

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH50510-LM-149 (4/3)

Short Title: Wireless 911 Grant Fund. (Public)

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Sponsors: Representative Underhill.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT ESTABLISHING THE MANNER IN WHICH COMMERCIAL MOBILE  
3 RADIO SERVICE (CMRS) PROVIDERS AND RESELLERS MAY REFUSE  
4 REIMBURSEMENT FROM THE WIRELESS 911 FUND FOR COSTS  
5 INCURRED FOR COMPLYING WITH THE WIRELESS 911 REQUIREMENTS  
6 AND AUTHORIZING THE WIRELESS 911 BOARD TO ESTABLISH A FUND  
7 TO PROVIDE GRANTS TO CMRS PROVIDERS AND RESELLERS AND  
8 PUBLIC SAFETY ANSWERING POINTS TO IMPROVE THE WIRELESS 911  
9 SYSTEM.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 62A-22.1(3) reads as rewritten:

12 "(3) To accept gifts, grants, or other ~~moneys~~moneys, and to make grants  
13 under G.S. 62A-25.2 for purposes of furthering the intent of this  
14 Article."

15 **SECTION 2.** G.S. 62A-24 reads as rewritten:

16 "**§ 62A-24. Management of funds.**

17 ...

18 (b) A CMRS provider has no obligation to take any legal action to enforce the  
19 collection of the service charges for which any subscriber is billed. However, a  
20 collection action may be initiated by the Board and reasonable costs and attorneys' fees  
21 associated with that collection action may be awarded. Each CMRS provider shall  
22 annually submit a report to the Board listing the amount of uncollected service charges  
23 and the name and address of the subscriber.

24 (c) Each CMRS provider shall be entitled to deduct a one percent (1%)  
25 ~~administrative~~ fee from the total service charges ~~collected~~collected for expenses  
26 associated with the collection of the service charges.

27 ...."

1           **SECTION 3.** G.S. 62A-25 reads as rewritten:

2   "**§ 62A-25. Use of funds.**

3       (a) Fifty-three percent (53%) of the funds in the Wireless Fund established in  
4 G.S. 62A-22(c) shall be used to reimburse CMRS providers, except CMRS providers  
5 who elect not to request reimbursement under subsection (h) of this section, in response  
6 to sworn invoices submitted to the Board, for the actual costs incurred by the CMRS  
7 providers in complying with the wireless 911 requirements established by the FCC  
8 Order and any rules and regulations which are or may be adopted by the FCC pursuant  
9 to the FCC Order, including costs and expenses incurred for designing, upgrading,  
10 purchasing, leasing, programming, installing, testing, or maintaining all necessary data,  
11 hardware, and software required in order to provide such service as well as the recurring  
12 and nonrecurring costs of operating such service. All costs and expenses must be  
13 commercially reasonable.

14       ...

15       (h) A CMRS provider or reseller may elect not to request reimbursement under  
16 subsection (a) of this section by providing written notice to the Board, and the CMRS  
17 provider or reseller shall not request reimbursement for costs incurred by the CMRS  
18 provider or reseller after the date of the notice. A CMRS provider or reseller may  
19 revoke an election not to request reimbursement from the Wireless Fund by providing  
20 written notice to the Board, and the effective date of the notice shall be at least 90 days  
21 following the date of the notice. A CMRS provider or reseller who begins service after  
22 June 30, 2007, shall provide written notice to the Wireless 911 Board not later than 60  
23 days following their initial service provision date stating whether the CMRS provider or  
24 reseller will request reimbursement from the Wireless Fund. A CMRS provider or  
25 reseller who begins service after June 30, 2007, shall collect and remit the wireless  
26 Enhanced 911 service charges as provided in G.S. 62A-24.

27       (i) The Board may identify and reallocate funds remitted under G.S. 62A-24 to a  
28 Grant Fund administered under G.S. 62A-25.2 if all of the following conditions are met:

- 29           (1) The Board has not received a request for reimbursement from the  
30 CMRS provider or reseller who remitted the funds.  
31           (2) The reallocation will not impair cost recovery by CMRS providers or  
32 PSAPs.  
33           (3) The reallocation will not impair the Board's ability to fulfill its  
34 management or administrative obligations under this Article.  
35           (4) The reallocation will not result in the insolvency of the Wireless Fund.  
36           (5) The reallocation will be made only once each calendar year."

37       **SECTION 4.** Article 2 of Chapter 62A of the General Statutes is amended  
38 by adding the following new section to read:

39   "**§ 62A-25.2. Grant Fund.**

40       (a) Grant Fund established. – The Board shall establish a Grant Fund within the  
41 Wireless Fund upon the identification and reallocation of funds as provided in  
42 G.S. 62A-25(i) for the purpose of making grants to CMRS providers or resellers and  
43 PSAPs under this Article. Any CMRS provider or reseller or PSAP may apply for a  
44 grant on a form and in the manner prescribed by the Board. A grant application may be

1 approved if the Board determines: (i) the costs estimated in the application are  
2 reasonable and have been or will be incurred for the purpose of promoting a cost-  
3 effective and efficient wireless 911 or wireless Enhanced 911 system; (ii) the expenses  
4 to be incurred by the applicant are consistent with the Board's statewide Enhanced 911  
5 Plan; (iii) there are sufficient funds available in the fiscal year in which grant funds will  
6 be distributed; and (iv) the grant will promote public health and safety, and therefore is  
7 in the public interest. The grant agreement between the Board and a CMRS provider or  
8 reseller or PSAP shall include the purpose of the grant, the time frame for implementing  
9 the project or program funded by the grant, the amount of the grant, which may vary  
10 among grantees, and a provision for repaying grant funds if the grantee fails to comply  
11 with any of the terms of the grant.

12 (b) Grants to CMRS providers or resellers. – The Board may make grants under  
13 this section to CMRS providers or resellers as provided in subsection (a) of this section,  
14 and may establish other terms and conditions that the Board deems appropriate to carry  
15 out the purposes of this Article. Any CMRS provider or reseller is eligible to receive a  
16 grant under this section, including a CMRS provider or reseller who elects not to seek  
17 reimbursement under G.S. 62A-25(h). A CMRS provider or reseller may use grant  
18 funds for Phase I or Phase II compliance, but shall limit expenditures of grant funds to  
19 only those goods or services that are identified as eligible expenses under  
20 G.S. 62A-25(a). The Board shall publish one or more notices each fiscal year  
21 advertising the availability of grants from the Grant Fund and detailing the application  
22 process, including the deadline for submitting applications, any required documents  
23 specifying costs, either incurred or anticipated, and evidence demonstrating the need for  
24 the grant. Any grant funds awarded to CMRS providers or resellers under this section  
25 shall be in addition to any funds reimbursed under G.S. 62A-25(a), unless the CMRS  
26 provider or reseller has elected not to request reimbursement under G.S. 62A-25(h).

27 (c) Grants to PSAPs. – The Board may make grants under this section to PSAPs  
28 as provided in subsection (a) of this section, and may establish other terms and  
29 conditions that the Board deems appropriate to carry out the purposes of this Article. In  
30 awarding grants under this subsection, the Board may consider the number of wireless  
31 911 calls answered by each PSAP applicant, the number of wireless phone users served  
32 by each PSAP applicant, and any other method deemed appropriate by the Board. A  
33 PSAP shall limit expenditures of grant funds to only those goods or services that are  
34 identified as eligible expenses under G.S. 62A-25(b). A PSAP may use grant funds for:  
35 (i) necessary network equipment, computer hardware and software, database equipment,  
36 and telephone equipment located within the PSAP; (ii) advisory services or training for  
37 the PSAP as authorized by G.S. 62A-22.1(5); (iii) network costs for delivery of calls  
38 from a wireless provider to the PSAP; (iv) collection and maintenance of data used by  
39 the PSAP, including data to identify a caller and the caller's location, and (v) relaying  
40 messages regarding wireless emergency 911 telephone calls via data communications  
41 from the PSAP to other emergency call centers that dispatch the appropriate emergency  
42 service providers. The Board shall publish one or more notices each fiscal year  
43 advertising the availability of grants from the Grant Fund and detailing the application  
44 process, including the deadline for submitting applications, any required documents

1 specifying costs, either incurred or anticipated, and evidence demonstrating the need for  
2 the grant. Any grant funds awarded to PSAPs under this section shall be in addition to  
3 any funds reimbursed under G.S. 62A-25(b)."

4 **SECTION 5.** This act is effective when it becomes law.