

TITLE 165. CORPORATION COMMISSION

CHAPTER 61. OKLAHOMA E911 EMERGENCY SERVICE FUND

PERMANENT RULES

AMENDED, EFFECTIVE 7-01-01

NOTE: These rules are provided for the convenience of those who are affected by the jurisdiction of the Oklahoma Corporation Commission. Although the text of these rules is the same as the text on file in the Office of Administrative Rules, they are not the official version of the Oklahoma Administrative Code. Official rules are available from the Office of Administrative Rules of the Oklahoma Secretary of State.

TITLE 165. CORPORATION COMMISSION

CHAPTER 61. OKLAHOMA E911 EMERGENCY SERVICE FUND

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[**AUTHORITY:** Okla. Const. Art. IX, Section 18]

[**Source:** Codified 7-15-98]

SUBCHAPTER 1. GENERAL PROVISIONS

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SUBCHAPTER 1. GENERAL PROVISIONS

165:61-1-1. Purpose and title

(a) This Chapter establishes the Oklahoma Corporation Commission Rules and Regulations Governing the Oklahoma E911 Emergency Service Fund, which shall be cited as the Commission's E911 Rules.

(b) The purpose of this Chapter is to establish guidelines for the administration of the Oklahoma E911 Emergency Service Fund ("E911 Fund") that are consistent with the provisions of 17 O.S. § 139.109.

(c) This Chapter is further intended to establish objective standards for the review and processing of applications for disbursement of funds from the Oklahoma E911 Fund and to ensure that funds are utilized in a manner which is consistent with the public interest; for the purpose of defraying the cost of purchasing and installing equipment for enhanced 911 emergency systems across the State of Oklahoma.

(d) This Chapter describes:

- (1) Who shall make contributions to the E911 Fund and the methodology for calculating those contributions;
- (2) The equipment purchases supported by the E911 Fund;
- (3) The eligibility criteria to receive disbursements from the E911 Fund;
- (4) The procedures for calculating and distributing those disbursements; and,
- (5) The requirements related to an audit of the use of the disbursed funds.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-2. Jurisdiction

The Oklahoma Corporation Commission has jurisdiction to enact this Chapter by virtue of Article IX § 18 of the Constitution of the State of Oklahoma and 17 O.S. §139.109.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-3. Application of rules

(a) This Chapter shall be read in context with any applicable:

- (1) Federal law and/or regulation;
- (2) State law and/or regulation; and,
- (3) Commission order and/or rule.

(b) This Chapter shall be applicable to each local exchange telecommunications service provider operating within the State of Oklahoma and any entity seeking disbursement of funds from the E911 Fund.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Access line" means the facility provided and maintained by a telecommunications service provider which permits access to and/or from the public switched network, including access to other access lines within the local calling scope, without a toll charge.

"Administrator" means the administrator of the E911 Fund.

"Application" means a written request for funding from the E911 Fund, in the format set forth in this Chapter, that is filed with the Oklahoma Corporation Commission, together with the filing fee set forth in OAC 165:5 for a case on the PUD docket.

"Commission" means the Oklahoma Corporation Commission.

"County wide E911 system" means a proposed emergency service system that provides E911 service to the **entire** county for which funds are being sought.

"Customer" or **"Subscriber"** means any person, firm, partnership, cooperative corporation, corporation or lawful entity that receives telecommunications services.

"Disbursement" means remuneration from the E911 Fund pursuant to OAC 165:61-5-5 for the purpose of defraying the cost of purchasing and installing equipment for an enhanced 911 emergency system.

"Emergency telephone system" means any telephone system utilizing a three-digit number, nine-one-one (911), for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel.

"Enhanced 911 or E911" means an emergency telephone system utilizing a three-digit number, nine-one-one (911), for reporting an emergency, as well as the telephone number and location of the telephone number from which the emergency call is placed, to the appropriate public agency providing law enforcement, fire, medical or other emergency services, including

ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel.

"Equipment" means all telecommunication network electronic equipment necessary to effectively process a 911 emergency service call which shall include all normal database and Public Service Answering Point ("PSAP") processing functions.

"Exchange" means a geographic area established by an incumbent local exchange carrier ("LEC") as filed with and/or approved by the Commission for the administration of local telecommunications service in a specified area which usually embraces a city, town, or village and its environs. It may consist of one or more central offices together with associated plant used in furnishing telecommunications service in that area.

"Governing body" means the board of county commissioners of a county, the city council or other governing body of a municipality, or a combination of such boards, councils or other municipal governing bodies, which shall have an administering board as provided in subsection G of 63 O.S. § 2815.

"Local exchange telecommunications service provider" means a company holding a certificate of convenience and necessity from the Commission to provide local exchange telecommunications service.

"Multi-county E911 system" means a proposed emergency service system that provides E911 service to the **entire** counties for which funds are being sought.

"Multi-city/town E911 system" means a proposed emergency service system that provides E911 service to two (2) or more **entire** cities or towns for which funds are being sought within the county.

"Network" includes a telecommunications service provider's facilities used to originate and terminate traffic.

"911 Emergency" means a service that uses a three digit telephone number designated as the universal number for public use throughout the United States to obtain law enforcement, medical, fire, rescue, and other emergency services. The following three 911 service options are available:

(A) Basic which automatically routes 911 calls to a PSAP but provides no information about the location or telephone number of the caller.

(B) C911 which automatically routes calls to a PSAP and provides the calling number to the PSAP attendant.

(C) E911, known as enhanced 911, which automatically routes 911 calls to a PSAP and provides the calling telephone number, address and other valuable information.

"Person" means any individual, partnership, corporation, association, governmental entity, public or private organization of any character, or any other entity.

"Service territory" means a geographic area served by a telecommunications service provider.

"Single city/town E911 system" means a proposed emergency service system that provides service to the **entire** city/town for which funds are being sought.

"State" means the State of Oklahoma.

"Telecommunications service provider" means all authorized providers of local telecommunications service, whether an incumbent Local exchange carrier or a competitive Local exchange carrier.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 16 Ok Reg 2377, eff 7-1-99]

165:61-1-5. Interpretation of rules

The words contained in this Chapter shall be given their ordinary and customary meanings, with technical terms and words being construed as generally understood within the telecommunications industry, except where otherwise expressly provided.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-6. Relief from rules

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship upon or excessive expense to a party or parties subject to the rules of this Chapter, the Commission may, upon application and for good cause shown, issue an order waiving or modifying the requirements of this Chapter. The Commission may grant temporary relief pending hearing.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-7. Supremacy

This Chapter supersedes any conflicting Commission order that may be in effect on the effective date of this Chapter.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-8. Controversy over rules

Whenever a controversy exists in connection with the interpretation of the rules of this Chapter or their applicability, or any right or duty imposed thereby, the Commission, upon application of any affected person and after notice and hearing, will enter such order thereon as it may deem appropriate.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-1-9. Severability

(a) Nothing in this Chapter shall relieve any entity from any of its duties under the laws of the State of Oklahoma or the United States.

(b) This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission.

(c) If any provision of this Chapter is held invalid, such invalidity shall not affect the other provisions of this Chapter or their applicability provided such other provisions can be given effect without the invalid provision or its applicability, and to this end, the provisions of this Chapter are declared to be severable.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

SUBCHAPTER 3. OKLAHOMA E911 EMERGENCY SERVICE FUND

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SUBCHAPTER 3. OKLAHOMA E911 EMERGENCY SERVICE FUND**PART 1. E911 FUND****165:61-3-1. Purpose of E911 Fund**

The E911 Fund was established by the Oklahoma Legislature in 1997, for the purpose of defraying the cost of purchasing and installing equipment for enhanced 911 emergency systems across the State of Oklahoma.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-2. [RESERVED]**165:61-3-3. Use of the E911 Fund**

(a) The E911 Fund is a state fund administered by the Commission for the purpose of making money available to eligible governing bodies to defray the cost of purchasing and installing equipment for enhanced 911 emergency systems across the state.

(b) Funding from the E911 Emergency Service Fund shall not be used for ongoing operating costs of any emergency telephone system.

(c) In order to maximize the benefit of the limited funding available from the E911 Fund for the development of E911 emergency telephone systems across the state, governing bodies are encouraged to enter into agreements pursuant to the Interlocal Cooperative Act, for the purpose of operating a combined E911 emergency telephone system.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-4. [RESERVED]

165:61-3-5. Administration of the Fund

- (a) The Commission will appoint the E911 Fund Administrator, which shall be the Public Utility Division of the Commission.
- (b) The Administrator is expressly authorized to bring actions before the Commission to enforce the provisions of this Chapter.
- (c) The E911 Fund Administrator shall act under the supervision of the Commission, in order to administer the E911 Fund in accordance with the rules and procedures approved by the Commission and consistent with this Chapter. The Administrator is authorized to enforce and implement applicable rules and orders of the Commission.
- (d) The Administrator's general duties shall include:
 - (1) Collecting and receiving monies paid into the E911 Fund;
 - (2) Providing disbursements from the E911 Fund;
 - (3) Managing the daily operations and affairs of the E911 Fund;
 - (4) Conducting periodic audits of contributors to the E911 Fund to ensure that the contributors are accurately reporting and making proper payments to the E911 Fund;
 - (5) Performing any periodic audits or review of the E911 Fund disbursements as deemed necessary by the Administrator and/or the Commission;
 - (6) Resolving disputes;
 - (7) Reviewing all Requests for Disbursements and making a recommendation to the Commission for approval, modification or denial of such requests; and,
 - (8) Performing any other duties as directed by the Commission.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-6. [RESERVED]

165:61-3-7. Entities eligible to receive disbursement from the E911 Fund

Pursuant to 63 O.S. § 2811 et seq., a governing body may, by ordinance in the case of municipalities and by resolution in the case of counties or a combined governing body, provide for the operation of emergency telephone service. Accordingly, an applicant for disbursement from the E911 Fund shall be:

- (1) A governing body that has passed either an ordinance or resolution, as appropriate, approving the operation of an E911 emergency telephone system or the upgrade of an existing 911 emergency telephone system to an E911 emergency telephone system.
- (2) A governing body that has passed either an ordinance or resolution, as appropriate, approving the upgrade or expansion of an existing E911 emergency telephone system, in order to provide service to customers located in an area that is not served by an existing 911 emergency telephone system or an existing E911 emergency telephone system.
- (3) A combination of governing bodies that have each passed the appropriate ordinance or resolution for the purpose of operating an E911 emergency telephone system.
- (4) In the event that the application is filed by more than one governing body, a lead applicant must be specified, and each governing body directly benefiting from the proposed E911 emergency telephone system must enter into an Interlocal Cooperation Agreement as prescribed under 74 O.S. § 1008 of the Interlocal Cooperation Act, as amended, and have it filed with the office of the county clerk in each county served by the proposed E911 emergency telephone system and in the offices of each governmental entity involved.
- (5) A city located within a county may have an E911 telecommunications system which is independent of the county's E911 system. The two telecommunications systems can operate independently and may seek funding from the E911 Fund up to their respective limits. The city may operate as a city-wide system and the county as a county-wide system. The required interlocal agreement between the city and the county may not impair the independence of the two systems.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 18 Ok Reg 2453, eff 7-1-01]

165:61-3-8. [RESERVED]

165:61-3-9. Threshold eligibility to receive funding

- (a) Pursuant to 17 O.S. § 139.109 (A), an emergency telephone system shall have been or be in the process of being approved as provided for in the Nine-One-One Emergency Number Act, 63 O.S. § 2811 et seq., in order to receive funding from the E911 Fund.
- (b) In order to ensure that funding from the E911 Fund is utilized to defray the cost of purchasing and installing equipment for a viable E911 emergency system, funding shall only be given to an emergency telephone system that has developed a budget and can demonstrate a source of funding capable of supporting the ongoing operating costs for that emergency telephone system.
- (c) Each governing body included as an applicant for approval of E911 funding, must attest to the accuracy of the information provided in the application.
- (d) Applications must include a resolution passed by each current governing body requesting that funding be sought from the E911 Fund. If the proposed E911 emergency telephone system will provide E911 service to citizens subject to the jurisdiction of more than one governing body, the application shall include such a resolution from each governing body whose citizens will benefit from the proposed E911 emergency telephone system.

(f) Any governing body seeking funding pursuant to this Chapter must demonstrate that the proposed E911 emergency telephone system was either competitively bid or that the most cost effective price was achieved by the selection of the proposed E911 emergency telephone system.

(g) Information required by the application must be comprehensive and provided in an intelligible manner, according to the application guidelines. All documentation required to be provided with the application shall be provided at the time the application is filed.

(h) Threshold requirements will be strictly enforced. Applications not meeting threshold requirements will be returned to the applicant within forty-five (45) days of the submission of the application and will need to be resubmitted within the appropriate timeframe as set forth in Section 165:61-3-22, in order to be considered for funding.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-10. [RESERVED]

165:61-3-11. Cap on approved funding

In order to maximize the benefit of the limited monies available from the E911 Fund and to encourage the submission of plans for enhanced emergency telephone systems that coordinate the efforts of more than one governing body, the maximum amount of funding approved from the E911 Fund for any one proposed emergency telephone system shall be as follows:

- (1) Multi-county E911 system - \$150,000
- (2) County-wide E911 system - \$100,000
- (3) Multi-city/town E911 system - \$50,000
- (4) Single city/town E911 system - \$25,000

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 16 Ok Reg 2377, eff 7-1-99]

165:61-3-12. Waiver of cap on approved funding

(a) A waiver of 165:61-3-11 may be granted by the Commission, for good cause shown, after notice and hearing. In considering the request for waiver, the Commission may consider the following:

- (1) The existence of any extraordinary circumstances that affect public health and safety within the area served by the proposed emergency telephone system;
- (2) The existence of any unique characteristics of the population to be served by the proposed emergency telephone system; and
- (3) The availability of any additional funding sources if the waiver is granted.

(b) No waiver will be granted by the Commission in an amount that exceeds 50% of the cap on the appropriate funding category pursuant to 165:61-3-11.

(c) No waiver of 165:61-3-11 will be granted during any funding period when the total amount of the qualified requests, by all applicants requesting funding, exceeds the funds available during that funding period.

[Source: Added at 16 Ok Reg 2377, eff 7-1-99]

165:61-3-13. Preferences for receiving funding

(a) In order to maximize the benefits to the citizens of Oklahoma, preference for funding will be given first to those systems to be established in areas of the State which do not have access to 911 emergency service before July 1, 1997, second to areas of the State which have access to 911 emergency service but do not have access to enhanced 911 emergency services, third, to expand an existing E911 system into an area of the State not currently served by any 911 system, and fourth, to improve the quality of service being provided by an existing E911 system, and;

(1) To those systems which will provide E911 emergency service to the largest geographical area of the State;

(2) To those systems which coordinate the provisioning of E911 emergency service by the largest number of governing bodies, as defined in the Nine-One-One Emergency Number Act, 63 O.S. § 2813; and,

(3) To those systems which will serve areas that have received the largest number of emergency calls, during the two (2) years preceding the date of application to the Commission for funding.

(b) When funding will be received by a governing body for the purpose of upgrading an existing 911 emergency telephone system to an E911 emergency telephone system, preference will be given to those systems that demonstrate the most need, based upon the number of outages of the existing 911 emergency telephone system during the two (2) years preceding the date of the application to the Commission for funding.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 16 Ok Reg 2377, eff 7-1-99]

PART 3. APPLICATION

165:61-3-20. Contents of application

Each application for funding shall contain sufficient information, presented in a clear and concise manner, to enable the Administrator of the E911 Fund to evaluate the application according to the guidelines set forth in this Chapter. Supporting documentation which shall be attached to the application shall include:

(1) A statement that the proposed emergency telephone system was competitively bid or documentation that demonstrates, by clear and convincing evidence, that the most cost effective price was achieved by the selection of the proposed E911 emergency telephone system.

- (2) If the proposed emergency telephone system was competitively bid, the application shall include:
- (A) A copy of the Request for Proposal;
 - (B) A list of all potential bidders;
 - (C) A list of all bids received;
 - (D) Engineering sources utilized in developing the Request for Proposal and in evaluating the bids; and,
 - (E) The selection criteria that caused the proposed E911 emergency telephone system to be selected by the governing body.
- (3) If the system was not competitively bid, the applicant shall demonstrate that the most cost effective price was achieved, by attaching to the application:
- (A) Actual invoices or professional cost estimates for the equipment to be installed for the proposed E911 emergency telephone system, derived from vendors, engineers, construction companies, architects or other appropriate personnel with experience to make such estimates;
 - (B) Catalogs/brochures which list the cost of the equipment for the proposed E911 emergency telephone system; and,
 - (C) The selection criteria that caused the proposed E911 emergency telephone system to be selected by the governing body.
- (4) Any contracts regarding the installation of the equipment for the proposed E911 emergency telephone system.
- (5) Documentation regarding the annual operating budget and that the funding source will be sufficient to support the ongoing operations of the E911 emergency telephone system.
- (6) Documentation that the voters in the area to be served by the proposed E911 emergency telephone system have voted to approve the imposition of the emergency telephone service and the amount of the emergency telephone fee.
- (7) Documentation of the number of emergency calls received by a public agency providing law enforcement, fire, medical or other emergency services to persons located within the area to be served by the proposed E911 emergency telephone system, during the two (2) years preceding the date of application to the Commission for funding.
- (8) Identification and explanation of any audit exception received by the governing body during its annual audit, for the 3 years preceding the date of its application for funding pursuant to this Chapter.
- (9) A statement setting forth the estimated timeframe for completion of the installation of the equipment to be installed for the proposed E911 emergency telephone system.
- (10) An explanation of the method to be used for "addressing" or locating the source of an emergency by the E911 emergency telephone system.
- (11) Any other information that will be useful to the Administrator of the E911 Fund in evaluating the application.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-21. [RESERVED]

165:61-3-22. Time for filing application

- (a) Application forms will be available from the Administrator.
- (b) Applications for money received by the Commission based upon July 1, retail local exchange access lines, and in subsequent years will be accepted by the commission July 15 to October 1 of each year in which money for the E911 Fund will be received.
- (c) An original and 7copies of the application shall be filed with the Commission Court Clerk between the hours of 8:00 a.m. and 3:30 p.m., Monday thru Friday, except state holidays. The filing fee for filing an application on the PUD docket, as set forth in OAC 165:5-3-1, will be applicable.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 16 Ok Reg 2377, eff 7-1-99]

165:61-3-23. [RESERVED]**165:61-3-24. Approval of application**

- (a) Within forty-five (45) days of an applicant filing an application as required by OAC 165:61-3-22, the Administrator of the E911 Fund will review the application to determine whether it meets the requirements of OAC 165:61-3-9 and OAC 165:61-3-20.
- (b) If a deficiency in the application pursuant to OAC 165:61-3-20 is identified, the Administrator will notify the governing body that filed the application of the deficiency and the governing body shall have fifteen (15) calendar days to amend the application in order to cure the identified deficiency and to conform it to the requirements of OAC 165:61-3-20. In the event that an identified deficiency is not cured within fifteen (15) calendar days of notification of the deficiency, the application shall be deemed denied and the Administrator shall not give consideration to the application for funding from funds received beginning September 1 of that year.
- (c) The Administrator will evaluate all applications received within the timeframe set forth in OAC 165:61-3-22 and assign a priority for funding, based upon the preferences set forth in OAC 165:61-3-13.
- (d) The Administrator shall have the authority to request any additional information that the Administrator deems necessary to evaluate the reasonableness of the application.
- (e) The Administrator will notify, within 45 days of the filing, all applicants regarding their respective application, including the Administrator's recommendation that the applicant's proposed emergency telephone system:
 - (1) Receive funds from currently available money in the E911 Fund; or
 - (2) Be placed on a Wait List to be considered for funds which become available in the future from the E911 Fund; or,
 - (3) Be denied funding from the E911 Fund.

(f) After the Administrator makes a recommendation concerning each application submitted within the timeframes set forth in 165:61-3-22, the Administrator shall:

- (1) Schedule a hearing before the Commission regarding each individual application. As in all causes filed at the Commission, the Commission *en banc* shall have the authority to hear any cause by *sua sponte* order;
- (2) Mail notice of the applicant's hearing to the applicant; and,
- (3) Cause a notice of the individual hearings to be published one time, at least 15 days prior to the hearing.

(g) After notice and hearing, the Commission shall determine whether the applicant will be eligible to receive funding pursuant to this Chapter and the level of the funding.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 16 Ok Reg 2377, eff 7-1-99; Amended at 18 Ok Reg 2453, eff 7-1-01]

165:61-3-25. [RESERVED]

165:61-3-26. Review and appeal process

(a) Applicants for funds from the E911 Fund may review all of the applications considered for funding and the scores at any time after their rating and ranking has been released by the Administrator.

(b) A request for reconsideration by the Administrator shall be made within fifteen (15) days after the applicant has been notified of the Administrator's recommendations.

(c) A request for reconsideration may not introduce new documentation that would change the basis upon which funding is recommended to be denied.

(d) A request for reconsideration may be made only by the governing body that was the applicant in the application recommended not to be funded.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

PART 5. RESPONSIBILITIES OF THE GOVERNING BODY

165:61-3-30. Responsibilities of the governing body

In order to facilitate the review by the Administrator of each approved E911 emergency telephone system, each governing body shall:

- (1) Maintain records and accounts, including, but not limited to, property, personnel and financial records, that clearly and properly document and account for all project funds. All such records and accounts shall be made available, upon request by the Administrator, for review and/or audit.

(2) Be responsible for taking all action necessary to enforce the terms of the approved emergency telephone system equipment purchase and installation against any private or public entity that fails to comply with provisions of the contracts for the purchase and installation of the equipment necessary for operation of the emergency telephone system.

(3) Furnish the Administrator with a narrative and financial reports related to the purchase and installation of the equipment for the emergency telephone system, in the form and at such times as may be requested by the Administrator.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

PART 7. CONTRIBUTIONS TO THE E911 FUND

165:61-3-40. Reporting requirements

Each local exchange telecommunications service provider certificated to provide service in Oklahoma shall, no later than August 1 of each year following the effective date of this Chapter, submit to the Administrator the number of retail local exchange access lines of that service provider in service on July 1 of that year.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-41. [RESERVED]

165:61-3-42. Contributions to the E911 Fund

(a) Every local exchange telecommunications service provider operating in Oklahoma shall annually contribute fifty cents (\$.50) per retail local exchange access line to the E911 Fund until the total amount contributed by all providers to the Fund equals five million dollars (\$5,000,000).

(b) The contribution amount for each local exchange telecommunications service provider shall be based upon the number of retail local exchange access lines of that service provider in service on July 1 of each applicable year.

(c) The contribution required by this Section shall be paid to the E911 Fund beginning September 1 each year. At the time of reporting the information required by 165:61-3-40, the local exchange telecommunications service provider shall advise the Administrator whether payment will be made in one annual payment on September 1, or in semi-annual payments beginning September 1.

(d) In the event that a contribution of fifty cents (\$.50) per retail local exchange access line in service on July 1 of an applicable year would cause the total contributions into the E911 Fund to exceed the five million dollars (\$5,000,000) limit on the E911 Fund, the E911 Fund Administrator shall notify all local exchange telecommunications service providers of the amount to which the assessment on each retail local exchange access line will be reduced, in order to limit contributions to the E911 Fund to a total of five million dollars (\$5,000,000).

- (e) Interest shall be charged on any late payment at the rate of 1.5% monthly. A payment is late if it is not paid within fifteen days of the due date.
- (f) All contributions and interest payments made to the Administrator shall be deposited into the E911 Fund account and shall not be considered to be money of the Oklahoma Corporation Commission, but shall be used only for the purposes set forth in this Chapter.
- (g) If a company is unable to make payments semi-annually, the company may seek an order from the Commission that grants permission to make payments on a quarterly basis.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-43. [RESERVED]

165:61-3-44. Resolution of disputes regarding contributions

- (a) Any local exchange telecommunications service provider may dispute the amount of contribution it is required to pay into the E911 Fund, in the following manner:
- (1) The local exchange telecommunications service provider may contact the Administrator of the E911 Fund and attempt to resolve the dispute prior to seeking resolution by the Commission. As in all causes filed at the Commission, the Commission *en banc* shall have the authority to hear any cause by *sua sponte* order.
 - (2) If satisfactory resolution is not achieved with the Administrator, the local exchange telecommunications service provider may file an application requesting that the Commission resolve the dispute.
- (b) Pending final resolution of a dispute concerning the amount of the required contribution, the disputing local exchange telecommunications service provider shall pay the entire amount to the E911 Fund. The disputed amount shall be held in escrow pending final resolution.
- (c) If a disputing local exchange telecommunications service provider prevails in its protest of the required contribution, the local exchange telecommunications service provider will be entitled to a refund of any excess amount paid.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98; Amended at 18 Ok Reg 2453, eff 7-1-01]

165:61-3-45. [RESERVED]

165:61-3-46. Recovery of contributions

- (a) Local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state may not apply for recovery of the contributions made to the E911 Fund from the Oklahoma Universal Service Fund.

(b) Any local exchange telecommunications service provider serving less than fifteen percent (15%) of the access lines in the state may, if it elects, recover the contributions made to the E911 Fund from the Oklahoma Universal Service Fund, consistent with 17 O.S. §139.106 (K)(1)(b).

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-47. [RESERVED]

165:61-3-48. Review and/or audit of contributions

The Administrator of the E911 Fund may conduct periodic reviews and/or audits of any local exchange telecommunications service provider for the purpose of determining their compliance with this Chapter. Said review/audit shall include, but not be limited to:

- (1) A review of the documentation concerning the number of retail access lines of the local exchange telecommunications service provider that were in service as of July 1 each year; and,
- (2) The amounts requested by the local exchange telecommunications service provider for reimbursement from the Oklahoma Universal Service Fund.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-3-49. [RESERVED]

165:61-3-50. Violations

(a) Failure to pay an assessed contribution to the E911 Fund shall be deemed a violation of this Chapter.

(b) If the Commission determines, after notice and hearing, that a local exchange telecommunications service provider has acted in violation of this Chapter, in addition to the other enforcement powers of the Commission, the Commission, or its designee, may bring an action on behalf of the E911 Fund in the appropriate court of competent jurisdiction, to recover any charge(s) the Commission determines are due and payable to the Fund.

(1) The Commission, or its designee, is authorized to bring the action on behalf of and to represent the E911 Fund to collect the overdue charge(s) and any costs incurred by the E911 Fund to pursue collection of said charges, including but not limited to administrative and adjudicative costs, attorney fees, and interest on the uncollected charges at the rate of 1.5% per month.

(2) Upon collection of the charges and costs, the Administrator shall pay the costs associated with such collection action(s) and deposit any remaining funds into the E911 Fund.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

SUBCHAPTER 5. DISBURSEMENTS FROM THE E911 FUND

Section

- 165:61-5-1. Wait Lists
- 165:61-5-2. [RESERVED]
- 165:61-5-3. Time limits for installation of equipment
- 165:61-5-4. [RESERVED]
- 165:61-5-5. Requests for disbursement from the E911 Fund

SUBCHAPTER 5. DISBURSEMENTS FROM THE E911 FUND

165:61-5-1. Wait Lists

- (a) If a proposed emergency telephone system meets the requirements for funding from the E911 Fund, but there are insufficient funds available to fund it the year the application for funding is filed, due to its ranking pursuant to the preferences set forth in OAC 165:61-3-13, the Applicant may elect to be placed on a Wait List and be considered for future money from the E911 Fund.
- (b) An application which meets the threshold requirements set forth in 165:61-3-9 and the requirements for applications set forth in 165:61-3-20 and 165:61-3-22 may remain on the Wait List until it is funded, provided the Applicant(s) annually updates the application as set forth in this Section.
- (c) On or before September 1 of each year that an application is on the Wait List, the Applicant(s) shall provide the Administrator of the E911 Fund with a verified statement which identifies any material change in the proposed operating budget and source of funding for operating the E911 emergency telephone system.
- (d) If an Applicant(s) desires for their application to remain on the Wait List more than twenty-four (24) months from the date of the original application, the appropriate governing body(ies) must submit an amended application which updates information concerning:
- (1) The proposed operating budget and the source of funding for operating the emergency telephone system;
 - (2) The proposed equipment to be purchased and installed and whether it remains the most economical and efficient means for providing the emergency telephone service; and,
 - (3) An ordinance or resolution from all participating governing bodies that they continue to desire funding from the E911 Fund.
- (e) The Administrator will evaluate each application on the Wait List and make a recommendation concerning approval or disapproval for funding of the applications on the Wait List that currently have no 911 emergency telephone system, prior to considering the merits of funding any application from an applicant with no 911 emergency telephone system received in a subsequent year; unless the Commission directs otherwise after notice and hearing. Once all eligible applications from applicants without a 911 emergency telephone system have been

considered for funding, the Administrator will evaluate each application on the Wait List that requests funding for an upgrade of a 911 emergency telephone system to an E911 emergency telephone system, prior to considering the merits of funding any application for an upgrade of a 911 emergency telephone system to an E911 emergency telephone system that was received in a subsequent year; unless the Commission directs otherwise after notice and hearing.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-5-2. [RESERVED]

165:61-5-3. Time limits for installation of equipment

- (a) The installation of the approved equipment must be completed no later than eighteen (18) months after initial approval of the application.
- (b) In the event that installation of the approved equipment is not completed within eighteen (18) months of the initial approval of the application, the governing body shall notify the Administrator of the E911 Fund of the reason the equipment has not been installed.
- (c) Upon notification that the approved equipment has not been installed, the Administrator shall schedule a hearing before the Administrative Law Judge, for the purpose of determining whether the approved funding will continue to remain available to the eligible governing body for a set time, or whether the previously approved funding will revert to the E911 Fund and be reallocated to a different applicant who has requested E911 Funds.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]

165:61-5-4. [RESERVED]

165:61-5-5. Request for disbursement from the E911 Fund

- (a) Once installation of the approved equipment is completed, the eligible governing body(ies) shall file a request for disbursement with the Commission, requesting disbursement from the E911 Fund consistent with the approved application. The request for disbursement shall include:
 - (1) A statement that the equipment approved by the Commission for E911 funding has been installed and is operational;
 - (2) An itemization of the total expenditures for which disbursement is sought;
 - (3) Copies of any invoices for the equipment and installation charges for which disbursement is sought; and,
 - (4) A sworn affidavit, signed under penalty of law, that the information set forth in the request for disbursement is true and correct.

- (b) Concurrent with the filing of the request for disbursement, the eligible governing body seeking disbursement from the E911 Fund shall provide a copy of the request for disbursement to the Administrator.
- (c) The Administrator of the E911 fund may review the records of the governing body for the purpose of confirming the accuracy of the information set forth in the request for disbursement.
- (d) Any objections to the request for disbursement shall be filed with the E911 Administrator within twenty (20) days from the date that the request for disbursement was originally filed with the Commission. Any objection must identify the public interest that is served by the objection.
- (e) Within sixty (60) days after receipt of the request for disbursement, the Administrator shall review such request and any objection thereto, determine the accuracy of the request and make a recommendation to the Commission regarding approval, modification or denial of the request.
- (f) Any adversely affected party shall have fifteen (15) days to file an objection to the recommendation of the Administrator, and thereafter the matter will be set for hearing. Any objection must identify the public interest that is served by the objection.
- (g) The Commission will, after notice and hearing, issue an order concerning any objection to the request for disbursement and the Administrator's recommendation regarding the request for disbursement.
- (h) If no objection to the Administrator's recommendation is filed, an order will be issued by the Commission without further notice and/or hearing, directing the Administrator to release the funds to the eligible governing body.
- (i) If the Commission does not issue an order within ninety (90) days of the filing of a request for disbursement from the E911 Fund, the request shall be deemed approved and the E911 Administrator shall disburse funds in the amount previously recommended by the E911 Administrator.

[Source: Added at 15 Ok Reg 3133, eff 7-15-98]