

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is a correct copy of rule as promulgated and adopted on the 20th day of November, 2013, and filed with the agency secretary on the 26th day of November, 2013.

AGENCY NAME: Alabama Statewide 911 Board

_____ Amendment New _____ Repeal (Mark appropriate space)

Rule No. 585-X-4-.01

Rule Title: DETERMINATION OF ACTIVE VOICE COMMUNICATION CONNECTIONS TECHNICALLY CAPABLE OF ACCESSING A 9-1-1 SYSTEM AND SUBJECT TO COLLECTION OF THE MONTHLY 9-1-1 SERVICE CHARGE

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes to the proposed to rule due to oral and written comments. Significant changes were made from proposed rule when it became evident that it would be very difficult both technically and financially to comply with the proposed rule. The adopted rule basically reverts back to language contained in Emergency Rule 1 to define what voice connections are to be assessed the 9-1-1 service charge. VoIP and PRI are addressed in the adopted rule. The board also agreed with comments that prepaid service is governed by Section 11-98-5.3(4) and shall be collected at the point of sale and a change in content of the proposed rule was made accordingly.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXI

ISSUE NO. 10, AAM, DATED JULY 31, 2013.


Statutory Rulemaking Authority: Sections 11-98-4.1, 11-98-1, as amended, and 11-98-5

(Date Filed)
(For LRS Use Only)

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LEGISLATIVEREFSERVICE



Donnie Smith, Secretary

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

585-X-4-.01 **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**

- (1) Unless otherwise defined herein, the definition of terms set forth in Sec. 11-98-1, Code of Alabama, 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 Sec. 98-11-1(a)(16), Code of Alabama, 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:
 - i. 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.
 - ii. The ability to receive and terminate voice calls to and from the public switched telephone network.
 - iii. 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)i.,ii., or iii. above:

- i. All telephone voice connections, including interconnected VoIP service not addressed in 2.(b)ii and iii below, whether wire line or wireless, whether postpaid or prepaid.
 - ii. 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.
 - iii. 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:
 - 1. 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,
 - 2. Otherwise, the number of connections shall be deemed equal to 10 per 1 Mbps of provisioned upstream service or fraction thereof.
 - iv. 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 Sec. 11-98-5.3(4), shall be collected at the point of sale in conformance with Sec. 11-98-5.3, et. seq.

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

History: Filed November 26, 2013; effective December 31, 2013