

202 KAR 6:080. CMRS surcharge remittance and reporting.

RELATES TO: KRS 65.7621, 65.7627, 65.7629(3)-(9), (13), 65.7631, 65.7634, 65.7635, 65.7636, 65.7639, 65.7643, 142.100-142.135, 9 U.S.C. 1-16, 47 U.S.C. 153(27), 332(d), FCC Order Docket #94-102, 1996

STATUTORY AUTHORITY: KRS 65.7633(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.7631(5) requires the Kentucky 911 Services Board to collect surcharges from every prepaid, postpaid and Lifeline CMRS connection in the Commonwealth and to distribute a portion of the revenues deposited into the CMRS fund to Board-certified PSAPs, based in part on their workload in complying with the wireless E911 service requirements established by the FCC order. KRS 65.7633(1) requires the Kentucky 911 Services Board to promulgate administrative regulations to implement the provisions of KRS 65.7621 to 65.7643. This administrative regulation establishes the process by which point of sale retailers of prepaid wireless communication services, and CMRS providers and their resellers of prepaid, postpaid and Lifeline CMRS connections remit surcharges and report the information necessary to collect the remittances and to calculate the required disbursements.

Section 1. Remittance of postpaid and Lifeline CMRS Surcharge.

- (1) A CMRS provider shall remit to the Kentucky 911 Services Board the CMRS surcharge for postpaid and Lifeline subscribers on form "Provider Remittance Report", incorporated by reference, and also available on the web page at <https://911board.ky.gov>.
- (2) At least ninety (90) calendar days before implementation of a change in remittance procedure, the board shall notify each provider of the change. Notice shall include copies of required forms and instructions for their completion.
- (3) The board shall:
 - (a) Upon request of a provider, provide copies of required forms and instructions for their completion; and
 - (b) Maintain on the Web site <https://911board.ky.gov>, a copy of the form and instructions in current use.

Section 2. Remittance of prepaid CMRS Surcharge. The prepaid service charge imposed by KRS 65.7634 shall be collected by the retailer from the purchaser at the time of purchase and remitted to the Department of Revenue as provided in KRS 142.100 to 142.135.

Section 3. Quarterly Report of CMRS Connections in a Zip Code.

- (1) Each provider or reseller shall submit to the Kentucky 911 Services Board a quarterly report of the number of postpaid, prepaid, and Lifeline CMRS connections served by them for the previous three (3) months of the reporting periods ending March 31, June 30, September 30, and December 31.
- (2) Each quarterly report shall list for each zip code served by the provider and located at least partially in Kentucky, the number of CMRS postpaid, prepaid, and Lifeline connections billed by them in each month of the reporting period.
- (3) The Provider Remittance Report shall be sorted by zip code and submitted in a format as designated by the Kentucky 911 Services Board. The board shall maintain on the Web site <https://911board.ky.gov>, a copy of the form and instructions in current use.
- (4) A reseller shall include:
 - (a) A list of the CMRS providers on whose network they resell service; and
 - (b) The number of CMRS connections on each network.
- (5) The report shall be due at the Kentucky 911 Services Board office no later than sixty (60) days following the end of the reporting month.

Section 4. Required Reports Regarding Resellers of CMRS Service.

(1) A provider who contracts with a reseller of wireless service shall submit to the CMRS Board a quarterly report listing each vendor reselling wireless service on the provider's network.

(2) The quarterly report shall:

(a) Be submitted to the board no later than sixty (60) days after the end of the calendar months of March, June, September, and December;

(b) Include the reseller's:

1. Business name;
2. Business address;
3. Contact person;
4. Telephone numbers; and
5. E-mail address; and

(c) Include the number of CMRS connections receiving service on the provider's network and billed by the listed reseller.

Section 5. Provider Failure to Comply with Reporting and Remittance Requirements.

(1) A provider's failure to comply with the requirements of this administrative regulation shall constitute cause for the board to suspend cost recovery payments to the provider.

(2) A cost recovery payment shall be suspended only if authorized by a majority vote of the Kentucky 911 Services Board.

(3) The board shall not consider suspension of payment to a provider unless the provider has been:

(a) Notified in writing of the failure to comply with a stated provision of this administrative regulation; and

(b) Allowed ten (10) days from receipt of notice in which to respond.

(4) The provider may appeal the board's suspension of cost recovery payments, in accordance with KRS Chapter 13B.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Provider Remittance Report", 3/20/2019; and

(b) "Bank Routing and Account", 6/2001.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky 911 Services Board, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

(28 Ky.R. 1271; Am. 1614; eff. 1-14-2002; TAm eff. 8-31-2007; 45 Ky.R. 143, 899; eff. 9-10-2019.)