

By: Representatives Taylor, Ellzey, Pierce

To: Public Utilities

HOUSE BILL NO. 1133

1 AN ACT TO AMEND SECTION 19-5-331, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF THE TERM "SERVICE ADDRESS," AS THAT  
3 TERM IS USED IN THE FORMULA FOR THE DISTRIBUTION OF E-911 SERVICE  
4 CHARGES ASSESSED AGAINST ALL WIRELESS CUSTOMERS BY THE COMMERCIAL  
5 MOBILE RADIO SERVICE (CMRS) BOARD, TO MEAN THE LEGAL RESIDENCE OF  
6 A WIRELESS CUSTOMER; TO AMEND SECTION 19-5-333, MISSISSIPPI CODE  
7 OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD SECTION 19-5-335,  
8 MISSISSIPPI CODE OF 1972, WHICH REQUIRES CMRS PROVIDERS TO COLLECT  
9 THE CMRS SERVICE CHARGE FROM WIRELESS CUSTOMERS; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** Section 19-5-331, Mississippi Code of 1972, is  
13 amended as follows:

14 19-5-331. As used in Sections 19-5-331 through 19-5-341, the  
15 following words and phrases have the meanings ascribed in this  
16 section unless the context clearly indicates otherwise:

17 (a) The terms "board" and "CMRS Board" mean the  
18 Commercial Mobile Radio Service Emergency Telephone Services  
19 Board.

20 (b) The term "automatic number identification" or "ANI"  
21 means an enhanced 911 service capability that enables the  
22 automatic display of the ten-digit wireless telephone number used  
23 to place a 911 call and includes "pseudo-automatic number  
24 identification" or "pseudo-ANI," which means an enhanced 911  
25 service capability that enables the automatic display of the  
26 number of the cell site and an identification of the CMRS  
27 provider.

28 (c) The term "commercial mobile radio service" or  
29 "CMRS" means commercial mobile radio service under Sections 3(27)  
30 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
31 Section 151 et seq., and the Omnibus Budget Reconciliation Act of



32 1993, Public Law 103-66. The term includes the term "wireless"  
33 and service provided by any wireless real time two-way voice  
34 communication device, including radio-telephone communications  
35 used in cellular telephone service, personal communication  
36 service, or the functional or competitive equivalent of a  
37 radio-telephone communications line used in cellular telephone  
38 service, a personal communication service, specialized mobile  
39 radio service, or a network radio access line. The term does not  
40 include service whose customers do not have access to 911 or to a  
41 911-like service, to a communication channel suitable only for  
42 data transmission, to a wireless roaming service or other nonlocal  
43 radio access line service, or to a private telecommunications  
44 system.

45 (d) The term "commercial mobile radio service provider"  
46 or "CMRS provider" \* \* \* means a person or entity who provides  
47 commercial mobile radio service or CMRS service.

48 (e) The term "CMRS connection" \* \* \* means each mobile  
49 handset telephone number assigned to a CMRS customer with a  
50 service address in the State of Mississippi.

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

54 (g) The term "CMRS service charge" \* \* \* means the CMRS  
55 emergency telephone service charge levied and maintained pursuant  
56 to Section 19-5-333 and collected pursuant to Section 19-5-335.

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

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



64 (j) The term "enhanced 911," "E911," "enhanced E911  
65 system" or "E911 system" means an emergency telephone system that  
66 provides the caller with emergency 911 system service, that  
67 directs 911 calls to appropriate public safety answering points by  
68 selective routing based on the geographical location from which  
69 the call originated, and that provides the capability for  
70 automatic number identification and other features that the  
71 Federal Communications Commission (FCC) may require in the future.

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

74 (l) The term "FCC Order" means the Order of the Federal  
75 Communications Commission, FCC Docket No. 94-102, adopted on June  
76 12, 1996, and released on July 26, 1996.

77 (m) The term "service address" means the \* \* \* address  
78 of the legal residence of the CMRS customer; however, if the \* \* \*  
79 address of the legal residence of the CMRS customer is outside of  
80 Mississippi, the term shall mean the billing address.

81 (n) The term "service supplier" \* \* \* means a service  
82 supplier as defined by Section 19-5-303.

83 (o) The term "technical proprietary information" means  
84 technology descriptions, technical information or trade secrets  
85 and the actual or developmental costs thereof which are developed,  
86 produced or received internally by a CMRS provider or by a CMRS  
87 provider's employees, directors, officers or agents.

88 **SECTION 2.** Section 19-5-333, Mississippi Code of 1972, is  
89 amended as follows:

90 19-5-333. (1) There is created a Commercial Mobile Radio  
91 Service (CMRS) Board, consisting of five (5) members. The members  
92 of the board shall be appointed as follows:

93 (a) Two (2) members designated by the Mississippi  
94 Association of CMRS Providers; and

95 (b) One (1) member elected, in the manner provided in  
96 this paragraph, from each Public Service Commission district, as



97 such districts exist on April 8, 1998. Each emergency  
98 communications district established under Section 19-5-305 or by  
99 local and private act in the Southern District shall submit a  
100 nominee for the board member from the Southern District to the  
101 President of the Mississippi Chapter of the National Emergency  
102 Number Association, who shall elect the member to represent the  
103 Southern District. Each emergency communications district  
104 established under Section 19-5-305 or by local and private act in  
105 the Central District shall submit a nominee for the board member  
106 from the Central District to the President of the American  
107 Association of Public Safety Communication Officers, who shall  
108 elect the member to represent the Central District. Each  
109 emergency communications district established under Section  
110 19-5-305 or by local and private act in the Northern District  
111 shall submit a nominee for the board member from the Northern  
112 District to the President of the Mississippi 911 Coordinators  
113 Association, who shall elect the member to represent the Northern  
114 District.

115 The initial terms of the board members shall be staggered as  
116 follows: the members selected under paragraph (a) shall serve a  
117 term of one (1) year; the member elected under paragraph (b) from  
118 the Northern District shall serve a term of two (2) years; the  
119 member elected under paragraph (b) from the Central District shall  
120 serve a term of three (3) years; and the member elected under  
121 paragraph (b) from the Southern District shall serve a term of one  
122 (1) year. After the expiration of the initial terms, the term for  
123 all members shall be two (2) years.

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

125 (a) To collect \* \* \* a CMRS emergency telephone service  
126 charge on each CMRS customer that has a billing address within the  
127 state. The rate of such CMRS service charge shall be One Dollar  
128 (\$1.00) per month per CMRS connection \* \* \*. The CMRS service  
129 charge shall have uniform application and shall be imposed



130 throughout the state. The board is \* \* \* authorized to receive  
131 all revenues derived from the CMRS service charge levied on CMRS  
132 connections in the state and collected pursuant to Section  
133 19-5-335.

134 (b) To establish and maintain the CMRS Fund as an  
135 insured, interest-bearing account into which the board shall  
136 deposit all revenues derived from the CMRS service charge levied  
137 on CMRS connections in the state and collected pursuant to Section  
138 19-5-335. The revenues which are deposited into the CMRS Fund  
139 shall not be monies or property of the state and shall not be  
140 subject to appropriation by the Legislature.

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

144 (i) Out of the funds collected by the board,  
145 thirty percent (30%) shall be deposited into the CMRS Fund, and  
146 shall be used to defray the administrative expenses of the board  
147 in accordance with Section 19-5-335(3) and to pay the actual costs  
148 incurred by such CMRS providers in complying with the wireless  
149 E911 service requirements established by the FCC Order and any  
150 rules and regulations which are or may be adopted by the FCC  
151 pursuant to the FCC Order, including, but not limited to, costs  
152 and expenses incurred for designing, upgrading, purchasing,  
153 leasing, programming, installing, testing or maintaining all  
154 necessary data, hardware and software required in order to provide  
155 such service as well as the incremental costs of operating such  
156 service. Sworn invoices must be presented to the board in  
157 connection with any request for payment and approved by a majority  
158 vote of the board prior to any such disbursement, which approval  
159 shall not be withheld or delayed unreasonably. In no event shall  
160 any invoice for payment be approved for the payment of costs that  
161 are not related to compliance with the wireless E911 service  
162 requirements established by the FCC Order and any rules and



163 regulations which are or may be adopted by the FCC pursuant to the  
164 FCC Order.

165 (ii) The remainder of all funds collected by the  
166 board, which shall not be less than seventy percent (70%) of the  
167 total funds collected by the board, shall be distributed by the  
168 board monthly based on the number of CMRS connections in each ECD  
169 for use in providing wireless E911 service, including capital  
170 improvements, and in their normal operations.

171 (d) To obtain from an independent, third-party auditor  
172 retained by the board annual reports to the board no later than  
173 sixty (60) days after the close of each fiscal year, which shall  
174 provide an accounting for all CMRS service charges deposited into  
175 the CMRS Fund during the preceding fiscal year and all  
176 disbursements to ECDs during the preceding fiscal year. The board  
177 shall provide a copy of the annual reports to the Chairmen of the  
178 Public Utilities Committees of the House of Representatives and  
179 Senate.

180 (e) To conduct a cost study on or before October 1,  
181 1999, and to adjust the distribution formula to reflect actual  
182 costs to be incurred by each CMRS provider in order to comply with  
183 Phase One of the wireless E911 service requirements established by  
184 the FCC Order and any rules and regulations which are or may be  
185 adopted by the FCC pursuant to the FCC Order.

186 (f) To promulgate such rules and regulations as may be  
187 necessary to effect the provisions of Sections 19-5-331 through  
188 19-5-341.

189 (g) To make the determinations and disbursements as  
190 provided by subsection (2)(c) of this section \* \* \*.

191 (3) The CMRS service charge provided in subsection (2)(a) of  
192 this section and the service charge provided in subsection  
193 19-5-357 to fund the training of public safety telecommunicators  
194 shall be the only charges assessed to CMRS customers relating to  
195 emergency telephone services.



196           (4) The board shall serve without compensation; \* \* \*  
197 however, \* \* \* members of the board shall be entitled to be  
198 reimbursed for actual expenses and travel costs associated with  
199 their service in an amount not to exceed the reimbursement  
200 authorized for state officers and employees in Section 25-3-41.

201           **SECTION 3.** Section 19-5-335, Mississippi Code of 1972, is  
202 brought forward as follows:

203           19-5-335. (1) Each CMRS provider shall act as a collection  
204 agent for the CMRS Fund and shall, as part of the provider's  
205 normal monthly billing process, collect the CMRS service charges  
206 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)  
207 from each CMRS connection to whom the billing provider provides  
208 CMRS service and shall, not later than thirty (30) days after the  
209 end of the calendar month in which such CMRS service charges are  
210 collected, remit to the board the net CMRS service charges so  
211 collected after deducting the fee authorized by subsection (2) of  
212 this section. Each billing provider shall list the CMRS service  
213 charge as a separate entry on each bill which includes a CMRS  
214 service charge.

215           (2) Each CMRS provider shall be entitled to deduct and  
216 retain from the CMRS service charges collected by such provider  
217 during each calendar month an amount not to exceed one percent  
218 (1%) of the gross aggregate amount of such CMRS service charges so  
219 collected as reimbursement for the costs incurred by such provider  
220 in collecting, handling and processing such CMRS service charges.

221           (3) The board shall be entitled to retain from the CMRS  
222 service charges collected during each calendar month an amount not  
223 to exceed two percent (2%) of the money allocated to the CMRS Fund  
224 as reimbursement for the costs incurred by the board in  
225 administering Sections 19-5-331 through 19-5-341 including, but  
226 not limited to, retaining and paying the independent, third-party  
227 auditor to review and disburse the cost recovery funds and to



228 prepare the reports contemplated by Sections 19-5-331 through  
229 19-5-341.

230           **SECTION 4.** This act shall take effect and be in force from  
231 and after July 1, 2002.

