

ADMINISTRATIVE PROCEDURES FILING NOTICE

AGENCY: Commercial Radio Service Board PERSON TO CONTACT : Bennie McDow
 ADDRESS: 178 Pinecrest Street ADDRESS: 178 Pinecrest Street
 Jackson, MS 38866 Jackson, MS 38866
 PHONE : 601/869-2911 TRANSMITTAL DATE:
 COPY ATTACHED X YES ___ NO

NAME OR NUMBER OF RULE(S) Proposed Rules Section I. Thru V.

TERMS OR SUBSTANCE OF THE ACTIONS OR DESCRIPTION OF THE SUBJECT AND ISSUE:
Rules to provide cost reimbursement and other operations.

PRINTED NAME AND TITLE

OF PERSON AUTHORIZED TO FILE RULES: Bennie McDow Chairman of Board
 NAME TITLE

Bennie McDow
 SIGNATURE

<p>EMERGENCY RULES</p> <p>_____ Renewal of effectiveness</p> <p>To be in effect _____ days</p> <p>Effective date:</p> <p>_____ Immediately on</p> <p>_____ Other (specify):</p>	<p>PROPOSED ACTION ON RULES</p> <p>Action proposed:</p> <p><u>X</u> New rules(s)</p> <p>_____ Amendment to existing Rules (s)</p> <p>_____ Repeal of existing rule(s)</p> <p>_____ Adoption by reference</p> <p>Proposed date of adoption:</p> <p>_____ 30 days after filing</p> <p>_____ Other (specify):</p>	<p>FINAL ACTION ON RULES</p> <p>Action taken:</p> <p>_____ Adopted with no charges in text</p> <p>_____ Adopted with charges</p> <p>_____ Adopted by reference</p> <p>_____ Withdrawn</p> <p>Date action taken _____</p> <p>Effective date</p> <p>_____ 30 days after filing</p> <p>_____ Other (specify)</p>
<p>OFFICIAL FILING STAMP</p> <p>Accepted for filing by _____</p>	<p>DO NOT WRITE BELOW THIS LINE</p> <p>OFFICIAL FILING STAMP</p> <p>FILED</p> <p>AUG 02 1999</p> <p>ERIC CLARK SECRETARY</p> <p>Accepted for filing by <u>EC</u></p>	<p>OFFICIAL FILING STAMP</p> <p>Accepted for filing by _____</p>

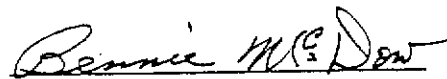
COMMERCIAL MOBILE RADIO SERVICE BOARD

ECONOMIC IMPACT STATEMENT

1. This Economic Impact Statement is prepared in compliance with Section 25-43-6 of the Mississippi Code of 1972, as amended.
2. A description of the need for this rule adoption is as follows:
To establish Rules and Regulations that govern the procedures and actions of the CMRS Board as established under Mississippi Annotated Code section 19-5-303 to enhance wireless E911 service.
3. The benefits which will likely accrue as a result of the proposed actions is as follows:
Proper collection and disbursement of service charge on each CMRS connection within the state. Provide Independent Audits and Recommendations. Provide CMRS Cost Recovery as required by FCC Phase I Wireless. Provide confidentiality to Proprietary Information provided by CMRS carrier. To establish the formula for funds to be properly disbursed. To establish a timely manner in which PSAP's receive collected funds.
4. An estimate of the cost to the Board of implementing and enforcing the proposed action (including paperwork) is as follows: \$1,500.00 monthly for accounting/administration services.
5. An estimate of the cost to other state or local government entities of implementing and enforcing the proposed action (including paperwork) is as follows: None anticipated.
6. The anticipated effect on state and local revenues this proposed action will have is as follows:
None anticipated.
7. An estimate of the cost or economic benefit to all persons directly affected by the proposed action, is as follows: None anticipated.
8. The analysis of the impact of this proposed action on small business is as follows:
None anticipated
9. A comparison of the costs and benefits of the proposed action to the probable costs and benefits of not adopting the proposed action or significantly amending and existing rule is as follows: There are no benefits or disadvantage. The Rules and Regulations merely implement state law requirements.
10. A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed action where reasonable alternative methods exist which are not precluded by law was done and indicated as follows:
None exists, since this provision is required by state law.

11. A description of reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the Board and a statement of reasons for rejecting those alternatives in favor of the proposed rules is as follows: The Board is not aware of any reasonable alternatives.
12. A detailed statement of the data and methodology used in making estimates is as follows: There is no data or methodology, other than the requirements of the state statute.
13. The Board, as required by the statute, considered the concerns of all those who expressed an interest in this matter and in the preparation or contents of this Economic Impact Statement.

Signed this the 26 Day of July, 1999.


Bennie McDow, Chairman

RULES AND REGULATIONS OF THE MISSISSIPPI COMMERCIAL RADIO SERVICE BOARD

Section I:

DEFINITIONS: The following terms shall have the meanings ascribed herein:

A. The terms "Board" and "CMRS Board" mean the Commercial Mobile Radio Service Board.

B. The term "automatic number identification" or "ANI" means an enhanced 911 service capability that enables the automatic display of the ten-digit wireless telephone number used to place a 911 call and includes "pseudo-automatic number identification" or "pseudo-ANI", which means an enhanced 911-service capability that enables the automatic display of the number of the cell site and identification of the CMRS provider.

C. The term "commercial mobile radio service" or "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66. The term includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, specialized mobile radio service, or a network radio access line. The term does not include service whose customers do not have access to 911 or to a 911-like service, to a communications channel suitable only for data transmission, to a wireless roaming

service or other non-local radio access line service, or to a private telecommunications system.

D. The term "commercial mobile radio service provider" or "CMRS provider" or the plural thereof, as the context requires, means a person or entity who provides commercial mobile radio service or CMRS service.

E. The term "CMRS connection" or the plural thereof, as the context requires, means each mobile handset telephone number assigned to a CMRS customer with a service address in the State of Mississippi.

F. The term "CMRS Fund" means the Commercial Mobile Radio Service Fund required to be established and maintained pursuant to Section II of these rules.

G. The term "CMRS service charge" or the plural thereof, as the context requires, means the CMRS emergency telephone service charge levied, maintained and collected pursuant to Section II of these rules.

H. The term "distribution formula" means the formula specified in Section II (c) of this act by which monies generated from the CMRS service charge are distributed on a percentage basis to emergency communication districts and to the CMRS Fund.

I. The term "ECD" means an emergency communications district created pursuant to Section 19-5-301, et seq., Mississippi Code of 1972 or by local and private acts of the State of Mississippi.

J. The term "enhanced 911," "E911," "enhanced E911 system" or "E911 system" means an emergency telephone system that provides the caller with emergency 911 system service, that directs enhanced 911 calls to the appropriate public safety answering points by selective routing based on the geographical location from which the call originated, and that

provides the capability for automatic number identification and other features that the Federal Communications Commission (FCC) may require in the future.

K. The term "exchange access facility" means an "exchange access facility" as defined by Section 19-5-303, Mississippi Code of 1972.

L. The term "FCC Order" means the order of the Federal Communications Commission, FCC Docket 94-102, adopted on June 12, 1996 and released on July 26, 1996.

M. The term "service address" means the location address if the location address is known and accessible; however, if the location address is not known and accessible, the term shall mean the billing address.

N. The term "service supplier" or the plural thereof, as the context requires, means a "service supplier" as defined by Section 19-5-303, Mississippi Code of 1972.

O. The term "technical proprietary information" means technology descriptions, technical information or trade secrets and the actual or developmental costs thereof which are developed, produced or received internally by a CMRS provider or by a CMRS provider's employees, directors, officers or agents.

Section II:

COLLECTION AND DISBURSEMENT:

A. The Board shall collect and distribute a CMRS emergency telephone service charge on each CMRS connection that has a billing address within the state. The rate of such wireless service charge shall be One Dollar (\$1.00) per month per CMRS connection, beginning 13 April, 1998. The CMRS service charge shall have uniform application and shall be imposed

throughout the state.

B. Each CMRS provider shall act as a collection agent for the CMRS Fund and shall, as part of the provider's normal monthly billing process, collect the CMRS service charges levied upon CMRS connections from each CMRS connection to whom the billing provider provides CMRS service and shall, not later than thirty (30) days after the end of the calendar month in which such CMRS service charges are collected, remit to the board the net CMRS service charges so collected after deducting an administrative fee as described in section C below. Each billing provider shall list the CMRS service charge as a separate entry on each bill which includes a CMRS service charge.

C. Each CMRS provider shall be entitled to deduct and retain from the CMRS service charges collected by such provider during each calendar month an amount not to exceed one percent (1%) of the gross aggregate amount of such CMRS service charges so collected as reimbursement for the costs incurred by such provider in collecting, handling and processing such CMRS service charges.

D. The Board shall establish and maintain the CMRS Fund as an insured, interest bearing account into which the Board shall deposit all revenues derived from the CMRS service charge levied on CMRS connections in the state.

E. The Board shall establish a distribution formula by which the Board will make disbursements of the CMRS service charge in the following amounts and in the following manner:

1. Out of funds collected by the Board, thirty percent (30%) shall be deposited into the CMRS Fund and shall be disbursed to

CMRS providers as described in SECTION IV-CMRS COST RECOVERY. The Board shall be entitled to retain from the CMRS service charges collected during each calendar month an amount not to exceed two percent (2%) of the money allocated to the CMRS Fund as reimbursement for the costs incurred by the Board. Such costs include, but are not limited to, retaining and paying the independent, third-party auditor to review and disburse the cost recovery funds and to prepare all necessary reports.

2. The remainder of all funds collected by the Board, which shall not be less than seventy percent (70%) of the total funds collected by the Board, shall be distributed by the Board monthly based on the number of CMRS connections in each ECD for use in providing wireless E911 service, including capital improvements, and in their normal operations.

Section III:

INDEPENDENT AUDITS & RECOMMENDATIONS

A. The Board shall obtain from an independent, third-party auditor retained by the Board annual reports to the Board no later than sixty (60) days after the close of each fiscal year. The auditor shall provide an accounting for all CMRS service charges deposited into the CMRS Fund during the preceding fiscal year. The auditor shall provide an accounting of all

administrative expenses of the Board and all disbursements to ECDs and CMRS providers (in the aggregate) during the preceding fiscal year. The Board shall provide a copy of the annual reports to the Chairmen of the Public Utilities Committees of the House of Representatives and Senate.

B. The Board shall conduct a cost study on or before October 1, 1999, and adjust the distribution formula to reflect actual costs to be incurred by each CMRS provider in order to comply with Phase One of the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order.

SECTION IV:

CMRS COST RECOVERY

The Board shall pay the actual costs incurred by such CMRS providers in complying with the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order. In no event shall any invoice for payment be approved for the payment of costs that are not related to such compliance.

A. Upon receipt of a request for wireless E9-1-1 service from a Mississippi Emergence Communication District or Districts (ECDs), the CMRS carrier will develop a comprehensive detailed plan for implementation of E9-1-1 service for that ECD, or the appropriate service area if the CMRS carrier's switch serves more than one ECD.

B. The plan, complete with cost information, will be presented to the

requesting ECD for concurrence. Upon acceptance of the plan and the associated cost structure by the ECD, the ECD (in person or by proxy) and CMRS carrier will present the plan to the Board for its approval. The CMRS carrier shall present in writing to the Board detailed coverage area and customer information to ensure expedient roll-out of wireless E9-1-1 service as requests are received and approved by the Board.

C. After initial acceptance of a CMRS carrier's plan using a particular solution by the Board, the CMRS carrier need not make additional presentations to the Board as to that particular solution. Certified letters shall be sent to the Board with notification of additional service implementation in the state and the resulting cost recovery represented.

D. The initial cost recovery plan presented to the Board is intended to allow for the recovery of a carrier's cost on a one time basis (NRC) and/or recurring monthly basis (MRC). A list of anticipated MRCs and NRCs is set forth below, but the list will vary depending upon the CMRS carrier and the selected E911 solution:

Trunks:

Trunking

Connection fee to 9-1-1 Selective Router (per DSO)

Engineering & Network Costs:

Facilities; T-1's, selective router ports

Routing Charges

Operations

Engineering

Switch upgrades

Research & Development

Network design

Test plan development

Database Cost

P-ANI administration

Database management

Other

Reporting

Software

Other

E. The Board shall provide the CMRS carrier either approval or denial of the cost recovery plan in writing, and sent by certified United States Mail or by any other express service requiring a delivery signature. If the Board denies a CMRS carrier's cost recovery plan, the Board shall provide express reasons for the denial in writing within 3 days of the denial. The CMRS carrier may resubmit or revise cost recovery plans as soon as the Board approves an acceptable date. If the Board approves the cost recovery plan, then the CMRS carrier and the Board shall sign the model contract, attaching the cost recovery plan.

F. Once a cost recovery plan is approved, the CMRS carrier may file claims for reimbursement of non-recurring costs and/or recurring costs. The amount of reimbursement that the CMRS carrier is entitled to receive may be calculated in several ways:

1. by multiplying the number of CMRS subscribers receiving

wireless E911 service as reported by the CMRS carrier prior to its request for reimbursement by the amount authorized per subscriber for cost recovery by the Board. CMRS carriers shall be required to report their subscriber count no less than once a quarter. The dollar amount paid to the CMRS carrier will vary based on total number of subscribers reported by the CMRS carrier.

2. by submission of the actual recurring and nonrecurring costs incurred by the carrier and approved by the Board.
3. by a combination of methods (1) and (2).

G. CMRS carriers are required to submit revised cost recovery plans if substantive changes occur in their cost structures. Changes to the plan must be submitted in writing and approved by the Board. A CMRS carrier may request an adjustment of the reimbursement rate at any time upon written notice to the Board.

SECTION V:

PROPRIETARY INFORMATION

A. Submission of Proprietary Information

1. To assist in the completion of its duties mandated by the Act, the Board may receive operational, technical and financial information from commercial mobile radio service providers and 911 service providers. Some of this information may be of confidential nature, and

the entities providing it may desire it from unnecessary disclosure to third parties. The purpose of these rules is to ensure that protection from disclosure.

2. In order for information submitted to the Board to be deemed proprietary information, a producing party must:
 - a. Place the term "CONFIDENTIAL" on the cover of any document containing proprietary information and clearly and specifically mark all proprietary information contained in the document.
 - b. Provide satisfactory proof that the information is competitive and sensitive and its disclosure could be harmful to the producing party. Such proof should be submitted in the form of an affidavit.
 - c. Unless otherwise required by the Board, this rule shall not apply to a producing party if the information to be submitted concerns cost, revenue, technology, or market and customer data.
 - d. The Board shall treat all information submitted in accordance with this rule as proprietary information. If after review however, the Board determines the submitted information fails to otherwise qualify under these rules as proprietary information, that information shall not be utilized by the Board, but instead, shall be returned immediately to the producing party.

B. Access To Proprietary Information

1. Proprietary information shall not be open to the public for inspection.

2. Proprietary information submitted to the Board shall be disclosed only to the following individuals:

- a. Board members
- b. Members on the Board's staff and the Attorney General's Office.
- c. On a "need to know" basis as determined by the Board:

- (1) Consultants and experts employed or engaged by the Board; and

- (2) Members of committees appointed by the Board

- (3) Prior to disclosure of any proprietary information to any individuals listed in section B,2 of this rule, such individuals shall execute and place on file with the Board, a written acknowledgment that they:

- (a) have read these rules concerning proprietary information submitted to the Board;

- (b) agree to be bound by these rules; and

- (c) understand that the unauthorized disclosure of proprietary information as submitted to the Board constitutes a violation of the rules.

3. All proprietary information submitted to the Board shall be used for the sole purpose of implementing the provisions of the Act.

4. Under no circumstances shall proprietary information be disclosed to or discussed with anyone associated with the marketing of products, goods or

services which are in competition with the products, goods and services of a producing party.

C. Storage of Proprietary Information

All proprietary information in possession of the Board shall be maintained in a secure area and in files marked "CONFIDENTIAL".

SECTION VI:

A. The CMRS service charge shall be \$1.00 as established by state law.

1. From the \$1.00 service charge collected by each provider as contemplated by

Section 19-5-331 of the Mississippi Code of 1972 as amended:

a. 1 cent shall be retained by the provider to cover their cost of collecting, handling and processing the service charge.

b. 99 cents shall be forwarded by the provider to the CMRS Board.

c. Thirty percent (30%), of the 99 cents, or 29.70 cents, shall be identified for use to reimburse service suppliers for expenses as specified in the applicable sections of state law to meet FCC mandates and to pay Board expenses. Board expenses shall not exceed two percent (2%), of the 99 cents or 1.98 cents. Thus the remaining 27.72 cents will be available to reimburse service suppliers.

d. Seventy percent (70%) of the 99 cents, or 69.3 cents, shall be identified to be distributed to the respective county Emergency Communications Districts (CDs) from which the service charge was imposed.

2. All funds due to the respective ECD as their proportionate share of the funds received and on deposit in the Commercial Mobile Radio Service Fund (CMRS

Fund), shall be disbursed, no later than (5) business days after the date those are due to the Board from various commercial mobile radio service providers.