

DENALI BOROUGH, ALASKA

ORDINANCE NO 08-12

INTRODUCED BY: MAYOR DAVID M TALERICO

AN ORDINANCE AMENDING THE DENALI BOROUGH CODE OF ORDINANCES TO
CREATE CHAPTER 3.50 TITLED ENHANCED 911 SERVICES.

BE IT ENACTED by the Assembly of the Denali Borough, Alaska that,

Section 1. Classification. This ordinance is of a general and permanent nature.

Section 2. Purpose . The purpose of this ordinance is to create Chapter 3.50 of the Denali
Borough Code of Ordinances as follows:

Section 3. Authority. Alaska Statute 29.35.131

CHAPTER 3.50: ENHANCED 911 SERVICES

Section

3.50.010	Definitions
3.50.020	Enhanced 911 emergency reporting system
3.50.030	Enhanced emergency reporting equipment or services
3.50.040	Enhanced emergency reporting equipment or services
3.50.050	Enhanced 911 customer surcharge
3.50.060	Remittance

3.50.010 DEFINITIONS

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- "911 service area" or "enhanced 911 service area" means the entire borough has been designated to receive an enhanced 911 system. An area designated to receive an enhanced 911 system is not a "service area" under Article X, Section 5 of the Alaska Constitution.
- "Enhanced 911 equipment" means any equipment dedicated to the operation of, or use in, the establishment, operation or maintenance of an enhanced 911 system, including customer premises equipment, automatic number identification or automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software, and other essential communication equipment.
- "Enhanced 911 system" or "system" means a telephone system consisting of network, database and enhanced 911 equipment that uses the single three-digit number, 911, for reporting a medical, fire, police, or other emergency situation, and which enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911. An enhanced 911 system includes the personnel required to acquire, install, operate, and maintain the system.
- "Local exchange access line" means a telephone line that connects a local exchange service customer to the wireline telephone company switching office and

that has the capability of reaching local public safety agencies, but does not include a line used by a carrier to provide inter-exchange services. However, the local exchange access lines shall not include public pay phones, inter-office trunks, toll trunks, and direct inward dialing trunks.

- “Local exchange service” means the transmission of two-way interactive switched voice communications furnished by a local exchange telephone company within the Denali Borough including access to enhanced 911 systems.
- “Local exchange telephone company” or “wireline telephone company” means the Matanuska Telephone Association or any other telephone utility certified to provide local exchange service or wireline telephone service in the Denali Borough by the Regulatory Commission of Alaska.
- “Public safety answering point” means a 24-hour local jurisdiction communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.
- “Surcharge” means an enhanced 911 system surcharge imposed on wireline and wireless telephones for support of an enhanced 911 system.
- “Wireless telephone company” means any telephone company that provides wireless telephone service through cellular, satellite, broadband, radio-based telephone or data transport service, and bills or sells wireless telephone service to a customer with an address within the Denali Borough.
- “Wireless telephone” means any telephone that is not a wireline telephone that is capable of communication with another device by use of radio waves or satellite signal, which includes cellular, mobile, radio-based, and broadband telephones. Each wireless telephone number is considered a separate wireless telephone for purposes of the surcharge.
- “Wireline telephone” means any telephone that uses a local exchange access line.

3.50.020 Enhanced 911 emergency reporting system

(A) Pursuant to A.S. 29.35.131 through 29.35.137, any wireline or wireless telephone company providing service within the borough shall cooperate with the Denali Borough Department of Emergency Services in the establishment of an enhanced 911 emergency reporting system to serve the entire borough.

3.50.030 Enhanced emergency reporting equipment or services

(A) Upon approval by the enhanced 911 the borough may purchase, lease or contract for any enhanced 911 equipment or services reasonably necessary to further enhance the existing 911 system at public safety answering points from either a local exchange telephone company or other qualified vendors of enhanced 911 systems.

(B) If the enhanced 911 system is to be provided for an area that is included in more than one telephone company service area, the borough may enter into agreements necessary to establish and operate the system.

3.50.040 Enhanced 911 customer surcharge

(A) A monthly surcharge to be set by assembly resolution for per month per local access line and for each wireless telephone number that is billed or sold to a customer with an address within the borough shall be collected only to fund the enhanced 911 system. The assembly shall annually review this surcharge to determine whether the level of surcharge is adequate, excessive or insufficient to meet the anticipated enhanced 911 system needs. A wireline telephone or wireless telephone customer may not be subject to more than one 911 surcharge per local exchange access line and wireless telephone. A customer that has more than 100 wireline access lines from a wireline telephone company in the borough is liable for the 911 surcharge only on 100 wireline access lines.

(B) The telephone companies shall bill and collect the 911 surcharge from its wireline and wireless customers. The 911 surcharge billed shall be accounted for separately from other charges.

(C) The telephone companies shall remit that portion of the surcharge receipts allocable to the borough no later than 60 days after the end of the month in which the amount was collected. From each remittance made in a timely manner, the telephone company is entitled to deduct the greater of one percent of the amount collected or a total of \$150 per month as the cost of administration for collecting the 911 surcharge. The telephone company shall annually furnish a complete list of amounts due for nonpayment of surcharges, together with the names and addresses of those customers who carry a balance of what can be determined by the company to be for nonpayment of the surcharge.

(D) The borough may, at its own expense, require an annual audit of a telephone company's books and records concerning collection and remittance of the surcharge.

(E) A wireline or wireless telephone customer is liable for payment of the enhanced 911 surcharge in the amounts billed by the telephone company until the amounts have been paid to the telephone company.

3.50.050 Remittance

(A) On or before 60 days following the end of the month in which the surcharge was billed, the telephone company shall submit to the Denali Borough a return, upon forms provided by the Denali Borough, and submit payment for the surcharge due the borough.

(B) The return shall be signed by the agent of the telephone company and include:

- (1) the name and address of the telephone company;
- (2) the name and title of the person preparing the return;
- (3) the month being reported for which the surcharges were billed;
- (4) the amount of gross surcharges billed for the month of the return;
- (5) the deduction claimed for the surcharges previously billed and remitted to the Denali Borough, but charged off as uncollectible during the month being reported;
- (6) the prorated recoveries representing the month's collection of surcharges previously written off as uncollectible;

(7) the amount of deduction claimed for the telephone company's administrative costs to collect the surcharges, which may be the greater of \$150 or one percent of amounts collected;

(8) the net amount of remittance due to the borough; and

(9) other information and supporting documentation which may be required by the borough.

Section 4 Effective Date. This ordinance becomes effective upon adoption of the Denali Borough Assembly, signature of the mayor and approved by a majority vote at the next regular election of the Denali Borough.

DATE INTRODUCED: MARCH 12, 2008

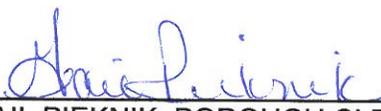
FIRST READING: APRIL 09, 2008

PUBLIC HEARING: APRIL 09, 2008

PASSED and APPROVED by the Denali Borough Assembly this 11TH day of JUNE, 2008.



DAVID M TALERICO, MAYOR

ATTEST: 
GAIL PIEKNIK, BOROUGH CLERK

Ayes: Passed Unanimously
Absent: Winklmann, Hockin

