

HB

74

STATE OF ALASKA

Interim:

119 North Cushman St., Rm. 205
Fairbanks, Alaska 99701
(907) 456-7423
Fax: (907) 451-9293

Session:

State Capitol Building
Juneau, Alaska 99801
(907) 465-3466
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REPRESENTATIVE JIM HOLM DISTRICT 9

HB 74

"An Act relating to enhanced 911 surcharges"

Sponsor Statement

18 January 2005

Enhanced 9-1-1 technology is sweeping the nation. This enhanced emergency service provides a faster, more efficient means of rescue to the citizens of Alaska by immediately providing the dispatcher with the identity and physical location of a caller. Bottom line: Enhanced 9-1-1 can and does save lives.

Currently AS 29.35 gives a municipality the ability to cover the cost of the Enhanced 9-1-1 through a minimum surcharge of only fifty cents in Anchorage and seventy-five cents in the rest of the state. Municipalities, not the State of Alaska, are paying for the Enhanced 9-1-1 system and operational costs. The burden of these costs is borne however by local property taxes. We believe that the users of the service, and those that benefit from it, should pay their fair share and that the burden should not solely be on the property tax payers.

This bill is about local control and local option. Municipalities run the Enhanced 9-1-1 to better serve their communities. If passed, HB ### will give municipalities the option to diversify their revenue stream for Enhanced 9-1-1 through an increased surcharge. However, Municipalities may only impose an increased surcharge by ordinance and they must review their costs annually to make sure any surcharge is not excessive. The people of Alaska will have more control over their local government and their public safety. Enhanced 9-1-1 is a true asset to any community and is a necessary tool in saving lives.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 19, 2005

SUBJECT: Enhanced 911 surcharges; sectional summary (House Bill 74)

TO: Representative Jim Holm
Attn: Matthew Rudig

FROM: Tamara Brandt Cook
Director *TBC*

Sec. 1. Limits a municipality to the use of an ordinance for providing an enhanced 911 system and imposing an enhanced 911 surcharge, rather than permitting this to be done also by resolution. Permits a surcharge to be imposed only once a month. Requires a public hearing for the annual review of the surcharge by the governing body. Eliminates the cap on the amount of a surcharge imposed in existing law, and the distinction between the amount of surcharge that may be imposed by larger municipalities, and the amount that may be imposed by smaller municipalities.

Sec. 2. Eliminates provisions in existing law limiting the enhanced 911 surcharge to one per customer on a local exchange access line for a wire line telephone and one for each wireless telephone number. Also eliminates the provision limiting the number of surcharges that may be imposed on a customer with many local exchange access lines to 100.

Sec. 3. Permits a municipality to impose a point-of-purchase 911 surcharge from prepaid wireless telephone accounts. This surcharge may not exceed one percent of the purchase value.

TBC:jad
05-028.jad

E-911 SURCHARGE QUESTIONS AND ANSWERS

What is Enhanced 911?

We all know that when we dial 911 we get connected to an emergency operator. Enhanced 911 or E-911 is a system that gives the operator important information about the call. Much like Caller ID on your phone, it identifies the number that is calling as well as the address of the phone. In the case of a cellular phone call, it will soon be able to identify the location of the caller.

Why does there have to be a surcharge to provide E-911 service?

There does not need to be a surcharge for a municipality to offer E-911 service. The proposed legislation offers a surcharge as a funding tool but does not mandate it be imposed. Most cities offering E-911 service pay for the service partially with a surcharge and partially with other sources of revenue such as property tax or sales tax.

What does the State of Alaska pay toward E-911 service?

Nothing, except for the same surcharge you and I might pay. Some communities used the proceeds from the Safe Communities & Revenue Sharing and the Community Matching Grants Programs to pay for a portion of their E-911 service, but those State programs were eliminated in 2002.

Shouldn't there be a cap on what a city can assess as a surcharge?

Each city should be allowed to determine what is best for their community. What is right for Anchorage may not be right for Nome. As with other municipal revenue sources such as sales tax or property tax, there should be not cap imposed by the State.

Won't we have the highest surcharge in the nation?

Not necessarily. Existing surcharge rates range from \$.35 to \$4.00 per month (North Carolina) and many E-911 providers are reassessing the current rates as costs for technology increase.

Won't the phone companies be blamed for any surcharge increase?

An explanation of the charge can and should be put on the phone bill with a local government contact number for any phone subscriber to call with questions.

How can we trust city officials to not charge too much?

There are several safeguards in place. First, the surcharge cannot be changed without an ordinance, which requires a public hearing. Second, the surcharge may only be used for E-911 & related dispatch services. An annual review of the costs and revenues of the program are required to be made. Third, the assembly and council members are elected officials. If they make decisions that are unacceptable by their community, they risk losing re-election.

Can the surcharge be used to buy fire engines and ambulances?

No. The surcharge may only be used for E-911 communications and related emergency dispatch services, such as to pay for the operator who answers the emergency call. Equipment and manpower to respond to the call cannot be paid for with surcharge revenues.

Isn't this an urban issue that does nothing for rural Alaska?

It's true that this legislation does not solve the problem of providing E-911 service in all areas of the state, but it does give all communities a means of paying for part of the service that they did not have before. For example, Nome currently has a surcharge in place to help them pay for E-911 service in the future. Kotzebue has been considering a surcharge for their area as well. Without the surcharge, they may not be able to obtain the resources needed to implement this vital service.

What will happen if the surcharge limit isn't raised?

For those that currently have an E-911 system, it will delay or eliminate their ability to upgrade to the latest technology, such as the ability to identify the location of cell phone calls. For those that are considering adding E-911 service, it will make it more difficult to implement the service.

Isn't the existing surcharge a large part of a monthly phone bill?

No. A typical telephone bill in Alaska is about \$25.00, excluding long distance charges. The current \$.50 surcharge in Anchorage is about 2% of the total bill. A similar but much less sophisticated telephone service, Caller ID costs telephone subscribers in Alaska \$6.00 per month or more, depending on the carrier and location.

Alaska State Legislature

Rep. Gabrielle LeDoux
Rep. Pete Kott
Rep. Mark Neuman
Rep. Sharon Cissna
Rep. Woodie Salmon



State Capitol, Room 124
Juneau, AK 99801-1182
Co-Chairs
Rep Kurt Olson
(907) 465-2693 FAX 465-3335
Rep. Bill Thomas
(907) 465-3732 FAX 465-2652

COMMUNITY & REGIONAL AFFAIRS COMMITTEE

February 16, 2005

To: Representative Jim Holm

From: Representative Kurt Olson
Representative Bill Thomas
Co-Chairs, CRA


Re: HB-74

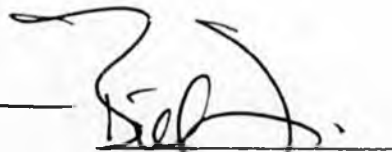
Jim,

As you are aware, SB100 is moving through the Senate and has the support of most communities, emergency service providers, telecommunications companies, and NENA.

HB 74 has little support. Any bill with a cap over \$2.00 will not get out of either the House or the Senate. In the event you wish to go forward, we have prepared a committee substitute of your bill that will have support and a reasonable chance of becoming law. We have attached a copy for your review.

Let us know if you want us to proceed with CS HB 74 (CRA) 24-LS0043/L and we will schedule it for next week.


Kurt Olson


Bill Thomas

24-LS0043\L

Cook

2/15/05

CS FOR HOUSE BILL NO. 74(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE HOLM

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to enhanced 911 surcharges imposed by a municipality; and providing
2 for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 29.35.131(a) is amended to read:

5 (a) A municipality may, by resolution or ordinance, elect to provide an
6 enhanced 911 system at public safety answering points and [,] may purchase or lease
7 the enhanced 911 equipment or service required to establish or maintain an enhanced
8 911 system at public safety answering points from a local exchange telephone
9 company or other qualified vendor. The municipality [, AND] may impose an
10 enhanced 911 surcharge [, IN AN AMOUNT TO BE DETERMINED BY THE
11 MUNICIPALITY,] on all local exchange access lines that provide telephone service to
12 wireline telephones in the area to be served by the enhanced 911 system and [. A
13 MUNICIPALITY THAT PROVIDES SERVICES UNDER AN ENHANCED 911
14 SYSTEM MAY ALSO BY RESOLUTION OR ORDINANCE IMPOSE AN

1 ENHANCED 911 SURCHARGE] on each wireless telephone number that is billed to
2 an address within the enhanced 911 service area. An [FOR A MUNICIPALITY
3 WITH A POPULATION OF 100,000 OR MORE, AN ENHANCED 911
4 SURCHARGE MAY NOT EXCEED 50 CENTS PER MONTH FOR EACH
5 WIRELESS TELEPHONE NUMBER OR 50 CENTS PER MONTH FOR EACH
6 LOCAL EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES. FOR A
7 MUNICIPALITY WITH FEWER THAN 100,000 PEOPLE, AN] enhanced 911
8 surcharge may not exceed \$2 [75 CENTS] per month for each wireless telephone
9 number and \$2 [OR 75 CENTS] per month for each local exchange access line for
10 wireline telephones unless the surcharge is imposed by ordinance approved by the
11 voters of the enhanced 911 service area. The amount of surcharge imposed for
12 each wireless telephone number must equal the amount imposed for each local
13 exchange access line for wireline telephones, and the billing method used for both
14 types of surcharge must be substantially similar. An enhanced 911 service area
15 may be all of a city, all of a unified municipality, or all or part of the area within a
16 borough and may include the extraterritorial jurisdiction of a municipality in
17 accordance with AS 29.35.020. The governing body of a municipality shall review an
18 enhanced 911 surcharge annually to determine whether the current level of the
19 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911
20 system needs. The municipality may only use the enhanced 911 surcharge for the
21 enhanced 911 system.

22 * Sec. 2. AS 29 35.131(a) is amended to read:

23 (a) A municipality may, by resolution or ordinance, elect to provide an
24 enhanced 911 system at public safety answering points, [AND] may purchase or lease
25 the enhanced 911 equipment or service required to establish or maintain an enhanced
26 911 system at public safety answering points from a local exchange telephone
27 company or other qualified vendor, and [. THE MUNICIPALITY] may impose an
28 enhanced 911 surcharge, in an amount to be determined by the municipality, on all
29 local exchange access lines that provide telephone service to wireline telephones in the
30 area to be served by the enhanced 911 system. A municipality that provides
31 services under an enhanced 911 system may also by resolution or ordinance

1 impose an enhanced 911 surcharge [AND] on each wireless telephone number that
2 is billed to an address within the enhanced 911 service area. For a municipality with
3 a population of 100,000 or more, an enhanced 911 surcharge may not exceed 50
4 cents per month for each wireless telephone number or 50 cents per month for
5 each local exchange access line for wireline telephones. For a municipality with
6 fewer than 100,000 people, an [AN] enhanced 911 surcharge may not exceed 75
7 cents [\$2] per month for each wireless telephone number or 75 cents [AND \$2] per
8 month for each local exchange access line for wireline telephones [UNLESS THE
9 SURCHARGE IS IMPOSED BY ORDINANCE APPROVED BY THE VOTERS OF
10 THE ENHANCED 911 SERVICE AREA. THE AMOUNT OF SURCHARGE
11 IMPOSED FOR EACH WIRELESS TELEPHONE NUMBER MUST EQUAL THE
12 AMOUNT IMPOSED FOR EACH LOCAL EXCHANGE ACCESS LINE FOR
13 WIRELINE TELEPHONES, AND THE BILLING METHOD USED FOR BOTH
14 TYPES OF SURCHARGE MUST BE SUBSTANTIALLY SIMILAR]. An enhanced
15 911 service area may be all of a city, all of a unified municipality, or all or part of the
16 area within a borough and may include the extraterritorial jurisdiction of a
17 municipality in accordance with AS 29.35.020. The governing body of a municipality
18 shall review an enhanced 911 surcharge annually to determine whether the current
19 level of the surcharge is adequate, excessive, or insufficient to meet anticipated
20 enhanced 911 system needs. The municipality may only use the enhanced 911
21 surcharge for the enhanced 911 system.

22 * Sec. 3. Section 1 of this Act takes effect June 30, 2006.

23 * Sec. 4. Section 2 of this Act takes effect June 30, 2009.

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REPRESENTATIVE JIM HOLM DISTRICT 9

17 February 2005

Co-Chairman Kurt Olson
Co-Chairman Bill Thomas

Dear Kurt and Bill,

Thank you for your consideration of HB 74. I would like to respond to your comments regarding the success of this legislation. Last year, HB 461 passed the house by a vote of 33-6. HB 461 and HB 74 are very similar in language and exactly the same in premise.

I ask that you please schedule HB 74 for a hearing next week. It is certainly your choice as Chairmen of the House Community and Regional Affairs Committee to substitute HB 74 with your proposed committee substitute. However, I would like to propose the attached amendment to your committee substitute. In my opinion, there is no reason to limit local control and initiate a costly voting process to change the surcharge amount above and beyond the two-dollar cap set in the committee substitute because it would still require a statutory fix to raise the cap above two dollars regardless of an ordinance.

I thank you for your attention to this legislation. Enhanced 911 saves lives. It is important to the people of my district and the entire State of Alaska that legislation is passed to provide municipalities with the ability to fund this life saving service.

Sincerely,


Representative Jim Holm
JH/mr

AMENDMENT _____

Offered in the House

By

TO: CSHB 74(CRA) Version "L"

- 1 Page 2, Line 10 & 11
- 2 Delete "unless the surcharge is imposed by ordinance approved by the
- 3 voters of the enhanced 911 service area"

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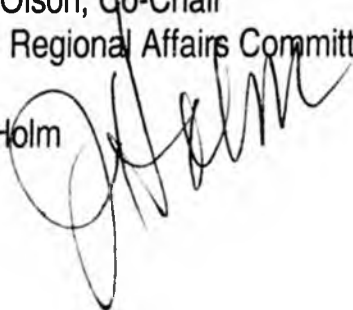
Session:

State Capitol Building
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Fax: (907) 465-2937

REPRESENTATIVE JIM HOLM DISTRICT 9

DATE: 21 January 2005

TO: Representative William Thomas Jr., Co-Chair
Representative Kurt Olson, Co-Chair
House Community & Regional Affairs Committee

FROM: Representative Jim Holm 

RE: HB 74

Please schedule HB 74: AN ACT RELATING TO ENHANCED 911 SURCHARGES, for hearing in the House Community & Regional Affairs Committee at your earliest convenience. Back-up material is attached.

Thank you very much for your help with this bill.

GCI POSITION PAPER
"e911 BILL"

GCI supports reasonable legislation to authorize a surcharge on phone bills to pay the costs of "e-911" systems. GCI believes that any such legislation must:

- require equal treatment of both traditional wireline and wireless phone lines, with the exact same surcharge and exemption applicable to each;
- narrowly define the "e911" costs that can be recovered through the surcharge;
- include a cap of no more than \$2 per line per month, or \$24 per line per year;
- limit the responsibilities of carriers for collection in the absence of voluntary nonpayment by a customer.

GCI does not accept the argument that the proposed surcharge is a "user's fee" or that telephone companies or subscribers in any way create the costs of an e911 system. In fact, the opposite is true. The existing telephone system facilitates the provision of a public safety system that would be most appropriately funded through general taxation measures.

Nonetheless, GCI supports the surcharge concept so long as it is reasonable. Reasonableness requires that all carriers—wireline and wireless—be treated equally and that the surcharge is capped. The cost of basic phone service is already increasing due to a number of factors, primarily the recovery of cost in local service that were previously recovered in other ways. The addition of anything more than a reasonable additional surcharge could cause a reduction in the number of subscriber lines.

Carriers should not be forced to become collection agents for the surcharges. Carriers should be responsible for pay to municipalities only such sums as are collected from customers,

and carriers should not be responsible for forcing payment of the surcharge by, for example, discontinuing service in the event of nonpayment.

called NAF (Network Access Fee). In exchange, we expect to see more competitive in-state long distance rates.

In April 2007, we will further reduce access charges paid by long distance carriers, for a total reduction of about 4 cents per minute. At the same time, the NAF fixed fee will increase to \$3.00 per month. We expect Alaskan consumers will experience a combination of reduced in-state long distance charges, increased industry investment into technological improvements and more vibrant long distance competition.

Consumer Information & FAQ

Do customers still have to pay the NAF even if they make no long distance calls?

Yes. The NAF is intended to pay for that part of the network that must be in place so that citizens are able to place instate long distance calls, whether such calls are placed or not.

Do all carriers charge the NAF?

All local exchange carriers must charge the NAF. However, other types of carriers, such as cellular and long distance companies, will not charge the NAF.

Will the NAF be charged to customers receiving Lifeline service?

We do not believe it will be. Federal Lifeline subsidies support local low income residential customer charges including "other non-discretionary charges associated with basic residential service". [See 47 CFR 54.403(a)(4).] We view the NAF as a "non-discretionary charge associated with basic residential service."

What is the purpose of the NAF?

The NAF is designed to recover a portion of the cost of the "local loop" (i.e., the wires and associated local network facilities that connect a telephone customer to the local telephone company's central office switch). The annual cost of the local loop (statewide for all Alaska local telephone companies) is about \$200 million. Twenty percent of this amount is allocated to instate long distance services, 25% to interstate long distance services and the remaining 55% is allocated to local services. This means instate long distance companies have until now-- charged that roughly \$40 million (20% x \$200 million) in local loop costs to their instate long distance customers through instate long distance rates. Under the new rules, the \$40 million will instead be paid in part through NAF revenues (approximately \$8 million in 2005 and approximately \$16 million in 2007), reducing long distance companies' costs. The NAF will help to keep local telephone companies solvent after they are required to reduce the \$40 million in access fees they charge to instate long distance companies.

Will long distance rates decline as a result of lower access charge fees to long distance carriers?

We believe that consumers will see a combination of lower long distance bills and improved technology and service as competitive market forces compel the long distance companies to pass their NAF cost savings on to their customers. We have directed the long distance carriers to maintain adequate records so that we can review the extent to which savings are passed on to customers.

Has the Commission required a dollar for dollar pass-through of long distance carriers' in-state access charge savings to instate long distance rates?

We declined to do this for several reasons, including:

We believe the competitive market will force long distance carriers to directly and indirectly pass the vast majority, if not all, of their access charge savings through to long distance customers. Historically, long distance companies have offered rates that are only slightly above the costs they pay in access fees. We believe that this

market trend will continue and that by reducing the access fees, long distance fees will also be reduced. We have no reason to believe that the market will not continue to operate as efficiently in the future as it has in the past in driving prices lower.

Measuring and monitoring the level of pass-through would be extremely complex, expensive and prone to considerable dispute. The costs of doing so could very well outweigh consumer benefits. Nevertheless, we have directed the long distance carriers to maintain adequate records so that we can perform pass-through measurements if it appears that competition fails to produce consumer benefits.

We believe that long distance carriers may choose to reinvest part of their savings in upgrading existing networks and technology. Technological improvements valuable to ratepayers might not otherwise occur.

Is this rate redesign necessary?

We believe that this change is required by federal telecommunications policies and the evolving telecommunications market, over which we have little control. For about two decades the federal government has been reducing interstate access fees paid by long distance carriers for interstate calls so that nationwide interstate access charges average less than two cents per minute. This compares to about 14 cents per minute for instate access charges.

Our change will also help to keep competition vibrant. For many years the federal government has exempted Internet providers and cellular carriers from paying most access charges (both federal and state), even though these providers also rely on the local loop to originate and terminate calls in much the same manner that long distance carriers do. These exemptions and the growth of these telecommunications markets have resulted in a shift of long distance calling away from traditional long distance service. While a portion of this shift is a natural result of the growth of these markets and new technologies, another portion is simply due to unequal regulatory treatment under federal law.

Will the NAF result in instate long distance rates that are as low as interstate rates?

Not at the modest levels we have adopted. The federal government has been able to reduce the per minute interstate access fees paid by long distance carriers by adopting a subscriber line charge (a SLC is the national functional equivalent of the Alaska NAF) and by applying its Universal Service Fund. The federal subscriber line charge is currently capped at \$6.50 per line for residential service and single line business service and \$9.20 per line for multiple line business service. The Alaska NAF would probably have to rise to roughly the same level as the federal SLC, or more, before instate access fees could drop to the level of federal access fees and before instate long distance rates could, in turn, fall to the level of interstate long distance rates. At this time, our rules only permit the Alaska NAF to rise to \$3.00 beginning April 1, 2007.

Are there likely to be future changes in rates?

The Federal Communications Commission (FCC) plans to restructure how all carriers pay each other for use of their services (i.e., "intercarrier compensation"). Most of the proposals before the FCC would further reduce the access fees paid by instate long distance companies. While this may lead to further long distance savings, it could also lead to increases in local rates or increases in the NAF or the SLC.

Where can I learn more about these issues?

For more on the NAF on the Commission's proceeding Docket R-01-001 or contact us at:

Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

Phone: (907) 276-6222, Outside Anchorage (in Alaska) 1-800-390-2782

Fax: (907) 276-6210

E-mail: rca_mail@rca.state.ak.us

For more on the FCC's Intercarrier Compensation proceeding Docket CC No. 01-92 or contact the FCC at:

Federal Communications Commission

445 12th Street SW

Washington, DC 20554

Phone: 1-888-CALL-FCC (1-888-225-5322)

Fax: 1-866-418-0232

E-mail: fccinfo@fcc.gov

Last Update: 03/04/05

In-State Long Distance Rates

[Home](#) > [Telecommunications](#) > [In-State Long Distance Rates](#)

[How Long Distance Rates May Decrease In 2005 \(view as .pdf\)](#)

Introduction

In December 2004, the Commission established new regulations with the goal, among other things, of correcting imbalances between long distance rates for calls completed within Alaska (in-state) and long distance calling rates for state-to-state (interstate) calls.

Currently in-state optional calling plan rates are typically 14 cents a minute or higher, compared to state-to-state (interstate) optional calling plan rates which can be found for as low as 4 cents per minute.

The difference between what Alaska consumers pay to call within the state and the amount they pay to call interstate, exists in large part, because Alaskan local telephone companies may charge long distance carriers up to 14 cents per minute for calls within the state. These telephone companies own and maintain the local infrastructure which delivers the long distance calls over telephone lines to a consumer's home. (View schematic of an in-state long distance call.) In exchange for the right to pass these calls over their infrastructure, Alaska's local telephone companies charge long distance companies fees called Access Charges.

Access charges are added to the per-minute fees that Alaska's long distance carriers, AT&T Alascom, GCI and others, charge Alaskan consumers. This pass-through of access charge costs from the local telephone company to the long distance company to the consumer generally prevents Alaska's long distance carriers from charging less than 14 cents per minute for an in-state call.

Many Alaskans recall when interstate calling rates ranged from 25 cents to 50 cents per minute. These high rates were caused, in part, by the same type of Access Charges that we pay today for in-state calling. Approximately two decades ago, the Federal Communications Commission (FCC) began the process of lowering the interstate per minute access charges that local telephone companies charge to long distance companies by replacing it with a fixed monthly charge paid by local telephone consumers.

It is important to note that the access costs didn't go away, but were removed from the per minute long distance rate, which allowed interstate long distance rates to go down. Access Charges formerly included in the long distance rate, became part of the consumer's monthly phone bill, showing as a fixed charge. Initially one dollar, this federal subscriber line charge (or SLC) gradually increased to \$6.50 per month, which is what residential consumers pay today. This action (along with adoption of the federal universal service fund and federal rate integration policies) has caused long distance rates to fall to the levels we see today.

Over the last two years, the Commission sought comment on how to best resolve the problems associated with the cost of in-state calling. We decided to follow the policy used by the FCC and reduce per minute access charges of long distance rates. However, like the FCC, we have not completely removed per minute access charges. Rather, we have implemented a two-stage program of removing less than half of the total Access Charges over a three-year period, in part, so we could see how the program affected in-state long distance rates.

In the first year of the program, the reduction on access charge rates paid by the largest long distance carriers will be about two cents per minute on a typical in-state call. In total, that reduction represents about \$8 million. Beginning in April 2005, local telephone customers will see a \$1.50 fixed fee added to their monthly phone bill.

Representative Kurt Olson, Co-Chairman
Community and Regional Affairs Committee
Xxx

Re: House Bill 221

Dear Representative Olson:

I am writing to explain GCI's opposition to HB 221, which would require long distance carriers to reduce in-state long distance rates because of the implementation of a new charge on consumers called the "Network Access Fee" (NAF).

To begin, this is an enormously complicated regulatory matter that is difficult to address without going into enormous detail. The complexity is illustrated by the fact that the Regulatory Commission of Alaska—which already had expertise in this area—took over four years to resolve the issues. The proceeding at the RCA involved many public hearings and thousands of pages of comments. It is impossible to fully address the matter in one letter or even in a series of committee hearings.

At a very basic level, HB 221 constitutes a return to reliance on state regulation to set prices in the highly competitive long distance market. Rates in that market have been set through competitive forces for about 14 years. Reliance on these market forces has been very successful, reducing in-state long distance rates from about 35 cents per minute prior to competition to about 14 cents per minute, or less, today. Furthermore, the entire trend in telecommunications is away from regulatory rate-making and toward greater reliance on competition and market forces to set prices. Thus, HB 221 goes against the success of the past 14 years and against all trends in telecommunications.

In fact, competition in telecommunications caused long distance carriers to reduce current rates so much that the rates are now well below the cost of providing service. In fact, prior to implementation of the Network Access Fee, the "access charges" paid by the long distance carriers to local exchange carriers were approximately equal to the price per minute charged to consumers, leaving no margin for the long distance carrier to support its own cost and investment in infrastructure. The causes of this situation are complex, including the fact that in-state long distance essentially competes against other services, such as cellular service, that did not have to pay the same high access charges. Whatever the reason, the lack of any margin in long distance service was undesirable and threatened to discourage any investment in the critical facilities necessary to serve Alaska, particularly rural Alaska.

As a legal matter, it would actually be illegal for the legislature to require carriers to provide service at a loss. While carriers may have voluntarily priced below cost, any state mandate that carriers continue to service at a loss is barred by constitutional principles against confiscation. Such an illegal mandate would result from a requirement to reduce long distance rates such as in HB 221.

Another important point is that it is impossible to know whether, or to what extent, access charges will actually go down on a per minute basis as a result of implementation of the NAF. Per minute access cost is determined not only by the amount payable by long distance carriers in access cost, but by the number of minutes over which that cost is spread. While the NAF reduced the total cost payable by the long distance companies, the number of in-state long distance minutes is also subject to significant erosion at this time. Cellular calling throughout the Railbelt is substituting for long distance calling. New services designated "Voice over Internet Protocol" are not subject to in-state access charges, but can be used to call from one location in the state to another. And huge numbers of minutes are being moved to "debit cards" that AT&T claims are not subject to in-state access charges. Even e-mails often substitute for long distance calling in many instances. All of these factors are combining to move traffic off of the long distance network. Thus, although the total cost paid by long distance carriers will go down as a result of the NAF, per minute costs may go down much less, or not at all. Since long distance rates are set on a per minute basis, it is impossible to reduce that price unless the per minute cost goes down, which is uncertain.

The above factors lead the Commission to realize that measurement of whether long distance carriers had flowed through access charge reductions—as required by HB 221—would be extremely difficult or impossible. Given the very successful reliance on market forces to drive long distance rates to cost over the past 14 years, it seems foolish to embark upon that difficult or impossible regulatory inquiry and re-establish regulatory ratemaking.

As stated at the outset, this is an enormously complicate subject. That is in itself a good reason for the Legislature to leave the matter to the RCA.

For all these reasons, GCI opposes HB 221 and urges you not to advance the bill in the Legislature.

Sincerely,

24-LS0043/S
Cook
2/25/05

CS FOR HOUSE BILL NO. 74(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): RE/RESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to enhanced 911 surcharges imposed by a municipality."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 29.35.131(a) is amended to read:

4 (a) A municipality may, by resolution or ordinance, elect to provide an
5 enhanced 911 system at public safety answering points and [,] may purchase or lease
6 the enhanced 911 equipment or service required to establish or maintain an enhanced
7 911 system at public safety answering points from a local exchange telephone
8 company or other qualified vendor. The municipality [, AND] may impose an
9 enhanced 911 surcharge [, IN AN AMOUNT TO BE DETERMINED BY THE
10 MUNICIPALITY,] on all local exchange access lines that provide telephone service to
11 wireline telephones in the area to be served by the enhanced 911 system and [. A
12 MUNICIPALITY THAT PROVIDES SERVICES UNDER AN ENHANCED 911
13 SYSTEM MAY ALSO BY RESOLUTION OR ORDINANCE IMPOSE AN
14 ENHANCED 911 SURCHARGE] on each wireless telephone number that is billed to
15 an address within the enhanced 911 service area. An [FOR A MUNICIPALITY

1 WITH A POPULATION OF 100,000 OR MORE, AN ENHANCED 911
2 SURCHARGE MAY NOT EXCEED 50 CENTS PER MONTH FOR EACH
3 WIRELESS TELEPHONE NUMBER OR 50 CENTS PER MONTH FOR EACH
4 LOCAL EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES. FOR A
5 MUNICIPALITY WITH FEWER THAN 100,000 PEOPLE, AN] enhanced 911
6 surcharge may not exceed \$2 [75 CENTS] per month for each wireless telephone
7 number and \$2 [OR 75 CENTS] per month for each local exchange access line for
8 wireline telephones unless the surcharge is imposed by ordinance approved by the
9 voters of the enhanced 911 service area. The amount of surcharge imposed for
10 each wireless telephone number must equal the amount imposed for each local
11 exchange access line for wireline telephones. An enhanced 911 service area may be
12 all of a city, all of a unified municipality, or all or part of the area within a borough
13 and may include the extraterritorial jurisdiction of a municipality in accordance with
14 AS 29.35.020. The governing body of a municipality shall review an enhanced 911
15 surcharge annually to determine whether the current level of the surcharge is adequate,
16 excessive, or insufficient to meet anticipated enhanced 911 system needs. The
17 municipality may only use the enhanced 911 surcharge for the enhanced 911 system.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 17, 2005

SUBJECT: Enhanced 911 surcharge (HB 74)

TO: Representative Jim Holm
Attn: Matthew Rudig

FROM: Tamara Brandt Cook
Director

TBC

You ask whether a statute describes what an enhanced 911 surcharge imposed by a municipality may be used for. AS 29.35.131(a) states: "The municipality may only use the enhanced 911 surcharge for the enhanced 911 system." A definition of "enhanced 911 system" that applies to this subsection is set out in AS 29.35.137(3):

(3) "enhanced 911 system" means a telephone system consisting of network, database, and enhanced 911 equipment that uses the single three digit number, 911, for reporting a police, fire, medical, or other emergency situation, and that enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911; an enhanced 911 system includes the personnel required to acquire, install, operate, and maintain the system and its facilities and to dispatch the calls generated by the system;

TBC:jad
05-104.jad

FAX COVER SHEET
ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Office 907-269-0111

Fax 907-269-0229

To: HCRA -

Attn: Rep Olson) Thomas

Fax: 465-~~411~~3835 Phone: _____

From: _____ Phone: _____

Instructions: Written backup for HB 74 from
Jim Rowe.

Sent: Date 3-17-05 Time _____

Disposal of Original: Discard: _____ Pouch _____ Hold for Pickup _____

Number of Pages: _____ (counting cover sheet)

Transmitted by: _____



NEWS

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

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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 386 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE:
March 10, 2005

NEWS MEDIA CONTACTS:
Rosemary Kimball at (202) 418-0511
e-mail: rosemary.kimball@fcc.gov
Lauren Patrich at (202) 418-7944
e-mail: Lauren.patrich@fcc.gov

FCC EXTENDS TRUTH-IN-BILLING RULES TO WIRELESS PHONES; SEEKS COMMENT ON ADDITIONAL MEASURES TO INCREASE ABILITY OF CONSUMERS TO MAKE INFORMED CHOICES

Washington, DC – The Federal Communications Commission has expanded the federal consumer protection rules that apply to consumers' wireless phone bills. It has also asked for comment on additional measures to facilitate the ability of telephone consumers to make informed choices among competitive telecommunications service offerings.

The actions come in response to consumer concerns with the billing practices of wireless and other interstate providers, outstanding issues from the FCC's 1999 *Truth-in-Billing Order* and a petition filed by the National Association of State Utility Consumer Advocates (NASUCA).

Specifically, the Commission:

- Removed the existing exemption for Commercial Mobile Radio Service (CMRS) carriers from the rules requiring that billing descriptions be brief, clear, non-misleading and in plain language;
- Held that it is misleading to represent discretionary line item charges in any manner that suggests such line items are taxes or government mandated charges;
- Clarified that the burden rests upon the carrier to demonstrate that any line item that purports to recover a specific governmental or regulatory program fee conforms to the amount authorized by the government to be collected; and
- Clarified that state regulations requiring or prohibiting the use of line items for CMRS constitute rate regulation and are preempted.

In a *Second Further Notice of Proposed Rulemaking*, the Commission:

- Sought comment on the distinction between government "mandated" and other charges;
- Tentatively concluded that, where carriers choose to list charges in separate line items on their customers' bills, government mandated charges must be placed in a section of the bill separate from all other charges;
- Sought comment on whether it is unreasonable to combine federal regulatory charges into a single line item;
- Tentatively concluded that carriers must disclose the full rate, including any non-mandated line items and a reasonable estimate of government mandated surcharges, to the consumer at the point of sale; and
- Tentatively concluded that the Commission should preempt inconsistent state regulation of telecommunications carrier-specific truth-in-billing rules. The Commission emphasized, however, that no such action would limit states' ability to enforce their own generally applicable consumer protection laws.

Action by the Commission March 10, 2005, by *Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking* (FCC 05-55). Chairman Powell, Commissioners Abernathy and Martin, with Commissioner Copps approving and dissenting in part, and Commissioner Adelstein approving and dissenting in part. Chairman Powell, Commissioners Abernathy, Copps, Martin and Adelstein issuing separate statements.

- FCC -

CGB Contact: Michael Jacobs at (202) 418-2859.

CC Docket No. 98-170, CG Docket No. 04-208.

FCC Holds Wireless To New Standard

BY MARK ROCKWELL
MARCH 10, 2005
NEWS@2 DIRECT

WASHINGTON--At its meeting today, the FCC moved to bring wireless carriers under more federal scrutiny in billing matters, but also stepped in front of growing state regulation of wireless carriers' bills.

The FCC voted to remove an exemption for commercial mobile radio services (CMRS) rules that require telephone billing to be "brief, clear, non-misleading and in plain language." Under the new rules, wireless carriers would be held to that standard as well. The rules were changed in the face of exploding informal consumer complaints about wireless carrier billing at the commission. The number of complaints about wireless billing grew from "a few dozen" in 1999, to 18,000 in 2004, said Jay Keithly, acting chief of the FCC consumer and governmental affairs bureau.

FCC commissioners and staff said by and large, wireless carriers already are moving to clarify and simplify their billing, as those bills are an advantage in a competitive market. The increasing complaints, however, said FCC Commissioner Kathleen Abernathy, made the commission "remove ambiguity" concerning wireline and wireless billing requirements. FCC Commissioner Kevin Martin agreed that with the CMRS exemption from truth in billing rules, there had been a disconnect about what was expected of wireless carriers. The removal of that exemption goes a long way toward that, commissioners agreed.

The most controversial portion of the agency's truth in billing action today, however, was its pre-emption of state utility commissions over "line items" included on wireless bills. Items such as E911 surcharges, universal service fund items, primary carrier surcharges and other cost recovery mechanisms that appear on customers' bills separated out from the main service charge and mandated by some states, weren't valid. The FCC preempted state utility commissions' authority to mandate such line item charges, invoking Congress' intention that states can't regulate wireless carrier rates.]

The move puts the fate of E911 surcharges in somewhat of a limbo, say state representatives, until the order is officially issued and the details of the decision are digested by state commissions.

Even FCC commissioners couldn't agree on the pre-emption. Democratic minority commissioners Jonathan Adelstein and Michael Copps dissented on the issue, saying it sent the wrong message and crippled state commissions' consumer protection efforts. "We take one step forward by applying basic truth-in-billing to wireless services. That's good," said Copps. "Then, amazingly, given the language we hear today on how pro-consumer the order is, the majority proceeds to put the kibosh on state consumer protection efforts."

Chairman Michael Powell, presiding over his last FCC meeting, said he didn't take the decision to pre-empt states lightly, but allowing them to regulate rates would cripple wireless carriers rolling out national pricing plans. "CMRS cannot be efficiently regulated in price across 50 states," he said.

The decision both heartened and depressed state regulators. They commended the FCC's effort to include CMRS providers in truth in billing rules, but said the agency's preemption of their ability to specify line items as squashing their efforts to handle growing consumer concerns. "The FCC's clarification of truth in billing rules applying to wireless carriers is a shot across the bow" of wireless carriers that don't provide clear bills, said Brad Ramsay, general counsel for the National Association of Regulatory Utility Commissioners. However, Ramsay added that the agency's preemption of states' regulation of line items on bills wasn't justifiable. "How can you argue that wireless carriers can't have nationwide billing plans" with states overseeing line items, he remarked, adding that major wireless carriers already are offering such plans while states oversee the items on bills.

This is an interpretation. The order has not been released so this might be incorrect.

FCC Holds Wireless To New Standard

By Mark Rockwell

March 10, 2005

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FCC Holds Wireless To New Standard

By Mark Rockwell

March 10, 2005

HB 74

WASHINGTON—At its meeting today, the FCC moved to bring wireless carriers under more federal scrutiny in billing matters, but also stepped in front of growing state regulation of wireless carriers' bills.

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AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE HOLM

TO: CSHB 74(CRA), Draft Version "S"

1 Page 2, following line 17:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 29.35.131(c) is amended to read:

4 (c) A local exchange telephone company or wireless telephone company shall
5 include the appropriate enhanced 911 surcharge [, STATED SEPARATELY AND
6 INCLUDED] in the total amount owed [,] in the bills delivered to its customers. The
7 Regulatory Commission of Alaska may not consider the enhanced 911 surcharge as
8 revenue of the telephone company and has no jurisdiction over an enhanced 911
9 system. A customer is liable for payment of the enhanced 911 surcharge in the
10 amounts billed by the telephone company until the amounts have been paid to the
11 telephone company."

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 74
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOA
 Title 911 Surcharge RDU Enterprise Technology Services
 Component _____
 Sponsor Rep. Holm
 Requester _____ Component No. 2082

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Enterprise Technology Services does not anticipate any funding issues to this division for this legislation as written.

Prepared by: Stan Herrera Phone 465-5735
 Division Enterprise Technology Services Date/Time 3/3/05 10:49 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 3/3/2005
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB074-DPS-ASTD-2-28-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act related to enhanced 911 surcharges RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Representative Holm
 Requester House Community & Regional Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The passage of this bill will have no fiscal impact on the Department of Public Safety.

The bill will allow municipalities to increase surcharge fees for the enhanced 911 services they provide. Surcharges may only be increased by ordinance and costs must be reviewed annually to make sure any surcharge is not excessive.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 2/28/05 2:34 PM
 Approved by: Commissioner William Tandeske Date 2/28/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 74
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title 911 Surcharge RDU Comm Assist & Ec Dev (405)
 Component Community Advocacy
 Sponsor Holm
 Requester House CRA Component No. 2703

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation, among other things, permits municipalities to provide an enhanced 911 system at public safety answering points and impose an enhanced 911 surcharge on all local exchange access lines that provide telephone service to wireline telephones in the area to be served by the enhanced 911 system.

It has no impact on the operations of the division.

Prepared by: Athena Logan, Local Government Specialist Phone 907-269-4540
 Division: Community Advocacy Date/Time 3/2/05 10:32 AM
 Approved by: Edgar Blatchford, Commissioner Date 3/2/2005
 Agency: Commerce, Community & Economic Development

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 74
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title 911 Surcharge RDU Regulatory Commission of Alaska (399)
 Component Regulatory Commission of Alaska
 Sponsor Holm
 Requester House CRA Component No. 2417

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation, among other things, permits municipalities to provide an enhanced 911 system at public safety answering points and impose an enhanced 911 surcharge on all local exchange access lines that provide telephone service to wireline telephones in the area to be served by the enhanced 911 system.

Implementation of HB 74 will have no impact on the mission or operations of the Regulatory Commission of Alaska.

Prepared by: Kate Giard, Chairman Phone 907.276.6222
 Division: Regulatory Commission of Alaska Date/Time 3/2/05 10:41 AM
 Approved by: Edgar Blatchford, Commissioner Date 3/2/2005
 Agency: Commerce, Community, and Economic Development

E-911 Dispatch Center
Costs and Revenues
Selected Alaska Cities

	Call Center/Dispatch Operating Costs	Current E-911 Surcharge Revenue	Current Revenue Shortfall
Anchorage (1)	\$ 6,079,516	\$ 2,066,944	\$ 4,012,572
Fairbanks (2)	\$ 4,680,000	\$ 436,293	\$ 4,243,707
Kenai (3)	\$ 2,266,680	\$ 447,352	\$ 1,819,328
Juneau (4)	\$ 1,204,100	\$ 305,500	\$ 898,600
Kodiak (5)	\$ 602,320	\$ 52,000	\$ 550,320

Note: Operating costs only. Does not include capital expenditures or anticipated Wireless E-911 cost recovery.

Sources

- (1) Anchorage Police Department/Office of Management & Budget
- (2) City of Fairbanks Office of the City Manager
- (3) Kenai Peninsula Borough Office of Emergency Management
- (4) City and Borough of Juneau FY 2005 Operating Budget
- (5) City of Kodiak Finance Department, 2005 budget

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Co-Chair, Community and Regional Affairs
- Member, Resources



Session: January - May
State Capitol
Juneau, AK 99801-1182
Phone: 907-465-2693
Fax: 907-465-3835

Interim: May - December
145 Main Street Loop, Ste 221
Kenai, AK 99611
Phone: 907-283-2690
Fax 907-283-2763

Official Business

March 3, 2005

Please distribute the following C.S. to the appropriate LIO's for tomorrow's Community and Regional Affairs Committee meeting.

Thank you,

CRA Committee Aide

*Faxed
2864*

TRANSACTION REPORT

Mar-02-05 Wed 4:59 PM

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Mar-02	4:58 PM	2864	58s	3	OK

STATE OF ALASKA



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Fairbanks, Alaska 99701
(907) 456-7423
Fax: (907) 451-9293

Session:

State Capitol Building
Juneau, Alaska 99801
(907) 465-3466
Fax: (907) 465-2937

REPRESENTATIVE JIM HOLM DISTRICT 9

HB 74

"An Act relating to enhanced 911 surcharges"

Sponsor Statement

17 February 2005

Enhanced 9-1-1 technology is sweeping the nation. This enhanced emergency service provides a faster, more efficient means of rescue to the citizens of Alaska by immediately providing the dispatcher with the identity and physical location of a caller. Bottom line: Enhanced 9-1-1 can and does save lives.

Currently AS 29.35 gives a municipality the ability to cover the cost of the Enhanced 9-1-1 through a minimum surcharge of only fifty cents in Anchorage and seventy-five cents in the rest of the state. Municipalities, not the State of Alaska, are paying for the Enhanced 9-1-1 system and operational costs. The burden of these costs is borne however by local property taxes. We believe that the users of the service, and those that benefit from it, should pay their fair share and that the burden should not solely be on the property tax payers.

This bill is about local control and local option. Municipalities run the Enhanced 9-1-1 to better serve their communities. If passed, HB 74 will give municipalities the option to diversify their revenue stream for Enhanced 9-1-1 through an increased surcharge. However, Municipalities may only impose an increased surcharge by ordinance and they must review their costs annually to make sure any surcharge is not excessive. The people of Alaska will have more control over their local government and their public safety. Enhanced 9-1-1 is a true asset to any community and is a necessary tool in saving lives.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 19, 2005

SUBJECT: Enhanced 911 surcharges; sectional summary (House Bill 74)

TO: Representative Jim Holm
Attn: Matthew Rudig

FROM: Tamara Brandt Cook
Director *TBC*

Sec. 1. Limits a municipality to the use of an ordinance for providing an enhanced 911 system and imposing an enhanced 911 surcharge, rather than permitting this to be done also by resolution. Permits a surcharge to be imposed only once a month. Requires a public hearing for the annual review of the surcharge by the governing body. Eliminates the cap on the amount of a surcharge imposed in existing law, and the distinction between the amount of surcharge that may be imposed by larger municipalities, and the amount that may be imposed by smaller municipalities.

Sec. 2. Eliminates provisions in existing law limiting the enhanced 911 surcharge to one per customer on a local exchange access line for a wire line telephone and one for each wireless telephone number. Also eliminates the provision limiting the number of surcharges that may be imposed on a customer with many local exchange access lines to 100.

Sec. 3. Permits a municipality to impose a point-of-purchase 911 surcharge from prepaid wireless telephone accounts. This surcharge may not exceed one percent of the purchase value.

TBC:jad
05-028.jad

Introduced by: Mayor Thompson
Council Member Johnson
Council Member Thies
Council Member Seeliger
Date: January 31, 2005

RESOLUTION NO. 4148

**A RESOLUTION IN SUPPORT OF HOUSE BILL 74 WHICH WOULD
AUTHORIZE MUNICIPALITIES TO ENACT A TELEPHONE
SURCHARGE ON A LOCAL BASIS TO PAY THE COSTS OF THE
ENHANCED 911 DISPATCH SYSTEM**

WHEREAS, the enhanced 911 ("E-911") system automatically provides emergency service dispatchers with the identity and location of callers; and

WHEREAS, E-911 is being extended to cell phones, which now amount to a significant and growing percentage of phone users; and

WHEREAS, current Alaska statutes authorizes small municipalities to enact an maximum surcharge of \$0.75 per month per line, which covers only a fraction of the full cost of the E-911 dispatch system; and

WHEREAS, the Fairbanks North Star Borough has enacted a surcharge which is used cooperatively in the Interior to provide E-911 service; the City, the Borough, and other agencies have worked cooperatively to use these funds efficiently; and

WHEREAS, House Bill 74, sponsored by Representative Holm, would amend current law to authorize a municipality, by ordinance after public hearing, to set the surcharge at the rate determined appropriate by the local governing body. Surcharge funds would continue to be restricted to pay the costs of the system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks strongly supports passage of House Bill 74 without any amendments that impose a statewide limit on local control.

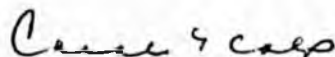
Passed, Approved and Effective this 31st day of January, 2005



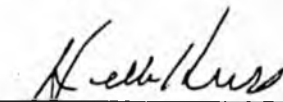
Steve M. Thompson, Mayor

ATTEST:

APPROVED AS TO FORM



Carol L. Colp CMC, City Clerk



Herbert P. Kuss, City Attorney

**ALASKA FIRE CHIEFS ASSOCIATION
05-01**

**RESOLUTION IN SUPPORT OF AMENDMENT OF THE ALASKA STATUTES TO
AUTHORIZE MUNICIPALITIES TO INCREASE THE PHONE SURCHARGE TO PAY
THE COSTS OF EMERGENCY SERVICES DISPATCH**

WHEREAS, dispatch centers are an essential part of providing emergency police, fire, and emergency medical services; and

WHEREAS, Alaska Statutes section 29.35.131 authorizes smaller Alaskan municipalities to enact a surcharge of up to \$0.75 per month upon telephone lines to pay for the expense of enhanced 911 services; and

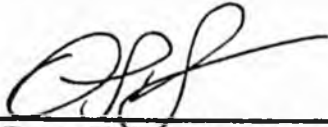
WHEREAS, as currently written, AS 29.35.131 does not authorize a surcharge for the operating costs of emergency dispatch centers; and

WHEREAS, authorization for municipalities to increase the phone surcharge to pay the cost of dispatch centers in an appropriate amount will provide desperately needed revenue to operate dispatch centers.

NOW, THEREFORE, BE IT RESOLVED THAT THE ALASKA FIRE CHIEFS ASSOCIATION SUPPORTS AMENDMENT OF STATE LAW TO AUTHORIZE A COMMUNITY OPTION FOR LOCAL INCREASE OF THE TELEPHONE SURCHARGE TO PAY THE COST OF OPERATION OF DISPATCH CENTERS UP TO THE AMOUNT ALLOWED BY STATE LAW.

BE IT FURTHER RESOLVED, THAT THE ALASKA FIRE CHIEFS SUPPORTS HOUSE BILL 74 AS PROPOSED BY REPRESENTATIVE JIM HOLM, WHICH WOULD AUTHORIZE AN INCREASED SURCHARGE.

ADOPTED, THIS 6TH DAY OF FEBRUARY, 2005



**Dave Tyler, President
Alaska Fire Chiefs Association**



**Warren B. Cummings,
Attest, First Vice-President**



**Alaska Municipal League
RESOLUTION #2005-12**

***A RESOLUTION URGING THE 24TH ALASKA LEGISLATURE TO PASS
LEGISLATION THAT WOULD REMOVE THE CAP ON E911 SURCHARGES TO
ALLOW LOCAL GOVERNMENT TO PROVIDE BETTER EMERGENCY
RESPONSE SERVICES.***

WHEREAS, Enhanced 911 service saves lives and property by providing faster emergency response by allowing the dispatcher to know the identity and physical location of the caller; and

WHEREAS, enhanced 911 service costs have increased as the technology improves for these vital services; and

WHEREAS, important funding sources for E911 service and equipment, the Safe Communities and Revenue Sharing, as well as the Community Matching Grant programs have been eliminated by the legislature; and

WHEREAS, emergency 911 service is provided exclusively in Alaska by local government with no financial assistance from the State; and

WHEREAS enacting State legislation authorizing local government to determine surcharge rates that reflect the needs of their community will help provide more municipalities with the tools to offer E-911 service.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League strongly urges the 24th Alaska Legislature to pass legislation that would remove the cap on E911 surcharges to provide local control of E911 funding so that local government may provide better emergency response services to its citizens.

**CITY OF NORTH POLE
RESOLUTION 05-02**

**A Resolution In Support of House Bill 74
Authorizing Municipalities to Enact a Telephone Surcharge on a Local
Basis to Pay the Costs of the Enhanced 911 Dispatch System**

WHEREAS, the Enhanced 911 System automatically provides emergency service dispatchers with the identity and location of callers; and

WHEREAS, the Enhanced 911 System is being extended to cell phones, which now constitute a significant and growing percentage of phone users; and


WHEREAS, current Alaska statutes authorizes small municipalities to enact a maximum surcharge of \$0.75 per month per line, which covers only a fraction of the full cost of the Enhanced 911 Dispatch System ; and

WHEREAS, the Fairbanks North Star Borough has enacted a surcharge which is used cooperatively in the Interior to provide Enhanced 911 service; the cities of North Pole and Fairbanks, the Borough and other agencies have worked cooperatively to use these funds efficiently; and

WHEREAS, House Bill 74, sponsored by Representative Jim Holm, would amend current state law to authorize a municipality, by ordinance after public hearing, to set the surcharge at the rate determined appropriate by the local governing body. Surcharge revenues would continue to be restricted to pay the costs of the Enhanced 911 System.

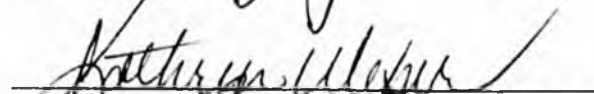
THEREFORE BE IT RESOLVED, that the City Council of the City of North Pole strongly supports passage of House Bill 74 without any amendments that impose a statewide limit on local control.

PASSED AND APPROVED THIS 7th DAY OF FEBRUARY 2005.



Jeffrey James Jacobson, Mayor

ATTEST:



Kathryn Weber, CMC, City Clerk

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 100(L&C)
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to enhanced 911 surcharges RDU Alaska State Troopers
 Component AST Detachment
 Sponsor Senator Bunde
 Requester _____ Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Department of Public Safety if passed in its current form.

The bill allows municipalities to increase the surcharge that is collected related to the enhanced 911 systems. The bill would require that the surcharge be imposed by ordinance approved by the voters of the enhanced 911 service area.

Prepared by: Captain Al Storey Phone 269-5682
 Division Alaska State Troopers Date/Time 2/16/05 12:10 PM
 Approved by: Commissioner William Tandeske Date 2/16/2005
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 100(L&C)
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Enhanced 911 Surcharges RDU Regulatory Commission of Alaska
Imposed by a Municipality Component Regulatory Commission of Alaska
 Sponsor Bunde
 Requester Senate Labor & Commerce Component No. 2417

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The Regulatory Commission of Alaska's (RCA) mission is to protect consumer interests and promote economic development by ensuring affordable, reliable utility and pipeline services and ensuring that the utility and pipeline infrastructure is adequate to support community needs.

SB 100 contemplates changes to the municipal statute, AS 29. Passage of SB 100 will have no impact on the RCA's statutes or operations.

Prepared by: Kate Giard, Chairman Phone (907) 263-2110
 Division Regulatory Commission of Alaska Date/Time 2/15/05 11:53 AM
 Approved by: Edgar Blatchford, Commissioner Date 2/15/2005
 Agency Commerce, Community & Economic Development



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Con Bunde
Current Version: SB 100
Contact: Lauren Wickersham, 465-3881

Fact Sheet for: Senate Bill 100

Short Title: ENHANCED 911 SURCHARGES

Summary:

- Increases the current E-911 surcharge caps from 50 cents and 75 cents to a statewide cap of \$2.
- Removes statute that changes the surcharge caps based on the population of a municipality.
- Allows an increase above the \$2 cap by ordinance approved by the voters of the E-911 service area.
- Requires the surcharges to be levied on wireless telephone numbers and local exchange access lines for wireline telephones equally.

Benefits:

- Provides municipalities with the revenue they need to implement and maintain E-911 systems.

Background:

- Enhanced 911 systems have been dramatically improving public safety across the nation. Among other benefits, the new technology uses GPS systems to track an individual's location and phone number where he or she calls from. The new systems are saving lives by saving time. Currently, the 50 cent and 75 cent surcharge cap insufficiently funds E-911 systems. This bill allows municipalities across the state to collect the revenue they need to implement and maintain this public safety tool.



Alaska State Legislature

Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

Sponsor Statement

Senate Bill 100

"An Act relating to enhanced 911 surcharges imposed by a municipality."

Current Alaska statute allows municipalities to fund 911 services via a surcharge on their telephone billing statements. That surcharge is capped at 50 cents for municipalities with populations of 100,000 or more and 75 cents for populations of fewer than 100,000 (AS 29.35.131 Section (a)). This surcharge applies to both wireless telephone numbers and local exchange access lines for wireline telephones.

Basic 911 (B911) is the delivery of emergency 911 calls to a Public Safety Answering Point (PSAP). A "Basic 911 system" does not provide for options or enhanced systems that can track or locate callers. New technology is providing for more efficient and timely ways to handle and operate 911 calls.

An "Enhanced-911 system" is capable of directing 911 calls to appropriate PSAPs by selective routing based on the geographical location from which the call originated. It provides the capability for Automatic Number Identification (ANI) and Automatic Location Identification (ALI). Both of these features are imperative to respond to 911 calls as quickly as possible. Enhanced 911, particularly when applied to both wireless and wireline calls, has the potential to save lives.

Municipalities cannot afford to fully implement E-911 services with the caps that are presently in statute. The current revenue shortfall in municipalities ranges from over \$4 million (in Anchorage and Fairbanks) to just over \$500,000 (in Kodiak).

Senate Bill 100 includes 4 main changes to current statute. It increases the surcharge caps from 50 and 75 cents to a statewide cap of \$2. It removes statute that bases caps on the population of a municipality. It also allows a municipality to increase the E-911 surcharge above and beyond the \$2 cap with a majority vote of those in the effected service area. And finally, SB 100 requires surcharges be levied on wireless telephone numbers and local exchange access lines for wireline telephones equally.

SB 100 enables municipalities to fund E-911 and thus, to provide residents with a superior emergency response service. It improves public safety and brings life-saving technology to the residents of Alaska.

I urge your support of SB 100.