

ALABAMA STATEWIDE NINE-ONE-ONE BOARD
ADMINISTRATIVE CODECHAPTER 585-X-4
COLLECTION AND DISBURSEMENT OF SERVICE CHARGES

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585-X-4-.01	<u>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.</u>

(1) Unless otherwise defined herein, the definition of terms set forth in Section 11-98-1, Code of Ala. 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 Section 98-11-1(a)(16), Code of Ala. 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:

1. 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.
2. The ability to receive and terminate voice calls to and from the public switched telephone network.
3. 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 consist of the following, provided they meet (2)(a)1., 2., or 3. above:

1. All telephone voice connections, including interconnected VoIP service not addressed in (2)(b)2. and 3. below, whether wire line or wireless, whether postpaid or prepaid.
2. Where a subscriber obtains wireline voice communication service by purchasing such services via digital service platforms, a 9-1-1 service charge shall be assessed on the number of channels configured for or capable of accessing a 9-1-1 system. If the number of such channels so configured is not readily determinable, the service charge shall be assessed on the total number of channels available unless and until a lesser number becomes readily determinable.
3. For digital service platforms used to provide wireline service, including business broadband service other than PRI, where the number of voice channels cannot be readily identified, the number of connections shall be calculated as follows:
 - (i) If the provisioned upstream bandwidth, as measured in kilobits per second (kbps), at the network interface device or network end point available to any voice over IP customer premise device is less than 1024, the number of connections shall be deemed equal to that number divided by 64; or,
 - (ii) Otherwise, the number of connections shall be deemed equal to 10 per 1 Mbps of provisioned upstream service or fraction thereof.

4. All Lifeline connections in Alabama, both wire line and wireless.

(c) An interconnected 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.

(d) Notwithstanding any other provision of this rule, pre-paid wireless service, as defined in Section 11-98-5.3(4), shall be collected at the point of sale in conformance with Section 11-98-5.3, et. seq.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §11-98-4.1, as amended.

History: New Rule: Filed November 26, 2013; effective December 31, 2013.

585-X-4-.02 Requirements For Fee Remittance Submitted By Or On Behalf Of Voice Communication Service Providers.

(1) All Voice Communication Service Providers shall remit 9-1-1 service charge fees pursuant to Section 11-98-5, Code of Ala. 1975.

Fees shall be submitted to the Alabama Statewide 9-1-1 Board by the end of the calendar month following the month the provider receives the service charge from its subscribers.

Beginning August 1, 2020, all remittances by providers are required to use Alabama Interactive as the proper method of remitting 911 fees to the Statewide Board. Alabama Interactive, Inc. has entered into a contractual agreement with the State of Alabama for Digital Government Services, under which Alabama Interactive provides electronic access and electronic transaction e-government services for state government agencies, including the Statewide Board. The Executive Director of the Board is responsible for administering this Rule and working with Providers to ensure compliance. The carrier remittance portal through which fee remittances must be made is available through the Alabama Statewide 911 Board's website:

www.al911board.com/

(a) For service providers collecting less than \$50.00 per month of total fee remittances, the Board will not take collection action provided the reports and fee remittances are received on a quarterly basis.

(b) All service providers providing fee remittance for 9-1-1 service pursuant to Section 11-98-5, Code of Ala. 1975, shall

provide the following information with the fee remittance submission:

1. Service provider's name, identifying number, and contact information.
2. Third-party preparer's name, identifying number, and contact information. Service connections information.
 - (i) Service collection period.
 - (ii) Service connection type(s) and counts of each.
 - (iii) Adjustments taken, with explanation, if not within the one percent administrative allowance pursuant to Section 11-98-5, Code of Ala. 1975.
3. Confirmation of summary information based on the information provided and the net service fee to be remitted.
4. The following certification shall be a part of the form: "These amounts are submitted in compliance with Sections 11-98-1 and 11-98-5, Code of Ala. 1975, as amended, along with the definitions and ordinances held within. I certify and declare that I have verified the foregoing and amounts alleged are true, to the best of my knowledge and belief."
5. In the event of multiple irregularities or failures to submit the fee remittances in a timely manner, the provider's representative will be encouraged to attend a board meeting of the Alabama 9-1-1 Board, either in person or via teleconference, to explain these issues to the Board.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §§11-98-1, 11-98-4.1, 11-98-5.

History: New Rule: Filed February 27, 2014, effective April 3, 2014. **New Rule:** Filed May 27, 2015, effective July 1, 2015.

Amended: Published May 29, 2020, effective July 13, 2020.

**585-X-4-.03 Eligibility And Requirements For Cost Recovery
Proposals And Sworn Invoices By Or On Behalf Of
CMRS Providers.**

(1) Any CMRS provider wishing to participate in cost recovery pursuant to Sections 11-98-5.2(b) and (c) and 11-98-7, Code of Ala. 1975, as amended, shall certify to the Board that it does not then collect a cost recovery or other similar separate charge from its customers or subscribers. Said certification is due by

November 30 or each year and if a CMRS carrier elects to begin collecting cost recovery or other similar separate charges at any time following its November 30 certification it shall immediately notify the Board and is ineligible to participate in cost recovery reimbursement until ceasing the collection from its customers or subscribers and providing the certification required under Section 11-98-5.2(c), Code of Ala. 1975.

(2) Each eligible CMRS provider wishing to participate in cost recovery shall submit a cost recovery plan and proposal to the Board by November 30, of each year detailing the recurring and nonrecurring charges for which reimbursement will be sought and detailing total Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges. All costs and charges submitted in the cost recovery plan must be commercially reasonable and shall be directly related to compliance with the FCC order and other requirements for enhanced 9-1-1 service.

(3) All CMRS providers seeking reimbursement for actual costs incurred to provide 9-1-1 or E9-1-1 service pursuant to Sections 11-98-5.2 and 11-98-7, Code of Ala. 1975, shall complete and submit a sworn invoice containing the following:

- (a) The CMRS provider's name and address;
- (b) The date of the invoice;
- (c) The service period for which reimbursement is sought;
- (d) Itemization of non-recurring charges for which reimbursement is sought, including:
 - 1. Description of each item;
 - 2. Quantity of each item provided;
 - 3. Unit cost of each item; and
 - 4. Total cost of each item.
- (e) Itemization of monthly recurring charges for which reimbursement is sought, including:
 - 1. Description of each item;
 - 2. Quantify of each item provided;
 - 3. Unit cost of each item; and
 - 4. Total cost of each item.

(f) Itemization of each other recurring charges for which reimbursement is sought, including:

1. Timing of each item; e.g., annual, quarterly, bi-monthly, etc.;
2. Description of each item;
3. Quantity of each item provided;
4. Unit cost of each item; and
5. Total cost of each item.

(g) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges;

(h) Total amount of reimbursement sought in the invoice;

(i) The following certification: "I hereby certify that the foregoing statements are true and correct, and that no material fact has been withheld or concealed from the Alabama 9-1-1 Board"; and

(j) The dated and notarized signature of the person submitting the invoice.

(4) A CMRS provider that fails to timely submit its cost recovery proposal in accordance with subsection (2) for the ensuing fiscal year shall be deemed ineligible and precluded from participating in cost recovery during the ensuing fiscal year. However, a CMRS provider deemed ineligible for cost recovery in the ensuing fiscal year for failure to timely file its cost recovery plan may request reinstatement of its eligibility by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its non-compliance. The Board may permit a representative of the CMRS to appear before the Board and the Board may consider the facts and circumstances and determine whether relief is justified.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §11-98-4.1, as amended.

History: New Rule: Filed November 26, 2013; effective December 31, 2013. **Amended:** Published May 29, 2020, effective July 13, 2020.

585-X-4-.04 Requirement Of Annual Certification For Emergency Communication Districts.

The Board may require each Emergency Communication District (ECD) in the State of Alabama to provide annual certification to the

Board that the District is a valid and properly formed ECD and thus eligible for disbursements from the 9-1-1 Fund. If an ECD fails to provide the certification to the Board within the prescribed time, the Board may withhold disbursements from the 9-1-1 Fund to the ECD until such time as the certification is received by the Board.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §11-98-4.1, as amended.

History: New Rule: Filed November 26, 2013; effective December 31, 2013.

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 Ala. 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 Section 11-98-5(a), Code of Ala. 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.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §11-98-4.1, as amended.

History: New Rule: Filed November 26, 2013; effective December 31, 2013.

585-X-4-.06 Withholding Of Funds By Board For Failure To Provide Requested Information.

(1) In order for the Board to effectively fulfill its statutorily mandated functions, the Board may from time to time request that a voice communication service provider or an Emergency Communication District (ECD) provide certain information and documentation including electronically stored information to the Board.

(2) In the event that an ECD fails or refuses to timely or fully and completely provide such requested information or

documentation, including electronically stored information, then the Board, at its discretion, may withhold disbursement due the ECD until such information is received by the Board.

(3) In the event that the voice communication service provider is a CMRS provider, and the CMRS provider fails or refuses to timely or fully and completely provide such requested information or documentation, including electronically stored information, then the Board, at its discretion, may withhold disbursements from the Cost Recovery Fund to the CMRS provider until such information is received by the Board.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §11-98-4.1, as amended.

History: New Rule: Filed November 26, 2013; effective December 31, 2013.

585-X-4-.07 Maximum Number Of Wireline 911 Charges To Be Imposed On A Single Subscriber Location.

(1) The Alabama Legislature passed Act No. 2014-431 amending Sections 11-98-1, 11-98-4.1 and 11-98-5 Code of Ala. 1975, as amended which was signed into law on April 10, 2014. Under Section 11-98-5, as amended, the Alabama Statewide 911 Board is required to establish a maximum number of wireline 911 charges to be imposed on a single subscriber location for bills rendered on or after January 1, 2015. In order to make this determination the Board conducted a study to determine what the appropriate maximum number should be in order to adequately fund the 911 systems throughout the state and to be fair and reasonable to commercial and institutional customers who were affected by the passage of Act No. 2012-293 which removed the cap of 100 exchange access facilities per person, per location to be charged the 911 service charge.

(2) Unless otherwise defined herein, the definitions and terms set forth in Section 11-98-1 Code of Ala. 1975, as amended and in the Board's permanent rules set forth in the Alabama Administrative Code Chapter 585-X-3 are incorporated by reference herein.

(3) Notwithstanding the voice communication connections upon which the 911 service charge shall be imposed as set forth in Section 11-98-5 Code of Ala. 1975, as amended and in Rule 585-X-4-.01 Alabama Administrative Code, no service charge shall be imposed on more than 300 voice communication wireline connections at a single subscriber location for bills rendered on or after January 1, 2015.

(4) For purposes of this Rule, "Single Subscriber Location" shall mean a fixed location of a particular business, institution or entity with a unique street address or physical location.

Author: James T. Sasser, Attorney

Statutory Authority: Code of Ala. 1975, §§11-98-1, 11-98-5.
History: New Rule: Filed December 19, 2014; effective January 23, 2015. **Amended:** Published May 29, 2020, effective July 13, 2020.

585-X-4-.08 Distribution Formula-Census Data.

(1) Beginning October 1, 2018 and on October 1, of each succeeding year thereafter, when computing the distribution formula for the monthly per capita distribution to the Emergency Communication Districts (ECDs), the Board shall use the latest census data or estimates compiled by the University of Alabama or other entity recognized by the State of Alabama as a competent source of census data.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §§11-98-1; 11-98-4.1, as amended.

History: New Rule: Filed May 16, 2018; effective June 30, 2018; operative October 1, 2018.

585-X-4-.09 Additional Distributions To Emergency Communication Districts From The Cost Recovery Fund.

(1) The Board recognizes that it is of utmost importance that each Emergency Communication District (ECD) validly formed and operating within the State of Alabama as of September 30, 2011, at a minimum, be made whole, as contemplated by the passage of Act 2012-293 and adoption of the statewide 911 charges heretofore made.

(2) In the event two or more ECDs have consolidated during the preceding fiscal year or consolidated before a Board decision regarding additional distributions to ECDs in November, then if a distribution is made, the distribution that an ECD would have received prior to consolidation shall be made to the consolidated, surviving ECD.

Author: Leah Missildine

Statutory Authority: Code of Ala. 1975, §§11-98-1; 11-98-4.1; 11-98-5, 11-98-5.2, 11-98-6, as amended.

History: New Rule: Filed May 16, 2018; effective June 30, 2018.

Amended: Published May 29, 2020, effective July 13, 2020.

Amended: Published November 27, 2024; effective January 11, 2025.

585-X-4-.10 Statewide 9-1-1 Charge Adjustment For The Rate Of Growth In The CPU-U.

(1) The Alabama 9-1-1 Board hereby adjusts the single, monthly statewide 9-1-1 service charge that shall be imposed on each service connection in Alabama that is technically capable of accessing a 9-1-1 system as declared necessary to administer the 9-1-1 Fund and the monthly statewide 9-1-1 charge authorized by Section 11-98-5 and to distribute revenue in the 9-1-1 Fund in accordance with Section 11-98-4.1.

(2) No later than October 1, 2018 and each fifth year afterward, the 9-1-1 Board will adjust the 9-1-1 charge to produce an increase in the baseline 9-1-1 revenues sufficient to increase the amount distributed to each Emergency Communication District (ECD) during the immediately preceding fiscal year by an amount equal to the rate of growth, determined as a percentage, in the Consumer Price Index for Urban Consumers (CPI-U) for such five year period.

(a) The rate of growth for January 2013 through December 2017 is 7.05%, which requires the Board to adjust the 9-1-1 service charge from \$1.75 to \$1.86, to be collected by providers beginning January 1, 2019.

(b) The rate of growth for January 2018 through December 2022 is 19.74%, which requires the Board to adjust the 9-1-1 service charge from \$1.86 to \$2.23, to be collected by providers beginning January 1, 2024.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §§11-98-1, 11-98-4.1, 11-98-5.

History: New Rule: Filed August 2, 2018, effective September 17, 2018; operative January 1, 2019. **Amended:** Published July 31, 2023; effective September 14, 2023.