

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on January 25, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Ann Donaldson, Legislative Research Department
Bob Nugent, Revisor of States
Betty Bomar, Secretary

Conferees appearing before the committee:

Cindy Lash, Legislative Post Audit Division
Judy Moler, Kansas Association of Counties

Others attending: See attached list

Cindy Lash, Division Legislative Post Audit, continued the briefing on the "Performance Audit Report - Reviewing the 911 Emergency Phone Systems in Kansas, Part II: Federal Mandates and Organizational Structure". (a copy is on file in the Legislative Research Department or at <http://skyways.lib.ks.us/ksleg/PAUD/homepage.html>). Ms. Lash, in answer to a question posed by Senator Barone as to whether counties or cities could issue bonds to provide revenue for the 911 dispatch centers, stated general obligation bonds can be used with the 911 tax utilized to pay off the bonds. Loans are also made, generally by equipment manufactures, for the purpose of purchasing and updating equipment.

Ms. Lash stated consolidation of 911 services is politically difficult as consolidation requires agreement between all affected agencies and governing bodies about such issues as funding, staffing and administration, with governing bodies and agency heads wanting to keep local control.

As a result of the Texas audit identifying a number of poor business practices by 911 answering points and the finding of waste and abuse of program resources, the Audit investigated what was occurring in Kansas. The Audit found that business practices in Kansas are generally sound; however, there is an inconsistency as to how E-911 funds spent. Applying the statutory language limiting 911 tax moneys to specific expenditures can be difficult, especially expenditures for equipment and capital improvements. It is not always clear when expenditures are for the emergency telephone system. As a result of different interpretations, the Attorney General has issued two informal opinions which opine that the purchase of equipment used to receive and record emergency calls or to relay or dispatch emergency information to response units is an allowable expenditure; but that items such as office furniture and equipment which do not interact with the system as a whole and do not directly contribute to the common purpose of the 911 system may not be purchased with 911 tax moneys.

The Audit recommends clarification of legislative intent on how 911 tax moneys can be spent; and the creation an advisory committee or technical advisor to assist answering points in receiving information and technical support, and to assist local government officials with issues pertaining to consolidating operations.

Lynne Holt, Legislative Research Department, briefed the Committee on three issues that surfaced at the federal level after the Post Audit reports were completed: cost recovery, technology deployment deadlines, and liability protection for wireless companies.

The FCC issued regulations requiring wireless phone companies, under certain conditions, to

CONTINUATION SHEET

provide Enhanced 911 services for wireless phone users. The FCC regulations set up a two phase process. In Phase I, a wireless phone company must, upon request, be able to transmit the phone number of the wireless phone and the location of the cell tower receiving the signal to a 911 public safety answering point. Phase II requires the phone company to transmit the following information to an answering point by October 1, 2001: the location of the caller by longitude and latitude, within 400 feet of the caller's location for about 67% of calls. Implementation of both phases was conditioned by: request by the 911 answering point, capability of the answering point to receive the information transmitted to it, and availability of a cost-recovery system to reimburse wireless phone companies for the costs they will incur in providing E-911 services. The last precondition was removed in an order issued by the FCC on December 8, 1999. "*FCC Act to Remove Barriers Impeding Wireless 911 Service*". (Attachment 1) The reasons for removing the cost recovery mechanism as a precondition for implementation of E-911 services are: the FCC did not consider it necessary to mandate a cost recovery mechanism for carriers that are not subject to rate regulation, and the requirement placed a delay in implementation of Phase I.

In August 1999, an implementation report was submitted to the FCC by various public safety associations and the Cellular Telecommunications Industry Association which concluded that cost recovery issues impeded implementation of Phase I in some cases, and that the pace of legislative progress can often be correlated to the differing interests of answering points and wireless carriers regarding funding legislation and mechanisms. The Report also found that 33 states have imposed wireless 911 surcharges, but less than 3 percent of wireless subscribers nationally can access Phase I service. The implementation report noted that there are 284 answering points in 15 states that have implemented E-911 services in Phase I. However, there is a national total of 10,000 answering points, so only 2.84 percent of all answering points are implementing Phase I; and implementation of Phase II has not even begun. Ms. Holt stated that even though the FCC removed the requirement of a cost recovery mechanism for carriers, it retained the requirement of a cost recovery mechanism for answering point, as the FCC recognized that answering points need adequate funding to finance upgrades for hardware and software capabilities to receive and use the location information transmitted to them in Phases I and II.

The FCC recently took action regarding the methods of providing specific data about a caller's location, as required in Phase II. "*FCC Acts to Promote Competition and Public Safety in Enhanced Wireless 911 Services*" (Attachment 2) extended the deadline for 100 percent deployment of triangulation to 1½ years instead of 6 months. The extension will accommodate negotiation of contracts associated with installation of new equipment at transmission towers or other sites, provide time for review and approval by local authorities, allow for the installation of the equipment, and provide time for coordination between the wireless carrier's system and testing before the system is turned on. The decision provides more scheduling flexibility for wireless carriers to implement Phase II.

Ms. Holt stated that until recently there was no liability protection provided at the federal level to wireless carriers. Wireless carriers voiced their concern that several factors outside their control could prevent them from processing an E-911 call, such as an inability to site antennae, radio frequency interference, and terms of a carriers licence that required them to provide coverage throughout the service area. Telephone companies have liability protection under their tariffs. In October 1999, a federal law was enacted to provide wireless carriers the same liability protection as enjoyed by telephone companies in each state. In light of the recently enacted federal legislation, the FCC took no action on this issue.

Judy Moler, Kansas Association of Counties, requested a Resolution which would create a Task Force comprised of members of city and local governments, members of the wireless and wired industry, members of the legislature, and appropriate state agencies. The task force charged with examining the mechanism for cost recovery for money expended by public safety answering points; examining the establishment of a state oversight board to address future technological, coordination and regulatory issues dealing with wireless emergency telephone service; examining a mechanism for administering a wireless emergency telephone service with the focus being on a decentralized v. centralized basis; an examination of current statutory uses for which taxes collected for emergency services can be used; and submit its report and recommendations to the 2001 Legislature.

Senator Donovan moved, seconded by Senator Ranson, that a Resolution be introduced creating a Task Force comprised of members of city and local governments, members of the wireless and wired industry, members of the legislature and appropriate state agencies to examine the

CONTINUATION SHEET

mechanism for cost recovery for money expended by public safety answering points; the establishment of a state oversight board to address future technological, coordination and regulator issues dealing with wireless emergency telephone service; a mechanism for administering a wireless emergency telephone service, with the focus being on a decentralized v. centralized basis; current statutory uses for which taxes collected for emergency services can be used; and to submit its report and recommendations to the 2001 Legislature. The voice vote was in favor of the motion.

Upon motion by Senator Gooch, seconded by Senator Donovan, the Minutes of the January 24, 2000 were unanimously approved.

The meeting was adjourned at 9:00 a.m.

The next meeting is scheduled for January 26, 2000.

SENATE COMMERCE COMMITTEE GUEST LIST

DATE: January 25, 2000

NAME	REPRESENTING
WALTER WAY	Johnson County
Cindy Lash	Post Audit
Carolyn Muddendorf	Ks St No Assn
Bill Vinger	Shawnee County 9-1-1
Kevin Drair	Shawnee County 9-1-1
Lisa Dockery Duend	Johnson County Fire/EMS
Diane Gage	& Sedgwick County 911
Nancy Len	Sedgwick County
Guy McDonald	Kec-Staff
Ben Hales	Sw.3 mobile
Rob Hodges	KTIA
Mike Murray	Sprint
Bonnie Koch	Wichita Chamber
Barb Conant	KTIA
Stephanie Buchanan	DOB
Jim Yonally	Cellular One

xt | Word97



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
TTY: 202/418-2555

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC. 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
November 18, 1999

News Media Contact:
Meribeth McCarrick at (202) 418-0654
e-mail: mmccarri@fcc.gov

FCC ACTS TO REMOVE BARRIERS IMPEDING ENHANCED WIRELESS 911 SERVICE

Washington, DC -- The Federal Communications Commission (FCC) today acted to remove impediments to the deployment of enhanced 911 (E911) services for wireless users. Enhanced wireless 911 services help ensure that in emergencies wireless phones provide vital information to assist 911 call centers, or Public Safety Answering Points (PSAPs), in locating the caller.

The FCC took a number of steps. First, the FCC amended its cost recovery rule to modify the requirement that a mechanism for cost recovery be in place before a carrier is obligated to provide E911 services. The FCC affirmed the requirement that a formal mechanism be in place for PSAP cost recovery, but eliminated as a barrier to E911 implementation any prerequisite that carrier E911 costs be covered by a mechanism. Of course, a cost recovery mechanism is not necessary to permit carriers to recover their costs. The Commission emphasized, however, that the revised rules do not disturb current state and local cost recovery schemes that are already working, nor was it discouraging state and local governments from deciding that cost recovery or sharing mechanisms that cover carrier costs are an effective way of expediting wireless E911 for their citizens, especially in rural areas.

The FCC also emphasized, however, that adequate funding for PSAPs remains critical to successful E911 implementation. To help ensure that carriers are not required to make unnecessary expenditures before a PSAP is ready to use E911 information, and to encourage and support local and state authorities in the funding of wireless E911, the FCC decided to retain in its revised rule a requirement for a PSAP cost recovery mechanism.

Second, the FCC concluded that negotiations between Commercial Mobile Radio Services (CMRS) carriers and PSAPs should remain the primary means of ensuring an expeditious selection of transmission method that meets the individual requirements of the PSAP and carrier in each situation. In the event that an impasse arises, FCC staff will be available to help resolve these disagreements, based on consideration of a number of specific factors.

Third, the FCC noted the critical role played by incumbent local exchange carriers (LECs) in the implementation of wireless E911 service, by, for example, transmitting calls from the wireless carrier to the PSAP. While declining to adopt any new obligations, the FCC made clear that parties could bring complaints before the state public service commissions or the FCC if an incumbent LEC failed in the performance of any of its obligations. It also stated that parties could request consideration of such complaints under the Commission's "rocket docket" procedures.

Senate Commerce Committee

Date: 1-25-00

Attachment # 1-1 thru 1-3

Background on Wireless 911 Rules:

The FCC's wireless E911 rules require certain CMRS carriers to begin transmission of enhanced location information in two phases. Phase I requires carriers to transmit a caller's phone number and general location to a Public Safety Answering Point (PSAP). Phase II requires more precise location information be provided to the PSAP. Under the current rules, two prerequisites must be met before the wireless carrier is obligated to implement E911. The carrier must receive a request from a PSAP that it has the capabilities to receive and use the location information, and there must be in place a mechanism for recovering the costs of implementation. Carriers are to provide the requested E911 service by the later of six months after the prerequisites are met, or April 1, 1998 (for Phase I) or October 1, 2001 (for Phase II).

Today's action is in response to filings concerning delays in E911 implementation as well as petitions for reconsideration and clarification of the FCC's E911 rules. Resolution of these issues should address delays in implementation of Phase I service and ensure implementation of Phase II service.

Detailed Summary of Specific Actions Taken by the FCC:

First, the FCC decided that the E911 rules will continue to require that a mechanism for PSAP cost recovery be in place before a carrier's obligation to provide E911 services is triggered. However, the FCC eliminated the prerequisite for carrier cost recovery. Specifically, the FCC explained that before a carrier is required to provide E911 services pursuant to a PSAP request, the PSAP must have a means of receiving and utilizing the data elements associated with those costs. The FCC stated that adequate funding of PSAPs is a critical element in ensuring timely E911 implementation and retaining the provision for PSAP cost recovery may assist PSAPs in obtaining necessary funding. The FCC noted that by retaining the PSAP cost recovery requirement, it was not mandating action by state or local governments or defining the nature or extent of any funding mechanism. The Order is not intended to interfere with their authority over 911 systems and how those systems are managed and maintained. However, the FCC noted that state and local public safety officials need to be provided with a means to use wireless E911 location information. Otherwise, PSAPs will be unable to dispatch emergency services to wireless 911 callers in life-threatening situations as quickly as possible.

Second, the FCC agreed that disputes between CMRS carriers and PSAPs on the choice of E911 transmission means also have contributed to delays in Phase I implementation. However, based on the current record and in light of the modification of the cost recovery prerequisite for E911 implementation, the FCC concluded that negotiations between the parties remain the primary means of ensuring an expeditious selection of transmission method that meets the individual requirements of the PSAP and carrier in each situation. In the event that an impasse arises, FCC staff will be available to help resolve these disagreements, based on consideration of a number of specific factors. These factors would include: the additional costs of the methodologies to the PSAP and the wireless carrier, whether the carrier is paying for its own E911 implementation costs or receiving funding from another cost recovery mechanism; the technical configuration of the PSAP's existing E911 system; the impact of technology choice on the implementation of seamless, ubiquitous and reliable E911 systems in a given area; and the ability of the transmission technology to accommodate Phase II of wireless E911 and other planned changes in the E911 system.

Third, the FCC found that this Commission and the relevant State public service commissions can address the issues concerning local exchange carriers (LECs) that are identified as potential reasons for delay in the implementation of E911. LECs are important factors in achieving E911 implementation when State 911 systems are LEC-based. Although

the FCC did not, at this point, impose special obligations on incumbent LECs to implement wireless E911, it noted that incumbent LECs are already subject to obligations under the Telecommunications Act of 1996, as well as various Federal and State regulations, to ensure that interconnection agreements with CMRS carriers are fulfilled promptly and fairly. The FCC intends to further monitor the role of LECs to determine whether there is a need to impose additional obligations to ensure implementation of the wireless E911 rules. The FCC also noted that parties may request consideration under its rocket docket procedures of complaints filed under Section 208 of the Communications Act against LECs for violation of LECs' existing obligations.

Finally, the FCC noted that requests in the record for protection from liability for providing E911 service and to mandate nationwide usage of 911 as the number for emergency assistance have been resolved by the Wireless Communications and Public Safety Act of 1999 (E911 Act). That Act requires that States provide CMRS carriers, users, and PSAPs involved in the transmission of wireless 911 and E911 calls with liability protection to the same extent the State provides protection with respect to wireline 911 services. The E911 Act also provides that the FCC designate 911 as the universal emergency telephone number for both wireline and wireless telephone service and includes provisions for transition periods and FCC action to encourage the development of State E911 systems.

Action by the Commission on November 18, 1999 by Second Memorandum Opinion and Order (FCC 99- xx). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani, with Commissioner Furchtgott-Roth issuing a separate statement.

Wireless Bureau Contact: Barbara Reideler at (202) 418-1300, TTY at (202) 418-7233 or e-mail: breidele@fcc.gov

CC Docket No. 94-102
WT Report No. 99- 32



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
TTY: 202/418-2555

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC. 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE
SEPTEMBER 15, 1999

NEWS MEDIA CONTACT:
Meribeth McCarrick at (202) 418-0654

FCC ACTS TO PROMOTE COMPETITION AND PUBLIC SAFETY IN ENHANCED WIRELESS 911 SERVICES

Washington, D.C. ---The Federal Communications Commission (FCC) has revised its rules aimed at providing consumers with enhanced 911 emergency services when using wireless phones. The new requirements promote public safety, competition among wireless 911 equipment manufacturers and the continued improvement in the quality of 911 services.

Specifically, the new rules will enable handset-based methods of providing location information for 911 calls to compete in a reasonable way with network-based solutions in meeting the FCC's Enhanced 911 (E911) Phase II requirements. The FCC also modified implementation requirements for carriers and revised the accuracy/reliability rules applicable to all Automatic Location Identification (ALI) technologies. These new rules will benefit both callers and public safety entities by providing accurate and efficient automatic location information in emergencies.

Background on E911:

The FCC's wireless 911 rules seek both to improve the reliability of wireless 911 services and to provide the enhanced features generally available for wireline calls. To further these goals, the agency has required wireless carriers to implement E911 service, subject to certain conditions and schedules, including a request from a Public Safety Answering Point (PSAP). Phase I of the FCC's E911 rules requires that a dialable number accompany each 911 call, which allows the PSAP dispatcher to call back if the call is disconnected or to obtain additional information. It also gives the dispatcher the location at the cell site that received the call as a rough indication of the caller's location. Phase II of the FCC's wireless 911 rules allows the dispatcher to know more precisely where the caller is located, a capability called Automatic Location Identification or ALI.

The current FCC E911 rules were adopted in 1996, and reflected then current expectations about technological development. At that time, it was anticipated that only network-based approaches would be employed to provide ALI. Since then advances in technologies that employ new or upgraded handsets have demonstrated significant progress. However, as a practical matter, current FCC rules only permit network-based solutions to meet the Phase II requirements in the short term because they require that ALI be provided for all 911 calls in a PSAP's area as of a fixed date (October 1, 2001). As a result, the current rule effectively precludes use of a handset-based approach, which requires the gradual replacement or upgrade of current handsets. Today the FCC revised its rules to permit the phase-in of new or upgraded handsets in order for handset-based solutions to be a viable competitor for initial

Senate Commerce Committee

Date: 1-25-00

Attachment # 2-1 thru 3

ALI deployment under Phase II, while making other revisions aimed at promoting wireless E911 and improving public safety.

Specifics of Today's Action:

The FCC adopted the following revisions to its wireless E911 rules:

- Wireless carriers who employ a Phase II location technology that requires new, modified or upgraded handsets (such as GPS-based technologies) may phase-in deployment of Phase II subject to the following requirements:
 - Without respect to any PSAP request for Phase II deployment, the carrier shall:
 1. Begin selling and activating ALI-capable handsets no later than March 1, 2001;
 2. Ensure that at least 50 percent of all new handsets activated are ALI-capable no later than October 1, 2001; and
 3. Ensure that at least 95 percent of all new digital handsets activated are ALI-capable no later than October 1, 2002.
 - Once a PSAP request is received, the carrier shall, in the area served by the PSAP:

Within six months or by October 1, 2001, whichever is later:

1. Ensure that 100 percent of all new handsets activated are ALI-capable;
2. Implement any network upgrades or other steps necessary to locate handsets; and
3. Begin delivering to the PSAP location information that satisfies Phase II requirements.

Within two years or by December 31, 2004, whichever is later, undertake reasonable efforts to achieve 100 percent penetration of ALI-capable handsets in its total subscriber base.

- For roamers and other callers without ALI-capable handsets, carriers shall support Phase I ALI and other available best practice methods of providing the location of the handset to the PSAP.
- To be allowable under the FCC rules, an ALI technology that requires new, modified, or upgraded handsets shall conform to general standards and be interoperable, allowing roaming among different carriers employing handset-based location technologies.
- For carriers employing network-based location technologies, the FCC replaces its current plan, which requires that implementation be fully accomplished within 6 months of a PSAP request, with a revised rule requiring the carrier to deploy Phase II to 50 percent of callers within 6 months of a PSAP request and to 100 percent of callers within 18 months of such a request.
- The FCC adopts the following revised standards for Phase II location accuracy and reliability:
 - For network-based solutions: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;
 - For handset-based solutions: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.
- The FCC directs wireless carriers to report their plans for implementing E911 Phase

II, including the technology they plan to use to provide caller location, by October 1, 2000. This report shall provide information to permit planning for Phase II implementation by public safety organizations, equipment manufacturers, local exchange carriers, and the FCC, in order to support Phase II deployment by October 1, 2001.

- The FCC directs that the Office of Engineering and Technology and the Wireless Telecommunications Bureau, working with interested parties, proceed expeditiously to address issues of verifying compliance with the Phase II accuracy and reliability standards.

Action by the Commission September 15, 1999, by Third Report and Order (FCC 99-245). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani with Commissioner Tristani issuing a separate statement.

News Media Contact: Meribeth McCarrick at (202) 418-0654; TTY at (202) 418-7233; or e-mail at mmccarri@fcc.gov

Wireless Bureau contacts: Dan Grosh at (202) 418-1310, e-mail dgrosh@fcc.gov Mindy Littell (202) 418-1310, e-mail mlittell@fcc.gov or TTY at (202) 418-7233.

WT Report No. 99-27

CC Docket No. 94-102

- FCC -

XYPOINT

MASTER CHART OF STATE E9-1-1 TREATMENT

Current Through 1999 Legislative Session

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity³</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery</i>
Alabama - E Code of Ala. §§ 11-98-1 <i>et seq.</i>	Local surcharge: NTE ⁴ 5% maximum tariff rate; NTE \$2.00 if population < 25,000.	State: \$0.70 per CMRS connection	Wireline: Board of Commissioners for each emergency telephone district upon public majority vote--Ala. Code 11-98-5 Wireless: CMRS Board--Ala. Code § 11-98-7	Y	Y
Alaska - E Alaska Stat. § 29.35.131	Local surcharge: NTE \$.50/access line if population > 100,000 and NTE \$.75/access line if population < 100,000.	Not specified in statute.	Municipality by resolution or ordinance--Alaska Stat. § 29.35.131	Y	N

¹ "E" indicates state has mandated enhanced emergency number service.

² Charges are per month unless otherwise specified. Status of surcharges for wireless are based on all laws in effect in 1996; therefore, current legislation may change status.

³ Sufficient authority means that a public agency has clear authority to reimburse or pay wireless carriers for all cost associated with the implementation of E9-1-1 under the Federal Communication Commission's Report and Order (R&O), CC Docket No. #94-102 (July 26, 1996). The "limited authority" states generally authorize funding for public safety agencies but do not expressly authorize the reimbursement of R&O expenses to wireless carriers and, therefore, may interfere with wireless E9-1-1 deployment. However, emergency communications representatives from California and Oregon have indicated that their respective state statutes do authorize reimbursement to wireless carriers.

⁴ "NTE" = Not To Exceed

Senate Commerce Committee
Date: 1-25-00

Attachment # 3-1 thru 3-12

XY POINT

3-2

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity³</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Arizona ARS § 42-1471-1472; ARS § 12-713	State tax: NTE 1.50% of provider's gross sales or income derived from providing exchange access services.	State tax of \$0.10 (pre 6/99) and-\$0.20 (post 6/99) per wireless service	Director of the Department of Administration--ARS § 42-5253	Y	Limited
Arkansas - E Ark. Stat. Ann. §§ 12-10-302 <i>et seq.</i>	Local surcharge: NTE 5% or NTE 12% If population < 15,000 of tariff rate.	State: \$0.50 per subscriber	Wireline: Governing authority to set after public majority vote within political subdivision--Ark. Stat. Ann. § 12-10-318(a)(1) Wireless: CMRS Board--ARS § 12-10-318(b)(1)	Y	Y
California - E Cal Rev & Tax Code §§ 41001 <i>et seq.</i> ; Cal Gov Code §§ 53100 <i>et seq.</i>	State surcharge on intrastate calls: Minimum .50% Maximum .75%	State: Assessment same as wireline.	State-wide statutory rate--Cal. Rev. & Tax Code § 41020, 41030; State Board of Equalization	N	Y
Colorado CRS §§ 29-11-101 <i>et seq.</i>	Local surcharge: NTE \$.70/service user.	Local: \$0.70	Governing body by ordinance or resolution--CRS. § 29-11-102	Y	Y
Connecticut - E Conn. Gen. Stat. §§ 28-24 <i>et seq.</i>	State E-911 Telecom Fund NTE \$.50/access line.	State E-911 Telecom Fund NTE \$.50/wireless access line.	Public Utility Control to determine each year--Conn. Gen. Stat. § 16-256g & § 28-30a	N	Limited
Delaware - E 16 Del. C. §§ 10001-10005; 16 Del. C. §§ 10101 <i>et seq.</i>	Local surcharge: NTE \$.50/access line.	Not specified in statute.	County by ordinance--16 Del. C. § 10103	Applies to Wireless but Creates Liability	N

XY POINT

3-3

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Florida - E Fla. Stat. § 365.171	Local surcharge: NTE \$.50/access line.	H.B. 621 (Enacted): Adds \$.50 surcharge S.B. 182 (Enacted): Mandates 54% of surcharge revenues for cost recovery	Wireless 911 Board (H.B. 621)	Y (H.B. 621 and S.B. 182)	Y
Georgia - E O.C.G.A. §§ 46-5-135 <i>et seq.</i>	Local surcharge: NTE \$1.50/access line.	State: \$1.00 for Phase I and \$1.50 for Phase II	Local governing authority by resolution after majority vote or public hearing--O.C.G.A. §§ 46-5-133, 46-5-134	Y	Y
Hawaii - E HRS § 269-16-95; HRS § 321-224	Local surcharge: amount not specified.	Not specified in statute.	Public Utility Commission to approve pursuant to tariff filings--HRS § 269-16.95 (c)	N	N
Idaho Idaho Code §§ 31-4802 <i>et seq.</i>	Local surcharge: NTE \$1.00/access line.	H.B. 291 (died): Applies landline surcharge of \$1.00 to wireless with 50% to be retained by the statewide 911 fund and 50% to be retained by the county treasurer's office; adds wireless immunity; includes technical neutrality; implicit cost recovery	County Board of Commissioners by resolution or city ordinance, and 60% voter approval--Idaho Code § 31-4803	Y	N
Illinois 50 ILCS §§ 750/0.01 <i>et seq.</i>	Local surcharge: NTE \$1.25/access line if population > 500,000.	For the purposes of the Act, "telecommunication carrier" does not include a cellular or other mobile communication carrier.	Municipality or county by ordinance or resolution with public majority approval--50 ILCS 750/15.3	N	N

XY POINT

3-4

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Indiana - E Ind. Code Ann. §§ 36-8-16-1 <i>et seq.</i>	Local surcharge: NTE 3% of average monthly access line charge in a county that has a consolidated city or at least one 2nd-class city. NTE 10%/access line in a county that does not have a consolidated city or a 2nd-class city.	State: Surcharge NTE \$1.00 with \$0.25 for cost recovery	Wireline: County fiscal body or legislative body of county municipality by ordinance--Ind. Code Ann. § 36-8-16-5, 36-8-16-6 Wireless: Wireless Enhanced 911 Advisory Board assesses and adjusts fee--§ 36-8-16.5	Y	Y
Iowa - E Iowa Code § 34A.1	Local surcharge: NTE \$1.00. Local alternative surcharge: NTE \$2.50/access line for 24 months, if approved by voters.	State: Surcharge NTE \$0.50 per service number with express cost recovery	E911 Administrator of the Division of Emergency Management by rule--§ 34A.2A	Y	Y
Kansas KSA §§ 12-5301 <i>et seq.</i>	Local surcharge: NTE \$.75/access line.	Wireless service users shall be exempt from the emergency telephone tax.	Board of County Commissioners or governing body by ordinance or resolution with public majority approval where petitioned--KSA § 12-5302	Y	Y (No funding source)
Kentucky KRS §§ 65.750 <i>et seq.</i>	Local surcharge: amount not specified in statute.	Surcharge of \$0.70 with express cost recovery	Wireline: City, county, or urban-county government--KRS § 65.760 Wireless: CMRS Board--new section of KRS § 65	Y	Y

XY POINT

3-5

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Louisiana - E La. R.S. §§ 33:9104 <i>et seq.</i> ; La. R.S. §§ 45:791, <i>et seq.</i>	Local surcharge: NTE \$1.00/wireless access line for residential and NTE \$2.00/access line for business. Local surcharge: NTE 5%/access line if served by more than one supplier. 9-1-1 Implemented by Parish	Local surcharge: NTE \$1.00/wireless access line for residential and NTE \$2.00/wireless access line for business. Local surcharge: NTE 5%/wireless access line if served by more than one supplier. H.B. 2102 (Enacted): Allows for the creation of multi-parish communications districts; districts may levy wireless surcharge NTE \$0.85; adds wireless immunity H.B. 1107 (enacted) No other state wireless law shall apply concerning Jefferson Parish	Governing authority of each communications district by public majority vote--La. R.S. § 33: 9106B, 33: 9131B	Y (H.B. 2102)	Y (H.B. 2102)
Maine - E 25 M.R.S. §§ 2921 <i>et seq.</i>	Statewide surcharge: \$.20 per access line.	Statewide surcharge: \$0.20 (pre 8/98) and \$0.32 (post 8/98) per access line.	State-wide statutory rate--25 M.R.S. § 2927(1-A)	Y	Limited
Maryland - E Md. Ann. Code art. 41 §§ 18-101 <i>et seq.</i>	State surcharge: \$.10/access line. Local surcharge: NTE \$.50/access line.	State surcharge: \$0.10/wireless access line. Local surcharge in addition: \$0.50/wireless access line.	State-wide statutory rate--Md. Ann. Code art. 41, § 18-105(b); Emergency Services Communications Bureau	Y	Limited

XYPOINT

3-6

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Massachusetts - E Mass. Ann. Laws ch. 6A § 18A	State surcharge on directory assistance.	S.B. 410 (Died) and S.B. 1752 (Died): State \$0.75 surcharge and wireless immunity	Secretary of Public Safety to assess after consultation with Department of Public Utilities-- Mass. Ann. Laws. ch 6A § 18F, ch 159, § 19A	N	N
Michigan MSA §§ 22.1467(101)	Local surcharge: NTE 4% highest monthly flat rate for one-party access line; county may assess up to 16% by ballot.	H.B. 4658 (Enacted): State \$0.47 surcharge with \$0.25 for cost recovery S.B. 492 (Enacted): Adds wireless immunity	Department of Treasury	Y (H.B. 4658)	Y (S.B. 492)
Minnesota – E Minn. Stat. §§ 403.01 <i>et seq.</i>	State surcharge: \$.08-\$.30/access line for basic 9-1-1 \$.08-\$.30/access line for E9-1-1	State surcharge: \$.08-\$.30/wireless access line for basic 9-1-1 funding. H.B. 1971 (Died): Adds wireless surcharge of an undetermined amount	Commissioner of Administration with approval of Commissioner of Finance for basic 9-1-1 and in consultation with counties and system users for E9-1-1--Minn. Stat. §§ 403.11, 13.	Y	Y
Mississippi – E Miss. Code Ann. §§ 19-5-301 <i>et seq.</i>	Local surcharges: \$1.00/residential access line; \$2.00/commercial access line or if current charge is 5% of the tariff rate, the new collection shall be \$.80/residential access and \$1.60/commercial access line.	Local surcharges: "Cellular to be treated the same as land line." S.B. 2821 (Enacted): Adds \$1.00 surcharge with 30% for cost recovery	County Board of Supervisors-- Miss. Code Ann. § 19-5-313	Y (S.B. 2821)	Y (S.B. 2821)

XY POINT

3-7

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Missouri R.S.Mo. §§ 190.300 <i>et seq.</i>	Local tax NTE 15% of tariff local service rate or \$.75/access line whichever is greater or counties may, if approved by voters, impose a 1% sales tax.	S.B. 743 (Enacted): \$.50 surcharge with express cost recovery	Office of Administration-- § 190.430	Y (S.B. 743)	Y (Pending Voter Approval in April special election)
Montana Mont. Code Ann. §§ 10-4-101 <i>et seq.</i>	State surcharge: \$.25/access line.	State: \$0.25 per subscriber	State-wide statutory rate--Mont. Code Ann. § 10-4-201; Department of Administration	N	Limited
Nebraska - E R.R.S. Neb. §§ 86-1001 <i>et seq.</i>	Local surcharge: NTE \$.50/access line; increase by \$.50/access line if metropolitan city in county.	L.B. 570 (Died): Adds \$.50 wireless surcharge	Governing body (Board of County Commissioners, City Council, etc.) and by public hearing for metropolitan class areas--R.R.S. Neb. § 86-1003	N	N
Nevada Nev. Rev. Stat. Ann. §§ 244A.7641 <i>et seq.</i>	Local surcharge: County property tax.	S.B. 487 (Enacted): Establishes state fund for gov't expense with no express wireless cost recovery; adds wireless immunity S.B. 366 (Enacted): Removes wireless surcharge after implementation of ANI and ALI is complete	Board of Metropolitan Police upon initial or subsequent public majority approval--Nev. Rev. Stat. § 244A.775	N	Y (S.B. 487)
New Hampshire - E RSA §§ 106-H:1 <i>et seq.</i>	State surcharge: amount not specified in statute.	State: Surcharge not specified (\$0.42)	Bureau of Emergency Communications through PUC and budgetary process--N.H. Rev. Stat. Ann. § 106-H:9	N	Y

XY POINT

3-8

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
New Jersey – E N.J. Stat. §§ 52:17C-1 <i>et seq.</i>	State: General Fund	S.B. 1495 (Enacted): Adds wireless funding through annual appropriations by the legislature; adds wireless cost recovery and immunity	No direct surcharge/ appropriations--N.J. Stat. § 52:17C-12, 13	Y (S.B. 1495)	Y
New Mexico - E N.M. Stat. Ann. §§ 63-9D-1 <i>et seq.</i>	State Enhanced 911 Fund. Funds collected by local exchange phone companies at \$.25 for 911 emergency surcharge plus \$.26 for network and database surcharge/access line. Local additional surcharge may be imposed.	S.B. 86 and H.B. 456 (Died): Adds aggregate \$0.51 wireless surcharge with no direct cost recovery for carriers	State-wide statutory rate--N.M. Stat. Ann. § 63-9D-5	Y	N

XY POINT

3-9

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
New York - E NY CLS County §§ 300 <i>et seq.</i>	Local surcharge NTE \$.35/access line.	State: \$.70/access line surcharge collected by local service suppliers to fund special revenue for state police 911-related costs. A.B. 7550 and S.B. 5357 (Pending): Remits 50% of the funds collected from the \$.70 wireless surcharge for wireless provider cost recovery and adds wireless immunity A.B. 8854 (Pending): Mandates wireless ALI and the creation of a wireless cost recovery mechanism with implied wireless immunity	Local governing board--NY CLS County §§ 303, 309	N	Limited
North Carolina - E N.C. Gen. Stat. § 62B-1 <i>et seq.</i>	Local surcharge: amount not specified in statute.	State: \$0.80 wireless surcharge	Wireless 911 Board--N.C. Cent. Code § 62B-2	Y	Y
North Dakota - E N.D. Cent. Code §§ 57-40.6-01 <i>et seq.</i>	Local surcharge NTE \$1.00/access line; E9-1-1 database charges authorized but amount not specified.	S.B. 2307 (Vetoed): Adds \$1.00 wireless surcharge but no direct provider cost recovery; adds wireless immunity	Governing authority of local government by resolution by majority public vote--N.D. Cent. Code § 57-40.6-02	N	N

XY POINT

3-10

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Ohio ORC Ann. §§ 4931.40 <i>et seq.</i>	Local surcharge NTE \$.50/access line.	H.B. 310 (Pending)L Adds \$.65 wireless surcharge and wireless immunity	Public Utility Commission in tariff schedules--ORC Ann. § 4931.47, 52	N	Y Pending H.B. 310
Oklahoma 63 Okl. St. §§ 2801 <i>et seq.</i>	Local surcharge NTE 15% of tariff rate/ access line.	H.B. 1228 (Died): Adds \$.50 wireless surcharge with provider cost recovery and immunity	Governing body by ordinance or resolution with majority public approval--63 Okl. St. § 2814	N	N
Oregon - E ORS §§ 401.710 <i>et seq.</i>	State Emergency Communications Account Fund tax of \$.75/access line.	State Emergency Communications Account Fund tax of \$.75/wireless access line.	Statewide statutory rate--1981 Or. Laws § 533; Office of Emergency Management	Y	Y
Pennsylvania - 35 P.S. §§ 7011 <i>et seq.</i>	Local fee NTE \$1.00-\$1.50/access line depending on county classification.	Wireless surcharge not specified in statute; county cost recovery only	Emergency Management Agency subject to public meeting--35 PS §§ 7012, 7016	N	Y
Rhode Island R.I. Gen. Laws §§ 39-21-1 <i>et seq.</i>	State surcharge: \$.47/exchange line.	State: \$0.47 per access device	State-wide statutory rate--R.I. Gen. Laws § 39.21.1-14; E9-1-1 Authority	Y	Y

XY POINT

3-11

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
South Carolina - E S.C. Code Ann. §§ 23-47-10 <i>et seq.</i>	Local surcharge: \$.75-\$1.50/subscriber for start-up costs; \$.50-\$1.00/subscriber for on-going costs.	S.B. 418 (Died): Adds minor change in the wireless surcharge amount H.B. 3710 (Enacted): Joint resolution to approve regulations of the budget and control board re the CMRS surcharge and provider cost recovery	Wireline: Local government through ordinance--S.C. Code Ann. § 23-47-40 Wireless: CMRS Emergency Telephone Services Board--§ 23-47-65	Y	Y
South Dakota - E S.D. Codified Laws §§ 34-45-1 <i>et seq.</i>	Local surcharge NTE \$.75/access line State Coordination Fund: \$.01/access line for counties not collecting surcharge	Cellular contained in definition of exchange access line. H.B. 1292 (Enacted): Mandates statewide comprehensive E9-1-1 plan	Governing body of public corporation by ordinance--S.D. Codified Laws §§ 34-45-2, 4	Y	Limited
Tennessee - E Tenn. Code Ann. §§ 7-86-101 <i>et seq.</i>	Local emergency communications districts collect levy NTE \$.65/residential user and \$2.00/business user.	S.J.R. 228 (Enacted): Ratifies the wireless surcharge established by the board of \$0.85 to implement Phase I and then \$1.00 to implement Phase II	Board of Directors of emergency district with legislative hearing and, with increases, approved by majority public vote--Tenn. Code Ann. § 7-86-108	Y	Y
Texas Tex. Health & Safety Code §§ 771-001 <i>et seq.</i> & §§ 772-001 <i>et seq.</i>	Regional Advisory commission fee NTE \$.50/access line for regional planning district and 0.013% equalization surcharge per intrastate long-distance customer.	State: \$0.50 per subscriber	Advisory Commission on State Emergency Communications--Tex. Health & Safety Code § 771-071.1	Y	Y

XY POINT

3-12

<i>State¹</i>	<i>Land Line Funding²</i>	<i>Wireless Funding & 1999 Legislative Activity²</i>	<i>Funding Authority</i>	<i>Adequate Wireless Indemnity</i>	<i>Carrier Cost Recovery³</i>
Utah Utah Code Ann. §§ 69-2-1 <i>et seq.</i>	Local surcharge: NTE \$.50/access line.	Local: \$.053/wireless access line.	Governing authority for public agency providing 9-1-1--Utah Code Ann. § 69-2-5	Y	Limited
Vermont - E 30 V.S.A. §§ 7051 <i>et seq.</i>	State enhanced 911 fund.	State enhanced 911 fund from legislative appropriations	Statewide statute via legislative appropriations--30 V.S.A. § 7054; Vermont E9-1-1 Board	Y	Limited
Virginia - E Va. Code Ann. § 58.1-3813	Local tax.	State: \$.075 wireless surcharge with cost recovery	Wireline: County, city, or town authority--Va. Code Ann. § 58.1-3813(A) Wireless: Wireless E9-1-1 Service Board--§ 56-484.8, 484.10	Y	Y (H.B. 1331)
Washington - E RCW 38.52.500 <i>et seq.</i> ; RCW 82.14B.020 <i>et seq.</i>	Local tax NTE \$.50/access line. State fee \$.20/access line	Local: County tax NTE \$.25/wireless access line.	County authority and statewide statute--RCW § 82.14B.030	Y	Limited
West Virginia - E W. Va. Code § 7-1-3cc; W. Va. Code §§ 24-6-1 <i>et seq.</i>	Local fee (amount not specified).	State: \$.075 wireless surcharge per subscriber	Wireline: County Commission--W. Va. Code § 7-1-3cc Wireless: State Service Commission	Y	Y
Wisconsin - E Wis. Stat. § 146.70	Local levy of \$.25-\$1.00/access line depending on size of population.	Not specified in statute.	County authority by ordinance--Wis. Stat. § 146.70(3), (8)	N	N
Wyoming Wyo. Stat. §§ 16-9-102 <i>et seq.</i>	Local charge NTE \$.50/access line.	Not specified in statute.	Governing body through ordinance or resolution--Wyo. Stat. § 16-9-103	N	N