

State of Florida



Public Service Commission

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RECORDS AND
REPORTING

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DATE: MAY 6, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) CB
DIVISION OF COMMUNICATIONS (BIEGALSKI) WB AD

RE: DOCKET NO. 990342-TP - DETERMINATION OF APPROPRIATE METHOD OF COLLECTING AND REMITTING 911 FEES TO THE APPROPRIATE COUNTIES AND PROVIDING ACCURATE CUSTOMER RECORD INFORMATION TO THE 911 COORDINATORS

AGENDA: 05/18/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990342.RCM

CASE BACKGROUND

- March 12, 1999 - Staff met with 911 personnel from the Department of Management Services (DMS) to discuss the problems that have arisen pertaining to the collection of 911 fees and the updating of the 911 database with customer account information for Alternative Local Exchange Companies' (ALECs) customers.
- April 5, 1999 - Staff met with representatives from some of the local exchange companies (LECs), as well as 911 personnel from DMS and selected counties. As a result of this meeting, staff has received a brief summary from each of the LECs regarding their procedures for collecting 911 fees on behalf of ALECs and updating and maintaining the 911 database.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission order all certificated alternative local exchange companies to collect and remit the 911 fee to the appropriate 911 county coordinator pursuant to Section 365.171(13), Florida Statutes?

RECOMMENDATION: Yes. The Commission should order all certificated alternative local exchange companies to collect and remit the 911 fee, including all past due fees, to the appropriate 911 county coordinator pursuant to Section 365.171(13). This does not prevent an ALEC from entering into a billing arrangement with a LEC in order to bill and collect the fees. It only clarifies that the ALEC is ultimately responsible for the collection and remittance of the fees. (Biegalski)

STAFF ANALYSIS: The goal of the 911 coordinators is to provide the most efficient 911 services possible to all citizens in the State of Florida. Staff's discussions with the 911 coordinators indicates that this goal cannot be attained without the cooperation of the LECs and ALECs.

As a result of staff's meeting with the LECs and 911 coordinators on April 5, 1999, the LECs have stated their procedures regarding the collection and remittance of the 911 fees for ALECs are as follows:

- Sprint does not collect or remit the 911 fee for ALECs with whom it has interconnection or resale agreements. Sprint believes it is the ALEC's responsibility to collect and remit the fees to the appropriate counties.
- GTE believes that the responsibility for the collection and remittance of 911 fees to the respective counties is that of the ALECs. Effective May 1, 1999, GTE will not collect and remit the 911 fees for ALECs under any circumstances.
- BellSouth contracts with ALEC resellers in its resale agreements to collect and remit the 911 fees to the appropriate counties. BellSouth states that a facilities based ALEC is responsible for the collection and remittance of 911 fees to the appropriate counties.

Each county relies on the funds collected from local telephone subscribers in order to operate and maintain its 911 system. Some Florida counties are unable to collect the appropriate 911 fees from the ALECs because they cannot determine who they are.

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Therefore, due to the fact that the fees are calculated on a per access line basis, without information from the ALEC regarding how many access lines they have in a particular county, the 911 system is significantly under funded.

Although a letter was sent to the certificated ALECs on January 26, 1999, informing them of their responsibilities in the provision of emergency services, the issue remains unresolved. Therefore, DMS has requested and staff believes the Commission should intervene.

Section 365.171(13), Florida Statutes, states in pertinent part:

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service.

(1) At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered).

"Telephone company" is defined in Section 365.171(13)(a)5, Florida Statutes, as an exchange telephone service provider of "911" service or equipment. Section 364.02, Florida Statutes, states in pertinent part:

(1) "Alternative local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(6) "Local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995."

(12) "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering

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two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility.

It is staff's opinion that "telephone company" as stated in Section 365.171, Florida Statutes, refers to a company that is providing local service to end users. Considering the definition of alternative local exchange telecommunications company in Section 364.02, Florida Statutes, staff believes that an ALEC is clearly a telephone company for purposes of Section 365.171, Florida Statutes. Therefore, the ALEC should be responsible for collecting and remitting the 911 fee on its access lines to the appropriate county authority.

Accordingly, it is staff's belief that in the new competitive environment for local telephone service, the ALEC is responsible for ultimate payment of the 911 fee on its access lines, and should be ordered to collect and remit the fees to the appropriate county authority, including any past due fees. However, this does not prevent an ALEC from entering into a billing arrangement with a LEC in order to bill and collect the fees. It only clarifies that the ALEC is ultimately responsible for the collection and remittance of the fees.

ISSUE 2: Should the Commission order all certificated alternative local exchange companies to provide customer account information to the appropriate 911 county coordinator pursuant to Section 365.171, Florida Statutes, within three business days from the date of connection?

RECOMMENDATION: Yes. The Commission should order all certificated alternative local exchange companies to provide the appropriate 911 county coordinator with its customer account records within three business days of connection. **(Biegalski)**

STAFF ANALYSIS: As a result of staff's meeting on April 5, 1999, with the LECs and 911 county coordinators, the following is a list of the LECs' current procedures regarding the maintenance of the 911 database as it relates to ALEC customers:

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- Sprint includes ALEC customers in the 911 database when Sprint is the owner/operator (host) of the database or when Sprint is a secondary database provider to another database host. Therefore, Sprint should be aware of any changes to the database for orders relating to customers of resellers because Sprint is responsible for processing the orders and making the necessary network changes. However, facilities based ALECs are responsible for providing Sprint with updates or changes to the E911/911 database relating to their customers when Sprint is the owner/operator of the 911 database.
- GTEFL receives subscriber database records from all other participating telephone companies operating in Hillsborough, Pasco, Pinellas, Polk, Sarasota, and Manatee counties, including LECs and ALECs. The ALECs are responsible for the accuracy of their database records and the periodic provision of the records for inclusion in GTEFL's Automatic Location Identification (ALI) database.
- BellSouth is responsible for providing and processing the database information on behalf of the ALEC resellers. BellSouth ensures that the ALEC customer information is current in the database. However, it is the responsibility of the facilities based ALECs to provide and update the data contained in the 911 database.

Section 365.171, Florida Statutes, states in pertinent part:

(13)(a)(6) ...For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer.

The integrity of the 911 database relies on accurate customer information in order to dispatch emergency personnel from the correct emergency operations center. This database allows for customer specific information, such as a telephone number and address, to be displayed when a customer dials "911". Based on the customer address shown in the database, the 911 operator can locate the appropriate emergency personnel who would respond to the customer's emergency. If the information in the database is incorrect, the processing of the call is delayed because the 911 operator has to determine the correct emergency personnel to contact once the error is discovered. Therefore, it is crucial that the database be maintained with the most accurate customer account information, and without the ALEC's cooperation, public safety is at risk.

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Section 364.24, Florida Statutes, states in pertinent part:

(2) Any officer or person in the employ of any telecommunications company shall not intentionally disclose customer account records except as authorized by the customer or as necessary for billing purposes, or required by subpoena, court order, other process of court, or as otherwise allowed by law.

Although this section does limit the customer information that a telecommunications company may divulge, staff believes that Section 365.171, Florida Statutes, allows the ALECs to lawfully release this information to the 911 coordinators ensuring that the 911 database is accurate, affording maximum protection of the public welfare.

In this regard, staff believes that in order to maintain accurate customer information in the 911 database, so that the proper personnel may be notified to protect public safety in an emergency, the ALECs should be ordered to provide the 911 coordinator in each county in which they serve with their customer account records and all updated information as needed within three business days of connection or change, pursuant to Section 365.171, Florida Statutes.

ISSUE 3: Should the Commission order all certificated alternative local exchange companies to provide a list of all counties in which they operate, the number of access lines by county, and the name of a contact person, to the appropriate 911 county coordinators on a monthly basis beginning July 1, 1999, with a copy submitted to the Florida Public Service Commission?

RECOMMENDATION: Yes. The Commission should order all certificated ALECs to provide a list of all counties in which they operate, the number of access lines by county, and the name of a contact person to the appropriate 911 county coordinator on a monthly basis beginning July 1, 1999, with a copy submitted to the Florida Public Service Commission. **(Biegalski)**

STAFF ANALYSIS: Staff believes this report will allow staff and the 911 county coordinators to have an accurate list of all ALECs

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operating in a particular county in order to ensure the correct 911 fees are being submitted. In addition, it will provide the 911 county coordinators with an ALEC contact person in case the information in the 911 database is not accurate.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issues 1, 2 and 3 are approved, this docket should remain open pending the processing of any protest that may be filed within 21 days of the issuance of the Order by a person whose substantial interests are affected by the Commission's Proposed Agency Action. If no protest is filed, the Order will become final upon issuance of the Consummating Order, and this docket should be closed. **(Fordham)**

STAFF ANALYSIS: If staff's recommendation in Issues 1, 2 and 3 are approved, this docket should remain open pending the processing of any protest that may be filed within 21 days of the issuance of the Order by a person whose substantial interests are affected by the Commission's Proposed Agency Action. If no protest is filed, the Order will become final upon issuance of the Consummating Order, and this docket should be closed.