

December 1997

## EMERGENCY MEDICAL SERVICES FUNDING SOURCES - TELECOMMUNICATIONS RELAY SERVICE SURCHARGE DATA

This memorandum is in response to the Insurance and Health Care Committee's request for up-to-date state telecommunications information to assist the committee in evaluating possible funding sources for emergency medical services programs. The following information was received from the Information Services Division and is based on surcharge data for September 1997.

Cellular telephone access service numbers	96,778
Mobile telephone access service numbers	12,783
Telephone access lines	349,727
Total	459,288

Items of consideration:

1. Data indicates that the number of telephones increases almost every month.

2. Under North Dakota Century Code Section 54-44.8-08, the Public Service Commission is authorized to set the amount of surcharge, not to exceed 11 cents per telephone access line or radio communications access service number per month. The current surcharge is seven cents per month per access line or access service number.
3. Under Section 54-44.8-08, the telephone company or service provider may retain five percent of surcharge billed and collected to cover administrative expenses.
4. The yearly net surcharge is \$366,511.82. This is derived based on 459,288 access lines and numbers and a five percent administrative expense deduction.

A copy of Section 54-44.8-08 is attached as an appendix.

ATTACH:1

**54-44.8-08. Telephone access line and radio communications access surcharge.**

1. Before May first of each year, the division shall report all cost data and other information to the commission. Each local exchange company and radio communications service provider shall report all information requested by the division in order to determine the number of telephone access lines and radio communications access service numbers. Before June first of each year, the commission shall determine the amount of a surcharge, not to exceed eleven cents per telephone access line per month, based upon available cost data and other information provided by the division, necessary to cover the costs of providing intrastate telecommunications relay service as provided in section 401 of the federal Americans with Disabilities Act of 1990 [47 U.S.C. 225], including the cost of implementing and administering this chapter which includes the provision of specialized equipment to eligible persons, and taking into consideration any surplus in the telecommunications services account. The surcharge is imposed effective on its determination by the commission and must be billed and collected as provided in this chapter. The surcharge is subject to section 49-21-01.3. Funding for the interstate portion of the state telecommunications relay service must be provided in a manner consistent with rules and orders adopted by the federal communications commission in implementing the federal Americans with Disabilities Act. The division shall notify each local exchange company and radio communications service provider, in writing, of the amount of the monthly surcharge determined by the commission.

2. Each local exchange company and radio communications service provider shall include and identify the surcharge determined under subsection 1 in its monthly billing for service to a customer of the company or provider.

3. Each customer of a local exchange company or radio communications service provider is liable for payment to the local exchange company or radio communications service provider of any surcharge imposed pursuant to this chapter. The local exchange company or radio communications service provider is not liable for any uncollected surcharge, nor does the company have an obligation to take any legal action to enforce the collection of any surcharge that is unpaid by its customers.

4. No customer of a local exchange company may be required to pay the surcharge on more than one hundred telephone access lines per account and no customer of a radio communications service provider may be required to pay the surcharge on more than one hundred radio communications access service numbers per account in this state.

5. Except as provided in subsection 6, a local exchange company or radio communications service provider shall transmit all surcharges billed and collected to the division no later than the last day of the month following the end of the calendar quarter in which the surcharge is collected. The administrator shall remit the surcharges received to the state treasurer. The state treasurer shall deposit all surcharges received in the state treasury to the credit of the telecommunications services account for the communications impaired.

6. Each local exchange company or radio communications service provider may deduct and retain five percent of the total surcharges billed and collected each month to cover its administrative expense in complying with the requirements of subsections 2, 3, 4, and 5.

**Source:** S.L. 1993, ch. 529, § 8.