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Chapter No.
82

AN ACT

Relating to a municipal enhanced 911 surcharge on wireless telephones.

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

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Approved by the Governor: July 3, 2001
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AN ACT

1 Relating to a municipal enhanced 911 surcharge on wireless telephones.

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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, may purchase or lease the
6 enhanced 911 equipment or service required to establish or maintain an enhanced 911
7 system at public safety answering points from a local exchange telephone company or
8 other qualified vendor, and may impose an enhanced [A] 911 surcharge, in an amount
9 to be determined by the municipality, on all local exchange access lines that provide
10 telephone service to wireline telephones in the area to be served by the enhanced
11 911 system. A municipality that provides services under an enhanced 911 system
12 may also by resolution or ordinance impose an enhanced 911 surcharge on each
13 wireless telephone number that is billed to an address within the enhanced 911
14 service area. For a municipality with a population of 100,000 or more, an enhanced

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1 911 [THE] surcharge may not exceed 50 cents per month for each wireless telephone
2 number or 50 cents per month for each [PER] local exchange access line for
3 wireline telephones. For a municipality with fewer than 100,000 people, an
4 enhanced 911 [THE] surcharge may not exceed 75 cents per month for each wireless
5 telephone number or 75 cents per month for each [PER] local exchange access line
6 for wireline telephones. An enhanced 911 service area [THE AREA SERVED BY
7 A SYSTEM] may be all of a city, all of a unified municipality, or all or part of the area
8 within a borough and may include the extraterritorial jurisdiction of a municipality in
9 accordance with AS 29.35.020. The governing body of a municipality shall review an
10 enhanced [THE] 911 surcharge annually to determine whether the current level of the
11 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911
12 system needs. The municipality may only use the enhanced 911 surcharge for the
13 enhanced 911 system.

14 * **Sec. 2.** AS 29.35.131(b) is amended to read:

15 (b) A local exchange telephone company providing service in a municipality
16 that has imposed an enhanced [A] 911 surcharge shall bill each month and collect
17 the surcharge from customers in the enhanced [DESIGNATED] 911 service area. A
18 wireless telephone company that provides telephone service to wireless telephone
19 customers with billing addresses within the enhanced 911 service area shall
20 impose an enhanced 911 surcharge each month and collect the surcharge from
21 customers in the enhanced 911 service area. A local exchange telephone customer
22 may not be subject to more than one enhanced 911 surcharge on a local exchange
23 access line for a wireline telephone. A wireless telephone customer may not be
24 subject to more than one enhanced 911 surcharge for each wireless telephone
25 number. A customer that has more than 100 local exchange access lines from a local
26 exchange telephone company in the municipality is liable for the enhanced 911
27 surcharge only on 100 local exchange access lines.

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

29 (c) A local exchange telephone company or wireless telephone company
30 shall include the appropriate enhanced 911 surcharge, stated separately and included
31 in the total amount owed, in the bills delivered to its customers. The Regulatory

1 Commission of Alaska may not consider the enhanced 911 surcharge as revenue of
2 the [LOCAL EXCHANGE] telephone company and has no jurisdiction over an
3 enhanced 911 system. A [LOCAL EXCHANGE SERVICE] customer is liable for
4 payment of the enhanced 911 surcharge in the amounts billed by the [LOCAL
5 EXCHANGE] telephone company until the amounts have been paid to the telephone
6 company.

7 * Sec. 4. AS 29.35.131(d) is amended to read:

8 (d) A local exchange telephone company or wireless telephone company that
9 has collected the enhanced 911 surcharge shall remit the amounts collected to the
10 municipality no later than 60 days after the end of the month in which the amount was
11 collected. From each remittance made in a timely manner under this subsection, the
12 [LOCAL EXCHANGE] telephone company is entitled to deduct and retain the greater
13 of one percent of the collected amount or \$150 as the cost of administration for
14 collecting the enhanced 911 surcharge. In addition, a wireless telephone company
15 is entitled to full recovery of the recurring and nonrecurring costs associated with
16 implementation and operation of Phase I E911 service as allowed under Federal
17 Communications Commission proceedings entitled "Revision of the
18 Commission's Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency
19 Calling Systems" (CC Docket No. 94 - 102; RM - 8143).

20 * Sec. 5. AS 29.35.131(e) is amended to read:

21 (e) A local exchange telephone company or wireless telephone company is
22 not obligated to take legal action to enforce collection of the enhanced 911 surcharge.
23 However, if a [LOCAL EXCHANGE] telephone company is attempting to collect an
24 unpaid debt from a [LOCAL EXCHANGE SERVICE] customer, the telephone
25 company shall also attempt to collect any unpaid enhanced 911 surcharge that the
26 customer owes. If a customer pays a portion of a bill that includes an enhanced [A]
27 911 surcharge, the amount paid shall be prorated between the telephone company and
28 the enhanced 911 surcharge. The telephone company shall annually provide the
29 municipality with a list of the amounts due for the nonpayment of enhanced 911
30 [EMERGENCY] surcharges, together with the names and addresses of those
31 customers who carry a balance that can be determined by the telephone company to

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1 be for the nonpayment of the enhanced 911 [EMERGENCY] surcharges. The
2 [LOCAL EXCHANGE] telephone company is not liable for uncollected amounts.

3 * **Sec. 6.** AS 29.35.131(f) is amended to read:

4 (f) The municipality may, at its own expense, require an annual audit of a
5 local exchange telephone company's or wireless telephone company's books and
6 records concerning the collection and remittance of the enhanced 911 surcharge.

7 * **Sec. 7.** AS 29.35.133(a) is amended to read:

8 (a) The establishment, funding, use, operation, or maintenance of enhanced
9 911 systems and all activities associated with those actions are specifically found to be
10 within the ambit of AS 09.50.250(1) and AS 09.65.070(d)(6). Except for intentional
11 acts of misconduct or gross negligence, a service supplier, local exchange telephone
12 company, or wireless [MOBILE] telephone company [, INCLUDING A CELLULAR
13 SERVICE COMPANY,] and their employees and agents [,] are also immune from tort
14 liability that might otherwise be incurred in the course of installing, training,
15 maintaining, or providing enhanced 911 systems or transmitting or receiving calls on
16 the system.

17 * **Sec. 8.** AS 29.35.137(1) is amended to read:

18 (1) ["911 SERVICE AREA" OR] "enhanced 911 service area" means
19 the area within a municipality's jurisdiction that has been designated to receive
20 enhanced 911 service; the designation of an area to receive an enhanced 911 system
21 under AS 29.35.131(a) does not designate the area as a "service area" for purposes of
22 art. X, sec. 5, Constitution of the State of Alaska;

23 * **Sec. 9.** AS 29.35.137(3) is amended to read:

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

31 * **Sec. 10.** AS 29.35.137 is amended by adding new paragraphs to read:

1 (9) "wireless telephone" means a telephone that is not a wireline
2 telephone and includes cellular and mobile telephones; each wireless telephone
3 number is considered to be a separate wireless telephone;

4 (10) "wireless telephone company" means a telephone utility that
5 provides telephone service for wireless telephone customers who receive monthly or
6 periodic bills sent to an address within a designated enhanced 911 service area;

7 (11) "wireline telephone" means a telephone that uses a local exchange
8 access line.
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