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PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

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OFFICE WEST VIRGINIA
PUBLIC SERVICE COMMISSION
STATE

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA held in the City of Charleston on the 8th day of March 2018.

GENERAL ORDER NO. 187.52

In the matter of Rules Governing E-911 Fees,
150 C.S.R. Series 25, to provide further guidance
Regarding E-911 fee requirements.

COMMISSION ORDER

The Commission promulgates proposed amendments to Rules 10 and 11 of the Commission's Rules Governing Emergency Telephone Service (Emergency Telephone Service Rules), 150 C.S.R. Series 25.

BACKGROUND

On every odd year, pursuant to the Commission's Emergency Telephone Service Rule 11 and as directed by W. Va. Code §24-6-6b(c), the Commission conducts an audit of the wireless enhanced 911 (E-911) fee. The Commission recalculates the E911 fee so that it is the weighted average rounded to the nearest penny, as of the first day of March of the respecification year, of all of the E-911 fees imposed by the Counties which have adopted an E-911 ordinance. If the weighted average of the E-911 fee exceeds the \$3 per month statutory wireless E-911 fee, the wireless E-911 fee must be increased to the weighted average of the E-911 fees but never increased more than twenty-five percent of the wireless E-911 fees at the beginning of the respecification year.

In previous years, the weighted average of the E-911 fees has been below the statutory wireless E-911 fee until 2017. The annual data received by Commission Staff showed that the total number of landline subscribers has trended downward over time. Because of this trend, the E-911 fee increased last year and is likely to continue to increase in the future. The Commission, therefore, anticipates future E-911 fee increases.

During the 2017 respecification year, the Commission reviewed Rule 11 of the Emergency Telephone Service Rules and concluded that rule revisions were required to establish a reasonable timeline for the data submission to the Commission from the local exchange carriers (LECs) and submission of Staff calculations. The Commission intends to issue its order respecifying the fee as soon as possible after receipt of the Staff calculations. This will facilitate the timely receipt of information by the CMRS providers for billing purposes. The Commission has initiated this rulemaking to propose a timeline

FINDING OF FACT

The current notice, data collection and Staff report timeline in Rules Governing E-911 fees do not provide the CMRS providers with sufficient notice regarding the respecified E-911 fee before it becomes effective.

CONCLUSION OF LAW

The Commission should promulgate proposed amendments to its Rules governing E-911 fees to revise certain deadlines and to provide notice, and an opportunity for interested parties to file written comments.

ORDER

IT IS THEREFORE ORDERED that the attached Rules Governing Emergency Telephone Service (Emergency Telephone Service Rules), 150 C.S.R. Series 25, are promulgated as proposed rules for comment. Attachment A reflects the blackline changes and Attachment B is the clean version.

IT IS FURTHER ORDERED that the Executive Secretary of this Commission file a copy of the text of the proposed rules with the required forms with the office of the West Virginia Secretary of State.

IT IS FURTHER ORDERED that the initial comments concerning the attached proposed rules shall be filed with the Public Service Commission on or before 4:00 p.m. April 9, 2018. Reply comments will be due by 4:00 p.m., May 9, 2018. All comments filed in this matter should be submitted to Ingrid Ferrell, Executive Secretary, P.O. Box 812, Charleston, WV 25323, and specifically address a proposed rule change.

IT IS FURTHER ORDERED that the Executive Secretary shall cause a copy of the attached notice as Attachment C to be published once in a newspaper of statewide circulation.