

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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OCT 17 4 23 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Public Service Commission TITLE NUMBER: 150

RULE TYPE: Exempt Legislative; CITE AUTHORITY §24-1-7. Senate Bill 278

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 NEW RULE BEING PROPOSED: 25

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing
Emergency Telephone Service

DATE OF PUBLIC HEARING: November 25, 1997 TIME: 9:30 a.m.

LOCATION OF PUBLIC HEARING: Howard M. Cunningham Hearing Room
Public Service Commission
201 Brooks Street
Charleston, WV

COMMENTS LIMITED TO: ORAL ___ , WRITTEN ___ , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Public Service Commission

P. O. Box 812
Charleston, WV 25323

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Charloth Lane
Authorized Signature

\$4.40

FISCAL NOTE

P.S.C.
Series 25

IN THE MATTER of reference to the Commission's Rules and Regulations Governing Emergency Telephone Service.

I. OBJECTIVES OF THE RULE

The purpose of this rulemaking is to implement the requirements of Senate Bill 278 passed in the 1997 Session of the Legislature concerning the billing, collection, and remission of wireless enhanced 911 monthly fees by certain telecommunication carriers subject to the jurisdiction of the PSC and the disbursement of such fee revenues to counties in West Virginia.

II. COST OF IMPLEMENTING THE PROPOSED RULES:

There will be no significant implementation cost relating to this rulemaking for the State of West Virginia. The Commission does not anticipate additional costs to be incurred as a result of the rulemaking.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either house of the Legislature.)

This rulemaking will have no effect on the costs or revenues of state government.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

This rulemaking will have no significant economic impact on the State or its residents.

DATE: 10-17-97

AGENCY: Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Charlotte R. Lane
CHARLOTTE R. LANE, Chairman

BRIEF SUMMARY OF THE RULE

The proposed rulemaking creates a new series of rules governing the billing, collection and remission of wireless enhanced 911 monthly fees by certain telecommunication carriers subject to the jurisdiction of the Public Service Commission of West Virginia and the disbursement of such fee revenues to counties in West Virginia. The rulemaking is in response to legislation passed by the Legislature in 1997, Senate Bill 278.

STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE

Senate Bill 278 was passed April 12, 1997 and became effective 90 days thereafter. Among other things, the Bill requires the Commission to engage in rulemaking setting out the procedure for the billing and collection of E-911 fees by commercial mobile radio service providers. The legislation requires the billing and collection of such fees by the CMRS providers and requires remission of such fees to the Public Service Commission and the subsequent disbursement of such fees collected to the various counties in the State. The CMRS providers are authorized to begin collecting the E-911 fees on January 1, 1998.

25-orig.

150CSR25

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 25
RULES AND REGULATIONS GOVERNING
EMERGENCY TELEPHONE SERVICE

§150-25-1. General

1.1. Scope -- These rules govern the billing, collection, and remission of wireless enhanced 911 monthly fees by certain telecommunications carriers subject to the jurisdiction of the Public Service Commission of West Virginia pursuant to W.Va. Code §24-2-1 and the disbursement of such fee revenues to counties in West Virginia.

1.2. Authority -- W.Va. Code §§24-1-1, 24-1-7, 24-2-1, 24-2-2, 24-6-6b, and 24-6-11.

1.3. Filing Date --

1.4. Effective Date --

§150-25-2. Definitions.

2.1. For purposes of this section, the Commission adopts the definitions of "commercial mobile radio service provider or CMRS provider," "county answering point," "emergency services organization," "emergency service provider," "emergency telephone system," "enhanced emergency telephone system," "public agency," "public safety unit," "telephone company," "comprehensive plan," "technical and operational standards," set forth in W. Va. Code §24-6-2.

2.2. "Commission" means the Public Service Commission of West Virginia.

2.3. "County" means one of the counties provided for in W. Va. Code §1-1-1.

2.4. "E911" means Enhanced 911.

2.5. "E911 Fees" means Wireless Enhanced 911 Fees.

2.6. "FCC" means the Federal Communications Commission.

2.7. "NANC" means the North American Numbering Council.

2.8. "NANP" means the North American Numbering Plan.

2.9. "Valid retail CMRS subscription" means:

A two-way, voice grade or better, cellular or PCS telecommunications service associated with a unique multi-digit area code prefix assigned by NANC, pursuant to NANP, for any area within the State of West Virginia, and which may be used to signal terminal equipment devices associated with the service. Note: A single cellular or PCS account may have more than one valid retail CMRS subscription associated with that account.

\$150-25-3. Billing and Collection of E911 Fees.

3.1. Each CMRS provider shall, beginning on January 1, 1998, levy an E911 fee on each valid retail CMRS subscription.

3.2. The initial E911 fee amount shall be \$0.75 per billing month.

3.3. Each CMRS provider shall bill the currently applicable E911 fee to each valid retail CMRS subscription monthly.

3.4. The applicable E911 fee shall be a separate line item on the monthly billing statement provided to each valid retail CMRS subscription by CMRS providers.

3.5. When a valid retail CMRS subscription is billed for a partial month, the E911 fee shall be prorated, based on a thirty (30) day month, with fractional amounts rounded up to the nearest whole cent.

3.6 Each CMRS provider shall file with the Commission, by February 15th of each year, a total customer count as of December 31 of the preceding year. This annual report, as well as the required monthly reports, shall be subject to verification by the Commission.

\$150-25-4. Remission of E911 Fees to Commission.

4.1. On the first business day on or after the twentieth (20th) day of each month, each CMRS provider shall remit to the Commission's Administration Division a check or appropriate financial equivalent, for the E911 fees collected, after retaining up to three percent (3%) as a billing and collection fee, during the preceding monthly billing period.

4.2. Each CMRS provider shall remit to the Commission's Administration Division such E911 fees actually collected by the CMRS provider. Such E911 fees remitted shall include any previously unpaid E911 fees collected by the CMRS provider during the preceding monthly billing period.

4.3. Each CMRS provider shall, contemporaneous with the remission of E911 fees, file with the Commission a financial statement reflecting the total amount of E911 fees billed in the preceding monthly billing period and the total amount of E911 fees collected.

§150-25-5. Disbursement of E911 Fees.

5.1. The Telecommunications Section of the Commission's Utilities Division shall, using the methodology and data required by W. Va. Code §24-6-6b, calculate the E911 fee disbursement ratios as provided herein.

5.1.a. The initial disbursement ratios shall be effective on April 1, 1998. Disbursement ratios shall be recalculated by the Telecommunications Section of the Commission's Utilities Division in each subsequent year and shall be effective on July 1 of each such year.

5.2. Each county which has not enacted an E911 ordinance as of July 11, 1997, or which enacted an E911 ordinance on or after July 11, 1992 but before July 11, 1997, shall receive one percent (1%) of the monthly E911 fee revenue submitted to the Commission by the CMRS providers.

5.2.a. Counties which enact an E911 ordinance after July 11, 1997, or which enacted an E911 ordinance on or after July 11, 1992 but before July 11, 1997, shall continue to receive one percent (1%) of the monthly E911 fee revenues for a period of five (5) years following the adoption of the ordinance. After the fifth anniversary of the date of adoption of the ordinance, each such county shall receive only that county's portion of the monthly E911 fee revenues being disbursed on a pro rata basis, as set forth in 5.3 herein.

5.3. From the remainder of E911 fee revenues remitted to the Commission, each county shall receive a pro rata portion of the E911 fee revenues received by the Commission based on that county's percentage of the total number of local exchange telephone access lines and line equivalents in service in the State at the beginning of the calendar year.

5.4. Each county which has an E911 ordinance in effect shall receive its share of the wireless E911 fee revenue for use in the same manner as the E911 fee revenues received by those counties pursuant to their E911 ordinances.

5.5. For each county that does not have an E911 ordinance in effect, the Commission shall deposit the wireless E911 fee revenue allocable to such county into an escrow account established by the Commission for that county, in accordance with 6.2 herein.

5.6. Each county with an E911 fee revenue escrow account may, immediately upon adopting an E911 ordinance, receive the moneys which have accumulated in the escrow account for use as specified in W. Va. Code §24-6-6b(d)(2), subject to the following provisions:

5.6.a. Such county shall file with the Commission, together with its request for the release of moneys accumulated in the county's escrow account, a duly verified copy of the county's E911 ordinance. Escrow account moneys shall not be released until such copy of the county's ordinance has been filed with the Commission.

5.6.b. Beginning July 11, 2002, and on July 11 of every fifth year thereafter, all E911 fee revenue on deposit in the escrow account of a county without an E911 ordinance shall be disbursed on the pro rata basis specified in W. Va. Code §24-6-6b(d)(1), except that data for counties without E911 ordinances in effect shall be omitted from the calculation and all escrow accounts shall begin again with a zero (0) balance.

§150-25-6. E911 Fee Revenues Accounting.

6.1. The Commission shall establish an account for all monthly E911 fee revenues remitted to the Commission. Said account shall serve as a repository for such fee revenues until, in accordance with the quarterly disbursement schedule set forth in 1.6 herein, such revenues are either: (1) disbursed to each county with an E911 ordinance currently in effect; or (2) deposited to a separate escrow account for each county without an E911 ordinance currently in effect. The Commission shall:

6.1.a. Maintain records of all monies deposited to and withdrawn from said account;

6.1.b. Maintain records of amounts disbursed directly to each county with an E911 ordinance currently in effect; and

6.1.c. Maintain records of amounts deposited to the escrow account maintained for each county without an E911 ordinance currently in effect.

6.2. The Commission shall establish a separate escrow account for the E911 fee revenues remitted to the Commission for each county without an E911 ordinance currently in effect. Such accounts shall be used for the quarterly deposit of monthly E911 fee revenues received from CMRS providers and shall be placed in such counties' escrow accounts in accordance with these rules. The Commission shall:

6.2.a. Maintain records of all monies deposited to and withdrawn from each escrow account;

6.2.b. Maintain records of escrow amounts for counties which do not have an E911 ordinance in effect.

§150-25-7. Disbursement of Monthly E911 Fee Revenues:

7.1. Disbursement of monthly E911 fee revenues shall begin on April 10, 1998 and shall be disbursed, by check or appropriate financial equivalent, to each county with an E911 ordinance currently in effect, by the Commission by the 10th day of the month in accordance with the schedule set forth in 7.3 herein.

7.2. Disbursement of monthly E911 fee revenues shall begin on April 10, 1998 and shall be deposited to the escrow account established for each county without an E911 ordinance currently in effect, by the Commission by the 10th day of the month in accordance with the schedule set forth in 7.3 herein.

7.3. Monthly E911 fee revenues shall be disbursed, either directly, by check or appropriate financial equivalent, to counties with E911 ordinances currently in effect, or deposited to escrow accounts established for counties without an E911 ordinance currently in effect, as follows:

7.3.a. In the months of January, April, July and October, checks/escrow entries shall be issued to, or made for, the following counties: Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson and Jefferson.

7.3.b. In the months of February, May, and August and November, checks/escrow entries shall be issued to, or made for, the following counties: Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton and Pleasants.

7.3.c. In the months of March, June, September, and December, checks/escrow entries shall be issued to, or made for, the following counties: Pocahontas, Preston, Putnam, and Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming.

7.4. The fee revenues disbursed in any given month shall be those billed during the three-month period which ended three-months prior to the disbursal month. For example, the monthly E911 fee revenues filed with the Commission by CMRS providers for April, May and June 1998 shall be disbursed in October 1998.

§150-25-8. Registration of CMRS Providers.

8.1. Each CMRS provider which has received FCC authority to serve any area within the state of West Virginia on or before December 31, 1997 shall, no later than January 31, 1998, register with the Commission. Such CMRS providers shall register with the Commission even if the CMRS provider is not actually providing service in any part of West Virginia.

8.2. CMRS providers which receive authority to serve any area within the State of West Virginia after January 31, 1998 shall register within thirty (30) calendar days of receiving FCC authority to operate in West Virginia.

8.3. Such registration shall be filed with the Commission's Executive Secretary and shall include the following information:

8.3.a. Legal name of CMRS provider;

8.3.b. All business names used by the CMRS provider;

8.3.c. Name, title, mailing address, telephone number, fax number, and E-Mail address (if available) of the person to be contacted regarding state regulatory matters;

8.3.d. A listing of all areas in which the CMRS provider is authorized, by the FCC, to serve any portion of West Virginia; and

8.3.e. A copy of the FCC license authorizing the CMRS provider to serve any portion of West Virginia.

8.4. Changes to any of the above-listed information shall be filed with the Commission's Executive Secretary within thirty (30) calendar days of the effective date of such change(s). This filing requirement includes providing notice to the Commission's Executive Secretary of any and all mergers, divestitures, acquisitions, etc. affecting West Virginia service areas.

§150-25-9. Submission of Local Exchange Information.

9.1. Each local exchange carrier certificated by the Commission shall, by no later than February 15, 1998, submit to the Telecommunications Section of the Commission's Utilities Division line counts, by county, as of January 1, 1998.

9.2. Such line counts shall be for each access line, trunk and trunk equivalent, including PBX trunks and CENTREX trunk equivalents, in actual service.

9.3. Beginning in 1999, and for each subsequent year, the line

count data shall be submitted by February 15 and shall be for line counts as of January 1.

§150-25-10. Recalculation of E911 Fees.

10.1. The E911 fee shall be respecified biennially, beginning in 1999 and using the respecification methodology and data required by W. Va. Code §24-6-6b(d)(1). The respecified E911 fee shall become effective on July 1 of the respecification year.

10.2. The Commission shall provide notice of the respecified E911 fee to each CMRS provider currently registered with the Commission on or before November 1 of each respecification year.

10.3. The Commission shall provide notice of the currently applicable E911 fee to each new CMRS provider that registers with the Commission on or after November 1 of each calendar year, within thirty (30) calendar days after the date such CMRS provider registers with the Commission.

§150-25-11. Uncollectibles.

11.1. CMRS providers shall make reasonable and diligent efforts to collect unpaid E911 fees from each valid retail CMRS subscription. Notwithstanding the foregoing, a CMRS provider shall not be deemed to be a collection agent or otherwise held liable for a such subscription's failure to pay E911 fees properly billed by the CMRS provider.

11.2. In the event of non-payment of E911 fees properly billed by the CMRS provider, such CMRS provider shall provide notice, no less than thirty (30) calendar days, nor more than sixty (60) calendar days, after payment of such fees have become delinquent, to the delinquent valid retail CMRS subscription. Such notice shall contain the following information:

11.2.a. The amount of E911 fees currently owed by each such subscription, and the billing period for which such fees are owed;

11.2.b. A statement advising each such subscription of the subscription's obligation for payment of such E911 fee, pursuant to W. Va. Code §24-6-1 to -11;

11.2.c. Notice that, if such E911 fees remain unpaid for ninety (90) calendar days after becoming due and payable, the subscription's service shall be terminated.

11.3. Commencing in 1999, each CMRS provider shall file with the Commission, on or before January 1 of each calendar year,

a report identifying, on an individual county basis, by individual name and billing address, each valid retail CMRS subscription for which service was terminated for non-payment of E911 fees. Information from such report shall be made available to any requesting CMRS provider, emergency service provider, county, or any other person able to demonstrate good cause exists for obtaining access to such information.

§150-25-12. Confidentiality of Proprietary Information.

12.1. Any information pertaining to the numbers of customers and revenues collected by the CMRS providers, and which could be used to the disadvantage of the participating CMRS provider, provided by or to the Commission and any county or enhanced 911 program, shall not be subject to disclosure under the provisions of chapter 29B of the W. Va. Code.

12.2. Any other information deemed confidential or proprietary by the CMRS provider shall be marked as such by the CMRS provider and shall be treated as such until the Commission has rendered a final determination on the confidentiality of such information, in accordance with governing State law or Commission rules.

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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 17th day of October, 1997.

GENERAL ORDER NO. 187.14

In the matter of promulgating
rules and regulations governing
local emergency telephone service
and implementing an enhanced
911 fee program.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OCT 17 4 23 PM '97

FILED

COMMISSION ORDER

On June 24, 1997, Commission Staff (Staff) petitioned the Commission to initiate a general investigation regarding the administration, collection and disbursement of Enhanced 911 (E911) fees to be assessed on wireless telecommunications utility subscribers in West Virginia. Staff's petition was prompted by the Legislature's passage of Senate Bill No. 278 (SB278).¹ Although the legislation established an August 1, 1998 deadline by which the Commission is to solicit comments, hold a hearing and issue an order regarding the details associated with the assessment, collection and distribution of this fee, Staff recommended that the Commission conclude proceedings on the subject by November 1, 1997 due to the fact that SB278 authorizes commercial mobile radio service (CMRS) providers to begin collecting E911 fees on January 1, 1998.

By Order entered July 2, 1997, the Commission initiated a general investigation in response to Staff's petition. This proceeding was docketed as Case No. 97-0815-T-GI. The Commission's order required interested persons to file initial and reply comments by July 24 and August 15, 1997, respectively.

In response to the Commission's order, the following persons filed initial comments and petitions to intervene in this proceeding on or before July 24, 1997: Staff; Nextel

¹SB278 was passed on April 12, 1997 and became effective ninety (90) days thereafter -- July 11, 1997. The bill amended article 6, chapter 24, of the W. Va. Code by adding section 6b, which provides for the billing and collection of E911 fees by CMRS providers, requires remission of such fees to the Commission, and provides for the disbursement of fees collected to the various counties in the State. Additional, minor amendments to this article of the W. Va. Code were also made by SB278.

Communications, Inc. (Nextel); the West Virginia Enhanced 9-1-1 Council, Inc. (E911 Council); Washington/Baltimore Cellular Limited Partnership dba Cellular One Washington/Baltimore (COWB); Hardy Cellular Telephone Company and Georgia RSA#13, Inc., both dba United States Cellular Wireless Communications (collectively, USCWC); CELLCO Partnership (CELLCO); West Virginia Cellular Telephone Corporation (WVCTC); Orange County Cellular Telephone Corporation (Orange County); Highland Cellular, Inc. (Highland); Wheeling Cellular Telephone Company (Wheeling Cellular); McLang Cellular, Inc. (McLang); Northland Cellular Corporation dba Cellular One/Mountaineer Mobile (Mountaineer); and Eastern Wireless Cellular Corporation dba Cellular One (Cellular One). In addition, Bell Atlantic - West Virginia, Inc. (BA-WV) filed a statement indicating that it would not be filing initial comments but reserving the right to file reply comments.

The following persons filed reply comments in this proceeding on or before August 15, 1997: Staff; Nextel; COWB; and BA-WV.

DISCUSSION

After reviewing and considering the comments filed by all the parties in Case No. 97-0815-T-GI, the Commission concludes that it is appropriate to promulgate rules implementing the provisions of SB278 as soon as possible in order to have in place all E911 fee billing, collection, remission and disbursement mechanisms at approximately the same time CMRS providers begin billing their subscribers. Under the statutory time-frames applicable to Commission rulemaking, the Commission notes that it can promulgate final rules to be effective in January/February 1998 -- well in advance of the date CMRS providers begin collecting and remitting E911 fees and the Commission begins disbursing such fee revenues to counties. Moreover, the Commission will adopt final rules as quickly as possible in order to give all CMRS providers and other affected persons notice of the E911 fee program's provisions in advance of the January 1, 1998 fee collection deadline. For these reasons, the Commission will promulgate the proposed rules attached hereto, require the Commission's Executive Secretary to provide public notice as soon as possible, and will establish a procedural schedule set forth herein.

In addition, the Commission concludes that it would be appropriate to propose the attached rules as a new series of rules rather than as simply an amendment to the Commission's Rules and Regulations for the Government of Telephone Utilities, 150 C.S.R. Series 6 (Telephone Rules). The provisions of the E911 fee program are sufficiently unlike the Commission's rules governing telecommunications carriers' rates, terms and conditions of service, and informational requirements for various filings contained in the Telephone Rules.

FINDINGS OF FACT

1. On June 24, 1997, Staff petitioned the Commission to initiate a general investigation regarding the administration, collection and disbursement of E911 fees to be assessed on wireless telecommunications utility subscribers in West Virginia pursuant to SB278.

2. SB278, which became effective July 11, 1997, amended article 6, chapter 24, of the W. Va. Code by adding section 6b, which provides for the billing and collection of E911 fees by CMRS providers, requires remission of such fees to the Commission, and provides for the disbursement of fees collected to the various counties in the State. Additional, minor amendments to this article of the W. Va. Code were also made by SB278.

3. Although SB278 established an August 1, 1998 deadline by which the Commission is to solicit comments, hold a hearing and issue an order regarding the details associated with the assessment, collection and distribution of this fee, the legislation authorizes commercial mobile radio service (CMRS) providers to begin collecting E911 fees on January 1, 1998.

4. By Order entered July 2, 1997, the Commission initiated a general investigation in response to Staff's petition. This proceeding was docketed as Case No. 97-0815-T-GI. The Commission's order required interested persons to file initial and reply comments by July 24 and August 15, 1997, respectively.

5. In response to the Commission's order, numerous persons filed initial comments and petitions to intervene in Case No. 97-0815-T-GI on or before July 24, 1997.

6. Several persons filed reply comments in Case No. 97-0815-T-GI on or before August 15, 1997.

CONCLUSIONS OF LAW

1. It is reasonable to propose promulgating the Rules and Regulations Governing Emergency Telephone Service, attached hereto as Appendix A, as a new series of rules, to be codified at 150 C.S.R. Series 25.

2. Commission action implementing the provisions of SB278 is needed as soon as possible in order to have in place all E911 fee billing, collection, remission and disbursement mechanisms at approximately the same time CMRS providers begin billing their subscribers.

3. The Commission's Executive Secretary should be required to publish the notice, attached hereto as Appendix B, once, in a

newspaper duly qualified by the Secretary of State, published and of general circulation in each of the following cities: Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, New Cumberland, Parkersburg, Point Pleasant, Welch, Wheeling and Williamson, and to file proof of publication thereof immediately upon return of same.

4. The following procedural schedule should be established in this rulemaking:

Public Hearing: November 25, 1997; 9:30 a.m.,
Howard C. Cunningham Hearing
Room, Public Service
Commission, Charleston, WV

Deadline for initial

written comments: November 18, 1997; 4:30 p.m.

Deadline for reply

written comments: November 25, 1997; 4:30 p.m.

5. All persons filing comments or seeking to intervene in the Commission's general investigation in Case No. 97-0815-T-GI will be considered parties hereto and will be provided with a copy of this Order, as well as the attached proposed rules.

ORDER

IT IS, THEREFORE, ORDERED that the Rules and Regulations Governing Emergency Telephone Service, attached hereto as Appendix A, should be, and hereby are, proposed as a new series of rules, to be codified at 150 C.S.R. Series 25.

IT IS FURTHER ORDERED The Commission's Executive Secretary provide notice as soon as practicable upon entry hereof, by publishing a copy of the notice set forth in Appendix B, attached hereto, once, in a newspaper duly qualified by the Secretary of State, published and of general circulation in each of the following cities: Beckley, Bluefield, Charleston, Clarksburg, Elkins, Fairmont, Huntington, Keyser, Lewisburg, Logan, Martinsburg, Morgantown, Moundsville, New Cumberland, Parkersburg, Point Pleasant, Welch, Wheeling and Williamson, and to file proof of publication thereof immediately upon return of same.

IT IS FURTHER ORDERED that the following procedural schedule be adopted:

Public Hearing:

November 25, 1997; 9:30 a.m.,
Howard C. Cunningham Hearing
Room, Public Service
Commission, Charleston, WV

Deadline for initial
written comments:

November 18, 1997; 4:30 p.m.

Deadline for reply

written comments:

November 25, 1997; 4:30 p.m.

Comments shall be filed with: Sandra Neal, Executive Secretary,
Public Service Commission of West Virginia, 201 Brooks Street,
P.O. Box 812, Charleston, WV 25323.

IT IS FURTHER ORDERED that the Commission's Executive
Secretary serve a copy of this Order, and the attached proposed
rules, upon all persons filing comments or seeking to intervene
in the Commission's general investigation in Case No. 97-0815-T-GI
by United States First Class Mail and upon Commission Staff by
hand delivery.

ARC

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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

GENERAL ORDER NO. 187.14

In the matter of promulgating
rules and regulations governing
local emergency telephone service
and implementing an enhanced
911 fee program.

PUBLIC NOTICE

By Order entered October 17, 1997, the Public Service Commission of West Virginia (Commission) proposed Rules and Regulations Governing Emergency Telephone Service, to be codified at 150 C.S.R. Series 25. The Emergency Telephone Rules provide for the administration, billing, collection and disbursement of Enhanced 911 fees to be assessed on wireless telecommunications utility subscribers in West Virginia, as required by Senate Bill No. 278 (effective July 11, 1997). The initial Enhanced 911 fee shall be \$0.75 per month and shall begin being collected on January 1, 1998. In its October 17, 1997 Order, the Commission required interested persons to file written initial comments by 4:30 p.m., November 18, 1997 and written reply comments by 4:30 p.m., November 25, 1997. In addition, the Commission scheduled a November 25, 1997 public hearing, commencing at 9:30 a.m., in the Howard C. Cunningham Hearing Room, Public Service Commission, Charleston, WV, during which interested persons may appear and submit oral or written comments. Written comments must be filed with: Sandra Neal, Executive Secretary, Public Service Commission of West Virginia, 201 Brooks Street, P.O. Box 812, Charleston, WV 25323.

PUBLIC
SERVICE
COMMISSION
OF
WEST VIRGINIA
CHARLESTON

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 340-0372

October 17, 1997

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OCT 17 4 23 PM '97

FILED

Judy Cooper, Director
Administrative Law Division
Secretary of State's Office
Building 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0771

Re: Series 25

Dear Judy:

Enclosed for filing are the proposed rules of the Public Service Commission with respect to Series 5. I have submitted completed Form 1 regarding hearing and comment; a fiscal note; a brief summary of the rule; and, a statement of circumstances requiring the rule.

If there are any problems or questions, please direct them to my attention. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rick Hitt".

Richard E. Hitt
General Counsel

REH/cbd
Enclosures