

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 585 Department or Agency Alabama 9-1-1 Board
Rule No. 585-X-4.09
Rule Title: Additional Distribution to Emergency Communication Districts
from the Cost Recovery Fund
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? No

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? No

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 Services Agency.

Signature of certifying officer *Sony Fisher, Secretary*
Date 3/21/2018

REC'D & FILED
MAR 21 2018 (DATE FILED)
LEGISLATIVE SVC AGENCY (STAMP)

Alabama 9-1-1 Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama 9-1-1 Board

RULE NO. & TITLE: 585-X-4.09

Additional Distribution to Emergency Communication Districts from
Cost Recovery Fund

INTENDED ACTION: Adoption of New Rule

SUBSTANCE OF PROPOSED ACTION:

The Board, at its discretion, after payments to ECDs to make them whole, payment of cost reimbursements to CMRS providers, and payment of costs related to implementation and operation of the next generation statewide 9-1-1 call delivery network, may distribute additional funds to ECDs as follows:

- a) one-half of amount distributed to ECDs based on the distribution formula used when calculating per capita distribution amount due a particular ECD and;
- b) one-half of the amount distributed to ECDs shall be made in equal parts to each ECD.
- c)

TIME, PLACE, MANNER OF PRESENTING VIEWS:

May 16, 2018 at 10:00 A. M. - Public Hearing
Office of the Alabama 9-1-1 Board
1 Commerce Street, Suite 620
Montgomery, Alabama 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 16, 2018

CONTACT PERSON AT AGENCY:

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Larry Fisher, Secretary

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

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) The Board acknowledges that under the current funding mechanism that some ECDs may not be made whole by the current base distribution amount and per capita distribution.
- (3) Under Section 11-98-5(f) *Code of Alabama*, 1975, as amended, in the event the Board determines that revenues allocated to reimbursement of CMRS providers for cost recovery is sufficient, then in that event, the Board may, at its discretion, distribute those excess revenues for the benefit of the ECDs currently existing and operating within the state.
- (4) In the event an ECD is not made whole by virtue of its base distribution amount and per capita distribution, and if there are funds available in the Cost Recovery Fund over and above amounts sufficient to reimburse providers for cost recovery, then and in that event, the Board may make such ECD whole by use of funds from the Cost Recovery Fund.
- (5) If, after payments to ECD in order for them to be made whole and payment of cost reimbursement to CMRS providers, there are funds available in the Cost Recovery Fund, then and in that event, the Board shall make payments to all vendors for costs related to the implementation and operation of the next generation statewide 9-1-1 call delivery network.
- (6) If possible, after payments to ECDs in order for them to be made whole, payment of cost reimbursement to CMRS providers, and payments of costs related to the implementation and operation of the next generation statewide 9-1-1 call delivery network, the Cost Recovery Fund shall at all times maintain a minimum balance equal to ninety (90) days operational and administrative costs of the board, which includes payments to all vendors and costs related to the implementation of the next generation statewide 9-1-1 call delivery network.
- (7) If after compliance with (4), (5) and (6) above, the Board will review the balance in the Cost Recovery Fund beginning in November, 2018 and at least annually thereafter, to determine if there are additional funds that may be distributed to the ECDs. If the Board determines there are additional funds for distribution, then any distribution the Board makes from the Cost Recovery Fund shall be done on the following basis:

- a) One half (1/2) of the total amount the Board determines that may be distributed to the ECDs shall be made to each ECD formed and validly operating as of September 30, 2011 and which is still a validly formed and operating ECD as of September 30 of the preceding fiscal year, based on the distribution formula used when calculating the per capita distribution amount due a particular ECD.
- b) One half (1/2) of the total amount the Board determines that may be distributed to the ECDs shall be made in equal parts to each ECD which was formed and operating as of September 11, 2011 and which is still a validly formed and operating ECD as of September 30 of the preceding fiscal year.

Author: James T. Sasser

Statutory Authority: Sections 11-98-1 ,11-98-4.1, 11-98-5, 11-98-5.2, 11-98-6 Code of Alabama, 1975, as amended.

History: New Rule filed on March 21, 2018