ORDER

Procedural History

On January 2005, the Du Page County Emergency Telephone Systems Board (hereafter “Du Page”) submitted its Request for Dispute Resolution in this Matter. On the same date, the Southwest Central 9-1-1 System (hereafter “SWC”) submitted its own Request for Dispute Resolution. Each Request seeks a Commission resolution of a long-standing dispute between Du Page and SWC regarding which entity is entitled to receive certain surcharge payments remitted to the Commission pursuant Wireless Emergency Telephone Safety Act, 50 ILCS 751/1, et seq.[1] Du Page Request; SWC Request. On the same date, the parties submitted comments setting forth their respective legal and factual positions.

On February 24, 2005, a pre-hearing conference was held. Tr. at 1-5. The parties thereafter sought to conclude a general evidentiary stipulation with one another, but were unable to make significant progress in this regard. Accordingly, evidentiary hearings were convened on December 20, 2005, and February 7-8, 2006, and testimony taken and evidence otherwise adduced. Tr. at 72-134; 142-494. The matter was marked “Heard and Taken”. Initial briefs were filed on April 28, 2006 and Reply Briefs filed on May 26, 2006

II. Relevant Statutes
The Commission’s authority to resolve the dispute raised by the Joint Petition is found in Section 25 of the Wireless Emergency Telephone Safety Act (hereafter “WETSA”), which provides in relevant part that:

The Illinois Commerce Commission shall, subject to appropriation, make monthly proportional grants [from the Wireless Telephone Safety Fund] to the appropriate emergency telephone system board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscriber’s billing address. No matching funds shall be required from grant recipients.

If the … Commission is notified of an area of overlapping jurisdiction, grants for that area shall be made based upon reference to an official Master Street Address Guide to the emergency telephone system board or qualified governmental entity whose public service answering points provide wireless 9-1-1 service in that area. The emergency telephone system board or qualified governmental entity shall provide the Illinois Commerce Commission with a valid copy of the appropriate Master Street Address Guide. The Illinois Commerce Commission does not have a duty to verify jurisdictional responsibility.

In the event of a dispute between emergency telephone system boards or qualified governmental entities concerning a subscriber billing address, the Illinois Commerce Commission shall resolve the dispute.

50 ILCS 751/25

As noted above, the General Assembly transferred the responsibility for accepting surcharge payments into, making disbursements from, and generally overseeing the Wireless Emergency telephone Safety Fund, created by Section 20 of WETSA, 50 ILCS 751/20. Specifically, Section 75 of WETSA provides that:

(a) Beginning July 1, 2004, the rights, functions, powers, and duties of the Department of Central Management Services as set forth in this Act are transferred to and shall be exercised by the Illinois Commerce Commission. By July 1, 2004, the Department of Central Management Services shall transfer and deliver to the Illinois Commerce Commission all books, records, documents, property (real and personal), unexpended appropriations, and pending business pertaining to the rights, powers, duties, and functions transferred to the Illinois Commerce Commission under this amendatory Act of
the 93rd General Assembly (b) The rules and standards of the Department of Central Management Services that are in effect on June 30, 2004 and that pertain to the rights, powers, duties, and functions transferred to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly shall become the rules and standards of the Illinois Commerce Commission on July 1, 2004, and shall continue in effect until amended or repealed by the Illinois Commerce Commission.

Any rules pertaining to the rights, powers, duties, and functions transferred to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly that have been proposed by the Department of Central Management Services but have not taken effect or been finally adopted by June 30, 2004, shall become proposed rules of the Illinois Commerce Commission on July 1, 2004, and any rulemaking procedures that have already been completed by the Department of Central Management Services for those proposed rules need not be repealed.

(c) The rights, powers, duties, and functions transferred to the Illinois Commerce Commission by this amendatory Act of the 93rd General Assembly shall be vested in and exercised by the Commission subject to the provisions of this Act. An act done by the Illinois Commerce Commission or an officer, employee, or agent of the Commission in the exercise of the transferred rights, powers, duties, and functions shall have the same legal effect as if done by the Department of Central Management Services or an officer, employee, or agent of the Department.

The transfer of rights, powers, duties, and functions to the Illinois Commerce Commission under this amendatory Act of the 93rd General Assembly does not invalidate any previous action taken by or in respect to the Department of Central Management Services, its officers, employees, or agents. References to the Department of Central Management Services or its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the Illinois Commerce Commission or its officers, employees, or agents.

For the purposes of Section 9b of the State Finance Act, the Illinois Commerce Commission is the successor to the Department of Central Management Services with respect to the rights, duties, powers, and functions transferred by this amendatory Act of the 93rd General Assembly.

50 ILCS 751/75

Section 15(b) of WETSA provides in relevant part that:
For the purpose of providing wireless 9-1-1 emergency services,
emergency telephone system board or, in the absence of an emergency telephone system board, a qualified governmental entity may declare its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Chief Clerk of the Illinois Commerce Commission and the Director of State Police in writing within 6 months after the effective date of this Act or within 6 months after receiving its authority to operate a 9-1-1 system under the Emergency Telephone System Act, whichever is later. In addition, 2 or more emergency telephone system boards or qualified units of local government may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service. The Department of State Police shall be the primary wireless 9-1-1 public safety answering point for any jurisdiction not providing notice to the Commission and the Department of State Police. Nothing in this Act shall require the provision of wireless enhanced 9-1-1 services.

(Emphasis Supplied)

Any emergency telephone system board … providing wireless 9-1-1 service prior to the effective date of this Act may continue to operate upon notification as previously described in this Section. An emergency telephone system board or a qualified governmental entity shall submit, with its notification, the date upon which it commenced operating.

50 ILCS 751/15(b)

Emergency Telephone System Boards (“ETSBs”) are governmental entities whose corporate existence, and the conditions and incidents thereof, play a significant role in this dispute. ETSBs in Illinois exist as a result of the Emergency Telephone Systems Act, 50 ILCS 750/1, et seq. ETSBs are created by referendum of voters in the area within the ETSB’s proposed jurisdiction, 50 ILCS 750/15.3. Once established, ETSBs have the authority, inter alia, to:

1) Plan a 9-1-1 system.

2) Coordinat[e] and supervise[e] the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.
3) Receiv[e] monies from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.

4) Authoriz[e] all disbursements from the fund.

5) Hir[e] any staff necessary for the implementation or upgrade of the system.

50 ILCS 750/15.4(b)

Subsection (c) of the same section governs the management of surcharge funds, providing as follows:

All monies received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.

(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.

(6) The acquisition and installation, or the reimbursement of costs therefore to other governmental bodies that have incurred those costs, of road or street
signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.

(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

50 ILCS 750/15.4(c)

Both Du Page and SWC are ETSBs as that term is understood in the ETSA.

III. Summary of the Dispute

As noted above, wireless telecommunications carriers are required to assess a surcharge to their customers, and remit that surcharge to the Commission. 50 ILCS 751/17(a), (b). The Commission in turn remits the surcharge funds to the proper ETSB. 50 ILCS 751/20.

The question here is which ETSB, Du Page or SWC, is entitled to receive the portion of the wireless surcharge funds for zip codes 60514 and 60527 attributable to the Village of Clarendon Hills and the Village of Willowbrook. These calls are received by the Du Page County Sheriff’s office and transferred to SWC for dispatch services. This arrangement results from a long standing intergovernmental agreement between Du Page and SWC.

Zipcode 60514 includes the Village of Clarendon Hills, and unincorporated portions of Du Page County. 85% of the zip code is in Clarendon Hills. Unincorporated Du Page County makes up the remainder;

Zipcode 60527 includes the Villages of Willowbrook, the Village of Burr Ridge, and unincorporated portions of Du Page County: 39% of the zip code is in Willowbrook; 31% is in Burr Ridge. Unincorporated Du Page County makes up the remaining 30%.
Du Page seeks 100% of surcharges from 60514, consisting of the funds derived from Clarendon Hills, as well as those from the unincorporated areas in that zipcode. Tr. at 131. Du Page seeks 69% of wireless surcharges from 60527, that is, those derived from Willowbrook and unincorporated DuPage County. Tr. at 131-32.

SWC seeks 70% of wireless surcharges from 60527 (Willowbrook’s 39% plus Burr Ridge’s 31%), and Clarendon Hills 85% from 60514. Tr. at 131-32. There is no dispute about the unincorporated areas of Du Page County and parties agree that funds from Burr Ridge should be paid to SWC. Tr. at 130.

IV. Statement of the Case

Both Du Page and SWC are ETSBs established by referendum. Southwest Central Dispatch, an intergovernmental association that undertakes the day to day operations of the SWC 9-1-1 system, shares premises, equipment, and its name with SWC. Tr. at 210-13. Further, there are so-called “contract members” of Southwest Central Dispatch, that are members of Southwest Central Dispatch, but are not full members of SWC. Tr. at 162-63. In fact, the Villages of Willowbrook and Clarendon Hills are “contract members” of Southwest Central Dispatch. They are also members of Du Page. Tr. at 237; SWC Ex. 10 at 1; SWC Ex. 11 at 1.

The record further reflects that both Du Page and SWC have submitted wireline system plans to the Commission, and each has received Commission approval for its respective plan. Du Page Ex. W; SWC Ex. 6, 7, 9. Each has submitted a wireless system plan to the Commission, and each has received Commission Staff’s assurance that its plan complies with applicable rules. Du Page Ex. L, M; SWC Ex. 17, 18.

SWC acting through Southwest Central Dispatch has provided wireline 9-1-1 service to the zip codes in question including the incorporated Villages of Clarendon Hills and Willowbrook, but not to the unincorporated areas of Du Page County since at least 1991, pursuant to the terms of an intergovernmental agreement with Du Page. SWC. Ex. 11; Du Page Ex. I, J. Du Page has been the primary public safety answering point for wireless calls originating in the Villages of Clarendon Hills and Willowbrook since 1994; the Du Page county Sheriff’s Office answers such calls and relays them to Southwest Central Dispatch. Du Page Ex. L at 2; Tr. at 295-98, 475.

On December 29, 1999, seven days after WETSA was enacted, Du Page “declare[d] its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Chief Clerk of
the … Commission and the Director of State Police in writing” to that effect. Du Page Ex. L at 2; see also 50 ILCS 751/15(b). In so declaring its intention to provide wireless 9-1-1 service, Du Page stated that it was, and had been since October 27, 1994, “the only wireless public safety answering point in Du Page County.” Du Page Ex. L at 2.

As noted, both parties submitted 9-1-1 plans for Commission review. With respect to the dispute in question, the parties’ respective wireless 9-1-1 plans provide as follows:

The Du Page Wireless plan provides that that the ETSB has “entered into an intergovernmental agreement with Southwest Central Dispatch for wireline 9-1-1 calls for Clarendon Hills Police and Fire Departments and Willowbrook Police Department.” Du Page Ex. L, (Du Page ETSB Wireless 9-1-1 Plan, Schedule A - Narrative Statement at 1.07). The wireless calls are to be routed through the Du Page County Sheriff’s office to SWC for dispatch. Id. The Du Page County plan further provides that “[t]he wireless 9-1-1 surcharge from zip plus four codes in Clarendon Hills and Willowbrook will be remitted to the Du Page County Emergency Telephone Systems Board.” Id.

The SWC plan provides that “[a] contractual arrangement between Southwest Central 9-1-1 System and the Du Page County ETSB provides for the Southwest Central 9-1-1 System to provide Enhanced 9-1-1 Service for the Village of Clarendon Hills and the Village of Willowbrook. The jurisdictional boundaries to be covered are the same as the boundaries currently being served for wireline 9-1-1 service by Southwest Central 9-1-1 System, and as specified by the 9-1-1 plans currently on file with the ICC.” SWC Ex. 16 (Southwest Central 9-1-1 System ETSB Wireless 9-1-1 Implementation Plan, Schedule A, at 1).

Commission Discussion and Analysis

The General Assembly clearly intended under the ETSA that 9-1-1 service in the state of Illinois would be provided through the agency of, if not necessarily directly by, ETSBs. It authorized units of municipal government to seek authority to impose a 9-1-1 surcharge through referenda. 50 ILCS 750/15.3. Upon passage of a referendum imposing a surcharge, a municipal authority must establish an ETSB. 50 ILCS 750/15.4. As noted above, ETSBs have a number of specific powers, including most significantly the planning, implementation, maintenance, and operation of 9-1-1 systems, including hiring of necessary personnel. 50 ILCS 750/15.4(b)(1),(2),(5). Even more significantly, the statute authorizes ETSBs – and ETSBs alone - to receive and disburse funds realized through the 9-1-1 surcharge. 50 ILCS 750/15.4(b)(3),(4).

The statute very specifically governs the manner in which ETSBs are to manage and expend surcharge funds. They must be segregated in an interest-bearing account, and
expended only for those purposes authorized by law. 50 ILCS 750/15.4(c).

It is clear from the forgoing that, in enacting ETSA, the General Assembly intended ETSBs to make all expenditures of surcharge funds. Surcharge funds may not be expended “except upon the direction of the board by resolution passed by a majority of all members of the [ETSB], 50 ILCS 750/15.4(c); see also 50 ILCS 750/15.4(b)(4) (ETSBs empowered to “authorize all disbursements” of such funds”). ETSBs are, likewise, the only entities authorized by law to plan, implement and maintain 9-1-1 systems, and to hire personnel to undertake this task.

The question remains whether the General Assembly intended WETSA to be implemented in the same manner – by existing ETSBs. In authorizing a wireless 9-1-1 surcharge, the General Assembly stated that:

The revenues generated by the wireless carrier surcharge enacted by this Act are required to fund the efforts of … emergency telephone system boards, … [among other] entities, … to improve the public health, safety, and welfare and to … provid[e] emergency telephone assistance through wireless communications[.]

50 ILCS 751/5

As such, it is clear that the General Assembly intended existing ETSBs to take a leading role – and, in doing so, to incur significant costs – in the implementation of WETSA.

Second, the General Assembly specifically gave ETSBs what is effectively a “right of first refusal” to provide wireless 9-1-1 service in their own jurisdictions. As noted above, Section 15(b) of WETSA provides that:

For the purpose of providing wireless 9-1-1 emergency services, an emergency telephone system board … may declare its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Chief Clerk of the Illinois Commerce Commission and the Director of State Police in writing within 6 months after the effective date of this Act[.]

50 ILCS 751/15(b)
WETSA became effective on December 22, 1999. Section 99, P.A. 91-660. Within seven days thereafter—Du Page “declare[d] its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Chief Clerk of the … Commission and the Director of State Police in writing” to that effect. Du Page Ex. L at 2. In so declaring its intention to provide wireless 9-1-1 service, Du Page stated that it was, and had been since October 27, 1994, “the only wireless public safety answering point in Du Page County.” Id. Thus, it was authorized to continue in that capacity without further Commission approval, inasmuch as Section 15(b) provides that:

Any emergency telephone system board or qualified governmental entity providing wireless 9-1-1 service prior to the effective date of this Act may continue to operate upon notification as previously described in this Section. An emergency telephone system board or a qualified governmental entity shall submit, with its notification, the date upon which it commenced operating.

50 ILCS 751/15(b)

Du Page began providing wireless 9-1-1 service in its jurisdiction some five years prior to the enactment of WETSA, and declared, in a lawful and effective manner, its intention to continue to do so within one week after the enactment of WETSA. Du Page thus clearly perfected its right to act as the primary wireless 9-1-1 public safety answering point for its jurisdiction. This resolves in favor of Du Page the question of which entity is entitled to receive surcharge funds from the WTSF.

Section 25 of WETSA provides that:

The … Commission shall, subject to appropriation, make monthly proportional grants [from the Wireless Telephone Safety Fund] to the appropriate emergency telephone system board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscriber’s billing address.

50 ILCS 751/25

Du Page is that entity. The two zip codes in question are within its jurisdiction, and it declared in a timely and lawful manner that it had provided them with wireless 9-1-1 service since October 27, 1994, and intended to continue to do so. That ends the inquiry. Du Page is entitled to the funds.

While there is no question that Southwest Central Dispatch is providing dispatch services for the disputed zip codes, the parties appear to agree that this is done pursuant to
an intergovernmental agreement, as clearly set forth in the two entities’ wireless 9-1-1 plans filed with the Commission. Du Page’s plan states that it has “entered into an intergovernmental agreement with Southwest Central Dispatch for wireline 9-1-1 calls for Clarendon Hills Police and Fire Departments and Willowbrook Police Department.” Du Page Ex. L, (Du Page ETSB Wireless 9-1-1 Plan, Schedule A - Narrative Statement at 1.07). The calls are to be routed through the Du Page County Sheriff’s office to SWC for dispatch. Id. The Du Page County plan further provides that “[t]he wireless 9-1-1 surcharge from zip plus four codes in Clarendon Hills and Willowbrook will be remitted to the Du Page County Emergency Telephone Systems Board.” Id.

Likewise, SWC’s plan states that “[a] contractual arrangement between Southwest Central 9-1-1 System and the Du Page County ETSB provides for the Southwest Central 9-1-1 System to provide Enhanced 9-1-1 Service for the Village of Clarendon Hills and the Village of Willowbrook. The jurisdictional boundaries to be covered are the same as the boundaries currently being served for wireline 9-1-1 service by Southwest Central 9-1-1 System, and as specified by the 9-1-1 plans currently on file with the ICC.” SWC Ex. 16 (Southwest Central 9-1-1 System ETSB Wireless 9-1-1 Implementation Plan, Schedule A, at 1). Indeed, the intergovernmental agreement between Du Page and SWC is a matter of record in this proceeding. It appears that the parties, by referring to their wireline agreement in their respective wireless plans, intended to deal with wireless traffic in the wireline agreement.

We agree that SWC’s position in this matter is supported by certain equities. It appears, for example, that SWC, through Southwest Central Dispatch, has been providing dispatch service for wireline and wireless 9-1-1 calls to the Villages of Clarendon Hills and Willowbrook for many years, SWC Ex. 10, 11, 16, and has provided these services in a manner so satisfactory that each Village has enacted an ordinance resolving that SWC should receive surcharge monies from the Commission according to the tenor of its claim in this proceeding. SWC Ex. 14, 15. There appears to be no question that SWC provides the two Villages with reliable, effective dispatch service.

These equitable arguments, however, cannot defeat the clear requirements of the statute. ETSBs are creatures of statute, created by referendum of the voters in the jurisdictions that such ETSBs serve. 50 ILCS 740/15.3. Once an ETSB has been established, there is no provision in ETSA for municipal secession from its jurisdiction.

Case law suggests that an ETSB cannot be jurisdictionally altered or partially dissolved by means of resolution of the Councils of the two Villages. IN Village of Montgomery v. Commerce Comm’n, 249 Ill. App. 3d 484; 618 N.E.2d 1295; 1993 Ill. App.
Lexis 1251; 188 Ill. Dec. 725 (2nd Dist. 1993) the Court affirmed a Commission finding that a municipality is permitted to opt out of a proposed emergency telephone system before, but not after, passage of surcharge referendum. The Court further found that Commission has no authority to order detachment of municipality from ETSB jurisdiction after referendum.

There appears to be no dispute that the Villages of Clarendon Hills and Willowbrook are within the jurisdiction of Du Page and are “contract” members of SWC.

Although not specifically articulated in the statutes, the Commission is concerned with insuring the public health, safety and welfare, which is obviously implicated by the provision of 9-1-1 service. The current arrangement for providing wireless 9-1-1 service in the two zip codes, which has calls going first to the Du Page County Sheriff’s office, which then relays them for dispatch to Southwest Central Dispatch, Tr. at 295, 475, appears to be effective and consistent with preserving the public safety.

While SWC points to certain cases where this arrangement has resulted in errors that would not have resulted, had such calls not been routed through the Du Page County Sheriff’s office, its evidence consists of two such incidents in the approximately 11½ years that the current arrangement has been in effect is not inconsistent with ensuring public safety. Although SWC further points to delays in dispatch that allegedly result from the Du Page County Sheriff’s office answering calls in the first instance, there is no evidence that such delays have ever adversely affected public safety.

We find that Du Page is entitled to the disputed surcharge payments pursuant to statute. The Villages of Clarendon Hills and Willowbrook are both within the jurisdictional boundaries of Du Page. Du Page, through the Du Page County Sheriff’s office, is the primary answering point for wireless 9-1-1 calls originating in the two Villages. Upon enactment of WETSA, Du Page declared in a timely and effective manner its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction. Both the Du Page and SWC wireless 9-1-1 plans, and other evidence, make it clear that the Villages are “contract” members of SWC and its affiliate, Southwest Central Dispatch. Southwest Central Dispatch provides dispatch for wireless 9-1-1 calls through an intergovernmental agreement between Du Page and SWC.

Findings and Ordering Paragraphs

6) The Commission has jurisdiction over this dispute pursuant to the Wireless Emergency Telephone Safety Act, 50 ILCS 751/1, et seq.
7) The matter in dispute is which entity, DUPAGE ETSB or SWC911, is entitled to receive the surcharge funds which wireless telecommunication carriers are required to assess on their customers emanating from U.S. postal zip codes 60514 and 60527, pursuant to Section 751/25 of the Wireless Act.

8) U.S. postal zip code 60514 is comprised of the Village of Clarendon Hills, which makes up 85% of said U.S. postal zip code, and unincorporated DuPage County, which makes up the remaining 15% of said U.S. postal zip code.

9) U.S. postal zip code 60527 is comprised of the Village of Willowbrook, which makes up 39% of said U.S. postal zip code, the Village of Burr Ridge, which makes up 31% of the U.S. postal zip code, and unincorporated DuPage County, which makes up the remaining 30% of the U.S. postal zip code.

10) DUPAGE ETSB is the only ETSB statutorily authorized to receive the wireless surcharge funds for the 39% of U.S. postal zip code 60527 comprising the Village of Willowbrook and the 30% of the U.S. postal zip code comprising unincorporated DuPage County.

11) DUPAGE ETSB is also the only ETSB statutorily authorized to receive the surcharge funds for zip code 60514.

12) The Emergency Service Numbers (hereinafter referred to as “ESN”) which designate the Village of Willowbrook and the Village of Clarendon Hills, 230, 344 and 345, are properly included in the Master Street Address Guild (hereinafter “MSAG”) of DUPAGE ETSB.

13) That the parties hereto should be permitted adjust these surcharge percentages in the future based upon population shifts, or changes in the zip code boundaries, provided that both parties have signed an intergovernmental agreement establishing a new rate to be used.

IT IS THEREFORE ORDERED that SWC911 is entitled to 31% of the wireless surcharge funds for U.S. postal zip codes 60527, representing the wireless surcharge funds for the Village of Burr Ridge, and the ICC is hereby directed to disburse those wireless surcharge funds to SWC911.
IT IS FURTHER ORDERED that DUPAGE ETSB is entitled to the remaining 69% of the wireless surcharge funds for U.S. postal zip code 60527, and the ICC is hereby directed to disburse those wireless surcharge funds to DUPAGE ETSB.

IT IS FURTHER ORDERED that DUPAGE ETSB is entitled to 100% of the wireless surcharge funds for U.S. postal zip code 60514 and the ICC is hereby directed to disburse those wireless surcharge funds to DUPAGE ETSB.

IT IS FURTHER ORDERED that The parties hereto may adjust these surcharge percentages in the future based upon population shifts, or changes in the zip code boundaries, provided that both parties have signed an intergovernmental agreement establishing a new rate to be used.

IT IS FURTHER ORDERED that any objections, motions or petitions not previously disposed of are hereby disposed of consistent with this Order.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Act and 83 Ill. Admin. Code 200-880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 13th day of September, 2006.

(SIGNED) CHARLES E. BOX

Chairman

[1] The two entities had previously submitted this dispute to the Illinois Department of Central Management Services (DCMS), which, prior to the enactment of P.A. 93-839, effective June 30, 2004, was authorized to resolve such disputes. DCMS did not render its decision prior to P.A. 93-839 taking effect, and it is therefore before the Commission.