

By: Representative Ishee

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 446

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319,
2 19-5-331 THROUGH 19-5-341, 19-5-359 AND 19-5-361, MISSISSIPPI CODE
3 OF 1972, WHICH PROVIDE FOR AN EMERGENCY TELEPHONE SERVICE CHARGE,
4 CREATE A COMMERCIAL MOBILE RADIO SERVICE BOARD AND PRESCRIBE ITS
5 POWERS AND DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES,
6 REQUIRE CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE
7 COMMERCIAL MOBILE RADIO SERVICE TO PROVIDE WIRELESS ENHANCED 911
8 SERVICE; TO AMEND REENACTED SECTION 19-5-333, MISSISSIPPI CODE OF
9 1972, TO PROVIDE FOR THE LEGISLATURE'S INTENT TO REQUIRE PHASE I
10 COMPLIANCE BY JULY 1, 2005; TO AMEND SECTION 12, CHAPTER 531, LAWS
11 OF 1998, AS AMENDED BY SECTION 11, CHAPTER 569, LAWS OF 2001, AS
12 AMENDED BY SECTION 12, CHAPTER 626, LAWS OF 2002, TO EXTEND THE
13 REPEALER ON WIRELESS EMERGENCY TELEPHONE SERVICE FROM JULY 1,
14 2004, TO JULY 1, 2007; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** Section 19-5-303, Mississippi Code of 1972, is
17 reenacted as follows:

18 19-5-303. For purposes of Sections 19-5-301 through
19 19-5-317, the following words and terms shall have the following
20 meanings, unless the context clearly indicates otherwise:

21 (a) "Exchange access facilities" shall mean all lines
22 provided by the service supplier for the provision of local
23 exchange service as defined in existing general subscriber
24 services tariffs.

25 (b) "Tariff rate" shall mean the rate or rates billed
26 by a service supplier as stated in the service supplier's tariffs
27 and approved by the Public Service Commission, which represent the
28 service supplier's recurring charges for exchange access
29 facilities, exclusive of all taxes, fees, licenses or similar
30 charges whatsoever.

31 (c) "District" shall mean any communications district
32 created pursuant to Sections 19-5-301 et seq., or by local and
33 private act of the State of Mississippi.



34 (d) "Service supplier" shall mean any person providing
35 exchange telephone service to any service user throughout the
36 county.

37 (e) "Service user" shall mean any person, not otherwise
38 exempt from taxation, who is provided exchange telephone service
39 in the county or state.

40 (f) "E911" shall mean Enhanced Universal Emergency
41 Number Service or Enhanced 911 Service, which is a telephone
42 exchange communications service whereby a Public Safety Answering
43 Point (PSAP) designated by the county or local communications
44 district may receive telephone calls dialed to the telephone
45 number 911. E911 Service includes lines and equipment necessary
46 for the answering, transferring and dispatching of public
47 emergency telephone calls originated by persons within the serving
48 area who dial 911. Enhanced 911 Service includes the displaying
49 of the name, address and other pertinent caller information as may
50 be supplied by the service supplier.

51 (g) "Basic 911" shall mean a telephone service
52 terminated in designated Public Safety Answering Points accessible
53 by the public through telephone calls dialed to the telephone
54 number 911. Basic 911 is a voice service and does not display
55 address or telephone number information.

56 (h) "Shared tenant services (STS)" shall mean any
57 telephone service operation supplied by a party other than a
58 regulated local exchange telephone service supplier for which a
59 charge is levied. Such services shall include, but not be limited
60 to, apartment building systems, hospital systems, office building
61 systems and other systems where dial tone is derived from
62 connection of tariffed telephone trunks or lines connected to a
63 private branch exchange telephone system.

64 (i) "Private branch exchange (PBX)" shall mean any
65 telephone service operation supplied by a party other than a
66 regulated local exchange telephone service supplier for which a



67 charge is not levied. Such services are those where tariffed
68 telephone trunks or lines are terminated into a central switch
69 which is used to supply dial tone to telephones operating within
70 that system.

71 (j) "Off-premise extension" shall mean any telephone
72 connected to a private branch exchange or a shared tenant service
73 which is in a different building or location from the main
74 switching equipment and, therefore, has a different physical
75 address.

76 (k) "Centrex" or "ESSX" shall mean any variety of
77 services offered in connection with any tariffed telephone service
78 in which switching services and other dialing features are
79 provided by the regulated local exchange telephone service
80 supplier.

81 (l) "Commercial mobile radio service" or "CMRS" shall
82 mean commercial mobile radio service under Sections 3(27) and
83 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
84 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
85 1993, Public Law 103-66. The term includes the term "wireless"
86 and service provided by any wireless real time two-way voice
87 communication device, including radio-telephone communications
88 used in cellular telephone service, personal communication
89 service, or the functional or competitive equivalent of a
90 radio-telephone communications line used in cellular telephone
91 service, a personal communication service, or a network radio
92 access line. The term does not include service whose customers do
93 not have access to 911 or to a 911-like service, to a
94 communication channel suitable only for data transmission, to a
95 wireless roaming service or other nonlocal radio access line
96 service, or to a private telecommunications system.

97 (m) "Telecommunicator" shall mean any person engaged in
98 or employed as a telecommunications operator by any public safety,
99 fire or emergency medical agency whose primary responsibility is



100 the receipt or processing of calls for emergency services provided
101 by public safety, fire or emergency medical agencies or the
102 dispatching of emergency services provided by public safety, fire
103 or emergency medical agencies and who receives or disseminates
104 information relative to emergency assistance by telephone or
105 radio.

106 (n) "Public safety answering point (PSAP)" shall mean
107 any point of contact between the public and the emergency services
108 such as a 911 answering point or, in the absence of 911 emergency
109 telephone service, any other point of contact where emergency
110 telephone calls are routinely answered and dispatched or
111 transferred to another agency.

112 (o) "Local exchange telephone service" shall mean all
113 lines provided by a service supplier as defined in existing
114 general subscriber tariffs.

115 **SECTION 2.** Section 19-5-313, Mississippi Code of 1972, is
116 reenacted as follows:

117 19-5-313. (1) The board of supervisors may levy an
118 emergency telephone service charge in an amount not to exceed One
119 Dollar (\$1.00) per residential telephone subscriber line per month
120 and Two Dollars (\$2.00) per commercial telephone subscriber line
121 per month for exchange telephone service. Any emergency telephone
122 service charge shall have uniform application and shall be imposed
123 throughout the entirety of the district to the greatest extent
124 possible in conformity with availability of such service in any
125 area of the district. Those districts which exist on the date of
126 enactment of Chapter 539, Laws of 1993, shall convert to the
127 following structure for service charge levy: If the current
128 charge is five percent (5%) of the basic tariff service rate, the
129 new collection shall be Eighty Cents (\$.80) per month per
130 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
131 per month per commercial subscriber line. The collections may be



132 adjusted as outlined in Chapter 539, Laws of 1993, and within the
133 limits set forth herein.

134 (2) If the proceeds generated by the emergency telephone
135 service charge exceed the amount of monies necessary to fund the
136 service, the board of supervisors may authorize such excess funds
137 to be expended by the county and the municipalities in the
138 counties to perform the duties and pay the costs relating to
139 identifying roads, highways and streets, as provided by Section
140 65-7-143. The board of supervisors shall determine how the funds
141 are to be distributed in the county and among municipalities in
142 the county for paying the costs relating to identifying roads,
143 highways and streets. The board of supervisors may temporarily
144 reduce the service charge rate or temporarily suspend the service
145 charge if the proceeds generated exceed the amount that is
146 necessary to fund the service and/or to pay costs relating to
147 identifying roads, highways and streets. Such excess funds may
148 also be used in the development of county or district
149 communications and paging systems when used primarily for the
150 alerting and dispatching of public safety entities and for other
151 administrative costs such as management personnel, maintenance
152 personnel and related building and operational requirements. Such
153 excess funds may be placed in a depreciation fund for emergency
154 and obsolescence replacement of equipment necessary for the
155 operation of the overall 911 emergency telephone and alerting
156 systems.

157 (3) No such service charge shall be imposed upon more than
158 twenty-five (25) exchange access facilities per person per
159 location. Trunks or service lines used to supply service to CMRS
160 providers shall not have a service charge levied against them.
161 Every billed service user shall be liable for any service charge
162 imposed under this section until it has been paid to the service
163 supplier. The duty of the service supplier to collect any such
164 service charge shall commence upon the date of its implementation,



165 which shall be specified in the resolution for the installation of
166 such service. Any such emergency telephone service charge shall
167 be added to and may be stated separately in the billing by the
168 service supplier to the service user.

169 (4) The service supplier shall have no obligation to take
170 any legal action to enforce the collection of any emergency
171 telephone service charge. However, the service supplier shall
172 annually provide the board of supervisors and board of
173 commissioners with a list of the amount uncollected, together with
174 the names and addresses of those service users who carry a balance
175 that can be determined by the service supplier to be nonpayment of
176 such service charge. The service charge shall be collected at the
177 same time as the tariff rate in accordance with the regular
178 billing practice of the service supplier. Good faith compliance
179 by the service supplier with this provision shall constitute a
180 complete defense to any legal action or claim which may result
181 from the service supplier's determination of nonpayment and/or the
182 identification of service users in connection therewith.

183 (5) The amounts collected by the service supplier
184 attributable to any emergency telephone service charge shall be
185 due the county treasury monthly. The amount of service charge
186 collected each month by the service supplier shall be remitted to
187 the county no later than sixty (60) days after the close of the
188 month. A return, in such form as the board of supervisors and the
189 service supplier agree upon, shall be filed with the county,
190 together with a remittance of the amount of service charge
191 collected payable to the county. The service supplier shall
192 maintain records of the amount of service charge collected for a
193 period of at least two (2) years from date of collection. The
194 board of supervisors and board of commissioners shall receive an
195 annual audit of the service supplier's books and records with
196 respect to the collection and remittance of the service charge.
197 From the gross receipts to be remitted to the county, the service



198 supplier shall be entitled to retain as an administrative fee, an
199 amount equal to one percent (1%) thereof. From and after March
200 10, 1987, the service charge is a county fee and is not subject to
201 any sales, use, franchise, income, excise or any other tax, fee or
202 assessment and shall not be considered revenue of the service
203 supplier for any purpose.

204 (6) In order to provide additional funding for the district,
205 the board of commissioners may receive federal, state, county or
206 municipal funds, as well as funds from private sources, and may
207 expend such funds for the purposes of Section 19-5-301 et seq.

208 **SECTION 3.** Section 19-5-319, Mississippi Code of 1972, is
209 reenacted as follows:

210 19-5-319. (1) Automatic number identification (ANI),
211 automatic location identification (ALI) and geographic automatic
212 location identification (GeoALI) information that consist of the
213 name, address and telephone number of telephone or wireless
214 subscribers shall be confidential, and the dissemination of the
215 information contained in the 911 automatic number and location
216 data base is prohibited except for the following purpose: the
217 information will be provided to the Public Safety Answering Point
218 (PSAP) on a call-by-call basis only for the purpose of handling
219 emergency calls or for training, and any permanent record of the
220 information shall be secured by the Public Safety Answering Point
221 (PSAP) and disposed of in a manner which will retain that
222 security, except upon court order or subpoena from a court of
223 competent jurisdiction or as otherwise provided by law.

224 (2) All emergency telephone calls and telephone call
225 transmissions received pursuant to Section 19-5-301 et seq., and
226 all recordings of the emergency telephone calls, shall remain
227 confidential and shall be used only for the purposes as may be
228 needed for law enforcement, fire, medical rescue or other
229 emergency services. These recordings shall not be released to any



230 other parties without court order or subpoena from a court of
231 competent jurisdiction.

232 (3) PSAP and emergency response entities shall maintain and,
233 upon request, release a record of the date of call, time of call,
234 the time the emergency response entity was notified, and the
235 identity of the emergency response entity. The emergency response
236 entity shall maintain and, upon request, release a record of the
237 date and time the call was received by the emergency response
238 entity and the time the emergency response entity arrived on the
239 scene. Requests for release of records must be made in writing
240 and must specify the information desired. Requestors shall pay
241 the cost of providing the information requested in accordance with
242 the Mississippi Public Records Act of 1983, Section 25-61-1 et
243 seq. The identity of any caller or person or persons who are the
244 subject of any call, or the address, phone number or other
245 identifying information about any such person, shall not be
246 released except as provided in subsection (2) of this section.

247 **SECTION 4.** Section 19-5-331, Mississippi Code of 1972, is
248 reenacted as follows:

249 19-5-331. As used in Sections 19-5-331 through 19-5-341, the
250 following words and phrases have the meanings ascribed in this
251 section unless the context clearly indicates otherwise:

252 (a) The terms "board" and "CMRS Board" mean the
253 Commercial Mobile Radio Service Emergency Telephone Services
254 Board.

255 (b) The term "automatic number identification" or "ANI"
256 means an Enhanced 911 Service capability that enables the
257 automatic display of the ten-digit wireless telephone number used
258 to place a 911 call and includes "pseudo-automatic number
259 identification" or "pseudo-ANI," which means an Enhanced 911
260 Service capability that enables the automatic display of the
261 number of the cell site and an identification of the CMRS
262 provider.



263 (c) The term "commercial mobile radio service" or
264 "CMRS" means commercial mobile radio service under Sections 3(27)
265 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
266 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
267 1993, Public Law 103-66. The term includes the term "wireless"
268 and service provided by any wireless real time two-way voice
269 communication device, including radio-telephone communications
270 used in cellular telephone service, personal communication
271 service, or the functional or competitive equivalent of a
272 radio-telephone communications line used in cellular telephone
273 service, a personal communication service, specialized mobile
274 radio service, or a network radio access line. The term does not
275 include service whose customers do not have access to 911 or to a
276 911-like service, to a communication channel suitable only for
277 data transmission, to a wireless roaming service or other nonlocal
278 radio access line service, or to a private telecommunications
279 system.

280 (d) The term "commercial mobile radio service provider"
281 or "CMRS provider" means a person or entity who provides
282 commercial mobile radio service or CMRS service.

283 (e) The term "CMRS connection" means each mobile
284 handset telephone number assigned to a CMRS customer with a place
285 of primary use in the State of Mississippi.

286 (f) The term "CMRS Fund" means the Commercial Mobile
287 Radio Service Fund required to be established and maintained
288 pursuant to Section 19-5-333.

289 (g) The term "CMRS service charge" means the CMRS
290 emergency telephone service charge levied and maintained pursuant
291 to Section 19-5-333 and collected pursuant to Section 19-5-335.

292 (h) The term "distribution formula" means the formula
293 specified in Section 19-5-333(c) by which monies generated from
294 the CMRS service charge are distributed on a percentage basis to
295 emergency communications districts and to the CMRS Fund.



296 (i) The term "ECD" means an emergency communications
297 district created pursuant to Section 19-5-301 et seq., or by local
298 and private act of the State of Mississippi.

299 (j) The term "Enhanced 911," "E911," "Enhanced E911
300 system" or "E911 system" means an emergency telephone system that
301 provides the caller with emergency 911 system service, that
302 directs 911 calls to appropriate public safety answering points by
303 selective routing based on the geographical location from which
304 the call originated, and that provides the capability for
305 automatic number identification and other features that the
306 Federal Communications Commission (FCC) may require in the future.

307 (k) The term "exchange access facility" means an
308 "exchange access facility" as defined by Section 19-5-303.

309 (l) The term "FCC Order" means Federal Communications
310 Commission orders, rules and regulations issued with respect to
311 implementation of Basic 911 or Enhanced 911 and other emergency
312 communication services.

313 (m) The term "place of primary use" means the street
314 address representative of where the customer's use of mobile
315 telecommunications services primarily occurs, which must be either
316 the residential street address or the primary business street
317 address of the customer.

318 (n) The term "service supplier" means a "service
319 supplier" as defined by Section 19-5-303.

320 (o) The term "technical proprietary information" means
321 technology descriptions, technical information or trade secrets
322 and the actual or developmental costs thereof which are developed,
323 produced or received internally by a CMRS provider or by a CMRS
324 provider's employees, directors, officers or agents.

325 **SECTION 5.** Section 19-5-333, Mississippi Code of 1972, is
326 reenacted and amended as follows:

327 19-5-333. (1) There is created a Commercial Mobile Radio
328 Service (CMRS) Board, consisting of seven (7) members to be



329 appointed by the Governor with the advice and consent of the
330 Senate. The members of the board shall be appointed as follows:

331 (a) One (1) member from the Northern Public Service
332 Commission District selected from two (2) nominees submitted to
333 the Governor by the Mississippi 911 Coordinators Association;

334 (b) One (1) member from the Central Public Service
335 Commission District selected from two (2) nominees submitted to
336 the Governor by the Mississippi Chapter of the Association of
337 Public Safety Communication Officers;

338 (c) One (1) member from the Southern Public Service
339 Commission District selected from two (2) nominees submitted to
340 the Governor by the National Emergency Numbering Association;

341 (d) Two (2) members who are wireless provider
342 representatives;

343 (e) One (1) member who is a consumer representing the
344 state at large with no affiliation to the three (3) trade
345 associations or the wireless providers; and

346 (f) One (1) member who is a member of the Mississippi
347 Law Enforcement Officers Association selected from two (2)
348 nominees submitted to the Governor by the association.

349 The initial terms of the board members, as appointed after
350 July 1, 2002, shall be staggered as follows: the members
351 appointed under paragraph (d) shall serve a term of two (2) years;
352 the member appointed under paragraph (e) shall serve a term of one
353 (1) year. After the expiration of the initial terms, the term for
354 all members shall be four (4) years.

355 (2) The board shall have the following powers and duties:

356 (a) To collect and distribute a CMRS emergency
357 telephone service charge on each CMRS customer whose place of
358 primary use is within the state. The rate of such CMRS service
359 charge shall be One Dollar (\$1.00) per month per CMRS connection.
360 The CMRS service charge shall have uniform application and shall
361 be imposed throughout the state. The board is authorized to



362 receive all revenues derived from the CMRS service charge levied
363 on CMRS connections in the state and collected pursuant to Section
364 19-5-335.

365 (b) To establish and maintain the CMRS Fund as an
366 insured, interest-bearing account into which the board shall
367 deposit all revenues derived from the CMRS service charge levied
368 on CMRS connections in the state and collected pursuant to Section
369 19-5-335. The revenues which are deposited into the CMRS Fund
370 shall not be monies or property of the state and shall not be
371 subject to appropriation by the Legislature. Interest derived
372 from the CMRS Fund shall be divided equally to pay reasonable
373 costs incurred by providers in compliance with the requirements of
374 Sections 19-5-331 through 19-5-341 and to compensate those
375 persons, parties or firms employed by the CMRS Board as
376 contemplated in paragraph (d) of this subsection. The interest
377 income is not subject to the two percent (2%) cap on
378 administrative spending established in Section 19-5-335(3).

379 (c) To establish a distribution formula by which the
380 board will make disbursements of the CMRS service charge in the
381 following amounts and in the following manner:

382 (i) Out of the funds collected by the board,
383 thirty percent (30%) shall be deposited into the CMRS Fund, and
384 shall be used to defray the administrative expenses of the board
385 in accordance with Section 19-5-335(3) and to pay the actual costs
386 incurred by such CMRS providers in complying with the wireless
387 E911 service requirements established by the FCC Order and any
388 rules and regulations which are or may be adopted by the FCC
389 pursuant to the FCC Order, including, but not limited to, costs
390 and expenses incurred for designing, upgrading, purchasing,
391 leasing, programming, installing, testing or maintaining all
392 necessary data, hardware and software required in order to provide
393 such service as well as the incremental costs of operating such
394 service. Sworn invoices must be presented to the board in



395 connection with any request for payment and approved by a majority
396 vote of the board prior to any such disbursement, which approval
397 shall not be withheld or delayed unreasonably. In no event shall
398 any invoice for payment be approved for the payment of costs that
399 are not related to compliance with the wireless E911 service
400 requirements established by the FCC Order and any rules and
401 regulations which are or may be adopted by the FCC pursuant to the
402 FCC Order, and any rules and regulations which may be adopted by
403 the FCC with respect to implementation of wireless E911 services.

404 (ii) The remainder of all funds collected by the
405 board, which shall not be less than seventy percent (70%) of the
406 total funds collected by the board, shall be distributed by the
407 board monthly based on the number of CMRS connections in each ECD
408 for use in providing wireless E911 service, including capital
409 improvements, and in their normal operations. For purposes of
410 distributing the funds to each ECD, every CMRS provider shall
411 identify to the CMRS Board the ECD to which funds should be
412 remitted based on zip code plus four (4) designation, as required
413 by the federal Uniform Sourcing Act.

414 An ECD board that has within its jurisdiction zip code
415 designations that do not adhere to county lines shall assist CMRS
416 providers in determining the appropriate county to which funds
417 should be distributed.

418 (d) To contract for the services of accountants,
419 attorneys, consultants, engineers and any other persons, firms or
420 parties the board deems necessary to effectuate the purposes of
421 Sections 19-5-331 through 19-5-341.

422 (e) To obtain from an independent, third-party auditor
423 retained by the board annual reports to the board no later than
424 sixty (60) days after the close of each fiscal year, which shall
425 provide an accounting for all CMRS service charges deposited into
426 the CMRS Fund during the preceding fiscal year and all
427 disbursements to ECDs during the preceding fiscal year. The board



428 shall provide a copy of the annual reports to the Chairmen of the
429 Public Utilities Committees of the House of Representatives and
430 Senate.

431 (f) To retain an independent, third-party accountant
432 who shall audit CMRS providers at the discretion of the CMRS Board
433 to verify the accuracy of each CMRS providers' service charge
434 collection. The information obtained by the audits shall be used
435 solely for the purpose of verifying that CMRS providers accurately
436 are collecting and remitting the CMRS service charge and may be
437 used for any legal action initiated by the board against CMRS
438 providers.

439 (g) To levy interest charges at the legal rate of
440 interest established in Section 75-17-1 on any amount due and
441 outstanding from any CMRS provider who fails to remit service
442 charges in accordance with Section 19-5-335(1).

443 (h) To promulgate such rules and regulations as may be
444 necessary to effect the provisions of Sections 19-5-331 through
445 19-5-341.

446 (i) To make the determinations and disbursements as
447 provided by Section 19-5-333(2)(c).

448 (j) To maintain a registration database of all CMRS
449 providers and to impose an administrative fine on any provider
450 that fails to comply with the registration requirements in Section
451 19-5-335.

452 (3) The CMRS service charge provided in subsection (2)(a) of
453 this section and the service charge provided in Section 19-5-357
454 to fund the training of public safety telecommunicators shall be
455 the only charges assessed to CMRS customers relating to emergency
456 telephone services.

457 (4) The board shall serve without compensation; however,
458 members of the board shall be entitled to be reimbursed for actual
459 expenses and travel costs associated with their service in an
460 amount not to exceed the reimbursement authorized for state



461 officers and employees in Section 25-3-41, Mississippi Code of
462 1972.

463 (5) It is the Legislature's intent to ensure that the State
464 of Mississippi shall be Phase I compliant by July 1, 2005. For
465 purposes of this subsection, Phase I compliant means the mandate
466 by the FCC that requires any carrier when responding to a PSAP to
467 define and deliver data related to the cell site location and the
468 caller's call-back number.

469 **SECTION 6.** Section 19-5-335, Mississippi Code of 1972, is
470 reenacted as follows:

471 19-5-335. (1) Each CMRS provider shall act as a collection
472 agent for the CMRS Fund and shall, as part of the provider's
473 normal monthly billing process, collect the CMRS service charges
474 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
475 from each CMRS connection to whom the billing provider provides
476 CMRS service and shall, not later than thirty (30) days after the
477 end of the calendar month in which such CMRS service charges are
478 collected, remit to the board the net CMRS service charges so
479 collected after deducting the fee authorized by subsection (2) of
480 this section. Each billing provider shall list the CMRS service
481 charge as a separate entry on each bill which includes a CMRS
482 service charge.

483 (2) Each CMRS provider shall be entitled to deduct and
484 retain from the CMRS service charges collected by such provider
485 during each calendar month an amount not to exceed one percent
486 (1%) of the gross aggregate amount of such CMRS service charges so
487 collected as reimbursement for the costs incurred by such provider
488 in collecting, handling and processing such CMRS service charges.

489 (3) The board shall be entitled to retain from the CMRS
490 service charges collected during each calendar month an amount not
491 to exceed two percent (2%) of the money allocated to the CMRS Fund
492 as reimbursement for the costs incurred by the board in
493 administering Sections 19-5-331 through 19-5-341 including, but



494 not limited to, retaining and paying the independent, third-party
495 auditor to review and disburse the cost recovery funds and to
496 prepare the reports contemplated by Sections 19-5-331 through
497 19-5-341.

498 (4) Each CMRS provider shall register with the CMRS Board
499 and shall provide the following information upon registration:

500 (a) The company name of the provider;

501 (b) The marketing name of the provider;

502 (c) The publicly traded name of the provider;

503 (d) The physical address of the company headquarters
504 and of the main office located in the State of Mississippi; and

505 (e) The names and addresses of the providers' board of
506 directors/owners.

507 Each CMRS provider shall notify the board of any change in the
508 information prescribed in paragraphs (a) through (e). The board
509 may suspend the disbursement of cost recovery funds to, and may
510 impose an administrative fine in an amount not to exceed Ten
511 Thousand Dollars (\$10,000.00) on any provider which fails to
512 comply with the provisions of this subsection.

513 **SECTION 7.** Section 19-5-337, Mississippi Code of 1972, is
514 reenacted as follows:

515 19-5-337. All technical proprietary information submitted to
516 the board or to the independent, third-party auditor as provided
517 by Section 19-5-333(2)(d) shall be retained by the board and such
518 auditor in confidence and shall be subject to review only by the
519 board. Further, notwithstanding any other provision of the law,
520 no technical proprietary information so submitted shall be subject
521 to subpoena or otherwise released to any person other than to the
522 submitting CMRS provider, the board and the aforesaid independent,
523 third-party auditor without the express permission of the
524 administrator and the submitting CMRS provider. General
525 information collected by the aforesaid independent, third-party
526 auditor shall only be released or published in aggregate amounts



527 which do not identify or allow identification of numbers of
528 subscribers of revenues attributable to an individual CMRS
529 provider.

530 **SECTION 8.** Section 19-5-339, Mississippi Code of 1972, is
531 reenacted as follows:

532 19-5-339. In accordance with the Federal Communication
533 Commission Order, no CMRS provider shall be required to provide
534 wireless Enhanced 911 Service until such time as (a) the provider
535 receives a request for such service from the administrator of a
536 Public Safety Answering Point (PSAP) that is capable of receiving
537 and utilizing the data elements associated with the service; (b)
538 funds are available pursuant to Section 19-5-333; and (c) the
539 local exchange carrier is able to support the wireless Enhanced
540 911 system.

541 **SECTION 9.** Section 19-5-341, Mississippi Code of 1972, is
542 reenacted as follows:

543 19-5-341. Wireless emergency telephone service shall not be
544 used for personal use and shall be used solely for the use of
545 communications by the public. Any person who knowingly uses or
546 attempts to use wireless emergency telephone service for a purpose
547 other than obtaining public safety assistance, or who knowingly
548 uses or attempts to use wireless emergency telephone service in an
549 effort to avoid any CMRS charges, is guilty of a misdemeanor and
550 shall be subject to a fine of not more than Five Hundred Dollars
551 (\$500.00) or imprisonment of not more than thirty (30) days in the
552 county jail, or both such fine and imprisonment. If the value of
553 the CMRS charge or service obtained in a manner prohibited by this
554 section exceeds One Hundred Dollars (\$100.00), the offense may be
555 prosecuted as a felony and punishable by a fine of not more than
556 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
557 than three (3) years, or both such fine and imprisonment.

558 **SECTION 10.** Section 19-5-359, Mississippi Code of 1972, is
559 reenacted as follows:



560 19-5-359. (1) Any service supplier operating within the
561 State of Mississippi shall be required to provide access to the
562 locally designated PSAP by dialing the three (3) digits "911" from
563 any telephone subscriber line within such service area. Where
564 technically available, each service supplier shall, at a county's
565 request, provide "Enhanced 911" services. Where this capability
566 does not technically exist, "Basic 911" shall be available as a
567 minimum.

568 (2) From and after December 31, 1993, any person,
569 corporation or entity operating a "shared tenant service" type of
570 telephone system shall be required to provide as a minimum the
571 location and telephone number information for each and every
572 extension or user on such "shared tenant" system to the regulated
573 local exchange telephone service provider where the service
574 provider can utilize such information in the delivery of "Enhanced
575 911" emergency telephone service. This information shall consist
576 of data in a format that is compatible with the service supplier's
577 requirements in order to provide such location and telephone
578 number information automatically in the event a call to 911 is
579 placed from such a system. It shall be the responsibility of the
580 operator or provider of "STS" telephone services to maintain the
581 data pertaining to each extension operating on such system.

582 (3) Any CMRS providers operating within the State of
583 Mississippi shall be required to have all trunks or service lines
584 supplying all cellular sites and personal communications network
585 sites contain the word "cellular" in the service supplier listing
586 for each trunk or service line to facilitate operator
587 identification of cellular and PCN telephone calls placed to 911.

588 (4) Any service suppliers engaged in the offering or
589 operating of "Centrex" or "ESSX" telephone service within the
590 State of Mississippi shall cause the actual location of all
591 extensions operating in this service to be displayed at the PSAP
592 whenever a 911 call is placed from said extension. This feature



593 shall not be required in areas where Enhanced 911 is not in
594 operation but shall be required should such area upgrade to
595 Enhanced 911 service.

596 (5) Any local exchange telephone service suppliers offering
597 "quick-serve" or "soft" dial tone shall provide address location
598 information to the PSAP operating in the area where the
599 "quick-serve" or "soft" dial tone is in operation so that the PSAP
600 may have this address information displayed should a call to 911
601 be placed from such location. It shall be the responsibility of
602 the service supplier to determine in which emergency service
603 number area the "quick-serve" or "soft" dial tone is located.

604 (6) Any service suppliers operating within the State of
605 Mississippi and providing Enhanced 911 telephone service shall
606 have a reasonable time period, not to exceed five (5) years, to
607 comply with data and operational standards as they are set forth
608 by the National Emergency Number Association. This time period
609 shall apply to data format, equipment supplied for PSAP use and
610 for the length of time required for data updates relating to
611 service user address information, emergency service number updates
612 and other data updates as may be required.

613 **SECTION 11.** Section 19-5-361, Mississippi Code of 1972, is
614 reenacted as follows:

615 19-5-361. Any Emergency 911 telephone service supplier and
616 Emergency 911 CMRS provider operating within the State of
617 Mississippi, its employees, directors, officers, agents and
618 subcontractors, shall be entitled to receive the limitations of
619 liability as provided to the state, or any agency or local
620 government of the state, pursuant to Section 11-46-15, Mississippi
621 Code of 1972.

622 **SECTION 12.** Section 12, Chapter 531, Laws of 1998, as
623 amended by Section 11, Chapter 569, Laws of 2001, as amended by
624 Section 12, Chapter 626, Laws of 2002, is amended as follows:



625 Section 12. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,
626 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and
627 19-5-361, shall stand repealed from and after July 1, 2007.

628 **SECTION 13.** Section 12 of this act shall be codified as a
629 new section in Title 19, Chapter 5, Mississippi Code of 1972.

630 **SECTION 14.** This act shall take effect and be in force from
631 and after July 1, 2003.

