cases of this nature. He entertained a motion to approve a resolution changing the name of the Department of Transportation account to the Department of Alabama Public Examiners' Audit fund. Melissa Dove made that motion and Chris Heger seconded this. A vote was taken and the motion carried unanimously.

Mr. Dowdy continued his presentation. He reported that \$116,000.00 goes into this account each month to fund the \$1,400,000.00 that the Examiners estimated their expenses to be for this year. The cost recovery account is the \$13,000,000.00 that we just approved to be distributed to the ECDs. There will be \$1,082,000.00 in this account in February. He stated that the payroll account is strictly for processing payroll. And detailed that the Board has total assets in the amount of \$23,505,109.34. Mr. Smith requested clarification of the operating account. Mr. Dowdy assured the Board that 1% of collections goes into the operating account each month so there would be no shortfall.

Mr. Dowdy explained that the collections and interest each month would be approximately \$8,566,540.16. He explained how this money was allocated each month. The bill from the Department of Alabama Public Examiners was discussed. It was determined that since this bill was not itemized, it should be returned to the Department of Alabama Public Examiners requesting that an itemization of the bill be included before payment. Johnny Hart made a motion that Jason Jackson return this bill and request itemization. All invoices need to be itemized. Jerry Renfroe seconded this motion. A vote was taken and the motion carried unanimously.

The Chairman entertained a motion to approve the financial report. Fred Johnson made this motion and Bill Brodeur seconded this. A vote was taken and the motion carried unanimously.

Mr. Dowdy presented a report regarding the shortfall of collections that the ECDs are experiencing. He reported that collections during the month of October that were paid out in December were \$7,406,828.00 plus interest income. They deducted the \$.70 collections to get the amount from the \$1.60. That leaves you with \$6,788,440.00 less the carve outs. These are the 1% that goes to the operating account, the Examiners' \$116,667.00 each month, cost recovery of \$541,667.00 each month. This gives us approximately \$6,000,000.00 to pay to the ECDs. The projection of baseline payments each month is roughly \$5,500,000.00 and a population base of 2,366,940 for a total of \$7,913,413.00. This basically creates a \$1,800,000.00 shortfall for that month. Mr. Jackson added that this figure was low as no prepaid collections were added that month.

Mr. Dowdy moved to the November collections amassed in December to be distributed in January were \$8,566,456.00 plus a little interest income. So with the carve outs it looked like we would be short \$90,872.00.

Mr. Dowdy then discussed the line counts from their accumulated data. They showed approximately 2,950,000 average wireless connections and prepaid would run approximately 650,000. He stated that it looks like a lot more prepaid in the month of December due to the holidays. Mr. Jackson supported this statement by referring to data covering approximately a five-year period. Mr. Dowdy reported that there were approximately 1,650,000 wired lines which would add up to an average of 5,250,000 connections per month at \$1.60 which would bring the total amount of collections to \$8,400,000.00 less the carve out it would equal \$7,600,000.00. This would create a \$255,000.00 monthly shortfall for the next eight months. This is assuming there is no drop in wired line connections. He stated that he was informed that the larger carriers are experiencing a 10-12% drop in wired line connections and the rural carriers are experiencing a 3-4% drop which would average out to a 7% drop overall. A discussion that the wireless line connection count was saturated and would not rise to meet the drop in wired line connections.

Mr. Dowdy summarized his report. He stated that for the first two months of this fiscal year we had no \$1.60 collections. According to this report, we would be approximately \$19,000,000.00 short this year and that is what the ECDs are experiencing now. He reported that estimated collections for the year would be about \$79,808,748.00 and that the ECDs were hoping to get \$7,900,000.00 per month, which would be approximately \$94,960,956.00. This would leave a \$15,000,000.00 deficit for the year. However, with the AT&T settlement and the additional cost recovery funds transferred in, it only leaves about a \$2,000,000.00 deficit. We think this will be largely offset by the landline collections that the ECDs collected during the first three months. We don't have a total on this yet. We should make it whole this year if the projections stay the same.

Mr. Dowdy presented a projection for 2015. He projected that with a 7% reduction in land lines at \$1.60 times 12, we should be collecting about \$98,000,000.00 less the carve out, leaving us with \$89,696,576.00 which ends in a \$5,264,380.00 shortfall. He stated that if we had a rate adjustment of \$.09, it would break even. Mr. Renfroe asked about Tracfone collections and how that would affect the numbers. Mr. Jackson stated that they should get an additional \$2,000,000.00 from Tracfone roughly. That would put us at a \$3,000,000.00 deficit. He encouraged the Board to consider a rate adjustment that would affect the next fiscal year, so that this cycle would not have to be revisited again within that time. Mr. Dowdy projected a deficit for the following year of \$7,306,000.00 and would suggest a \$.13 rate adjustment. Mr. Renfroe stated that this would have to go before the Legislative Oversight Committee and would prefer to do that when the Legislature was not in session. There was discussion among the Board Members regarding the rate adjustment and the data involved in determining this figure.

Mr. Johnson offered peer procedural motion to the Chairman. He moved that the Executive Director in consultation with MDA Professional Group prepare for us in advance of the next Board meeting but as close to as necessary for meaningful data a

formal report and recommendation for a rate that both addresses the funding for 2014 as well as 2015. Mr. Hart seconded this motion. Mr. Johnson added, "I think we do this Board, ourselves, and even for that matter, the Legislative Oversight Committee, a real service if that report, and it can be brief and this is a perfectly good uniform format for it, makes it clear to everybody in this room and the Legislative Oversight Committee that our recommendation is based upon the physical reality." He stated that we are using good data and that we would do everyone a good service if it is clear that we forethought that report in order to ask for a rate increase.

Jason Jackson stated that this report took a lot of work so the next data would be easy to plug in. He stated that they should have it ready by the 10th of March.

Roger Wilson presented the motion by Fred Johnson, which was seconded by Johnny Hart. A vote was taken and the motion carried unanimously.

The Board Members thanked Ralph Dowdy and Jason Jackson for the work they put into this report.

The Chairman discussed the remittance advice that each ECD was supposed to start getting. Regina McDaniel, MDA, reported that these would be coming with the compilation distribution.

Administrative Rules Report:

Fred Johnson reported that Jim Sasser's report adequately addressed the issue that he would have reported on, so therefore the Administrative Rules deferred to Mr. Sasser's report.

State Plan Report:

John Ellison, Ellison 9-1-1, presented the State Plan to the Board for their consideration. A discussion was held by Board Members and audience regarding the rapidity of this report being approved. It was stated that by law, the Alabama 9-1-1 Board had to present a State Plan to the Legislature by February 1, 2014. Chris Heger stated that the committee worked diligently on this plan, which is a compilation of ideas to be researched and investigated. There will be amendments to this plan. However, there is a deadline and this was compiled from data from focus groups made up of Legislators, Carriers, ECD Directors and others. Several issues were discussed. A motion by Jerry Renfroe to change the wording on page 14 to read as follows: While the Board has the clear authority to promulgate rules concerning the collection of fees from carriers, rule making authority does not extend into the area of expenses and operations at local ECDs. This motion was seconded by Melissa Dove. A vote was taken and the motion carried. Ernie Blair made a motion to change additional wording on page 14 to read as follows after via 9-1-1. There is a widespread lack of interoperability among agencies and jurisdictions. Bill Brodeur seconded this motion. A vote was taken and the motion carried.

Consolidation was discussed. It was determined that the report needed to mention consolidation. It was also discussed that there should be a study performed that would provide numbers that would confirm or deny whether consolidation would be cheaper or better. Several forms of consolidation were mentioned. Mr. Jackson read the missive on page four. "The purpose of the Statewide 9-1-1 Plan is to: Provide a roadmap for 9-1-1 in Alabama, Educate and inform stakeholders, develop a set of initiatives and action items to advance effectiveness and efficiency of the 9-1-1 System in the State of Alabama." Donnie Smith made a motion to move that to the front page. Melissa Dove seconded this motion. Fred Johnson stated that he was pleased with this report and that if you read it from cover to cover it stated that here are some things that everybody needs to think about and some of these items, the Board will actually make some recommendations about as others warrant further discussion. A vote was taken and the motion carried unanimously. It was requested that the map included in this plan be cleaned up and corrected.

The Chairman entertained a motion to pass the proposed State Plan. Bill Brodeur made that motion and Chris Heger seconded this. A vote was taken and the motion carried unanimously.

Finance Report:

Mr. Smith discussed the Bandwidth bill. It was determined that the bill was emailed to the wrong people and would be corrected in future. Melissa Dove made a motion to add the Bandwidth bill to the expense report to be paid by the accountant. Bill Brodeur seconded this motion. A vote was taken and the motion carried.

ANGEN Report:

John Ellison reported that the ANGEN System had broken 10,000 calls at the end of December. He reported that 10,400 had been processed through the ANGEN System now to the 9 PSAPs who were on line and that he had 3 carriers on line. He estimated that others would come on line soon. He also reported that they had completed an IP call to a vendor.

Old Business:

Jason Jackson reported that the Legal Services Contract went to the committee and no questions were asked.

New Business:

Chairman Wilson, at the request of Bill Brodeur, introduced the issue of 9-1-1 Goes to Washington. Mr. Brodeur requested discussion of whether the Board would send Board Members to Washington, D.C., as was the practice of the former Wireless Board. Jerry Renfro asked whether the Board Members would be representing the Board or their individual ECDs. Chris Heger reported that she would decline asking the Board to pay for her expenses if she went. She stated that she would be representing her ECD. Mr.

Renfroe made a motion that the Alabama 9-1-1 Board not pay expenses for any Board Member to go to Washington D.C. Donnie Smith seconded this motion. He stated his concern that the Board was having issues meeting the needs of the ECDs and therefore how could they justify out-of-state travel expenses for Board Members. Bill Brodeur explained his justification for this expense by stating the accomplishments of the Wireless Board when in Washington. He stated that they dealt with issues on the federal level that trickled down to the state level.

Chairman Wilson discussed that the previous Wireless Board handled several issues, met with the FCC as well as other congressional representatives, and built relationships with people on the national level that would represent our state. Mr. Renfroe requested the difference that Board Members would make if sent by their individual ECDs as opposed to if the Board sent them. Chairman Wilson stated that his ECD would not send him. Donnie Smith and Jerry Renfroe called for a roll-call vote. Chairman Wilson called the roll as follows:

Ernie Blair – no
Riley Blount – not present
Bill Brodeur – abstain
Chris Heger – no
Melissa Dove – yes
Johnny Hart – no
Wayne Hutchens – not present
Fred Johnson – no
John Nettles – no
Jerry Renfroe – yes
Donnie Smith – yes

Rick Wolfe requested clarification of the motion.

Chairman Wilson stated that the motion before the Board was that the Board is not going to pay for any Board Member to go to Washington.

Mr. Wolfe - yes

Chairman Wilson stated that the motion failed.

It was discussed that the Board should send Jason Jackson to Washington to represent the Board. Since out-of-state travel must be approved by the Board, Chris Heger made a motion for the Board to pay expenses up to \$2000.00 for Jason Jackson to go to Washington D.C. to represent the Board. John Nettles seconded this. A vote was taken and the motion carried.

Chairman Wilson introduced Kevin Breault who provided a Bandwidth presentation. Kevin Breault introduced himself and his team. He introduced Terri Thornberry as the newest member of the team explaining that she had a 9-1-1 background and had worked on the next phase of wireless projects.

He reported that to date, the system has been live for about 5 months and has been error free. He stated that this was remarkable and that they were very blessed that they have

not had the first need for emergency windows or patches; there have been no software glitches. He complimented John Ellison for taking extraordinary steps to ensure testing of the system and making sure it worked. He reported that as far as time frame, they were not where they wanted to be. He stated that there have been carrier delays in putting circuits in and consolidation issues. He stated that these delays may have been caused by what they are using for their MSCs or what circuits they are bringing in or if the circuits they ordered had to be taken out and reordered. He added that when they took on the project it was unknown where they could take this. He stated that he now feels very comfortable as far as their knowledge of the project and where they can move forward efficiently and effectively. Mr. Breault explained that they were tracking across all carriers. He stated that they wanted to work on increased communication to document the progress so that it will be easier for Board Members to see progress that is being made each and every month within the project. He should have a report for the Board Members to review at the next Board meeting.

Mr. Breault reported that he anticipates having everyone up by June 1. He reported that later this year, they will be working on IP and PSAP issues and that they have a lot of work to do with interoperability with the CPE vendors and the transfer. He stated that they are working on the database and adding a LATA map. He stated that toward the end of next year, their goal is to be in the position to start decommissioning some of the selective routers as well as the introduction of NextGen signaling.

He stated that the initial contract was for 3 years and they were halfway through that contract. He stated that they are making sure that funding for the ANGEN project is there beyond May 2015. There is an additional project, text to 9-1-1. Text to 9-1-1 is included as far as Bandwidth providing the NextGen signaling. He reported that in order to have a next generation 9-1-1 signaling, there are lots of parties that have to cooperate. He stated that what they are seeing in the marketplace, not just in Alabama but also across the country, is that everyone is working toward it. He also stated that true NextGen 9-1-1 signaling is still 2-3 years away. He reported that they are creating a strong foundation for IP infrastructure aligning the path that they have to build. They want to think about restructuring some of the funding systems. He reported that Alabama puts the responsibility of ALI storage, ALI records on the ECDs where other states put it on the carriers.

John Nettles asked for a description of NextGen signaling. Kevin Breault explained that NextGen does not care where the calls originate, wireless, VoIP, wireline, whatever, what goes to them is an SIP message that has location information associated. There are functional elements that route those calls. However, there will need to be a new funding mechanism that deals with that since there will not be line counts associated with these calls. Fred Johnson requested clarification that Bandwidth works with the Alabama Supercomputer Authority. He asked if Bandwidth utilizes them, if possible, to provide base level connectivity and Bandwidth provides the intelligence to that network, the routing and the facilitation. Mr. Breault stated that is their relationship.

Executive Director Report:

Jason Jackson stated that he would like to start providing emails of financial reports, distributions and documentation to the ECDs. Chairman Wilson stated that these documents were public record. Mr. Jackson confirmed this and stated that he would like to improve communication with the ECDs by providing these records instead of making the ECDs go look for this information. Melissa Dove concurred stating that the more information we can give the ECDs the better.

A Public Forum was held at this time.

The Chairman opened the floor to the public. Roger Humphrey stated that he appreciated the Board having meetings in different locations. He stated that the attendance attested to this.

Chairman Wilson stated that Ernie Blair has offered to host the April Board meeting in Huntsville. Mr. Blair stated that he has tentatively reserved a room on Wednesday, April 23, 2014 at 10:00 a.m. This is the day before the quarterly NENA meeting in Huntsville.

Chairman Wilson reported that the next Board meeting would be February 19, 2014 in Montgomery at the office building. He also stated that the March Board meeting would be there as well.

Jerry Renfroe made a motion to adjourn the January 2014 Board meeting, which was seconded by Bill Brodeur. A vote was taken and the motion was carried unanimously. The meeting was adjourned at 2:32 PM.

Approved this 19th day of March, 2014



SECRETARY



CHAIRMAN

Meeting Sign-In Sheet

Project: BOARD MEETING

Meeting Date: January 22, 2014

Facilitator: ROGER WILSON

Place: Phelps Activity Center, Tuscaloosa, AL

Name	Title	Company	Phone	Fax	E-mail
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Meeting Sign-In Sheet

Project:

Meeting Date:

Facilitator:

Place:

Name	Title	Company	Phone	Fax	E-mail
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