

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 585 Department or Agency: Alabama Statewide 911 Board
Rule No. 585-X-4-.03
Rule Title: Eligibility and Requirements for Cost Recovery Proposals and Sworn Invoices by or on behalf of CMRS providers

X New _____ Amend _____ Repeal _____ Adopt by
Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Bill Brodeur

Date 6/27/2013

REC'D & FILED

JUL 22 2013

ALABAMA STATEWIDE 911 BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Statewide 911 Board

RULE NO. & TITLE: 585-X-4-.03 Eligibility and Requirements for Cost Recovery Proposals and Sworn Invoices by or on behalf of CMRS Providers

INTENDED ACTION: Adoption of Rule

SUBSTANCE OF PROPOSED ACTION: Sets forth requirements for CMRS providers to participate in Cost Recovery from the Board and also specifies the content of Cost Recovery Proposals and Requests for Cost Recovery

TIME, PLACE, MANNER OF PRESENTING VIEWS: Sept. 18, 2013, 10:00 a.m. at the Bailey Building, 400 South Union Street, Montgomery, Alabama. Public Hearing on Rules and comments will be taken orally or in writing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Sept. 18, 2013

CONTACT PERSON AT AGENCY:

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RULES AND REGULATIONS OF THE ALABAMA 9-1-1 BOARD
CHAPTER 585-X-4
COLLECTION AND DISBURSEMENT OF SERVICE CHARGES

585-X-4-.03 Eligibility and Requirements for Cost Recovery Proposals and Sworn Invoices
By or on behalf of CMRS Providers

- (1) Any CMRS provider wishing to participate in cost recovery pursuant to Sections 11-98-5.2(b) & (c) and 11-98-7 Code of Alabama, 1975 as amended, shall certify to the Board that it does not then collect a cost recovery or other similar separate charge from its customers or subscribers. Said certification is due by October 1 of each year and if a CMRS carrier elects to begin collecting cost recovery or other similar separate charges at any time following its October 1 certification it shall immediately notify the Board and is ineligible to participate in cost recovery reimbursement until ceasing the collection from its customers or subscribers and providing the certification required under Sec. 11-98-5.2(c) Code of Alabama, 1975.
- (2) Each eligible CMRS provider wishing to participate in cost recovery shall submit a cost recovery plan and proposal to the Board by October 1, of each year detailing the recurring and nonrecurring charges for which reimbursement will be sought and detailing total Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges. All costs and charges submitted in the cost recovery plan must be commercially reasonable and shall be directly related to compliance with the FCC order and other requirements for enhanced 9-1-1 service.
- (3) All CMRS providers seeking reimbursement for actual costs incurred to provide 9-1-1 or E9-1-1 service pursuant to Sec. 11-98-5.2 and 11-98-7 Code of Alabama, 1975 shall complete and submit a sworn invoice containing the following:
 - (a) The CMRS provider's name and address;
 - (b) The date of the invoice;
 - (c) The service period for which reimbursement is sought;
 - (d) Itemization of non-recurring charges for which reimbursement is sought, including:
 1. Description of each item;
 2. Quantity of each item provided;
 3. Unit cost of each item; and
 4. Total cost of each item.
 - (e) Itemization of monthly recurring charges for which reimbursement is sought, including:
 1. Description of each item;
 2. Quantify of each item provided;
 3. Unit cost of each item; and
 4. Total cost of each item.

- (f) Itemization of each other recurring charges for which reimbursement is sought, including:
 - 1. Timing of each item; e.g., annual, quarterly, bi-monthly, etc.;
 - 2. Description of each item;
 - 3. Quantity of each item provided;
 - 4. Unit cost of each item; and
 - 5. Total cost of each item.
 - (g) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges;
 - (h) Total amount of reimbursement sought in the invoice;
 - (i) The following certification: "I hereby certify that the foregoing statements are true and correct, and that no material fact has been withheld or concealed from the Alabama 9-1-1 Board"; and
 - (j) The dated and notarized signature of the person submitting the invoice.
- (4) A CMRS provider that fails to timely submit its cost recovery proposal in accordance with subsection (2) for the ensuing fiscal year shall be deemed ineligible and precluded from participating in cost recovery during the ensuing fiscal year. However, a CMRS provider deemed ineligible for cost recovery in the ensuing fiscal year for failure to timely file its cost recovery plan may request reinstatement of its eligibility by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its non-compliance. The Board may permit a representative of the CMRS to appear before the Board and the Board may consider the facts and circumstances and determine whether relief is justified.

Author: James T. Sasser

Statutory Authority: Sections 11-98-5.2, 11-98-7, Code of Alabama, 1975, as amended

History: