

Title 30: Professions and Occupations

Part 603: Regulatory

Part 603 Chapter 1: CMRS Service Charge

Rule 1.1 Emergency Telephone Service Charge. The Board shall collect and distribute a CMRS emergency service charge on each CMRS connection that has a billing address within the state. The rate of such wireless service charge shall be One Dollar (\$1.00) per month per CMRS connection, beginning 13 April 1998. The CMRS service charge shall have uniform application and shall be imposed throughout the state.

Source: Miss. Code Ann. §§19-5-333(2)(h) and (i) and 19-5-335(1) (Rev. 2003 & Supp. 2010).

Rule 1.2 Collection and Remittance of Service Charge. Each CMRS provider shall act as a collection agent for the CMRS Fund and shall, as part of the provider's normal monthly billing process, collect the CMRS service charges levied upon CMRS connections from each CMRS connection to whom the billing provider provides CMRS service and shall, not later than thirty (30) days after the end of the calendar month in which such CMRS service charges are collected, remit to the Board the net CMRS service charges so collected after deducting an administrative fee as described in subsection 2-3 below. Each billing provider shall list the CMRS service charge as a separate entry on each bill which includes a CMRS service charge.

Source: Miss. Code Ann. §§19-5-333(2)(h) and (i) and 19-5-335(1) (Rev. 2003 & Supp. 2010).

Rule 1.3 CMRS Collection Costs. Each CMRS provider shall be entitled to deduct and retain from the CMRS service charges collected by such provider during each calendar month an amount not to exceed one percent (1%) of the gross aggregate amount of such CMRS service charges so collected as reimbursement for the costs incurred by such provider in collecting, handling and processing such CMRS service charges.

Source: Miss. Code Ann. §§19-5-333(2)(h) and 19-5-335(2) (Rev. 2003 & Supp. 2010).

Rule 1.4 CMRS Fund Account. The Board shall establish and maintain the CMRS Fund as an insured, interest-bearing account into which the board shall deposit all revenues derived from the CMRS service charge levied on CMRS connections in the state.

Source: Miss. Code Ann. §19-5-333(2)(b), (h) and (i) (Rev. 2003 & Supp. 2010).

Rule 1.5 Interest. The CMRS Board shall have the power to levy interest charges at the legal rate of interest established in Section 75-17-1, Mississippi Code Annotated of 1972, as amended, on any amount due and outstanding from any CMRS provider who fails to remit service charges in accordance with Section 19-5-335(1).

The Board shall levy interest charges at the legal rate of interest based on the date the money is received and not the post-marked date on any amount due and outstanding from any CMRS provider who remits payment thirty (30) days after the end of the calendar month.

Source: Miss. Code Ann. §19-5-333(2)(g), (h) and (i) (Rev. 2003 & Supp. 2010).

Part 603 Chapter 2: Distribution of Service Charge

Rule 2.1 Disbursement of Service Charge. The Board shall establish a distribution formula by which the Board will make disbursements of the CMRS service charge in the following amounts and in the following manner:

- a) Out of the funds collected by the Board, thirty percent (30%) shall be deposited into the CMRS Fund and shall be disbursed to CMRS providers as described in Section IV, CMRS Cost Recovery. The Board shall be entitled to retain from the CMRS service charges collected during each calendar month an amount not to exceed two percent (2%) of the money allocated to the CMRS Fund as reimbursement for the costs incurred by the Board. Such costs include, but are not limited to, retaining and paying the independent, third-party auditor to review and disburse the cost recovery funds and to prepare all necessary reports.
- b) The remainder of all funds collected by the Board, which shall not be less than seventy percent (70%) of the total funds collected by the Board, shall be distributed by the Board monthly based on the number of CMRS connections in each ECD for use in providing wireless E911 service, including capital improvements, and in their normal operations.

Source: Miss. Code Ann. §19-5-333(2)(c), (h) and (i) (Rev. 2003 & Supp. 2010).

Rule 2.2 Distribution Formula. The CMRS service charge shall be \$1.00 as established by state law. From the \$1.00 service charge collected by each provider as contemplated by Section 19-5-331 of the Mississippi Code of 1972, as amended:

- a) 1 cent shall be retained by the providers to cover their cost of collecting, handling and processing the service charge.
- b) 99 cents shall be forwarded by the provider to the CMRS Board.
- c) Thirty percent (30%) of the 99 cents, or 29.70 cents, shall be identified for use to reimburse service suppliers for expenses as specified in the applicable sections of state law

to meet FCC mandates and to pay Board expenses. Board expenses shall not exceed two percent (2%) of the thirty percent (30%) of the 99 cents or .594 cents. Thus, the remaining 29.106 cents will be available to reimburse service suppliers.

- d) Seventy percent (70%) of the 99 cents, or 69.3 cents, shall be identified to be distributed to the respective county Emergency Communications Districts (ECDs) from which the service charge was imposed.

Source: Miss. Code Ann. §§19-5-333(2)(a),(c), (h) and (i) and 19-5-335(2) and (3) (Rev. 2003 & Supp. 2010).

Rule 2.3 Distribution of Funds to ECD. All funds due to the respective ECDs as their proportionate share of the funds received and on deposit in the Commercial Mobile Radio Service Fund (CMRS Fund) shall be disbursed, no later than ten (10) business days after the date those are due to the Board from various commercial mobile radio service providers.

Source: Miss. Code Ann. §19-5-333(2)(h) and (i) (Rev. 2003 & Supp. 2010).

Rule 2.4 Cost Study. The Board shall conduct a cost study on or before October 1, 1999, and adjust the distribution formula to reflect actual costs to be incurred by each CMRS provider in order to comply with Phase One of the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order.

Source: Miss. Code Ann. §19-5-333(2)(h) and (i) (Rev. 2003 & Supp. 2010).

Part 603 Chapter 3: CMRS Cost Recovery

Rule 3.1 Payment to CMRS Providers. The Board shall pay the actual costs incurred by such CMRS providers in complying with the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order. In no event shall any invoice for payment be approved for the payment of costs that are not related to such compliance.

Source: Miss. Code Ann. §19-5-333(2)(c)(i), (h) and (i) (Rev. 2003 & Supp. 2010).

Rule 3.2 Cost Recovery Plan.

1. Upon receipt of a request for wireless E9-1-1 service from a Mississippi Emergency Communication District or Districts (ECDs), the CMRS carrier will develop a comprehensive detailed plan for implementation of E9-1-1 service for the ECD, or the appropriate service area if the CMRS carrier's switch serves more than one ECD.

2. The plan, complete with cost information, will be presented to the requesting ECD for concurrence. Upon acceptance of the plan and the associated cost structure by the ECD, the ECD (in person or by proxy) and CMRS carrier will present the plan to the Board for its approval. The CMRS carrier shall present in writing to the Board detailed coverage area and customer information to ensure expedient roll-out of wireless E9-1-1 service as requests are received and approved by the Board.
3. After initial acceptance of a CMRS carrier's plan using a particular solution by the Board, the CMRS carrier need not make additional presentations to the Board as to that particular solution. Certified letters shall be sent to the Board with notification of additional serve implementation in the state and the resulting cost recovery represented.
4. The initial cost recovery plan presented to the Board is intended to allow for the recovery of a carrier's cost on a one time basis (NRC) and/or recurring monthly basis (MRC). A list of anticipated MRCs and NRCs is set forth below, but the list will vary depending upon the CMRS carrier and the selected E911 solution:

Trunks:

Trunking
Connection fee to 9-1-1 Selective Router (per DSO)

Engineering & Network Costs:

Facilities; T-1's, selective router ports
Routing Charges
Operations
Engineering
Switch upgrades
Research & Development
Network design
Test plan development

Database Cost

P-ANI administration
Database management

Other

Reporting
Software
Other

5. The Board shall provide the CMRS carrier either approval or denial of the cost recovery plan in writing, and send by certified United States Mail or by any other express service

requiring a delivery signature. If the Board denies a CMRS carrier's cost recovery plan, the Board shall provide express reasons for the denial in writing within 3 days of the denial. The CMRS carrier may resubmit or revise cost recovery plans as soon as the Board approves an acceptable date. If the Board approves the cost recovery plan, then the CMRS carrier and the Board shall sign the model contract, attaching the cost recovery plan.

Source: Miss. Code Ann. §§19-5-333(2)(c)(i),(h) and (i) and 19-5-339 (Rev. 2003 & Supp. 2010).

Rule 3.3 Reimbursement Claims. Once a cost recovery plan is approved, the CMRS carrier may file claims for reimbursement of non-recurring costs and/or recurring costs. The amount of reimbursement that the CMRS carrier is entitled to receive may be calculated in several ways:

- a) by multiplying the number of CMRS subscribers receiving wireless E911 service as reported by the CMRS carrier prior to its request for reimbursement by the amount authorized per subscriber for cost recovery by the Board. CMRS carriers shall be required to report their subscriber count no less than once a quarter. The dollar amount paid to the CMRS carrier will vary based on total number of subscribers reported by the CMRS carrier;
- b) by submission of the actual recurring and nonrecurring costs incurred by the carrier and approved by the Board; and/or
- c) by a combination of methods (1) and (2).

Source: Miss. Code Ann. §19-5-333(2)(c)(i),(h) and (i) (Rev. 2003 & Supp. 2010).

Rule 3.4 Pre-Plan Costs.

1. No Phase I costs incurred by a carrier more than 12 months prior to receipt of the carrier's initial or amended cost recovery plan by the CMRS Board will be considered or reimbursed. Carrier's initial or amended Phase I Cost recovery plan must be submitted by a method requiring delivery receipt (Certified return receipt mail, Fed EX, etc.).
2. No Phase II costs incurred by a carrier more than 12 months prior to receipt of the carrier's initial or amended cost recovery plan by the CMRS Board will be considered or reimbursed. Carrier's initial or amended Phase II Cost recovery plan must be submitted by a method requiring delivery receipt (Certified return receipt mail, Fed EX, etc.).

Source: Miss. Code Ann. §19-5-333(2)(h) and (i) (Rev. 2003 & Supp. 2010).

Rule 3.5 Plan Amendments. CMRS carriers are required to submit revised cost recovery plans if substantive changes occur in their cost structures. Changes to the plan must be submitted in writing and approved by the Board. A CMRS carrier may request an adjustment of the reimbursement rate at any time upon written notice to the Board

Source: Miss. Code Ann. §19-5-333(2)(h) and (i) (Rev. 2003 & Supp. 2010).

Part 603 Chapter 4: Independent Audits & Recommendations

Rule 4.1 Annual Audit Reports. The Board shall obtain from an independent, third-party auditor retained by the Board annual reports to the Board no later than sixty (60) days after the close of each fiscal year. The auditor shall provide an accounting for all CMRS service charges deposited into the CMRS Fund during the preceding fiscal year. The auditor shall provide an accounting of all administrative expenses of the Board and all disbursements to ECDs and CMRS providers (in the aggregate) during the preceding fiscal year. The Board shall provide a copy of the annual reports to the Chairmen of the Public Utilities Committees of the House of Representatives and Senate.

Source: Miss. Code Ann. §19-5-333(2)(e) and (h) (Rev. 2003 & Supp. 2010).

Part 603 Chapter 5: Proprietary Information

Rule 5.1 Submission of Proprietary Information.

1. To assist in the completion of its duties mandated by the Act, the Board may receive operational, technical and financial information from commercial mobile radio service providers and 911 service providers. Some of this information may be of confidential nature, and the entities providing it may desire it from unnecessary disclosure to third parties. The purpose of these rules is to ensure the protection from disclosure.
2. In order for information submitted to the Board to be deemed proprietary information, a producing party must:
 - a) Place the term “CONFIDENTIAL” on the cover of any document containing proprietary information and clearly and specifically mark all proprietary information contained in the document.
 - b) Provide satisfactory proof that the information is competitive and sensitive and its disclosure could be harmful to the producing party. Such proof should be submitted in the form of an affidavit.
 - c) Unless otherwise required by the Board, this rule shall not apply to a producing party if the information to be

submitted concerns cost, revenue, technology, or market and customer data.

- d) The Board shall treat all information submitted in accordance with this rule as proprietary information. If after review, however, the Board determines the submitted information fails to otherwise qualify under these rules as proprietary information, that information shall not be utilized by the Board, but instead, shall be returned immediately to the producing party.

Source: Miss. Code Ann. §§19-5-333(2)(h) and 19-5-337 (Rev. 2003 & Supp. 2010).

Rule 5.2 Access to Proprietary Information

1. Proprietary information shall not be open to the public for inspection.
2. Proprietary information submitted to the Board shall be disclosed only to the following individuals:
 - a) Board members.
 - b) Members on the Board's staff and the Attorney General's Office.
 - c) On a "need to know" basis as determined by the Board: (i) consultants and experts employed or engaged by the Board; and (ii) members of committees appointed by the Board.
3. Prior to disclosure of any proprietary information to any individuals listed in Section 6-2.2 of this rule, such individuals shall execute and place on file with the Board, a written acknowledgment that they:
 - a) have read these rules concerning proprietary information submitted to the Board;
 - b) agree to be bound by these rules; and
 - c) understand that the unauthorized disclosure of proprietary information as submitted to the Board constitutes a violation of the rules.
4. Under no circumstances shall proprietary information be disclosed to or discussed with anyone associated with the marketing of products, good or services which are in competition with the products, goods and services of a producing party.

Source: Miss. Code Ann. §§19-5-333(2)(h) and 19-5-337 (Rev. 2003 & Supp. 2010); and Miss. Code Ann. §§25-61-9 and 25-61-11 (Rev. 2010).

Rule 5.3 Use of Proprietary Information. All proprietary information submitted to the Board shall be used for the sole purpose of implementing the provisions of the Act.

Source: Miss. Code Ann. §§19-5-333(2)(h) and 19-5-337 (Rev. 2003 & Supp. 2010).

Rule 5.4 Storage of Proprietary Information. All proprietary information in possession of the Board shall be maintained in a secure area and in files marked “CONFIDENTIAL.”

Source: Miss. Code Ann. §§19-5-333(2)(h) and 19-5-337 (Rev. 2003 & Supp. 2010); and Miss. Code Ann. §§25-61-9 and 25-61-11 (Rev. 2010).