WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION

Form #4

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2005 JAN 13 P 4: 14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 161

CITE AUTHORITY: 5A-7-4a

AMENDMENT TO AN EXISTING RULE: YES ___ NO x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ___

TITLE OF RULE BEING AMENDED: ___

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Telecommunications Payment by Spending Units

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Helen Wilson

Authorized Signature

John [illegible]

45.20

TITLE 161

FILED

DEPARTMENT OF ADMINISTRATION

2005 JAN 13 P 4: 49

INFORMATION SERVICES AND COMMUNICATIONS (IS&C)

WEST VIRGINIA SECRETARY OF STATE

SERIES 2

Telecommunications Payments by Spending Units

§161-2-1. General.

1.1. Scope. – This Legislative Rule is an explanation and clarification of operative procedures for the telecommunications payments by State spending units as defined in W. V a. Code §5A-7-4a.

1.2. Authority. - W. Va. Code §5A-7-4a.

1.3. Filing Date. –

1.4 Effective Date. –

§161-2-2. Definitions.

As used in this rule, all terms have the same meaning as provided in W.Va. Code Section 5A-7-1 and as follows:

(a.) "Administration costs" means the costs (personnel, supplies, etc.) associated with administering the Legislative Rules governing W. Va. Code §5A-7-4a.

(b.) "Business days" means any day the State of West Virginia is open for business excluding official holidays and emergency closings.

(c.) "Components" means any ancillary documentation or backup data (hard copy, electronic copies, etc.) that are required to complete the apportionment of the charges identified on the invoice.

(d.) "Due Date" means the date no more than thirty calendar days from the date the division sends a statement by which the spending unit shall submit payment or transfer to the fund all funds necessary to pay the spending unit's charges in full.

(e.) "Fund Application" means the "Telecommunications Services Payment and Reserve Fund Application.

(f.) "Invoice" means the vendor's invoice and any components that list all of the services and charges that IS&C is expected to apportion out to the spending units for reimbursement.

(g.) "IS&C" means the Information Services and Communications Division of the Department of Administration as established in W. Va. Code §5A-7-2.

(h.) "Legitimate Uncontested Invoice" means an invoice for shared account telecommunication services that is received by the Information Services and Communications Division (IS&C) of the Department of Administration which does not include: (1) charges not allowed, either by State law or contractually; (2) designation of specific spending unit for said service; (3) charges in error due to, but not limited to, overcharge, service failure, failure on the vendor's part to terminate services as requested or other failure of or error in vendor performance; and (4) where applicable, charges and/or services that are not in accordance with contract pricing.

~~(i.) "Marked as Received" means the invoice has been received by IS&C and has been date stamped (or equivalent).~~

(j.) ~~"Receipt of Invoice" means the last date all components of the vendor's invoices that are required for IS&C to fully apportion the charges are "marked as received" by IS&C~~.

(k.)"Received" or "receipt" means ~~the invoice has been "marked as received" by IS&C.~~the date on which the invoice is marked as received by IS&C, or three business days after the date of the postmark made by the United States postal service as evidenced on the envelope in which the invoice is mailed, whichever is earlier.

(k) "Rejected Invoice" means an invoice has been rejected for processing by IS&C ~~because it is not a legitimate uncontested invoice.~~ for any of the following reasons: (a) charges not allowed, either by State law or contractually; (b) lack of designation of a specific spending unit for said service; and (c) where applicable, charges and/or services that are not in accordance with contract pricing.

(k.) "Shared Account" means an invoice for telecommunications services as defined in §5A-7-4a(l) that includes charges for two or more spending units.

(l.) "Spending Unit" means any department, bureau, division, office, board, commission, agency, local government, municipality, or institution to which a statement for telecommunications services is allocated from a statewide contract.

(m.)"State Treasury" means any payments that are processed outside of the State's Financial Information Management System (FIMS).

(n.) "Statement" means an itemized listing of all telecommunications charges for each spending unit.

(o.) "Statement Date" means the last day the spending unit must submit full payment or transfer payment to the telecommunications services payment and reserve fund.

(p.) "Telecommunications Change Request" means a request form that is completed by the spending unit for requesting telecommunications services and then submitted to IS&C for processing and authorization.

(q.) "Telecommunications Services Expenses" means the expenses associated with the "Administration Costs".

(r.) "Vendor" means a vendor supplying telecommunications services to the state and its spending units which is properly registered and qualified and which supplies telecommunication services to two or more spending units under a shared account.

§161-2-3. Applicability.

~~3.1.~~ This legislative rule applies to all spending units of State government and all spending units outside of the state treasury that continue to have its telecommunications services billed on the state's shared account.

~~3.2. Any state spending unit that wishes to be exempt for the shared account must submit such request in writing on an annual basis to the Secretary of the Department of Administration (hereinafter referred to as "Secretary") and the Joint Committee of Government and Finance. The request must be approved by the Secretary who will notify, in writing, within ten business days, both the requesting spending unit and the Director of IS&C of his approval. An example of request would be the potential loss of e-rate funds if not granted an exemption.~~

§161-2-4. Authority of the Director.

4.1 The Director shall:

(a.) Ensure that all telecommunications shared account invoices are received from a properly registered and qualified vendor;

(b.) Review all shared account invoices received from properly registered and qualified vendors to ensure the legitimacy of the charges;

(c.) Apportion all telecommunications charges among spending units based on the spending unit's service and usage, as determined by the director;

(d.) Ensure that all statements itemizing the apportioned telecommunications charges by spending unit are sent out within thirty days of receipt by IS&C;

(e.) Assess a Telecommunications Service Expense fee to all spending units based on each spending unit's portion of service and usage.

(f.) Track all payments received from the spending units and provide the Secretary with a list of those spending units who have not transferred or submitted full payment to the telecommunications services payment and reserve fund within the required statement date.

(g.) Reserve the right to waive any irregularities that may be in the best interest of the state or the telecommunications vendor.

(h.) Negotiate on behalf of the spending units any disputed charges.

§161-2-5. IS&C Duties and Rights.

IS&C will insure all of its duties and rights are executed as defined below after the first billing period. This allows IS&C to implement the new policies and allow for transition by all parties (vendors, spending units, etc.)

5.1 ~~Receipt of Vendor Invoice~~<u>Preliminary Review of Invoice</u>

5.1.1. All telecommunications invoices, when received at IS&C, will be ~~marked as "received"~~ ~~"marked as received".~~<u>marked as received with the date on which the invoice arrived at IS&C.</u>

5.1.2. Upon receipt, IS&C ~~will review the invoice within ten business days to ensure the invoice meets the definition of a "legitimate uncontested invoice" and identify any disputed charges~~. <u>may reject he invoice in its entirety or specific invoice charges within ten business days for the following reasons: (a) charges not allowed, either by State law or contractually; (b) lack of designation of a specific</u>

spending unit for said service; and (c) where applicable, charges and/or services that are not in accordance with contract pricing.

~~5.1.3. If IS&C receives an invoice and deems it not to be a legitimate uncontested invoice, it will be rejected by IS&C.~~

5.1.3. A vendor will be notified, in writing, within fourteen business days of receipt of the invoice, of the rejected charges. The notice will include a description of the rejected charges, the reasons for the rejection, and instructions to correct the rejected charges or a proposal to resolve the identified error(s).

5.1.4. Charges not rejected during this preliminary review by IS&C will be apportioned for payment to the appropriate spending units within 30 days of the invoice being received. Each telecommunications invoice received for a shared account will be apportioned among the spending units based on the spending unit's service and usage, as determined by the Director.

~~5.2. Rejection Dispute of Vendor Invoices.~~

~~5.2.1. The vendor will be notified, in writing, of the rejection within fourteen business days of receipt of the invoice of any disputes. The rejection dispute notice will include the reason (s) for rejection the dispute and the requested resolution.~~

~~5.2.2. The invoice will not be considered "received" until the resolutions are "marked as received" by IS&C and deemed to fulfill the requirements of a legitimate uncontested invoice. The charges on the invoice that are not in dispute will be apportioned for payment to the appropriate spending units within 30 days of the invoice being "marked as received".~~

~~5.2.3. During the time frame the invoice is in "rejection" status none of the charges will be apportioned for payment. When the contested charges have been resolved and received by IS&C, the invoice will be considered received.~~

5.2. Statements to Spending Units

5.2.1. Within thirty days of the receipt of an invoice detailing telecommunications charges, ~~as defined in W. Va. Code §5A-7-4a(j), of a legitimate uncontested telecommunications shared account invoice,~~ the Director will submit statement (s) to each spending unit. ~~as follows:~~ The Statement will include: (a) a unique identify code for each spending unit; (b) a payment or transfer due date; and (c) a detailed listing of all telecommunications charges, including the Telecommunications Service Expense.

~~(a.) Each telecommunications invoice received for a shared account will be apportioned among the spending units based on the spending unit's service and usage, as determined by the director;~~

~~(b.) Spending units will be identified by a unique code and a spending unit may have more than one unique code for its unit;~~

~~(c.) A statement for each unique code will be generated and submitted to the spending unit for payment;~~

(d.) ~~Each statement will include a detailed listing of all telecommunications charges, including the Telecommunications Service Expense.~~

5.2.2 A statement sent in the last month of the fiscal year will provide that payment is due by the thirty-first day of July.

~~5.4. Contested Charges~~

~~5.4.1. IS&C will review all received written contested charges received by the spending units. The review will be conducted as per the following section - §161-2-6. Spending Units' Duties and Rights.~~

5.3. Accounting of Charges.

5.3.1. IS&C will track all statements sent to each spending unit and then apply all payments made against same. Agencies will be notified when a payment ~~does not meet the terms outlined in the Code or in this rule~~ has not been received as of the statement date.

5.3.2. IS&C will, by vendor account, track ~~on~~ all charges and payments. This information will be provided to the vendors on a routine basis, which will be, at a minimum, on a quarterly basis.

§161-2-6. Spending Units' Duties and Rights.

Any spending unit that is utilizing the services and pricing of a telecommunications provider via a state-issued contract must agree to have its charges included in the shared account and all requests for telecommunications services must be obtained by submitting to IS&C a Telecommunications Change Request form for approval.

6.1. All spending units will be required to complete and have approved ~~the "Telecommunications Services Payment and Reserve Fund Application" (hereinafter referred to as the "Fund Application")~~ a Fund Application by the date indicated on the application.

6.1.1. Any spending unit with moneys in the state treasury that fails to have an approved Fund Application on file by the required date may be subject to discontinuance of telecommunications services.

6.1.2. ~~As required by code, a~~Any participating spending unit maintaining funds in depositories outside the state treasury shall furnish the Secretary access to those funds for the exclusive purposes of this section. Such spending units are required to file a Fund Application to meet this requirement. Failure to have an approved Fund Application on file by the required date will result in termination of that spending unit's telecommunication services and prohibit any new activity until the Fund Application is provided.

6.2. Contested Charges on Statement

6.2.1. Spending units contesting a statement or any portion of a statement, must, nonetheless, remit for payment the entire statement amount to telecommunications services payment and reserve fund by the due date printed on the statement.

6.2.2. The Director must be notified, in writing, of all disputed charges within thirty days of receipt of the statement by the spending unit.

6.2.3. The spending unit's written notice to the Director must include: 1) the statement date, number and total charges; 2) the contested charges and the reason for contesting the charges; and 3) a proposed resolution ~~being sought~~.

6.3. Review of Contested Charges

~~IS&C will review the spending unit's written notice of its contested charges as follows:~~

6.3.1. If the basis of a contested charge is ~~a charge is contested due to, but not limited to,~~ overcharge, service failure, failure on the vendor's part to terminate services as requested or other failure of or error in vendor performance, ~~and~~ IS&C's ~~will review finds in favor of the spending unit, IS&C~~ will withhold the contested amount from the current or future vendor payments, pending resolution of the contest. ~~apply that amount to the spending unit's next statement and notify the vendor of non-payment of that amount.~~

6.3.1.1. IS&C will bring the contested matter to the attention of the vendor, in writing within ten business days from receipt of the spending unit's notification of contested charges.

6.3.1.2. Notice to the vendor will include: 1) the account number; 2) invoice number and date; 3) the contested charges and the reason for contesting the charges; and 3) a proposed resolution.

6.3.1.3. Contested charges that cannot be resolved in good faith between the Director and the vendor within seventy-five days of the receipt of vendor's invoice will be brought to the attention of the Secretary.

6.3.1.4. Within ninety days of the receipt of the vendor's invoice or a time period mutually agreed to by the vendor and the Secretary, the Secretary shall make the final decision as to the legitimacy of the contested amount and determine if payment is warranted.

6.3.1.5. If the Secretary's decision is to refuse payment, the vendor may proceed in accordance with the provisions of article two, chapter fourteen of the West Virginia State Code.

6.3.2. If the charge being contested is due to the apportionment of the charges, IS&C will submit a written recommendation to the Secretary who will provide a final determination. Should the Secretary find in favor of the spending unit that amount will be applied to the spending unit's next statement.

6.3.3. The spending unit will be notified of the final determination of any charges that are contested within ten business days of receipt of the contested charges and appropriate action will be taken by IS&C.

§161-2-7. Payments.

7.1. Payments to the telecommunications services payment and reserve fund.

7.1.1. Spending units are required to submit or transfer payments in full to the telecommunications services payment and reserve fund by the statement date.

7.1.2. Spending units are required to remit full payment even if a portion of the statement's costs are being disputed (refer to §161-2-6.3 for submitting contested charges).

7.2. Payments to the telecommunications vendors.

7.2.1. IS&C shall make full payment for all legitimate, uncontested ~~vendor~~ telecommunication charges to ~~all the telecommunications vendors~~ within ninety days of receipt by IS&C of an invoice for telecommunication services.~~an invoice being "marked as received". receiving a legitimate uncontested invoice for shared accounts.~~

7.2.2. For the purposes of determining the ninety-day time period for payment provided by section 7.2.1, an invoice received by IS&C prior to the date on which the telecommunications services covered by the invoice are delievered or fully performed is considered to be received on the date on which the telecommunications services covered by the invoice are delivered or fully performed.

7.3. Late Payments.

7.3.1. ~~In the event the spending units fail to pay for its telecommunications charges as outlined in §5A-7-4a of the W. Va. Code by the due date printed on the statement, the spending unit will be subject to the following: Any~~ In the event a spending unit ~~that~~ fails to transfer funds or submit payment in full to the telecommunications services payment and reserve fund by the statement date, ~~will be subject to the remedy and penalty outlined in §5A-7-4a(e) of the W. Va. Code~~ the secretary of the department of administration shall transfer to the telecommunications services payment and reserve fund the statement amount plus an additional penalty in the amount of three percent of the statement amount from any funds supporting the administration of that spending unit.

7.3.2. Upon exercising a transfer pursuant to section 7.3.1, the Director will notify the spending unit, in writing, of the transfer. Notification will include, but is not limited to, the date, time, total amount of the transfer, statement amount, and penalty amount.

7.3.3. ~~Any~~ A spending unit ~~subject to the remedy and penalty outlined in §5A-7-4a(e) of the W. Va. Code above~~ that does not have sufficient funds in the state treasury or depository to make full payment will be notified, in writing, ~~that funds are not available~~ of the insufficiency. The spending unit will have five days from receipt of the notice of insufficiency to make payment in full along with the three percent penalty charge based on the total statement amount.

7.4 Discontinuance of Service.

7.4.1 ~~Any~~ A spending unit failing to make funds available after five days of receiving "Notice of Insufficient Funds" may have its telecommunications service discontinued. Prior to discontinuance, the Director shall notify the Joint Committee of Government and Finance and shall, with the approval of the Secretary, discontinue services for the Agency Head of the delinquent spending unit until an acceptable payment plan is submitted and approved by IS&C.

7.4.2 ~~Any~~ A spending unit ~~who that does not make full payment within the prescribed deadlines shall~~ will be given ~~a~~ written notice from IS&C that the telecommunications vendor(s) has been ~~given notice~~ notified to discontinue ~~those~~ services ~~that have not been paid~~ to the spending unit.

7.4.3 If service is discontinued and the spending unit, in turn, makes full payment (including penalty costs), the Director may submit a written direction to the telecommunications vendor(s) to reinstitute those services. The spending unit will be responsible for any and all costs associated with any service that is discontinued or discontinued and then reinstituted.

7.4.4 Until a spending unit is in good standing it will not be permitted to obtain any new telecommunications services.

§161-2-8. Vendors' Duties and Rights.

The provisions of this series section shall govern any new telecommunication vendor that provides services to spending units via a state-issued contract. All vendors, both current and new, are to provide telecommunications services to spending units on the shared account only upon receipt from IS&C of an authorized and IS&C-approved Telecommunications Change Request form. If a vendor provides new service without the authorized form, IS&C shall not be responsible for the charges.

8.1. Current Vendors

8.1.1. For all vendors currently invoicing IS&C on behalf of spending units for services procured via a state-issued purchase order, a new shared account(s) shall be created and in effect to reflect all charges that are incurred for the July 2004 billing month.

8.1.2. For all vendors currently invoicing spending units via an individual account (direct billing), IS&C is to be provided with a list of these spending units no later than October 1, 2004. The accounts for these spending units are to be consolidated on to the newly created shared account no later than December 31, 2004.

8.1.3. Any charges incurred from July 1, 2004 to December 31, 2004 that were not merged on to the new shared account shall not be the responsibility of IS&C unless authorized by the Secretary.

8.2. Invoices submitted for payment.

8.2.1. Vendors are required to submit all invoices to IS&C that include more than one spending unit. If vendors are providing services to spending units governed by the pricing included in the applicable state-issued contract then the charges for these services must be included on the shared account. All shared account invoices are to be mailed to IS&C's Telecommunications Unit.

8.2.2. ~~Vendors must submit legitimate uncontested invoices~~. Vendors must make reasonable efforts to tender correct invoices for telecommunication services in a format approved by IS&C. If a vendor's company policy prohibits changes to its invoicing process, which results in the vendor's invoice being contested (~~i.e. taxes~~), the vendor can submit a supplemental invoice or a letter that itemizes the off-setting charges. This will allow the original invoice to be considered a legitimate, uncontested invoice. If a vendor submits a supplement invoice or letter, these charges on the supplemental invoice or letter must be reflected on the vendor's invoice within the next 2 billing cycles of the receipt date of the contested charges. This will ensure all balances reflected on an invoice are legitimate charges only.

~~8.3. Contested Charges~~

~~8.3.1. If IS&C contests an invoice or any portion of an invoice, the vendor will be notified in writing within fourteen ten business days from receipt of invoice.~~

~~8.3.2. IS&C's notice to the vendor will include: 1) the account number; 2) invoice number and date; 3) the contested charges and the reason for contesting the charges; and 3) the proposed resolution being sought.~~

~~8.3.3. The vendor will have ten business days to reply to IS&C's notice and state how it will provide the resolution being sought. If the vendor does not submit a written response within the ten business days, it admits to the contested charges and will provide the resolution being sought by IS&C. Any contested charges that cannot be resolved in good faith between the Director and the vendor shall be brought to the~~

~~attention of the Secretary. The Secretary shall make the final decision within 15 business days as to the legitimacy of the contested amount and determine if payment is warranted. If the Secretary's decision is to refuse payment, the vendor may proceed in accordance with the provisions of article two, chapter fourteen of this code the West Virginia State Code "Claims Against the State".~~

Agency: Department of Administration Information Services & Communications Division	
	Title Number: 161
Rule Type: Emergency	**Cite Authority**: 5A-7-4a

STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

During the past several years there were extremely large claims filed against the State of West Virginia by telecommunications vendors in the Court of Claims for unpaid telephone bills. As a result of those claims the Legislature passed Senate Bill 700 during the 2004 session which requires the Department of Administration to immediately take responsibility for seeing that phone bills were paid timely to prevent any further claims. These rules outline the process involved for implementing the legislation. They also outline the duties and responsibilities of all parties involved and the impact it will have upon them.

QUESTIONNAIRE

DATE: August 27, 2004

TO: Legislative Rule-Making Review Committee

FROM: Donna Lipscomb, Executive Coordinator
Department of Administration
1900 Kanawha Boulevard, East
Room E-119
Charleston, WV 25305
304-558-3392

LEGISLATIVE RULE TITLE: 161, Series 2, Telecommunications Payments by Spending Units

1. Authorizing statute(s) citation W.Va. Code 5A-7-4a

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

   June 18, 2004

   b. What other notice, including advertising, did you give of the hearing?

   Mailing to all agency coordinators with phone bills and all vendors

   c. Date of Public Hearing(s) or Public Comment Period Ended:

   July 18, 2004

   d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

   Attached X No comments received ____

   e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

   August 27, 2004

   f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (please type)

   Donna Lipscomb, Executive Coordinator

   Department of Administration

1900 Kanawha Boulevard, East

State Capitol, Room E-119

Charleston, WV 25305

304-558-3392

g. IF DIFFERENT FROM ITEM "f", please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (please type)

Helen Wilson, Director of IS&C

Davis Square, Capitol Street

Charleston, WV 25301

304-558-1066

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

June 18, 2004 through July 18, 2004

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

August 17, 2004

d. Attach findings and determinations and reasons:

Attached X

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Telecommunications Payments by Spending Units

Type of Rule: X Legislative ___ Interpretive ___ Procedural

Agency: Information Services and Communications Division

Address: One Davis Square

PO Box 50110

Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES	$150,000		$150,000	$150,000	$150,000
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT	$35,000		$35,000	$15,000	$15,000
OTHER					

2. Explanation of Above Estimates:
   The total costs above are to implement, on an on-going basis, Senate Bill700.

3. Objectives of These Rules:
   To make sure that the processes are clearly defined and all parties impacted by the rules are aware of their duties and responsibilites.

Rule Title: Telecommunications Payments by Spending Units

4. Explanation of Overall Economic Impact of Proposed Rule:

   A. Economic Impact on State Government:
      Past telecommunications services have not been paid by spending units forcing the vendors to file with the Court of Claims. This bill will ensure payment and avoid monies being taken out of the General Fund for past due amount so they can be used to finance programs for the citizens.

   B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

      The telecommunications industry will benefit by being paid on a more timely basis and not having to seek payment through the Court of Claims.

   C. Economic Impact on Citizens/Public at Large.
      As stated above in 4.A, the monies having to be allocated out of the General Fund to pay past due telecommunications charges will not be an issue. Allowing these funds, instead, to be used for programs that benefit the citizens of West Virginia.

Date: 8/27/04

Signature of Agency Head or Authorized Representative:

Helen Wilson

John R Duty

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

BOB WISE
GOVERNOR

JOHN T. POFFENBARGER
ACTING CABINET SECRETARY

January 14, 2005

Via Hand-Delivery

The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

**Re: Telecommunications Payments by Spending Units
161CSR2**

Dear Secretary Manchin,

I am enclosing the original and ten copies of the proposed Legislative Rules regarding Telecommunications Payments by Spending Units herein. These rules contain modifications recommended by the Legislative Rule-Making attorney. The Department of Administration has agreed to the modifications. It is my understanding that your office will maintain the original in your files. Once the ten copies have been stamped filed I will provide the copies to the Legislative Rule-Making office.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

Donna M. Lipscomb
Executive Coordinator

DMP:dp
Enclosures

1900 KANAWHA BOULEVARD, EAST • BUILDING 1, ROOM E-119 • CHARLESTON, WEST VIRGINIA 25305-0120 • 304.558.4331 • FAX: 304.558.2999

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