

HOUSE BILL 1146

Unofficial Copy
C5

2002 Regular Session
2lr2012

By: **Delegate Hurson**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities - N-1-1 Numbers - N-1-1 Trust Fund and Regulations**

3 FOR the purpose of establishing an N-1-1 Trust Fund; providing that the Public
4 Service Commission shall adopt regulations regarding the administration of the
5 N-1-1 Trust Fund; requiring the Commission to adopt certain regulations and
6 standards; providing that certain funds may only be used in a certain manner;
7 providing that the Commission shall be the sole arbitrator over certain disputes
8 concerning the allocation of N-1-1 numbers; authorizing the Commission to
9 authorize certain audits; expanding the scope of a certain subtitle; defining
10 certain terms; and generally relating to the establishment of N-1-1 numbers
11 and an N-1-1 Trust Fund.

12 BY repealing and reenacting, with amendments,
13 Article - Public Utility Companies
14 Section 8-101
15 Annotated Code of Maryland
16 (1998 Volume and 2001 Supplement)

17 BY adding to
18 Article - Public Utility Companies
19 Section 1-101(qq) and (rr); and 8-501 through 8-505, inclusive, to be under the
20 new subtitle "Subtitle 5. N-1-1 Numbers"
21 Annotated Code of Maryland
22 (1998 Volume and 2001 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

Article - Public Utility Companies

1-101.

(QQ) "WIRELESS TELECOMMUNICATIONS PROVIDER" MEANS A PERSON, WHO, FOR A FEE, SUPPLIES FACILITY, CELL SITE, WIRELESS TELEPHONE SWITCHING OFFICE, OR OTHER EQUIPMENT FOR WIRELESS TELECOMMUNICATIONS SERVICE.

(RR) "WIRELESS TELECOMMUNICATIONS SERVICE" MEANS PUBLIC TELEPHONE SERVICE PROVIDED FOR TWO-WAY VOICE OR DATA COMMUNICATION TRANSMITTED INDEPENDENTLY OF SWITCHED LOCAL EXCHANGE ACCESS TELEPHONE SERVICE AND WHICH MAY IN PART BE TRANSMITTED THROUGH CABLE OR WIRE AS PART OF A LARGER CABLE OR TELEPHONE SYSTEM.

8-101.

(a) This subtitle applies to:

(1) a telegraph company; [or]

(2) a telephone company that owned lines and provided local exchange or interexchange service in the State as of October 1, 1993, with the approval of the Commission; OR

(3) A WIRELESS TELECOMMUNICATIONS PROVIDER.

(b) Except as otherwise provided by law, the provisions of this subtitle are not subject to the jurisdiction of the Commission.

SUBTITLE 5. N-1-1 NUMBERS.

8-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CENTREX" MEANS A CENTRAL OFFICE EXCHANGE SERVICE.

(C) "N-1-1" MEANS A THREE-DIGIT TELEPHONE NUMBER ENDING IN -11.

8-502.

(A) (1) THERE IS AN N-1-1 TRUST FUND CREATED FOR THE PURPOSE OF PAYING FOR THE COSTS ASSOCIATED WITH THE ESTABLISHMENT OR MAINTENANCE OF AN N-1-1 SYSTEM.

(2) MONEYS IN THE N-1-1 TRUST FUND SHALL BE HELD IN THE STATE TREASURY.

(B) (1) FOR PURPOSES OF THIS SUBTITLE, THERE IS AN N-1-1 FEE TO BE PAID BY THE SUBSCRIBERS TO SWITCHED LOCAL EXCHANGE ACCESS SERVICE,

1 WIRELESS TELECOMMUNICATIONS SERVICE, OR OTHER N-1-1 ACCESSIBLE SERVICE.
2 THE N-1-1 FEE SHALL BE SET BY THE COMMISSION AND MAY NOT EXCEED 25 CENTS
3 PER MONTH FOR EACH TELEPHONE LINE, EXCLUDING CENTREX LINES. FOR
4 SUBSCRIBERS WHO USE CENTREX LINES, THE FEE SHALL BE SET BY THE
5 COMMISSION AND MAY NOT EXCEED 3 CENTS PER LINE PER MONTH. THE N-1-1 FEE
6 IS PAYABLE WHEN BILLS FOR TELEPHONE SERVICE ARE DUE.

7 (2) THE COMMISSION SHALL DIRECT THE TELEPHONE COMPANIES TO
8 ADD THE N-1-1 FEE TO ALL CURRENT BILLS RENDERED FOR SWITCHED LOCAL
9 EXCHANGE ACCESS SERVICE IN THE STATE. THE TELEPHONE COMPANIES SHALL
10 ACT AS COLLECTION AGENTS FOR THE N-1-1 TRUST FUND WITH RESPECT TO THE
11 FEE, AND SHALL REMIT ALL PROCEEDS TO THE COMPTROLLER ON A MONTHLY
12 BASIS. THE TELEPHONE COMPANIES SHALL BE ENTITLED TO CREDIT AGAINST THE
13 PROCEEDS OF THE N-1-1 FEE TO BE REMITTED AN AMOUNT EQUAL TO 1.5% OF THE
14 N-1-1 FEE TO COVER THE EXPENSES OF BILLING, COLLECTING, AND REMITTING THE
15 N-1-1 FEE AND ANY ADDITIONAL CHARGES. THE COMPTROLLER SHALL DEPOSIT THE
16 FUNDS IN THE N-1-1 TRUST FUND.

17 (3) THE N-1-1 SERVICE CARRIERS SHALL ADD THE N-1-1 FEE TO ALL
18 CURRENT BILLS RENDERED FOR WIRELESS TELECOMMUNICATIONS SERVICE OR
19 OTHER N-1-1 ACCESSIBLE SERVICE IN THE STATE. THE N-1-1 SERVICE CARRIERS
20 SHALL ACT AS COLLECTION AGENTS FOR THE N-1-1 TRUST FUND WITH RESPECT TO
21 THE FEE AND SHALL REMIT ALL PROCEEDS TO THE COMPTROLLER ON A MONTHLY
22 BASIS. THE N-1-1 SERVICE CARRIERS SHALL BE ENTITLED TO CREDIT AGAINST THE
23 PROCEEDS OF THE N-1-1 FEE TO BE REMITTED AN AMOUNT EQUAL TO 1.5% OF THE
24 N-1-1 FEE TO COVER THE EXPENSES OF BILLING, COLLECTING, AND REMITTING THE
25 N-1-1 FEE AND ANY ADDITIONAL CHARGES. THE COMPTROLLER SHALL DEPOSIT THE
26 FUNDS IN THE N-1-1 TRUST FUND.

27 (4) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, FOR
28 CALENDAR YEARS 2002, 2003, AND 2004 ONLY, AN N-1-1 SERVICE CARRIER OTHER
29 THAN A TELEPHONE COMPANY IS ENTITLED TO CREDIT AGAINST THE PROCEEDS OF
30 THE N-1-1 FEE TO BE REMITTED AN AMOUNT EQUAL TO 2.5% OF THE N-1-1 FEE TO
31 COVER THE EXPENSES OF BILLING, COLLECTING, AND REMITTING THE N-1-1 FEE
32 AND ANY ADDITIONAL CHARGES.

33 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE
34 N-1-1 FEE AUTHORIZED UNDER THIS SUBTITLE DOES NOT APPLY TO AN
35 INTERMEDIATE SERVICE LINE USED EXCLUSIVELY TO CONNECT A WIRELESS
36 TELECOMMUNICATIONS SERVICE OR OTHER N-1-1 ACCESSIBLE SERVICE OTHER
37 THAN A SWITCHED LOCAL ACCESS SERVICE TO ANOTHER TELEPHONE SYSTEM OR
38 SWITCHING DEVICE.

39 (D) ON OR BEFORE APRIL 1, 2003, THE COMMISSION SHALL ADOPT
40 REGULATIONS TO ESTABLISH:

41 (1) THE ADMINISTRATION OF THE FUND;

1 (2) THE APPROPRIATE COUNTY, STATE, OR PRIVATE ENTITIES THAT
2 WILL IMPLEMENT AND OPERATE THE N-1-1 SYSTEMS; AND

3 (3) HOW THE VARIOUS N-1-1 SYSTEMS WILL BE IMPLEMENTED AND
4 OPERATED.

5 (E) THE COMPTROLLER SHALL ESTABLISH SEPARATE ACCOUNTS FOR THE
6 PAYMENT OF ADMINISTRATIVE EXPENSES AND FOR EACH COUNTY WITHIN THE
7 N-1-1 TRUST FUND. THE INCOME DERIVED FROM INVESTMENT OF MONEY IN THE
8 FUND SHALL ACCRUE TO THE FUND AND THE COMPTROLLER SHALL ALLOCATE
9 INVESTMENT INCOME AMONG THE ACCOUNTS IN THE FUND PRORATED ON THE
10 BASIS OF THE TOTAL FEES COLLECTED IN EACH COUNTY.

11 (F) THE COMPTROLLER SHALL DISBURSE THE MONEYS IN THE N-1-1 TRUST
12 FUND UNDER THIS SUBSECTION.

13 (1) EACH JULY 1, THE COMPTROLLER SHALL ALLOCATE SUFFICIENT
14 REVENUES FROM THE N-1-1 FEE TO PAY THE COSTS OF ADMINISTERING THE N-1-1
15 TRUST FUND AS PROVIDED BY LAW.

16 (2) AS DIRECTED BY THE COMMISSION AND AS PROVIDED IN THE STATE
17 BUDGET, THE COMPTROLLER SHALL PAY FROM THE APPROPRIATE ACCOUNT THE
18 COSTS OF REIMBURSING THE COSTS INCURRED BY A COUNTY OR SEVERAL
19 COUNTIES TO ENHANCE AN N-1-1 SYSTEM.

20 (3) IF AN N-1-1 SYSTEM IS IN OPERATION IN A COUNTY, THE
21 COMPTROLLER SHALL PAY TO THAT COUNTY FROM THE ACCOUNT OF THAT COUNTY
22 THE AMOUNT OF MONEYS REQUESTED BY THE COUNTY AND AS PROVIDED IN THE
23 STATE BUDGET TO PAY FOR THE COSTS OF MAINTAINING AND OPERATING THE N-1-1
24 SYSTEM. THE COMPTROLLER SHALL PAY THE MONEYS FOR MAINTAINING AND
25 OPERATING N-1-1 SYSTEMS ON SEPTEMBER 30, DECEMBER 31, MARCH 31, AND JUNE
26 30 OF EACH YEAR.

27 (G) THE LEGISLATIVE AUDITOR SHALL CONDUCT FISCAL AND COMPLIANCE
28 POSTAUDITS OF THE N-1-1 TRUST FUND AND OF THE APPROPRIATIONS AND
29 EXPENDITURES MADE FOR PURPOSES OF THIS SUBTITLE. THE COST OF THE FISCAL
30 PORTION OF THE POSTAUDIT EXAMINATION SHALL BE PAID FROM THE N-1-1 TRUST
31 FUND AS AN ADMINISTRATIVE COST.

32 (H) FUNDS COLLECTED THROUGH THE N-1-1 FEE SHALL ONLY BE USED AS
33 SPECIFIED BY THIS SUBTITLE.

34 8-503.

35 THE COMMISSION SHALL ADOPT REGULATIONS TO SET THE N-1-1 FEE UNDER §
36 8-502 OF THIS SUBTITLE.

1 8-504.

2 (A) THE COMMISSION SHALL ADOPT REGULATIONS AND SET STANDARDS ON
3 THE ALLOCATION AND INTENDED SERVICES OF THE N-1-1 NUMBERS; INCLUDING
4 THE USE OF:

5 (1) 211 FOR COMMUNITY INFORMATION AND REFERRAL SERVICE;

6 (2) 311 FOR NONEMERGENCY GOVERNMENT SERVICE;

7 (3) 511 FOR TRANSPORTATION INFORMATION; AND

8 (4) 711 FOR MARYLAND RELAY.

9 (B) THE REGULATIONS AND STANDARDS ADOPTED UNDER SUBSECTION (A) OF
10 THIS SECTION SHALL SUPPLEMENT EXISTING REGULATIONS OR STANDARDS FOR
11 THE N-1-1 NUMBERS LISTED IN SUBSECTION (A) OF THIS SECTION.

12 (C) THE COMMISSION SHALL BE THE SOLE ARBITRATOR OVER DISPUTES
13 CONCERNING THE ALLOCATION OF N-1-1 NUMBERS.

14 8-505.

15 THE COMMISSION MAY AUTHORIZE AN AUDIT OF THE ACTIVITIES OF
16 TELECOMMUNICATIONS PROVIDERS CONCERNING N-1-1 FEE COLLECTION
17 ACTIVITIES.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2002.