

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is a correct copy of rule as promulgated and adopted on the 20th day of November, 2013, and filed with the agency secretary on the 26th day of November, 2013.

AGENCY NAME: Alabama Statewide 911 Board

_____Amendment ___X___New _____Repeal (Mark appropriate space)

Rule No. 585-X-4-.03

Rule Title: ELIGIBILITY AND REQUIREMENTS FOR COST RECOVERY PROPOSALS AND SWORN INVOICES BY OR ON BEHALF OF CMRS PROVIDERS

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes to proposed rule

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXI

ISSUE NO. 10, AAM, DATED JULY 31, 2013.

Statutory Rulemaking Authority: Sections 11-98-5.2 AND 11-98-7, as amended

(Date Filed)
(For LRS Use Only)



Donnie Smith, Secretary

REC'D & FILED

NOV 26 2013

LEGISLATIVEREFSERVICE

RULES AND REGULATIONS OF THE ALABAMA 9-1-1 BOARD
CHAPTER 585-X-4
COLLECTION AND DISBURSEMENT OF SERVICE CHARGES

585-X-4-.03 Eligibility and Requirements for Cost Recovery Proposals and Sworn Invoices
By or on behalf of CMRS Providers

- (1) Any CMRS provider wishing to participate in cost recovery pursuant to Sections 11-98-5.2(b) & (c) and 11-98-7 Code of Alabama, 1975 as amended, shall certify to the Board that it does not then collect a cost recovery or other similar separate charge from its customers or subscribers. Said certification is due by October 1 or each year and if a CMRS carrier elects to begin collecting cost recovery or other similar separate charges at any time following its October 1 certification it shall immediately notify the Board and is ineligible to participate in cost recovery reimbursement until ceasing the collection from its customers or subscribers and providing the certification required under Sec. 11-98-5.2(c) Code of Alabama, 1975.
- (2) Each eligible CMRS provider wishing to participate in cost recovery shall submit a cost recovery plan and proposal to the Board by October 1, of each year detailing the recurring and nonrecurring charges for which reimbursement will be sought and detailing total Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges. All costs and charges submitted in the cost recovery plan must be commercially reasonable and shall be directly related to compliance with the FCC order and other requirements for enhanced 9-1-1 service.
- (3) All CMRS providers seeking reimbursement for actual costs incurred to provide 9-1-1 or E9-1-1 service pursuant to Sec. 11-98-5.2 and 11-98-7 Code of Alabama, 1975 shall complete and submit a sworn invoice containing the following:
 - (a) The CMRS provider's name and address;
 - (b) The date of the invoice;
 - (c) The service period for which reimbursement is sought;
 - (d) Itemization of non-recurring charges for which reimbursement is sought, including:
 1. Description of each item;
 2. Quantity of each item provided;
 3. Unit cost of each item; and
 4. Total cost of each item.
 - (e) Itemization of monthly recurring charges for which reimbursement is sought, including:
 1. Description of each item;
 2. Quantify of each item provided;
 3. Unit cost of each item; and
 4. Total cost of each item.

- (f) Itemization of each other recurring charges for which reimbursement is sought, including:
 - 1. Timing of each item; e.g., annual, quarterly, bi-monthly, etc.;
 - 2. Description of each item;
 - 3. Quantity of each item provided;
 - 4. Unit cost of each item; and
 - 5. Total cost of each item.
 - (g) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges;
 - (h) Total amount of reimbursement sought in the invoice;
 - (i) The following certification: "I hereby certify that the foregoing statements are true and correct, and that no material fact has been withheld or concealed from the Alabama 9-1-1 Board"; and
 - (j) The dated and notarized signature of the person submitting the invoice.
- (4) A CMRS provider that fails to timely submit its cost recovery proposal in accordance with subsection (2) for the ensuing fiscal year shall be deemed ineligible and precluded from participating in cost recovery during the ensuing fiscal year. However, a CMRS provider deemed ineligible for cost recovery in the ensuing fiscal year for failure to timely file its cost recovery plan may request reinstatement of its eligibility by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its non-compliance. The Board may permit a representative of the CMRS to appear before the Board and the Board may consider the facts and circumstances and determine whether relief is justified.

Author: James T. Sasser

Statutory Authority: Sections 11-98-5.2, 11-98-7, Code of Alabama, 1975, as amended

History: Filed November 26, 2013; effective December 31, 2013