

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 585 Department or Agency Alabama Statewide 911 Board
Rule No. 585-X-4-.05
Rule Title: Lifeline service collection of 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? Possibly

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? Yes

Does the proposed rule have an economic impact? Possibly

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 Bricker

Date 6/27/2013

REC'D & FILED

(DATE FILED)

A-1 JUL 22 2013

LEGISLATIVE REF SERVICE

ALABAMA STATEWIDE 911 BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Statewide 911 Board

RULE NO. & TITLE: 585-X-4-.05 Lifeline service collection of
9-1-1 Service Charge

INTENDED ACTION: Adoption of Rule

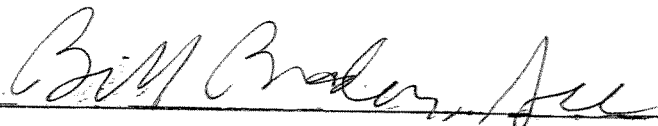
SUBSTANCE OF PROPOSED ACTION: Requires any telecommunication carrier designated as an Eligible Telecommunication Carrier by the FCC to participate in the Lifeline program to collect and remit the monthly 9-1-1 service charge to the Board. The rule applies to both wire line and wireless carriers.

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-.05

Rule Title: Lifeline service collection of 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 thereby spreading resources among all users of the system. Currently, the vast majority of both wire line and wireless providers are collecting the 9-1-1 service charge from their Lifeline customers, however there are two to three that are not.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: See 1 above
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 may result in a \$1.60 per month increase in the cost of a Lifeline customer's phone bill but will only affect those customers whose provider is not currently assessing and remitting the fee.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: No effect on employment is anticipated

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 funding 9-1-1 in the state

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 adequate funding and fair allocation of resources for the 9-1-1 system in Alabama

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: A significant number of connections (Lifeline customers) who are capable of accessing a 9-1-1 system will not be assessed the monthly 9-1-1 charge thereby 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-.05 Lifeline service collection of 9-1-1 service charge

1. Any telecommunications carrier that has been designated and certified as an Eligible Telecommunication Carrier (ETC) by the F.C.C. and the Universal Services Administrative Co. (USAC) to offer Lifeline service shall collect from any Lifeline subscriber, the monthly 9-1-1 service charge and remit the monthly collections to the Board pursuant to Sections 37-2A-7 or 11-98-5, Code of Alabama, 1975
2. A CMRS provider which has been designated as an ETC shall collect from any Lifeline subscriber, the monthly 9-1-1 service charge and remit the monthly collections to the Board pursuant to Sec 11-98-5(a) Code of Alabama, 1975
3. "Lifeline Subscriber" means a customer who meets the income eligibility tests and requirements established by the Alabama Public Service Commission and USAC and receives telecommunication services wherein the customer is capable of receiving voice communication service that is technically capable of accessing a 9-1-1 system.

Statutory Authority: Sections 37-2A-7 and 11-98-5 Code of Alabama, 1975

Author: James T. Sasser

History: