

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 585 Department or Agency: Alabama Statewide 911 Board

Rule No. 585-X-4-.01

Rule Title: Determination of active voice communication connections in Alabama technically capable of accessing a 9-1-1 system and subject to collection of the monthly 9-1-1 service charge

X New _____ Amend _____ Repeal _____ Adopt by
Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? Yes

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Bill Braden

Date 6/27/2013

REC'D & FILED

JUL 22 2013

ALABAMA STATEWIDE 911 BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Statewide 911 Board

RULE NO. & TITLE: 585-X-4-.01 Determination of Active Voice Communication Connections in Alabama Technically Capable of Accessing a 9-1-1 System and Subject to Collection of the Monthly 9-1-1 Service Charge

INTENDED ACTION: Adoption of Rule

SUBSTANCE OF PROPOSED ACTION: Establishes the basis on which a telecommunication carrier determines from how many connections it is required to collect the monthly 9-1-1 service charge. The proposed rule addresses all basic telephone connections, wireless, and wire line and voice communications provided via digital service platforms, including VoIP.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Sept. 18, 2013, 10:00 a.m. at the Bailey Building, 400 South Union Street, Montgomery, Alabama. Public Hearing on Rules and comments will be taken orally or in writing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Sept. 18, 2013

CONTACT PERSON AT AGENCY:

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**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 585 Department or Agency: Alabama Statewide 911 Board

Rule No: 585-X-4-.01

Rule Title: Determination of Active Voice Communication Connections in Alabama Technically Capable of Accessing a 9-1-1-System and Subject to Collection of the Monthly 9-1-1 Service Charge

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: This Rule will ensure that ALL voice communication connections technically capable of accessing a 9-1-1 system will be assessed the monthly 9-1-1 service charge, which is not currently the case in Alabama. The benefit of this rule is that it will increase the number of connections to be counted and collected from and should ultimately result in a decrease in the amount of the monthly 9-1-1 service charge

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: With the passage of Act 2012-293, this Rule is necessary to fairly and adequately allocate the costs of 9-1-1 service among all connections in Alabama that are technically capable of accessing a 9-1-1 system

3. EFFECT OF THIS RULE ON COMPETITION: NONE

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: The Rule will be enacted on a statewide basis and may slightly increase the cost of doing business for large institutions such as banks or hospitals since Act 2012-293 abolished the limit of 100 exchange access facilities per person per location on which the 9-1-1 service charge was imposed on wire line connections. There now is no limit.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: No effect of employment can be foreseen

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Section 11-98-5.2(b) calls for the Board to receive 1% of the statewide 911 charges paid over to it to be applied by the Board for the payment of administrative expenses. Any costs incurred by the Board to implement and enforce this Rule will come from these funds.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: All of the citizens of the State of Alabama will benefit from this rule because there will be a greater allocation of resources and ultimately the monthly 9-1-1 service charge is anticipated to decrease. The greater the number of connections on which the service charge is collected should result in a reduction of the statewide charge of \$1.60 per connection, which is scheduled to go into effect on October 1, 2013.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: N/A

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: The Rule will ensure there is adequate funding and fair allocation of resources for the 9-1-1 system in the State of Alabama.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: A large segment of connections capable of accessing a 9-1-1 system will not be assessed the monthly 9-1-1 charge thus increasing the burden of those who do pay it.

****Additional pages may be used if needed.**

RULES AND REGULATIONS OF THE ALABAMA 9-1-1 BOARD
CHAPTER 585-X-4
COLLECTION AND DISBURSEMENT OF SERVICE CHARGES

585-X-4-.01 **Determination of active voice communication connections in Alabama technically capable of accessing a 9-1-1 system and subject to collection of the monthly 9-1-1 service charge**

- (1) Unless otherwise defined herein, the definition of terms set forth in Sec. 11-98-1, Code of Alabama, 1975, as amended, are incorporated by reference herein.
- (2) A single, monthly statewide 9-1-1 fee is to be imposed on each active voice communication service connection in Alabama that is technically capable of accessing a 9-1-1 system, except to the extent such connection(s) is exempt under Sec. 98-11-1(a)(16), Code of Alabama, 1975, as amended.
 - a) Subject to the additional clarification in Section 2(b) below the term "Voice communications service" is defined as any of the following:
 - i. The transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, or optical, microwave, wire line, wireless, or other medium or method, regardless of protocol used.
 - ii. The ability to receive and terminate voice calls to and from the public switched telephone network.
 - iii. Interconnected VoIP service, as that term is defined by 47 C. F. R. Sec. 9.3
 - b) Voice connections subject to the statewide 911 service charge shall include:
 - i. All basic telephone voice connections, whether wire line or wireless, whether postpaid or prepaid.

- ii. With respect to voice connections provided via digital service platforms, such as a primary rate integrated services digital network (PRI) or Internet protocol based services, the number of such connections at a given location subject to assessment of the charge shall be the number of connections that:
 - A. Are configured for or otherwise capable of outbound calling including to a 911 system or center, and
 - B. Have a local directory number (LDN) assigned to the customer premise device that is permanently or semi-permanently tethered to the digital service and such LDN is required by either state or federal law to be loaded by the service provider into the applicable automatic location identification database (ALI) serving the rate center or geographical area where the digital service is provisioned.
 - iii. All Lifeline connections in Alabama, both wire line and wireless.
- c) Any integrated VoIP service provider subject to 47 CFR 9.5 or that otherwise provides 911 functionality, regardless of the technical means of doing so, shall be the provider responsible for collecting and remitting the statewide 911 charge.

Author: James T. Sasser

Statutory Authority: Sections 11-98-1; 11-98-4.1; 11-98-5, Code of Alabama, 1975, as amended

History: