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Legislative Secretary

OFFICE OF THE GOVERNOR  
GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 6-30-99  
Time: 7:57  
Rec'd by: [Signature]  
Print Name: Charles  
0825799-0197

JUN 30 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACCOUNTS RECEIVABLE ACCOUNT	
Received By	<u>[Signature]</u>
Time	<u>10:49 am</u>
Date	<u>7-1-99</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM", which I have signed into law today as **Public Law No. 25-55**.

This legislation supports the necessary personnel, equipment, and system needed to properly operate a "911" emergency system. The legislation authorizes a surcharge, in an amount to be set by the Public Utilities Commission, which is to be collected by local exchange carriers and commercial mobile radio service providers.

The money collected is to be placed in a separate fund administered by the Department of Administration.

Recipients of life-line rates for lower income persons, as well as telecommunication services that are incapable of "911" access, are not subject to the surcharge.

Very truly yours,

[Signature]  
Madeleine Z. Bordallo  
Maga'lahaen Guåhan, Akto  
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

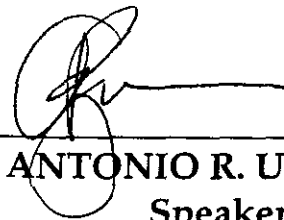
cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

00332

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker

Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

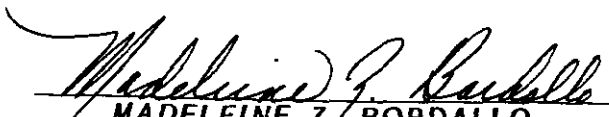
-----  
This Act was received by I Maga'lahaen Guahan this 15<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P.M.



---

Assistant Staff Officer  
Maga'laha's Office

APPROVED:



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MADELEINE Z. BORDALLO  
Akto I Maga'lahaen Guahan  
Acting Governor of Guam

Date: 6/30/99

Public Law No. 25-55

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 170 (COR)**

As substituted by the  
Committee on Transportation,  
Telecommunications and Micronesian Affairs.

Introduced by:

C. A. Leon Guerrero

J. C. Salas

K. S. Moylan

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

M. G. Camacho

Mark Forbes

L. F. Kasperbauer

A. C. Lamorena, V

V. C. Pangelinan

S. A. Sanchez, II

A. R. Unpingco

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO FUND  
AN ISLAND-WIDE ENHANCED "911" EMERGENCY  
TELEPHONE SYSTEM.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the  
3 existing "911" system is antiquated and insufficient for the Island's emergency

1 reporting needs, and that there is a need to establish a new, enhanced "911"  
2 system to better protect the health and safety of Island residents. *I Liheslaturan*  
3 *Guåhan* further finds that in order to fund the new, enhanced "911" system, a  
4 surcharge on Local Exchange Telephone Service and Commercial Mobile Radio  
5 Service should be established.

6 **Section 2. Authorization to Establish Surcharge.** (a) The Public  
7 Utilities Commission ("Commission") shall establish and amend, as  
8 required, a monthly surcharge to be known as the "911 Surcharge" to be paid  
9 by Local Exchange Telephone and Commercial Mobile Radio Service  
10 subscribers.

11 (b) The Commission may establish different rates for residential,  
12 government and business subscribers.

13 (c) The "911 Surcharge" shall be established by the Commission at  
14 a rate *not* to exceed One Dollar (\$1.00) per month per access line, up to a  
15 maximum of twenty-five (25) access lines per account bill rendered for local  
16 exchange telephone service, and at a rate *not* to exceed One Dollar (\$1.00)  
17 per month per account number for commercial mobile radio service, up to  
18 a maximum of twenty-five (25) account numbers per account bill rendered  
19 per month.

20 (d) The purpose of the "911 Surcharge" is to fund the just and  
21 reasonable expenses of operating and maintaining the "911" system, which  
22 shall be the responsibility of the Guam Fire Department ("Department").  
23 The Department shall petition the Commission, in accordance with  
24 Commission rules, for the establishment of a "911 Surcharge," and for its  
25 amendment from time to time; *however*, the Commission may on its own

1 initiative examine the adequacy of the surcharge at any time.

2 (e) It is the intent of *I Liheslaturan Guåhan* that the "911 Surcharge"  
3 authorized by this Chapter *not* necessarily provide the total funding  
4 required for establishing or providing the "911" service.

5 (f) In the event the surcharge is insufficient to cover the annual  
6 "911" system operating costs, as determined by the Commission, then the  
7 Commission shall immediately notify *I Liheslaturan Guåhan* of the shortfall,  
8 and the Department shall request an appropriation in its annual budget to  
9 cover any such shortfall.

10 (g) In exercising its responsibilities under this Act, the Commission  
11 shall have the powers and duties prescribed in its enabling legislation,  
12 Chapter 12 of Title 12 of the Guam Code Annotated.

13 (h) Surcharge revenues shall *not* be expended by the Department  
14 for the procurement of supplies, equipment or services in excess of Five  
15 Hundred Thousand Dollars (\$500,000.00), without the *prior* approval of the  
16 Commission as to the prudence and reasonableness of the procurement.

17 **Section 3. Collection of "911 Surcharge."** (a) Each Local  
18 Exchange Carrier ("LEC") and Commercial Mobile Radio Service ("CMRS")  
19 provider shall collect the surcharge as established by the Commission, and  
20 identify such as a separate line item on its invoice.

21 (b) Each LEC or CMRS provider shall remit the amounts collected  
22 to the Department of Administration no later than forty-five (45) days *after*  
23 the end of the month in which the amount is collected.

24 (c) Each LEC or CMRS provider shall be authorized to deduct from  
25 such remittances its actual expenses incurred for collection services,

1 maintaining the PSAP database, and for reports and audits as may be  
2 required by the Commission; *provided*, such deductions are consistent with  
3 a Commission-approved budget for such expenses.

4 (d) The surcharges collected pursuant to this Section are *not* subject  
5 to any tax, fee or assessment, nor are they considered revenue of the LEC or  
6 CMRS provider.

7 (e) Each LEC or CMRS provider is authorized to deduct from its  
8 "911" receipts, amounts necessary to cover the Commission's expenses in  
9 conducting the regulatory activities required in this Act, to be billed by the  
10 Commission on a *pro-rata* basis.

11 (f) For purposes of this Act, a "*CMRS provider*" means a provider  
12 of wireless cellular telephone service, or wireless personal communications  
13 service.

14 **Section 4. Creation of Special Fund.** There is hereby created, separate  
15 and apart from all other funds of the government, the "*Enhanced 911 Emergency*  
16 *Reporting System Fund*" ("Fund") to be administered by the Department of  
17 Administration. The Fund is created to provide a source of funding for costs  
18 associated with an enhanced "911" Emergency Reporting System. All the "911"  
19 surcharges collected by each LEC and CMRS provider shall be paid into the Fund.  
20 The money collected and interest earned shall be used by the Department solely  
21 for enhanced "911" equipment and system costs as described in this Act.

22 **Section 5. Exemptions from Surcharge.** Recipients of life-line rates  
23 for local exchange telephone service, and telecommunication services that are  
24 incapable of "911" access, including, but not limited to, interstate and  
25 international interconnections, internet service providers data access trunks,

1 paging trunks, inbound trunks for PBX service and leased circuits are exempted  
2 from the "911 Surcharge."

3 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider  
4 collecting the surcharges shall *not* be responsible for uncollectible surcharges, and  
5 shall have no obligation to take any legal action to enforce collection of the  
6 surcharge. The LEC or CMRS provider shall provide quarterly to the Commission  
7 a list of the names, addresses and telephone numbers of any and all subscribers  
8 who have identified to the LEC or CMRS provider their refusal to pay the "911"  
9 fee.

10 Nothing in this Chapter shall be construed to prevent the government from  
11 taking appropriate actions to collect such surcharges designated by the LEC or  
12 CMRS provider as uncollectible.

13 **Section 7. Definition of "911" Equipment and System.** (a) For  
14 purposes of this Act, "*enhanced 911 equipment*" means the equipment  
15 dedicated to the operation of, or use in, the establishment, operation or  
16 maintenance of an enhanced "911" system, including customer premises  
17 equipment, automatic number identification, or automatic location  
18 identification controllers and display units, printers, recorders, software and  
19 other essential communication equipment required by the system.

20 (b) "*Enhanced 911 system*" means a telephone system consisting of  
21 network, database and enhanced "911" equipment that uses the single three  
22 (3) digit number "911" for reporting a fire, police, medical or other  
23 emergency situation, and that enables the users of a public telephone  
24 system to reach a public safety answering point ("PSAP") to report  
25 emergencies by dialing "911."

1 (c) "Enhanced 911 database for wireline service" means the subscriber  
2 name, address and number; and for wireless service means the subscriber  
3 name and number, and location consistent with the Federal  
4 Communications Commission Order Number 94-102.

5 (d) An enhanced 911 system includes the personnel required to  
6 acquire, install, operate and maintain the system.

7 (e) Each LEC and CMRS provider shall be responsible for  
8 establishing and maintaining an appropriate network to deliver "911" calls  
9 to the PSAP, and in maintaining the database for use in the PSAP.

10 **Section 8. Yearly Reports.** The Department shall prepare and submit to  
11 *I Maga'lahaen Guahan* and to the Speaker of *I Liheslaturan Guahan* a yearly  
12 assessment report on the enhanced "911" system, to include the number and types  
13 of calls received; the number and types of emergencies in which emergency  
14 personnel were dispatched; deficiencies, *if any*, in the system compared to other  
15 operations in the United States mainland; new system or equipment changes that  
16 will be made or required in the future; and any other information that is useful in  
17 evaluating the effectiveness of the "911" system.

18 **Section 9. Confidentiality of Records.** Any record, recording or  
19 information, or portions thereof, obtained by a public agency, or a public safety  
20 agency, for the purpose of providing services in an emergency, and which reveals  
21 the name, address, telephone number or personal information about, or  
22 information which may identify any person requesting emergency service by  
23 accessing an emergency telephone number "911" system, is confidential, *except*  
24 that such record or information may be disclosed to a public safety agency. The  
25 exemption applies only to the name, address, telephone number or personal

1 information about, or information which may identify any person requesting  
2 emergency services or reporting an emergency while such information is in the  
3 custody of the public agency or public safety agency providing emergency  
4 services.

5 A LEC or CMRS provider shall *not* be liable for damages to any person  
6 resulting from or in connection with such LEC's or CMRS provider's provision of  
7 lawful assistance to any law enforcement officer in connection with any lawful  
8 investigation or other law enforcement activity by such law enforcement officer,  
9 *unless* the LEC or CMRS provider acted in a wanton or willful manner.

10 **Section 10. False "911" Calls.** Whoever accesses the number  
11 "911" for the purpose of making a false alarm, threat, complaint or reporting false  
12 information which could result in the emergency response of any public safety  
13 agency is guilty of a misdemeanor of the first degree.

14 **Section 11. Violations of this Act.** Any person or entity which  
15 the Commission determines has violated any provision of this Act, or any  
16 Commission order, shall be given proper notice and be allowed a reasonable  
17 opportunity to cure the violation. Thereafter, in the event of failure to cure, the  
18 Commission may refer the violation to the Attorney General's Office for  
19 prosecution. Any person or entity that, having the responsibility of complying  
20 with this Act or a Commission order, fails to cure such violation shall be fined a  
21 civil penalty *not* to exceed Ten Thousand Dollars (\$10,000.00) per infraction. Any  
22 such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers Shall Not Charge for "911" Calls.**  
24 Any telecommunications service that has the capability of reaching the PSAP by  
25 voice communication, including, but not limited to, public and private pay

1 phones, shall *not* charge for any calls placed to the PSAP by dialing "911."

2       **Section 13.       Public Education.**       The Department may use monies  
3 from its budget to educate the public on the "911" system. Education may  
4 include, but is not limited to, confirming with all residents their actual street  
5 addresses. The Department may reimburse the monies used to educate the public  
6 on the "911" system from the Fund.

**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**1999 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN**

This is to certify that Substitute Bill No. 170 (COR), "AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE ON LOCAL EXCHANGE TELEPHONE SERVICE AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.




ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 18<sup>th</sup> day of June, 1999,  
at 5:50 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

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\_\_\_\_\_  
**ANTONIO R. UNPINGCO**  
Speaker

Attested:

\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

.....  
This Act was received by *I Maga'lahen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

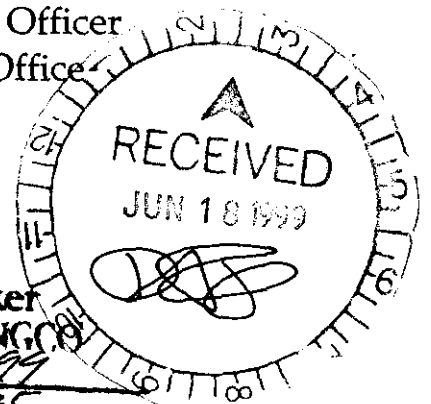
APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 6/18/99  
Time: 1:35  
Rec'd by: [Signature]  
Print Name: Laure



**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 170 (COR)**

As substituted by the  
Committee on Transportation,  
Telecommunications and Micronesian Affairs.

Introduced by:

C. A. Leon Guerrero  
J. C. Salas  
K. S. Moylan  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
V. C. Pangelinan  
S. A. Sanchez, II  
A. R. Unpingco

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO FUND  
AN ISLAND-WIDE ENHANCED "911" EMERGENCY  
TELEPHONE SYSTEM.**

1        **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2        **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the  
3 existing "911" system is antiquated and insufficient for the Island's emergency

1 reporting needs, and that there is a need to establish a new, enhanced "911"  
2 system to better protect the health and safety of Island residents. *I Liheslaturan*  
3 *Guåhan* further finds that in order to fund the new, enhanced "911" system, a  
4 surcharge on Local Exchange Telephone Service and Commercial Mobile Radio  
5 Service should be established.

6 **Section 2. Authorization to Establish Surcharge.** (a) The Public  
7 Utilities Commission ("Commission") shall establish and amend, as  
8 required, a monthly surcharge to be known as the "911 Surcharge" to be paid  
9 by Local Exchange Telephone and Commercial Mobile Radio Service  
10 subscribers.

11 (b) The Commission may establish different rates for residential,  
12 government and business subscribers.

13 (c) The "911 Surcharge" shall be established by the Commission at  
14 a rate *not* to exceed One Dollar (\$1.00) per month per access line, up to a  
15 maximum of twenty-five (25) access lines per account bill rendered for local  
16 exchange telephone service, and at a rate *not* to exceed One Dollar (\$1.00)  
17 per month per account number for commercial mobile radio service, up to  
18 a maximum of twenty-five (25) account numbers per account bill rendered  
19 per month.

20 (d) The purpose of the "911 Surcharge" is to fund the just and  
21 reasonable expenses of operating and maintaining the "911" system, which  
22 shall be the responsibility of the Guam Fire Department ("Department").  
23 The Department shall petition the Commission, in accordance with  
24 Commission rules, for the establishment of a "911 Surcharge," and for its  
25 amendment from time to time; *however*, the Commission may on its own

1 initiative examine the adequacy of the surcharge at any time.

2 (e) It is the intent of *I Liheslaturan Guåhan* that the "911 Surcharge"  
3 authorized by this Chapter *not* necessarily provide the total funding  
4 required for establishing or providing the "911" service.

5 (f) In the event the surcharge is insufficient to cover the annual  
6 "911" system operating costs, as determined by the Commission, then the  
7 Commission shall immediately notify *I Liheslaturan Guåhan* of the shortfall,  
8 and the Department shall request an appropriation in its annual budget to  
9 cover any such shortfall.

10 (g) In exercising its responsibilities under this Act, the Commission  
11 shall have the powers and duties prescribed in its enabling legislation,  
12 Chapter 12 of Title 12 of the Guam Code Annotated.

13 (h) Surcharge revenues shall *not* be expended by the Department  
14 for the procurement of supplies, equipment or services in excess of Five  
15 Hundred Thousand Dollars (\$500,000.00), without the *prior* approval of the  
16 Commission as to the prudence and reasonableness of the procurement.

17 **Section 3. Collection of "911 Surcharge."** (a) Each Local  
18 Exchange Carrier ("LEC") and Commercial Mobile Radio Service ("CMRS")  
19 provider shall collect the surcharge as established by the Commission, and  
20 identify such as a separate line item on its invoice.

21 (b) Each LEC or CMRS provider shall remit the amounts collected  
22 to the Department of Administration no later than forty-five (45) days *after*  
23 the end of the month in which the amount is collected.

24 (c) Each LEC or CMRS provider shall be authorized to deduct from  
25 such remittances its actual expenses incurred for collection services,

1 maintaining the PSAP database, and for reports and audits as may be  
2 required by the Commission; *provided*, such deductions are consistent with  
3 a Commission-approved budget for such expenses.

4 (d) The surcharges collected pursuant to this Section are *not* subject  
5 to any tax, fee or assessment, nor are they considered revenue of the LEC or  
6 CMRS provider.

7 (e) Each LEC or CMRS provider is authorized to deduct from its  
8 "911" receipts, amounts necessary to cover the Commission's expenses in  
9 conducting the regulatory activities required in this Act, to be billed by the  
10 Commission on a *pro-rata* basis.

11 (f) For purposes of this Act, a "*CMRS provider*" means a provider  
12 of wireless cellular telephone service, or wireless personal communications  
13 service.

14 **Section 4. Creation of Special Fund.** There is hereby created, separate  
15 and apart from all other funds of the government, the "*Enhanced 911 Emergency*  
16 *Reporting System Fund*" ("Fund") to be administered by the Department of  
17 Administration. The Fund is created to provide a source of funding for costs  
18 associated with an enhanced "911" Emergency Reporting System. All the "911"  
19 surcharges collected by each LEC and CMRS provider shall be paid into the Fund.  
20 The money collected and interest earned shall be used by the Department solely  
21 for enhanced "911" equipment and system costs as described in this Act.

22 **Section 5. Exemptions from Surcharge.** Recipients of life-line rates  
23 for local exchange telephone service, and telecommunication services that are  
24 incapable of "911" access, including, but not limited to, interstate and  
25 international interconnections, internet service providers data access trunks,

1 paging trunks, inbound trunks for PBX service and leased circuits are exempted  
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3 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider  
4 collecting the surcharges shall *not* be responsible for uncollectible surcharges, and  
5 shall have no obligation to take any legal action to enforce collection of the  
6 surcharge. The LEC or CMRS provider shall provide quarterly to the Commission  
7 a list of the names, addresses and telephone numbers of any and all subscribers  
8 who have identified to the LEC or CMRS provider their refusal to pay the "911"  
9 fee.

10 Nothing in this Chapter shall be construed to prevent the government from  
11 taking appropriate actions to collect such surcharges designated by the LEC or  
12 CMRS provider as uncollectible.

13 **Section 7. Definition of "911" Equipment and System.** (a) For  
14 purposes of this Act, "*enhanced 911 equipment*" means the equipment  
15 dedicated to the operation of, or use in, the establishment, operation or  
16 maintenance of an enhanced "911" system, including customer premises  
17 equipment, automatic number identification, or automatic location  
18 identification controllers and display units, printers, recorders, software and  
19 other essential communication equipment required by the system.

20 (b) "*Enhanced 911 system*" means a telephone system consisting of  
21 network, database and enhanced "911" equipment that uses the single three  
22 (3) digit number "911" for reporting a fire, police, medical or other  
23 emergency situation, and that enables the users of a public telephone  
24 system to reach a public safety answering point ("PSAP") to report  
25 emergencies by dialing "911."

1 (c) "Enhanced 911 database for wireline service" means the subscriber  
2 name, address and number; and for wireless service means the subscriber  
3 name and number, and location consistent with the Federal  
4 Communications Commission Order Number 94-102.

5 (d) An enhanced 911 system includes the personnel required to  
6 acquire, install, operate and maintain the system.

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8 establishing and maintaining an appropriate network to deliver "911" calls  
9 to the PSAP, and in maintaining the database for use in the PSAP.

10 **Section 8. Yearly Reports.** The Department shall prepare and submit to  
11 *I Maga'lahaen Guåhan* and to the Speaker of *I Liheslaturan Guåhan* a yearly  
12 assessment report on the enhanced "911" system, to include the number and types  
13 of calls received; the number and types of emergencies in which emergency  
14 personnel were dispatched; deficiencies, *if any*, in the system compared to other  
15 operations in the United States mainland; new system or equipment changes that  
16 will be made or required in the future; and any other information that is useful in  
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18 **Section 9. Confidentiality of Records.** Any record, recording or  
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20 agency, for the purpose of providing services in an emergency, and which reveals  
21 the name, address, telephone number or personal information about, or  
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23 accessing an emergency telephone number "911" system, is confidential, *except*  
24 that such record or information may be disclosed to a public safety agency. The  
25 exemption applies only to the name, address, telephone number or personal

1 information about, or information which may identify any person requesting  
2 emergency services or reporting an emergency while such information is in the  
3 custody of the public agency or public safety agency providing emergency  
4 services.

5 A LEC or CMRS provider shall *not* be liable for damages to any person  
6 resulting from or in connection with such LEC's or CMRS provider's provision of  
7 lawful assistance to any law enforcement officer in connection with any lawful  
8 investigation or other law enforcement activity by such law enforcement officer,  
9 *unless* the LEC or CMRS provider acted in a wanton or willful manner.

10 **Section 10. False "911" Calls.** Whoever accesses the number  
11 "911" for the purpose of making a false alarm, threat, complaint or reporting false  
12 information which could result in the emergency response of any public safety  
13 agency is guilty of a misdemeanor of the first degree.

14 **Section 11. Violations of this Act.** Any person or entity which  
15 the Commission determines has violated any provision of this Act, or any  
16 Commission order, shall be given proper notice and be allowed a reasonable  
17 opportunity to cure the violation. Thereafter, in the event of failure to cure, the  
18 Commission may refer the violation to the Attorney General's Office for  
19 prosecution. Any person or entity that, having the responsibility of complying  
20 with this Act or a Commission order, fails to cure such violation shall be fined a  
21 civil penalty *not* to exceed Ten Thousand Dollars (\$10,000.00) per infraction. Any  
22 such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers Shall *Not* Charge for "911" Calls.**  
24 Any telecommunications service that has the capability of reaching the PSAP by  
25 voice communication, including, but not limited to, public and private pay

1 phones, shall *not* charge for any calls placed to the PSAP by dialing "911."

2       **Section 13.       Public Education.**       The Department may use monies  
3 from its budget to educate the public on the "911" system. Education may  
4 include, but is not limited to, confirming with all residents their actual street  
5 addresses. The Department may reimburse the monies used to educate the public  
6 on the "911" system from the Fund.

6

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/15/99

## VOTING SHEET

Bill No. 170 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V					✓
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13    0    0    0    2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



June 7, 1999

**The Honorable Antonio R. Unpingco**  
**Speaker**  
**Mina'bente Singko na Liheslaturan Guahan**  
**155 Hesler Street**  
**Hagåtña, Guam 96910**

Dear Mr. Speaker,

The Committee on Transportation, Telecommunications and Micronesian Affairs, to which was referred **Bill No. 170, "An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and Commercial mobile radio service to fund an islandwide enhanced "911" emergency telephone system"**, has had the same under consideration and now wishes to report back with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>7</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,



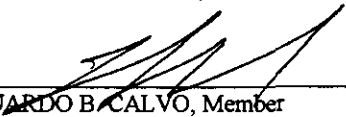
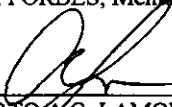
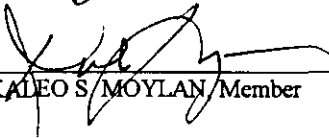
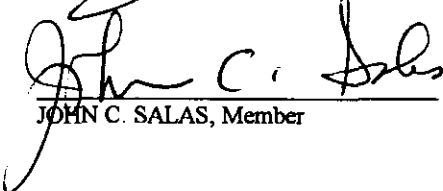
**CARLOTTA A. LEON GUERRERO**  
Chairperson

attachments

**Committee on Transportation, Telecommunications and Micronesian Affairs**  
*Mina'Bente Singko Na Liheslaturan Guåhan*

**Voting Record**

**Bill No. 170, "An Act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced 911 emergency telephone system "**

	<b><u>TO PASS</u></b>	<b><u>NOT TO PASS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>INACTIVE FILE</u></b>
 CARLOTTA A. LEON GUERRERO, Chair	✓	_____	_____	_____
 ANTONIO R. UNPINGCO, Ex-officio	✓	_____	_____	_____
_____ ANTHONY C. BLAZ, Member	_____	_____	_____	_____
_____ JOANNE M.S. BROWN, Member	_____	_____	_____	_____
 EDUARDO B. CALVO, Member	✓	_____	_____	_____
_____ MARK FORBES, Member	_____	_____	_____	_____
 ALBERTO A.C. LAMORENA V, Member	✓	_____	_____	_____
 KALEO S. MOYLAN, Member	✓	_____	_____	_____
_____ vicente c. pangelinan, Member	✓	_____	_____	_____
 JOHN C. SALAS, Member	✓	_____	_____	_____
_____ SIMON A. SANCHEZ II, Member	_____	_____	_____	_____

**COMMITTEE ON TRANSPORTATION, TELECOMMUNICATIONS  
AND MICRONESIAN AFFAIRS**

**I Mina'Bente Singko na Liheslaturan Guahan  
Twenty-fifth Guam Legislature  
155 Hesler Street, Hagåtña, Guam 96910**

**COMMITTEE REPORT**

**ON**

**BILL NO. 170**

**“An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced “911” emergency telephone service.”**

**COMMITTEE MEMBERS**

**Chairman:** Sen. Carlotta A. Leon Guerrero

**Ex-Officio member:** Speaker Antonio R. Unpingco

Sen. Anthony C. Blaz

Sen. Joanne M.S. Brown

Sen. Eduardo B. Calvo

Sen. Mark Forbes

Sen. Alberto A.C. Lamorena V

Sen. Kaleo S. Moylan

Sen. Vicente C. Pangelinan

Sen. Simon A. Sanchez II

Sen. John C. Salas

## **PUBLIC HEARING SCHEDULE**

The Committee on Transportation, Telecommunication and Micronesian Affairs conducted a Public Hearing on Tuesday, April 6, 1999 at 9:00 a.m. in the Public Hearing room of *I Liheslaturan Guahan* Temporary Building in Hagåtña.

**Committee Members present:** Sen. Carlotta A. Leon Guerrero, Chair  
Sen. Eduardo B. Calvo  
Sen. Kaleo S. Moylan  
Sen. Joanne M.S. Brown  
Sen. Alberto C. Lamorena V  
Sen. Vicente C. Pangelinan  
Sen. John C. Salas

## **SUMMARY OF TESTIMONY**

Mr. Tony P. Rabon, Assistant Fire Chief, Guam Fire Department testified in support of the bill saying the current 911 system has outlived its intended life span, and a new funding source would assure a well maintained service that the community deserves. Mr. Vincent P. Arriola, General Manager of the Guam Telephone Authority suggested the bill include funding for a public education campaign so GTA subscribers understand the 911 surcharge is not a billable service associated with their phone service. Mr. Joaquin S. Santos, Jr. testifying as a private citizen said the surcharge is necessary but that a cost study should be conducted before it is implemented. Mr. Santos testified that the Legislature should first determine how sophisticated the 911 system to be implemented should be. He said the extent of the required database will be a big part of the cost of the system. Mr. Robert F. Kelley, Jr., Special Assistant to the Governor, testified that the Administration has recognized that the government of Guam needs a well-managed and properly funded Emergency 911 telephone system, and that a 911 surcharge is a reasonable method of funding this vital function. He testified that the Department of Revenue and Taxation should be the agency designated to collect the surcharge and that the Guam Fire Department should be the Fund Administrator. He also said the Legislature is the appropriate body to determine the amount of the surcharge, and not the Public Utilities Commission.

## **COMMITTEE FINDINGS**

The Committee finds that the existing 911 emergency telephone system is antiquated and needs to be replaced in order to protect the health and safety of island residents, and that a 911 surcharge on telecommunications customers is an appropriate and reasonable method of funding the operation of a 911 system.

## **COMMITTEE RECOMMENDATION**

The Committee on Transportation, Telecommunications and Micronesian Affairs hereby reports out Bill No. 170 to *I Mina'Bente Singko na Liheslaturan Guahan* with the recommendation **To Pass.**

1 subscribers.

2 (c) The "911" surcharge shall be established by the Commission at a rate not to  
3 exceed one dollar per month per access line up to a maximum of twenty five access  
4 lines per account bill rendered for local exchange telephone service, and at a rate not  
5 to exceed one dollar per month per account number for commercial mobile radio  
6 service up to a maximum of twenty five account numbers per account bill rendered per  
7 month.

8 (d) The purpose of the "911" surcharge is to fund the just and reasonable  
9 expenses of operating and maintaining the "911" system, which shall be the  
10 responsibility of the Guam Fire Department ("Department"). The Department shall  
11 petition the Commission, in accordance with Commission rules, for the establishment  
12 of a "911" surcharge and for its amendment from time to time; however, the  
13 Commission may on its own initiative examine the adequacy of the surcharge at any  
14 time.

15 (e) It is the intent of *I Liheslatura* that the "911" surcharge authorized by this  
16 Chapter not necessarily provide the total funding required for establishing or providing  
17 the "911" service.

18 (f) In the event the surcharge is insufficient to cover the annual "911" system  
19 operating costs as determined by the Commission, then the Commission shall  
20 immediately notify *I Liheslatura* of the shortfall, and the Department shall request an  
21 appropriation in its annual budget to cover any such shortfall.

22 (g) In exercising its responsibilities under this Act, the Commission shall have  
23 the powers and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of  
24 the Guam Code Annotated).

25 (h) Surcharge revenues shall not be expended by the Department for the

1 procurement of supplies, equipment or services in excess of five hundred thousand  
2 dollars (\$500,000.00) without the prior approval of the Commission as to the prudence  
3 and reasonableness of the procurement.

4 **Section 3. Collection of "911" Surcharge.**

5 (a) Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio  
6 Service ("CMRS") provider shall collect the surcharge as established by the  
7 Commission, and identify such as a separate line item on its invoice.

8 (b) Each LEC or CMRS provider shall remit the amounts collected to the  
9 Department of Administration no later than forty five (45) days after the end of the  
10 month in which the amount is collected.

11 (c) Each LEC or CMRS provider shall be authorized to deduct from such  
12 remittances its actual expenses incurred for collection services, maintaining the PSAP  
13 database, and for reports and audits as may be required by the Commission, provided  
14 such deductions are consistent with a Commission-approved budget for such expenses.

15 (d) The surcharges collected pursuant to this section are not subject to any tax,  
16 fee, or assessment, nor are they considered revenue of the LEC or CMRS provider.

17 (e) Each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
18 amounts necessary to cover the Commission's expenses in conducting the regulatory  
19 activities required in this Act, to be billed by the Commission on a pro-rata basis.

20 (f) For purposes of this Act, a CMRS provider means a provider of wireless  
21 cellular telephone service or wireless personal communications service.

22 **Section 4. Creation of Special Fund.** There is hereby created, separate and  
23 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
24 *Reporting System Fund ("Fund")*" to be administered by the Department of  
25 Administration. The Fund is created to provide a source of funding for costs associated

1 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
2 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
3 collected and interest earned shall be used by the Department solely for enhanced  
4 "911" equipment and system costs as described in this Act.

5 **Section 5. Exemptions from surcharge.** Recipients of Life-line rates for local  
6 exchange telephone service, and telecommunication services that are incapable of  
7 "911" access, including but not limited to, interstate and international interconnections,  
8 Internet Service Providers data access trunks, paging trunks, inbound trunks for PBX  
9 service and leased circuits are exempted from the "911" surcharge.

10 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
11 the surcharges shall not be responsible for uncollectible surcharges, and shall have no  
12 obligation to take any legal action to enforce collection of the surcharge. The LEC or  
13 CMRS provider shall provide quarterly to the Commission a list of the names,  
14 addresses, and telephone numbers of any and all subscribers who have identified to the  
15 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
16 be construed to prevent the government from taking appropriate actions to collect such  
17 surcharges designated by the LEC or CMRS provider as uncollectible.

18 **Section 7. Definition of "911" Equipment and System.**

19 (a) For purposes of this Act, enhanced "911" equipment means the equipment  
20 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
21 of an enhanced "911" system, including customer premises equipment, automatic  
22 number identification or automatic location identification controllers and display units,  
23 printers, recorders, software, and other essential communication equipment required  
24 by the system.

25 (b) Enhanced "911" system means a telephone system consisting of network,

1 database, and enhanced "911" equipment that uses the single three digit number 911  
2 for reporting a fire, police, medical, or other emergency situation, and that enables the  
3 users of a public telephone system to reach a public safety answering point ("PSAP")  
4 to report emergencies by dialing "911".

5 (c) Enhanced "911" database for wireline service means the subscriber name,  
6 address, and number; and for wireless service means the subscriber name and number,  
7 and location consistent with the Federal Communications Commission Order Number  
8 94-102.

9 (d) An enhanced "911" system includes the personnel required to acquire,  
10 install, operate and maintain the system.

11 (e) Each LEC and CMRS provider shall be responsible for establishing and  
12 maintaining an appropriate network to deliver "911" calls to the PSAP, and in  
13 maintaining the database for use in the PSAP.

14 **Section 8. Yearly Reports.** The Department shall prepare and submit to *I*  
15 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
16 enhanced "911" system to include the number and types of calls received, the number  
17 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
18 if any, in the system compared to other operations in the United States mainland, new  
19 system or equipment changes that will be made or required in the future, and any other  
20 information that is useful in evaluating the effectiveness of the "911" system.

21 **Section 9. Confidentiality of Records.** Any record, recording, or information,  
22 or portions thereof, obtained by a public agency or a public safety agency for the  
23 purpose of providing services in an emergency and which reveals the name, address,  
24 telephone number, or personal information about, or information which may identify  
25 any person requesting emergency service by accessing an emergency telephone number

1 “911” system is confidential, except that such record or information may be disclosed  
2 to a public safety agency. The exemption applies only to the name, address, telephone  
3 number or personal information about, or information which may identify any person  
4 requesting emergency services or reporting an emergency while such information is in  
5 the custody of the public agency or public safety agency providing emergency services.  
6 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
7 or in connection with such LEC’s or CMRS provider’s provision of lawful assistance  
8 to any law enforcement officer in connection with any lawful investigation or other law  
9 enforcement activity by such law enforcement officer unless the LEC or CMRS  
10 provider acted in a wanton or willful manner.

11 **Section 10. False “911” Calls.** Whoever accesses the number “911” for the  
12 purpose of making a false alarm, threat, complaint or reporting false information which  
13 could result in the emergency response of any public safety agency is guilty of a  
14 misdemeanor of the first degree.

15 **Section 11. Violations of this Act.** Any person or entity which the Commission  
16 determines has violated any provision of this Act or any Commission order, shall be  
17 given proper notice and be allowed a reasonable opportunity to cure the violation.  
18 Thereafter, in the event of failure to cure, the Commission may refer the violation to the  
19 Attorney General’s Office for prosecution. Any person or entity that, having the  
20 responsibility of complying with this Act or a Commission order, fails to cure such  
21 violation, shall be fined a civil penalty not to exceed Ten-thousand dollars (\$10,000.00)  
22 per infraction. Any such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers shall not charge for “911” Calls.** Any  
24 telecommunications service that has the capability of reaching the PSAP by voice  
25 communication, including but not limited to public and private pay phones, shall not

1 charge for any calls placed to the PSAP by dialing "911".

2 **Section 13. Public Education.** The Department may use monies from its  
3 budget to educate the public on the "911" system. Education may include, but is not  
4 limited to, confirming with all residents their actual street addresses. The Department  
5 may reimburse the monies used to educate the public on the "911" system from the  
6 Fund.

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 170

SANCHEZ

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Amended Section (C), line 2, after the word "a", insert the word "initial"

(Below only for clerk of Legislature's use and processing))

Date 6/14, 1999

Floor Amendment No. 1 of a total of      changes on above Bill.

Votes For Amendment:      Votes Against Amendment:     

AMENDMENT PASSED:     

Amendment Failed:      ✓

Amendment Withdrawn:     

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

      
Speaker

Ass't. Amend. Clerk  
Engrossment Staff

*Not entertained*

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 170

SANCHEZ

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur: *On page 2*

Delete sections e) & f)

*911* Add new section e) <sup>cited in sec 11</sup> The Commission may adjust the ~~change~~ per-line sur-charge after two years of enactment upon justification presented by the "Department" and after thorough review of the adequacy of the Dept's justifications, as allowed to the PNC in their powers & duties presented in the PNC enabling legislation (Chapters 12 of Title 12 of G-CA)

(Below only for clerk of Legislature's use and processing))

Date \_\_\_\_\_, 1999

Floor Amendment No. \_\_\_\_\_ of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: \_\_\_\_\_

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur (initial)

\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

Ass't. Amend. Clerk  
Engrossment Staff

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

RECEIVED  
99 MAR 29 PM 2 55 Jg

Bill No. 170/c/a

Introduced by:

C.A. Leon Guerrero  
J. C. Salas  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911"  
3 system is antiquated and insufficient for the island's emergency reporting needs, and  
4 that there is a need to establish a new Enhanced "911" system to better protect the  
5 health and safety of island residents. *I Liheslatura* further finds that in order to fund  
6 the new enhanced "911" system, a surcharge on Local Exchange Telephone Service  
7 and Commercial Mobile Radio Service should be established.

8           **Section 2. Authorization to establish surcharge.** The Public Utilities  
9 Commission ("Commission") shall establish and amend, as required, a monthly  
10 surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone  
11 and Commercial Mobile Radio Service subscribers. The Commission may establish  
12 different rates for residential and business subscribers. The "911" surcharge shall be  
13 established by the Commission at a rate not to exceed one dollar per month per access

1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify *I*  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
5 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
6 *Reporting System Fund ("Fund")*" to be administered by the Department of  
7 Administration. The Fund is created to provide a source of funding for costs associated  
8 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
9 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
10 collected and interest earned shall be used by the Guam Fire Department solely for  
11 enhanced "911" equipment and system costs as described in Section 4.

12 **Section 4. Definition of "911" Equipment and System.** It is the intent of *I*  
13 *Liheslatura* that the "911" surcharge authorized by this Chapter not necessarily provide  
14 the total funding required for establishing or providing the "911" service. In the event  
15 the surcharge, as established by the Commission, is insufficient to cover the annual  
16 "911" system operating costs as determined by the Commission, then the Guam Fire  
17 Department shall request an appropriation in its annual budget to cover any such  
18 shortfall. For purposes of this Act, enhanced "911" equipment means the equipment  
19 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
20 of an enhanced "911" system, including customer premises equipment, automatic  
21 number identification or automatic location identification controllers and display units,  
22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
2 by dialing "911". An enhanced "911" system includes the personnel required to  
3 acquire, install, operate and maintain the system.

4 **Section 5. Collection of "911" Surcharge.** Each LEC or CMRS provider  
5 collecting such surcharge shall remit to the Department of Administration the amounts  
6 collected no later than forty five (45) days after the end of the month in which the  
7 amount is collected. Each LEC or CMRS provider shall be authorized to deduct from  
8 such remittances its actual expenses incurred for collection services, maintaining the  
9 PSAP database, and for reports as may be required by the Commission, provided such  
10 deductions are consistent with a Commission-approved budget for such expenses. In  
11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
12 amounts necessary to cover the Commission's expenses in conducting the regulatory  
13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.



**Guam Telephone Authority  
Aturidat Tiliifon Guahan**

Post Office Box 9008 • Tamuning, Guam 96931 • Telephone: (671) 646-1421/5527 • Fax: (671) 649-GTA1(4821)  
624 North Marine Drive, Tamuning, Guam 96911

**April 6, 1999**

**Senator Carlotta A. Leon Guerrero  
Chairperson, Committee on Transportation,  
Telecommunications & Micronesian Affairs  
Twenty-fifth Guam Legislature  
3rd Floor, Union Bank Building  
194 Hernan Cortez Avenue  
Hagatna, Guam 96910**

**Håfa Adai Senator Leon Guerrero and committee members.**

**This is in response to your proposed Bill No. 170 to establish funding for the enhanced 911 services. First, I would like to take this time to thank you and your staff for the opportunity to discuss this proposed bill with my staff as well as representatives from the Guam Fire Department, Guam Memorial Hospital and the Public Utilities Commission.**

**I understand the initial funding for the 911 system rests with a grant from FEMA and that matching funds would come from the Guam Fire Department. Further, I understand that the initial budget for the entire system, personnel, and other ancillary charges comes close to or about \$3.0 million. The proposed surcharge would only address annual operating costs.**

**If GTA were to collect the surcharge, GTA subscribers must understand that this is not a billable service associated with their phone service. Because of this, I believe funding would be needed to notify and educate the public on the surcharge. I would suggest that the bill either come with an appropriation for public education**



costs or that the Guam Fire Department fund these expenses within their approved operating budget.

We agree with Section 5 that authorizes GTA to deduct first our actual expenses for billing, collecting, and maintaining the PSAP database as determined by a PUC approved budget. This off-set of our administrative costs from the monthly remittance to the fund is fair and reasonable. If another agency such as the Department of Revenue & Taxation is designated as the collector of the surcharge, we would appreciate some provision mandating that as a service provider, GTA receive full and fair payment first.

Additionally, the proposed bill calls for the surcharge to be charged to landline subscribers as well as cellular subscribers. As you know, GTA offers both services. It is our understanding that if a customer has landline service as well as cellular service, that person shall be charged for each number. Further, it is our understanding that subscribers of any other wireless provider of phone service such as Guam Cell would be responsible to pay for the surcharge for their services.

For the committee's information, GTA currently services over 45,300 residential lines and 32,700 business lines.

With regard to auditing the remittances, if GTA would be collecting the proposed surcharge and have direct involvement in the remittances to the fund, who will perform the annual audit as well as pay for the audit? I have two suggestions that you may want to consider. One, GTA will include the audit activity in our annual audit and reduce one month's remittance by that cost, or two, an independent auditor be summoned with the expense borne by the Guam Fire Department. Also, it is our

understanding that the bill only requires to remit what has been collected. We are not responsible for the uncollectible surcharges.

I believe this covers the concerns GTA would like resolved prior to passage of the bill. Again, I would like to thank you, your Committee, and your staff for the opportunity to respond to your proposed legislation.

Should you wish to discuss this issue further, I am available at your convenience.

Senseramente,

A handwritten signature in black ink, appearing to read 'V.P. Arriola', written in a cursive style.

VINCENT P. ARRIOLA  
General Manager

STATEMENT OF JOAQUIN S. SANTOS, JR  
157 Mama Sandy Street  
Nimitz Hill, Piti, Guam  
Tel: (671) 472 5280.

Reference to BILL NO. 170: AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE, ON LOCAL EXCHANGE TELEPHONE SERVICE, AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM

My name is Joaquin Santos, Jr. and I am here to testify against the enactment of Bill No. 170 at this time. At the onset, I am not opposed to the implementation of a "911" surcharge. I am convinced it is necessary however, I believe that a cost study must first be presented to this body before any bill is introduced in the assessment of an appropriate surcharge to rate payers for the operation and maintenance of the Enhanced 911 (E911) system. The two components in the study should include the Public Safety Answering Point (PSAP) requirement and the requisite information that should be contained in the customer data base (CDR). To arbitrarily direct that the Public Utilities Commission shall establish 911 surcharge not to exceed one dollar per month may be too premature. There are questions that must be answered such as HOW sophisticated a 911 system should be implemented, WHO is best qualified to operate, maintain and support the system, WHAT percentage of the surcharge revenue should be reimbursed the Local Exchange Telephone Service and Commercial Mobile Radio Service providers for the operation and maintenance of the customer data base. The authors of this bill have already concluded that the existing 911 is antiquated and insufficient for the island. If we are to separate this statement into two parts, the Public Safety Answering Point and the customer data base, I would agree.

On the wire line (LEC) provider side, Guam Telephone Authority currently maintains the customer data base (CDR) which feeds information to the PSAP. The CDR contains bare essential information reflecting subscriber name, telephone number, and address. There are perhaps software/hardware upgrades that GTA failed to procure as part of the upgrade of the E911 CDR. Similar information could be provided on the wireless side (CMRS). The proposed Bill 170 somewhat defines the E911. It is not too clear whether this definition applies to the existing E911 system, or the E911 system that we want. If this is the E-911 Stated Requirement, then we know that the information feed surcharge of not more than one dollar per month may be adequate. This body must determine HOW sophisticated a 911 system should be implemented, and not merely providing only the ANI, customer address, PSAP and display units. In the ANI component of the CDR, should additional information of those members of the household requiring medical assistance be included, such as those with heart condition using pace makers or those who are dependent on oxygen? Mapping of the geographical area of the caller which identifies street names, house numbers, landmark sites are critical in directing the emergency response vehicle(s) to the site. How reliable is the map location which outline street names and house numbers? Are the emergency response teams geographically designated and established on this island to have the nearest unit respond to the emergency 911 call? Global Positioning System (GPS) is also important in tracking the location of emergency vehicle(s). Sensors and detectors in cell sites must be able to fix the exact location of mobile subscribers dialing 911 for emergency and must continue to follow the caller's location as they roam from one cell site to another. If we want the E911 to be upgraded to this level of sophistication, then one dollar surcharge is inadequate per subscriber line.

The bill proposes that the Guam Fire Department shall have the responsibility of the 911 system. The Pacific Daily News article of April 3 also stated that the Fire Department will hire twenty full time employees. These twenty employees will be manning five PSAP positions on a twenty four hour coverage. The PSAP can be under the Fire Department but I believe it should be created, tasked and assigned a mission of providing and supporting emergency services only. The individual in charge of the PSAP should have the responsibility and accountability for determining the number of PSAP operators required,

all requisite training, and should be the individual identifying, determining and generating requirements for system upgrades.

The LEC or CMRS provider is to use discretion in deducting cost for the collection of customer data base information, purging, upgrade and maintenance of the CDR. Unless there is a cost study that actually determines the actual cost plus a profitable margin for the maintenance and operation of the CDR, it is difficult to determine how much of the dollar amount collected should be kept by the LEC or CMRS. Should it be 10% or 60% of every surcharge dollar collected? The allowance for local service competition as a direct result of the Telecommunications Act of 1996, must be an open reminder that the maintenance and operation of the CDR to feed the PSAP reliable information shouldn't be free. There is cost associated and borne by the LEC and CMRS provider for this service, and every LEC and CMRS provider must be able to recover their cost. This cost should be imbedded and be part of the 911 surcharge.

This committee should determine the E911 requirement, the cost associated with the operation and maintenance of the CDR and the PSAP positions. You owe it to the people of Guam to create an efficient and reliable 911 emergency service provider funded through the application of a 911 surcharge paid by the rate payers that is reasonable and just.

**TESTIMONY ON BILL 170**

**BY**

**TONY P. RABON**

**Assistant Fire Chief, Guam Fire Department**

**To the Committee on Transportation, Telecommunications, and  
Micronesian Affairs**

**Mina' Bente Singko na Liheslaturan Guahan**

**Hafa Adai yan Saluda para hamyo todos:**

**Madam Chair, distinguished members of the Committee on Transportation, Telecommunications, and Micronesian Affairs:**

**I am Assistant Fire Chief Tony P. Rabon, currently the Chief of the Emergency 911/Communications Bureau of the Guam Fire Department.**

**I am here on behalf of the Guam Fire Department to testify in favor of the intent of Bill 170 to establish a surcharge on Local Exchange Carriers (LEC) and Commercial Mobile Radio Service (CMRS) to fund an island-wide Enhanced 911 Emergency Telephone System.**

**The island is currently being covered with, as you well know, a 911 system that has outlived its intended life span. It is antiquated and not cost effective to upgrade.**

**This needed funding source would certainly assure a well maintained and equipped enhanced 911 service that our community deserves.**

**We see the introduction of this bill as a positive and proactive approach to finally addressing our 911 dilemma.**

**We have provided this committee with the Fire Department's E-911/Communications Bureau Executive Summary Report detailing our future course of action for the next three years should the necessary funding become available. We intend to fulfill our commitment in**

**upgrading the quality and standard of service should all these efforts by the Legislature, and the Administration become a reality.**

**In closing, there may still be some technical adjustments necessary in the language of this bill to address the appropriate administering department of the 911 surcharge, as well as defining who shall be the rate setter and the specific rates to be assessed, notwithstanding, the Guam Fire Department supports the intent of this direly needed legislation.**

**Thank-you for the opportunity presented to the Guam Fire Department in expressing its testimony on Bill 170.**

**Si Yu'os Ma'ase'.**

April 6, 1999

Testimony of: Robert F. Kelley, Jr.

Office of the Governor

Presented to: Committee on Transportation, Telecommunications and  
Micronesian Affairs

**Hearing on Bill 170**

**An Act to Authorize the Public Utilities Commission to Establish a Surcharge on  
Local Exchange Telephone Service and Commercial Mobile Radio Service to Fund an  
Island-Wide Enhanced "911" Emergency Telephone System**

Good morning Chairwomen Leon Guerrero and Members of the Committee:

I am Robert F. Kelley, Jr. I am a Special Assistant to the Governor. My area of responsibility includes Telecommunications issues.

This administration has recognized that the Government of Guam needs a well-managed and properly funded Emergency 911 Telephone System. This service is absolutely necessary to provide access to emergency public safety services to the people of Guam. The 911 service has saved lives and has resulted in an improved criminal justice system.

Communities throughout America have dealt with the issue of how to fund this essential service. Many communities have determined that it should be funded through a surcharge or "special tax" designated specifically for 911 services. A 911 surcharge is a reasonable method for funding this vital function Guam.

I have a concern about the role of the Public Utilities Commission (PUC) in the assessment of this surcharge. Under section 252 of the Telecommunications Act, the role of the PUC is to provide regulations that will enhance competition and not continue in the traditional role as a rate regulator. In the proposed bill, you are asking the PUC to expand its role as a rate setter and oversee the collection of a surcharge.

I recommend that the Legislature establish a 911 operations fund. This fund should receive its funding from a competitively neutral surcharge assessed on all users of Guam telecommunications services capable of accessing 911 service. The Department of Revenue and Taxation should be the agency designated to collect this surcharge the Guam Fire Department should be designated the Fund Administrator. The Guam Legislature is the appropriate body to determine the amount of the surcharge based upon an approved budget and any general fund subsidies for the fund. It is not only an improper role for the PUC to oversee the surcharge in light of the current roles being defined for them but is also a function that they are not staffed to assume. The Department of Revenue and Taxation is staffed to collect this surcharge and it currently is the government agency with this function.

It is important that the fund be adequate to cover the personal costs, all telephone charges required for supporting the service, all maintenance for the 911 system, and an adequate reserve fund for system improvement.

It is also important that a 911 fund be competitively neutral. This is the only requirement addressed by the Telecommunications Act. You should not set a different rate for wireline versus non-wireline or new local carriers versus the incumbent carriers. This surcharge should be also be explicit and simple to administer by the telecommunications carriers acting on behalf of the government to collect the funds.

It is important that the act specifically exempt certain telecommunications services that would not function with the 911 service. The exempted services should include interstate and international interconnections, Internet Service Provider's data access trunks, paging trunks, inbound trunks for PBX's, leased circuits and other telecommunications services incapable of 911 access. The Lifeline exemption is important and is adequate as proposed.

I would recommend that the Guam Legislature also consider adding provisions to the act requiring 911 access without charge from all services, including wireline and wireless as well as all payphones on Guam. In addition, the 911 access must be available from all telephone systems on Guam capable of making outgoing calls.

The legislature may want to also provide a sanction for misuse of the 911 system that false short of the acts specified in Section 9 of the Bill. This sanction could be enforced against parties that misuse the 911 system but fall short of the thresholds specified on Section 9.




**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetmon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurat*

**APR 05 1999**

**MEMORANDUM**

**TO:** Chairperson  
Committee on Transportation, Telecommunications, and  
Micronesian Affairs

**FROM:** Chairman   
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

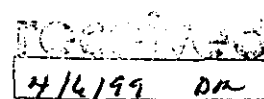
**SUBJECT:** Principal Referral – Bill No. 170

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment





**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

June 14, 1999

( DATE )

**FILE**

Memorandum

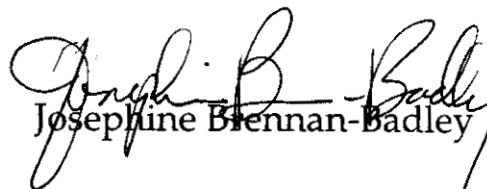
To: Senator Carlotta A. Leon Guerrero

From: Clerk of the Legislature

Subject: Report on Bill No. 170 (cor)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 170 (cor), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

  
Josephine Brennan-Badley

Attachment

ACKNOWLEDGEMENT RECEIPT  
Received By: [Signature]  
Time: 1:30  
Date: 6/14/99



June 7, 1999

**The Honorable Antonio R. Unpingco**  
**Speaker**  
**Mina'bente Singko na Liheslaturan Guahan**  
**155 Hesler Street**  
**Hagåtña, Guam 96910**

Dear Mr. Speaker,

The Committee on Transportation, Telecommunications and Micronesian Affairs, to which was referred **Bill No. 170, "An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and Commercial mobile radio service to fund an islandwide enhanced "911" emergency telephone system"**, has had the same under consideration and now wishes to report back with the recommendation **To Pass**.

The Committee votes are as follows:

To Pass	<u>7</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Inactive File	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,

**CARLOTTA A. LEON GUERRERO**  
Chairperson

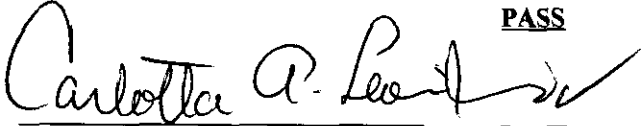


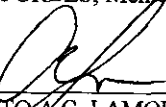


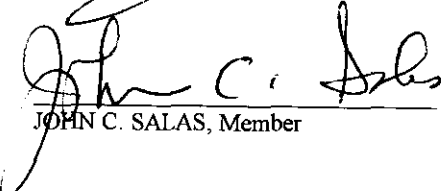
attachments

**Committee on Transportation, Telecommunications and Micronesia Affairs**

*Mina Bente Singko Na Liheslaturan Guåhan*

**Voting Record**

**Bill No. 170, "An Act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced 911 emergency telephone system"**

	<b><u>TO PASS</u></b>	<b><u>NOT TO PASS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>INACTIVE FILE</u></b>
 CARLOTTA A. LEON GUERRERO, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTONIO R. UNPINGCO, Ex-officio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANTHONY C. BLAZ, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOANNE M.S. BROWN, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 EDUARDO B. CALVO, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARK FORBES, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ALBERTO A.C. LAMORENA V, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KALEO S. MOYLAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 VICENTE C. PANGELINAN, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN C. SALAS, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SIMON A. SANCHEZ II, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMITTEE ON TRANSPORTATION, TELECOMMUNICATIONS  
AND MICRONESIAN AFFAIRS**

**I Mina'Bente Singko na Liheslaturan Guahan  
Twenty-fifth Guam Legislature  
155 Hesler Street, Hagåtña, Guam 96910**

**COMMITTEE REPORT**

**ON**

**BILL NO. 170**

**“An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced “911” emergency telephone service.”**

**COMMITTEE MEMBERS**

**Chairman:** Sen. Carlotta A. Leon Guerrero

**Ex-Officio member:** Speaker Antonio R. Unpingco

Sen. Anthony C. Blaz

Sen. Joanne M.S. Brown

Sen. Eduardo B. Calvo

Sen. Mark Forbes

Sen. Alberto A.C. Lamorena V

Sen. Kaleo S. Moylan

Sen. Vicente C. Pangelinan

Sen. Simon A. Sanchez II

Sen. John C. Salas

## **PUBLIC HEARING SCHEDULE**

The Committee on Transportation, Telecommunication and Micronesia Affairs conducted a Public Hearing on Tuesday, April 6, 1999 at 9:00 a.m. in the Public Hearing room of *I Liheslaturan Guahan* Temporary Building in Hagåtña.

**Committee Members present:** Sen. Carlotta A. Leon Guerrero, Chair  
Sen. Eduardo B. Calvo  
Sen. Kaleo S. Moylan  
Sen. Joanne M.S. Brown  
Sen. Alberto C. Lamorena V  
Sen. Vicente C. Pangelinan  
Sen. John C. Salas

## **SUMMARY OF TESTIMONY**

Mr. Tony P. Rabon, Assistant Fire Chief, Guam Fire Department testified in support of the bill saying the current 911 system has outlived its intended life span, and a new funding source would assure a well maintained service that the community deserves. Mr. Vincent P. Arriola, General Manager of the Guam Telephone Authority suggested the bill include funding for a public education campaign so GTA subscribers understand the 911 surcharge is not a billable service associated with their phone service. Mr. Joaquin S. Santos, Jr. testifying as a private citizen said the surcharge is necessary but that a cost study should be conducted before it is implemented. Mr. Santos testified that the Legislature should first determine how sophisticated the 911 system to be implemented should be. He said the extent of the required database will be a big part of the cost of the system. Mr. Robert F. Kelley, Jr., Special Assistant to the Governor, testified that the Administration has recognized that the government of Guam needs a well-managed and properly funded Emergency 911 telephone system, and that a 911 surcharge is a reasonable method of funding this vital function. He testified that the Department of Revenue and Taxation should be the agency designated to collect the surcharge and that the Guam Fire Department should be the Fund Administrator. He also said the Legislature is the appropriate body to determine the amount of the surcharge, and not the Public Utilities Commission.

## **COMMITTEE FINDINGS**

The Committee finds that the existing 911 emergency telephone system is antiquated and needs to be replaced in order to protect the health and safety of island residents, and that a 911 surcharge on telecommunications customers is an appropriate and reasonable method of funding the operation of a 911 system.

## **COMMITTEE RECOMMENDATION**

The Committee on Transportation, Telecommunications and Micronesia Affairs hereby reports out Bill No. 170 to *I Mina'Bente Singko na Liheslaturan Guahan* with the recommendation **To Pass.**

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 170 (COR)**

As substituted by the Committee on Transportation,  
Telecommunication and Micronesian Affairs

Introduced by:

C.A. Leon Guerrero  
J. C. Salas  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911" system is antiquated and insufficient for the island's emergency reporting needs, and that there is a need to establish a new Enhanced "911" system to better protect the health and safety of island residents. *I Liheslatura* further finds that in order to fund the new enhanced "911" system, a surcharge on Local Exchange Telephone Service and Commercial Mobile Radio Service should be established.

**Section 2. Authorization to Establish Surcharge.**

(a) The Public Utilities Commission ("Commission") shall establish and amend, as required, a monthly surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers.

(b) The Commission may establish different rates for residential and business

1 subscribers.

2 (c) The "911" surcharge shall be established by the Commission at a rate not to  
3 exceed one dollar per month per access line up to a maximum of twenty five access  
4 lines per account bill rendered for local exchange telephone service, and at a rate not  
5 to exceed one dollar per month per account number for commercial mobile radio  
6 service up to a maximum of twenty five account numbers per account bill rendered per  
7 month.

8 (d) The purpose of the "911" surcharge is to fund the just and reasonable  
9 expenses of operating and maintaining the "911" system, which shall be the  
10 responsibility of the Guam Fire Department ("Department"). The Department shall  
11 petition the Commission, in accordance with Commission rules, for the establishment  
12 of a "911" surcharge and for its amendment from time to time; however, the  
13 Commission may on its own initiative examine the adequacy of the surcharge at any  
14 time.

15 (e) It is the intent of *I Liheslatura* that the "911" surcharge authorized by this  
16 Chapter not necessarily provide the total funding required for establishing or providing  
17 the "911" service.

18 (f) In the event the surcharge is insufficient to cover the annual "911" system  
19 operating costs as determined by the Commission, then the Commission shall  
20 immediately notify *I Liheslatura* of the shortfall, and the Department shall request an  
21 appropriation in its annual budget to cover any such shortfall.

22 (g) In exercising its responsibilities under this Act, the Commission shall have  
23 the powers and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of  
24 the Guam Code Annotated).

25 (h) Surcharge revenues shall not be expended by the Department for the

1 procurement of supplies, equipment or services in excess of five hundred thousand  
2 dollars (\$500,000.00) without the prior approval of the Commission as to the prudence  
3 and reasonableness of the procurement.

4 **Section 3. Collection of "911" Surcharge.**

5 (a) Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio  
6 Service ("CMRS") provider shall collect the surcharge as established by the  
7 Commission, and identify such as a separate line item on its invoice.

8 (b) Each LEC or CMRS provider shall remit the amounts collected to the  
9 Department of Administration no later than forty five (45) days after the end of the  
10 month in which the amount is collected.

11 (c) Each LEC or CMRS provider shall be authorized to deduct from such  
12 remittances its actual expenses incurred for collection services, maintaining the PSAP  
13 database, and for reports and audits as may be required by the Commission, provided  
14 such deductions are consistent with a Commission-approved budget for such expenses.

15 (d) The surcharges collected pursuant to this section are not subject to any tax,  
16 fee, or assessment, nor are they considered revenue of the LEC or CMRS provider.

17 (e) Each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
18 amounts necessary to cover the Commission's expenses in conducting the regulatory  
19 activities required in this Act, to be billed by the Commission on a pro-rata basis.

20 (f) For purposes of this Act, a CMRS provider means a provider of wireless  
21 cellular telephone service or wireless personal communications service.

22 **Section 4. Creation of Special Fund.** There is hereby created, separate and  
23 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
24 *Reporting System Fund ("Fund")*" to be administered by the Department of  
25 Administration. The Fund is created to provide a source of funding for costs associated

1 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
2 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
3 collected and interest earned shall be used by the Department solely for enhanced  
4 "911" equipment and system costs as described in this Act.

5 **Section 5. Exemptions from surcharge.** Recipients of Life-line rates for local  
6 exchange telephone service, and telecommunication services that are incapable of  
7 "911" access, including but not limited to, interstate and international interconnections,  
8 Internet Service Providers data access trunks, paging trunks, inbound trunks for PBX  
9 service and leased circuits are exempted from the "911" surcharge.

10 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
11 the surcharges shall not be responsible for uncollectible surcharges, and shall have no  
12 obligation to take any legal action to enforce collection of the surcharge. The LEC or  
13 CMRS provider shall provide quarterly to the Commission a list of the names,  
14 addresses, and telephone numbers of any and all subscribers who have identified to the  
15 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
16 be construed to prevent the government from taking appropriate actions to collect such  
17 surcharges designated by the LEC or CMRS provider as uncollectible.

18 **Section 7. Definition of "911" Equipment and System.**

19 (a) For purposes of this Act, enhanced "911" equipment means the equipment  
20 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
21 of an enhanced "911" system, including customer premises equipment, automatic  
22 number identification or automatic location identification controllers and display units,  
23 printers, recorders, software, and other essential communication equipment required  
24 by the system.

25 (b) Enhanced "911" system means a telephone system consisting of network,

1 database, and enhanced "911" equipment that uses the single three digit number 911  
2 for reporting a fire, police, medical, or other emergency situation, and that enables the  
3 users of a public telephone system to reach a public safety answering point ("PSAP")  
4 to report emergencies by dialing "911".

5 (c) Enhanced "911" database for wireline service means the subscriber name,  
6 address, and number; and for wireless service means the subscriber name and number,  
7 and location consistent with the Federal Communications Commission Order Number  
8 94-102.

9 (d) An enhanced "911" system includes the personnel required to acquire,  
10 install, operate and maintain the system.

11 (e) Each LEC and CMRS provider shall be responsible for establishing and  
12 maintaining an appropriate network to deliver "911" calls to the PSAP, and in  
13 maintaining the database for use in the PSAP.

14 **Section 8. Yearly Reports.** The Department shall prepare and submit to *I*  
15 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
16 enhanced "911" system to include the number and types of calls received, the number  
17 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
18 if any, in the system compared to other operations in the United States mainland, new  
19 system or equipment changes that will be made or required in the future, and any other  
20 information that is useful in evaluating the effectiveness of the "911" system.

21 **Section 9. Confidentiality of Records.** Any record, recording, or information,  
22 or portions thereof, obtained by a public agency or a public safety agency for the  
23 purpose of providing services in an emergency and which reveals the name, address,  
24 telephone number, or personal information about, or information which may identify  
25 any person requesting emergency service by accessing an emergency telephone number

1 “911” system is confidential, except that such record or information may be disclosed  
2 to a public safety agency. The exemption applies only to the name, address, telephone  
3 number or personal information about, or information which may identify any person  
4 requesting emergency services or reporting an emergency while such information is in  
5 the custody of the public agency or public safety agency providing emergency services.  
6 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
7 or in connection with such LEC’s or CMRS provider’s provision of lawful assistance  
8 to any law enforcement officer in connection with any lawful investigation or other law  
9 enforcement activity by such law enforcement officer unless the LEC or CMRS  
10 provider acted in a wanton or willful manner.

11 **Section 10. False “911” Calls.** Whoever accesses the number “911” for the  
12 purpose of making a false alarm, threat, complaint or reporting false information which  
13 could result in the emergency response of any public safety agency is guilty of a  
14 misdemeanor of the first degree.

15 **Section 11. Violations of this Act.** Any person or entity which the Commission  
16 determines has violated any provision of this Act or any Commission order, shall be  
17 given proper notice and be allowed a reasonable opportunity to cure the violation.  
18 Thereafter, in the event of failure to cure, the Commission may refer the violation to the  
19 Attorney General’s Office for prosecution. Any person or entity that, having the  
20 responsibility of complying with this Act or a Commission order, fails to cure such  
21 violation, shall be fined a civil penalty not to exceed Ten-thousand dollars (\$10,000.00)  
22 per infraction. Any such penalty shall be deposited into the Fund.

23 **Section 12. Service Providers shall not charge for “911” Calls.** Any  
24 telecommunications service that has the capability of reaching the PSAP by voice  
25 communication, including but not limited to public and private pay phones, shall not

1 charge for any calls placed to the PSAP by dialing "911".

2 **Section 13. Public Education.** The Department may use monies from its  
3 budget to educate the public on the "911" system. Education may include, but is not  
4 limited to, confirming with all residents their actual street addresses. The Department  
5 may reimburse the monies used to educate the public on the "911" system from the  
6 Fund.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN  
1999 (FIRST) Regular Session

RECEIVED  
99 MAR 29 PM 2 55 Jg

Bill No. 120/cd

Introduced by:

C.A. Leon Guerrero  
J. C. Salas  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911" system is antiquated and insufficient for the island's emergency reporting needs, and that there is a need to establish a new Enhanced "911" system to better protect the health and safety of island residents. *I Liheslatura* further finds that in order to fund the new enhanced "911" system, a surcharge on Local Exchange Telephone Service and Commercial Mobile Radio Service should be established.

**Section 2. Authorization to establish surcharge.** The Public Utilities Commission ("Commission") shall establish and amend, as required, a monthly surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers. The Commission may establish different rates for residential and business subscribers. The "911" surcharge shall be established by the Commission at a rate not to exceed one dollar per month per access

1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify /  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
5 apart from all other funds of the government, the "*Enhanced "911" Emergency*  
6 *Reporting System Fund ("Fund")*" to be administered by the Department of  
7 Administration. The Fund is created to provide a source of funding for costs associated  
8 with an Enhanced "911" Emergency Reporting System. All the "911" surcharges  
9 collected by each LEC and CMRS provider shall be paid into the Fund. The money  
10 collected and interest earned shall be used by the Guam Fire Department solely for  
11 enhanced "911" equipment and system costs as described in Section 4.

12 **Section 4. Definition of "911" Equipment and System.** It is the intent of *I*  
13 *Liheslatura* that the "911" surcharge authorized by this Chapter not necessarily provide  
14 the total funding required for establishing or providing the "911" service. In the event  
15 the surcharge, as established by the Commission, is insufficient to cover the annual  
16 "911" system operating costs as determined by the Commission, then the Guam Fire  
17 Department shall request an appropriation in its annual budget to cover any such  
18 shortfall. For purposes of this Act, enhanced "911" equipment means the equipment  
19 dedicated to the operation of, or use in, the establishment, operation, or maintenance  
20 of an enhanced "911" system, including customer premises equipment, automatic  
21 number identification or automatic location identification controllers and display units,  
22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
2 by dialing "911". An enhanced "911" system includes the personnel required to  
3 acquire, install, operate and maintain the system.

4 **Section 5. Collection of "911" Surcharge.** Each LEC or CMRS provider  
5 collecting such surcharge shall remit to the Department of Administration the amounts  
6 collected no later than forty five (45) days after the end of the month in which the  
7 amount is collected. Each LEC or CMRS provider shall be authorized to deduct from  
8 such remittances its actual expenses incurred for collection services, maintaining the  
9 PSAP database, and for reports as may be required by the Commission, provided such  
10 deductions are consistent with a Commission-approved budget for such expenses. In  
11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
12 amounts necessary to cover the Commission's expenses in conducting the regulatory  
13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.



**Guam Telephone Authority**  
**Aturidat Tilifon Guahan**

Post Office Box 9008 • Tamuning, Guam 96931 • Telephone: (671) 646-1427/5527 • Fax: (671) 649-GTA1(4821)  
624 North Marine Drive, Tamuning, Guam 96911

April 6, 1999

Senator Carlotta A. Leon Guerrero  
Chairperson, Committee on Transportation,  
Telecommunications & Micronesian Affairs  
Twenty-fifth Guam Legislature  
3rd Floor, Union Bank Building  
194 Hernan Cortez Avenue  
Hagatna, Guam 96910

Håfa Adai Senator Leon Guerrero and committee members.

This is in response to your proposed Bill No. 170 to establish funding for the enhanced 911 services. First, I would like to take this time to thank you and your staff for the opportunity to discuss this proposed bill with my staff as well as representatives from the Guam Fire Department, Guam Memorial Hospital and the Public Utilities Commission.

I understand the initial funding for the 911 system rests with a grant from FEMA and that matching funds would come from the Guam Fire Department. Further, I understand that the initial budget for the entire system, personnel, and other ancillary charges comes close to or about \$3.0 million. The proposed surcharge would only address annual operating costs.

If GTA were to collect the surcharge, GTA subscribers must understand that this is not a billable service associated with their phone service. Because of this, I believe funding would be needed to notify and educate the public on the surcharge. I would suggest that the bill either come with an appropriation for public education



costs or that the Guam Fire Department fund these expenses within their approved operating budget.

We agree with Section 5 that authorizes GTA to deduct first our actual expenses for billing, collecting, and maintaining the PSAP database as determined by a PUC approved budget. This off-set of our administrative costs from the monthly remittance to the fund is fair and reasonable. If another agency such as the Department of Revenue & Taxation is designated as the collector of the surcharge, we would appreciate some provision mandating that as a service provider, GTA receive full and fair payment first.

Additionally, the proposed bill calls for the surcharge to be charged to landline subscribers as well as cellular subscribers. As you know, GTA offers both services. It is our understanding that if a customer has landline service as well as cellular service, that person shall be charged for each number. Further, it is our understanding that subscribers of any other wireless provider of phone service such as Guam Cell would be responsible to pay for the surcharge for their services.

For the committee's information, GTA currently services over 45,300 residential lines and 32,700 business lines.

With regard to auditing the remittances, if GTA would be collecting the proposed surcharge and have direct involvement in the remittances to the fund, who will perform the annual audit as well as pay for the audit? I have two suggestions that you may want to consider. One, GTA will include the audit activity in our annual audit and reduce one month's remittance by that cost, or two, an independent auditor be summoned with the expense borne by the Guam Fire Department. Also, it is our

understanding that the bill only requires to remit what has been collected. We are not responsible for the uncollectible surcharges.

I believe this covers the concerns GTA would like resolved prior to passage of the bill. Again, I would like to thank you, your Committee, and your staff for the opportunity to respond to your proposed legislation.

Should you wish to discuss this issue further, I am available at your convenience.

Senseramente,

A handwritten signature in black ink, appearing to read 'V.P. Arriola', written in a cursive style.

**VINCENT P. ARRIOLA**  
General Manager

STATEMENT OF JOAQUIN S. SANTOS, JR  
157 Mama Sandy Street  
Nimitz Hill, Piti, Guam  
Tel: (671) 472 5280.

Reference to BILL NO. 170: AN ACT TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH A SURCHARGE, ON LOCAL EXCHANGE TELEPHONE SERVICE, AND COMMERCIAL MOBILE RADIO SERVICE TO FUND AN ISLAND-WIDE ENHANCED "911" EMERGENCY TELEPHONE SYSTEM

My name is Joaquin Santos, Jr. and I am here to testify against the enactment of Bill No. 170 at this time. At the onset, I am not opposed to the implementation of a "911" surcharge. I am convinced it is necessary however, I believe that a cost study must first be presented to this body before any bill is introduced in the assessment of an appropriate surcharge to rate payers for the operation and maintenance of the Enhanced 911 (E911) system. The two components in the study should include the Public Safety Answering Point (PSAP) requirement and the requisite information that should be contained in the customer data base (CDR). To arbitrarily direct that the Public Utilities Commission shall establish 911 surcharge not to exceed one dollar per month may be too premature. There are questions that must be answered such as HOW sophisticated a 911 system should be implemented, WHO is best qualified to operate, maintain and support the system, WHAT percentage of the surcharge revenue should be reimbursed the Local Exchange Telephone Service and Commercial Mobile Radio Service providers for the operation and maintenance of the customer data base. The authors of this bill have already concluded that the existing 911 is antiquated and insufficient for the island. If we are to separate this statement into two parts, the Public Safety Answering Point and the customer data base, I would agree.

On the wire line (LEC) provider side, Guam Telephone Authority currently maintains the customer data base (CDR) which feeds information to the PSAP. The CDR contains bare essential information reflecting subscriber name, telephone number, and address. There are perhaps software/hardware upgrades that GTA failed to procure as part of the upgrade of the E911 CDR. Similar information could be provided on the wireless side (CMRS). The proposed Bill 170 somewhat defines the E911. It is not too clear whether this definition applies to the existing E911 system, or the E911 system that we want. If this is the E-911 Stated Requirement, then we know that the information feed surcharge of not more than one dollar per month may be adequate. This body must determine HOW sophisticated a 911 system should be implemented, and not merely providing only the ANI, customer address, PSAP and display units. In the ANI component of the CDR, should additional information of those members of the household requiring medical assistance be included, such as those with heart condition using pace makers or those who are dependent on oxygen? Mapping of the geographical area of the caller which identifies street names, house numbers, landmark sites are critical in directing the emergency response vehicle(s) to the site. How reliable is the map location which outline street names and house numbers? Are the emergency response teams geographically designated and established on this island to have the nearest unit respond to the emergency 911 call? Global Positioning System (GPS) is also important in tracking the location of emergency vehicle(s). Sensors and detectors in cell sites must be able to fix the exact location of mobile subscribers dialing 911 for emergency and must continue to follow the caller's location as they roam from one cell site to another. If we want the E911 to be upgraded to this level of sophistication, then one dollar surcharge is inadequate per subscriber line.

The bill proposes that the Guam Fire Department shall have the responsibility of the 911 system. The Pacific Daily News article of April 3 also stated that the Fire Department will hire twenty full time employees. These twenty employees will be manning five PSAP positions on a twenty four hour coverage. The PSAP can be under the Fire Department but I believe it should be created, tasked and assigned a mission of providing and supporting emergency services only. The individual in charge of the PSAP should have the responsibility and accountability for determining the number of PSAP operators required,

all requisite training, and should be the individual identifying, determining and generating requirements for system upgrades.

The LEC or CMRS provider is to use discretion in deducting cost for the collection of customer data base information, purging, upgrade and maintenance of the CDR. Unless there is a cost study that actually determines the actual cost plus a profitable margin for the maintenance and operation of the CDR, it is difficult to determine how much of the dollar amount collected should be kept by the LEC or CMRS. Should it be 10% or 60% of every surcharge dollar collected? The allowance for local service competition as a direct result of the Telecommunications Act of 1996, must be an open reminder that the maintenance and operation of the CDR to feed the PSAP reliable information shouldn't be free. There is cost associated and borne by the LEC and CMRS provider for this service, and every LEC and CMRS provider must be able to recover their cost. This cost should be imbedded and be part of the 911 surcharge.

*This committee should determine the E911 requirement, the cost associated with the operation and maintenance of the CDR and the PSAP positions. You owe it to the people of Guam to create an efficient and reliable 911 emergency service provider funded through the application of a 911 surcharge paid by the rate payers that is reasonable and just.*

**TESTIMONY ON BILL 170**  
**BY**  
**TONY P. RABON**  
**Assistant Fire Chief, Guam Fire Department**

**To the Committee on Transportation, Telecommunications, and  
Micronesian Affairs**  
**Mina' Bente Singko na Liheslaturan Guahan**

**Hafa Adai yan Saluda para hamyo todos:**

**Madam Chair, distinguished members of the Committee on Transportation, Telecommunications, and Micronesian Affairs:**

**I am Assistant Fire Chief Tony P. Rabon, currently the Chief of the Emergency 911/Communications Bureau of the Guam Fire Department.**

**I am here on behalf of the Guam Fire Department to testify in favor of the intent of Bill 170 to establish a surcharge on Local Exchange Carriers (LEC) and Commercial Mobile Radio Service (CMRS) to fund an island-wide Enhanced 911 Emergency Telephone System.**

**The island is currently being covered with, as you well know, a 911 system that has outlived its intended life span. It is antiquated and not cost effective to upgrade.**

**This needed funding source would certainly assure a well maintained and equipped enhanced 911 service that our community deserves.**

**We see the introduction of this bill as a positive and proactive approach to finally addressing our 911 dilemma.**

**We have provided this committee with the Fire Department's E-911/Communications Bureau Executive Summary Report detailing our future course of action for the next three years should the necessary funding become available. We intend to fulfill our commitment in**

**upgrading the quality and standard of service should all these efforts by the Legislature, and the Administration become a reality.**

**In closing, there may still be some technical adjustments necessary in the language of this bill to address the appropriate administering department of the 911 surcharge, as well as defining who shall be the rate setter and the specific rates to be assessed, notwithstanding, the Guam Fire Department supports the intent of this direly needed legislation.**

**Thank-you for the opportunity presented to the Guam Fire Department in expressing its testimony on Bill 170.**

**Si Yu'os Ma'ase'.**

April 6, 1999

Testimony of: Robert F. Kelley, Jr.

Office of the Governor

Presented to: Committee on Transportation, Telecommunications and  
Micronesian Affairs

Hearing on Bill 170

**An Act to Authorize the Public Utilities Commission to Establish a Surcharge on  
Local Exchange Telephone Service and Commercial Mobile Radio Service to Fund an  
Island-Wide Enhanced "911" Emergency Telephone System**

Good morning Chairwomen Leon Guerrero and Members of the Committee:

I am Robert F. Kelley, Jr. I am a Special Assistant to the Governor. My area of responsibility includes Telecommunications issues.

This administration has recognized that the Government of Guam needs a well-managed and properly funded Emergency 911 Telephone System. This service is absolutely necessary to provide access to emergency public safety services to the people of Guam. The 911 service has saved lives and has resulted in an improved criminal justice system.

Communities throughout America have dealt with the issue of how to fund this essential service. Many communities have determined that it should be funded through a surcharge or "special tax" designated specifically for 911 services. A 911 surcharge is a reasonable method for funding this vital function Guam.

I have a concern about the role of the Public Utilities Commission (PUC) in the assessment of this surcharge. Under section 252 of the Telecommunications Act, the role of the PUC is to provide regulations that will enhance competition and not continue in the traditional role as a rate regulator. In the proposed bill, you are asking the PUC to expand its role as a rate setter and oversee the collection of a surcharge.

I recommend that the Legislature establish a 911 operations fund. This fund should receive its funding from a competitively neutral surcharge assessed on all users of Guam telecommunications services capable of accessing 911 service. The Department of Revenue and Taxation should be the agency designated to collect this surcharge the Guam Fire Department should be designated the Fund Administrator. The Guam Legislature is the appropriate body to determine the amount of the surcharge based upon an approved budget and any general fund subsidies for the fund. It is not only an improper role for the PUC to oversee the surcharge in light of the current roles being defined for them but is also a function that they are not staffed to assume. The Department of Revenue and Taxation is staffed to collect this surcharge and it currently is the government agency with this function.

It is important that the fund be adequate to cover the personal costs, all telephone charges required for supporting the service, all maintenance for the 911 system, and an adequate reserve fund for system improvement.

It is also important that a 911 fund be competitively neutral. This is the only requirement addressed by the Telecommunications Act. You should not set a different rate for wireline versus non-wireline or new local carriers versus the incumbent carriers. This surcharge should be also be explicit and simple to administer by the telecommunications carriers acting on behalf of the government to collect the funds.

It is important that the act specifically exempt certain telecommunications services that would not function with the 911 service. The exempted services should include interstate and international interconnections, Internet Service Provider's data access trunks, paging trunks, inbound trunks for PBX's, leased circuits and other telecommunications services incapable of 911 access. The Lifeline exemption is important and is adequate as proposed.

I would recommend that the Guam Legislature also consider adding provisions to the act requiring 911 access without charge from all services, including wireline and wireless as well as all payphones on Guam. In addition, the 911 access must be available from all telephone systems on Guam capable of making outgoing calls.

*False*  
The legislature may want to also provide a sanction for misuse of the 911 system that false short of the acts specified in Section 9 of the Bill. This sanction could be enforced against parties that misuse the 911 system but fall short of the thresholds specified on Section 9.



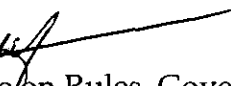
**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayuråt*

**APR 05 1999**

**MEMORANDUM**

**TO:** Chairperson  
Committee on Transportation, Telecommunications, and  
Micronesia Affairs

**FROM:** Chairman   
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

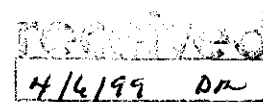
**SUBJECT:** Principal Referral – Bill No. 170

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment



MAR 29 1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUÁHAN  
1999 (FIRST) Regular Session**

Bill No. 170(09)

Introduced by:

C.A. Leon Guerrero *clg*  
J. C. Salas *Salas*  
K.S. Moylan *Y*

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911"  
3 system is antiquated and insufficient for the island's emergency reporting needs, and  
4 that there is a need to establish a new Enhanced "911" system to better protect the  
5 health and safety of island residents. *I Liheslatura* further finds that in order to fund  
6 the new enhanced "911" system, a surcharge on Local Exchange Telephone Service  
7 and Commercial Mobile Radio Service should be established.

8 **Section 2. Authorization to establish surcharge.** The Public Utilities  
9 Commission ("Commission") shall establish and amend, as required, a monthly  
10 surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone  
11 and Commercial Mobile Radio Service subscribers. The Commission may establish  
12 different rates for residential and business subscribers. The "911" surcharge shall be  
13 established by the Commission at a rate not to exceed one dollar per month per access

1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify *I*  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

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22 printers, recorders, software, and other essential communication equipment required  
23 by the system. Enhanced "911" system means a telephone system consisting of  
24 network, database, and enhanced "911" equipment that uses the single three digit  
25 number 911 for reporting a fire, police, medical, or other emergency situation, and that

1 enables the users of a public telephone system to reach a PSAP to report emergencies  
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11 addition, each LEC or CMRS provider is authorized to deduct from its "911" receipts,  
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13 activities required in this Act, to be billed by the Commission on a pro-rata basis.

14 **Section 6. Uncollectible Surcharges.** Each LEC or CMRS provider collecting  
15 such surcharges shall not be responsible for uncollectible surcharges. The LEC or  
16 CMRS provider shall provide quarterly to the Commission a list of the names,  
17 addresses, and telephone numbers of any and all subscribers who have identified to the  
18 LEC or CMRS provider their refusal to pay the "911" fee. Nothing in this chapter shall  
19 be construed to prevent the government from taking appropriate actions to collect such  
20 surcharges designated by the LEC or CMRS provider as uncollectible.

21 **Section 7. Yearly Reports.** The Department shall prepare and submit to *I*  
22 *Magalahi* and to the Speaker of *I Liheslatura* a yearly assessment report on the  
23 enhanced "911" system to include the number and types of calls received, the number  
24 and types of emergencies in which emergency personnel were dispatched, deficiencies,  
25 if any, in the system compared to other operations in the United States mainland, new

1 system or equipment changes that will be made or required in the future, and any other  
2 information that is useful in evaluating the effectiveness of the "911" system.

3 **Section 8. Confidentiality of records.** Any record, recording, or information,  
4 or portions thereof, obtained by a public agency or a public safety agency for the  
5 purpose of providing services in an emergency and which reveals the name, address,  
6 telephone number, or personal information about, or information which may identify  
7 any person requesting emergency service by accessing an emergency telephone number  
8 "911" system is confidential, except that such record or information may be disclosed  
9 to a public safety agency. The exemption applies only to the name, address, telephone  
10 number or personal information about, or information which may identify any person  
11 requesting emergency services or reporting an emergency while such information is in  
12 the custody of the public agency or public safety agency providing emergency services.  
13 A LEC or CMRS provider shall not be liable for damages to any person resulting from  
14 or in connection with such LEC's or CMRS provider's provision of lawful assistance  
15 to any investigative or law enforcement officer in connection with any lawful  
16 investigation or other law enforcement activity by such law enforcement officer unless  
17 the LEC or CMRS provider acted in a wanton or willful manner.

18 **Section 9. False "911" calls.** Whoever accesses the number "911" for the  
19 purpose of making a false alarm, threat, complaint or reporting false information which  
20 could result in the emergency response of any public safety agency is guilty of a  
21 misdemeanor of the first degree.

22 **Section 10. Violations of this Act.** Any person or entity which the Commission  
23 determines has violated any provision of this Act or any Commission order, shall be  
24 allowed a reasonable opportunity to cure the violation. Thereafter, in the event of  
25 failure to cure, the Commission may refer the violation to the Attorney General's Office

1 for prosecution. Any person or entity that, having the responsibility of complying with  
2 this Act or a Commission order, fails to cure such violation, shall be fined a civil  
3 penalty not to exceed Ten-thousand dollars (\$10,000.00) per infraction. Any such  
4 penalty shall be deposited into the Fund.

## Committee on Transportation, Telecommunications and Micronesian Affairs

Tuesday, April 6, 1999, 9:00 a.m.

Public Hearing room, I Libeslaturan Guåhan Temporary Building

**Bill No. 170: "An Act to Authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced "911" emergency telephone system."**

### Sign-up Sheet

Name	Organization	Contact #
1. Robert Kelley	Gov Office	'
2. Robert Torres	atly - ITE	4770000
3. Abdullah L.D. Miller	Futuristic	635-1011
✓ 4. Andrea Eberly	GFD/DPHSS	477-0742
✓ 5. Vincent P. Arrola	GTA	646-5527
✓ 6. DANNY SANTOS	GST	649 0555 ext 230
7. Tony Rabon	GFD	7342876
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

## PUBLIC HEARING NOTICE



The Legislative Committee on Transportation, Telecommunications and Micronesia Affairs will conduct a Public Hearing at **9 a.m. Tuesday, April 6, 1999**, in the Public Hearing Room of I Mina'Bente Singko na Liheslaturan Guahan Temporary Building in Hagatna. The agenda is as follows:

### **Confirmation hearing for:**

Napoleon Carino, as acting member, Guam Mass Transit Authority Board of Directors, whose term will expire on March 18, 2002.

Reynald Del Carmen as acting member, A.B. Won Pat Guam International Airport Authority Board of Directors, whose term will expire on March 18, 2002.

Ralph W. Gutierrez, as acting member, A.B. Won Pat Guam International Airport Authority Board of Directors, whose term will expire on February 10, 2002.

### **Public hearing on:**

Bill 134: "An act to amend Section 56403 of Article IV, Chapter 56, Title 18 Guam Code Annotated (Former Civil Code section 2036) relating to compulsory pilotage of vessels within Guam waters."

Bill 136: "An act to amend Section 71110, Chapter 71, Division 2 of Title 21 Guam Code Annotated relative to underground utility damage, and to add a new Section 70116 (a) (19), Chapter 70, Division 2 of Title 21 GCA relative to the revocation, suspension and renewal of licenses, and to amend Section 53105, Chapter 53, Division 5 of Title 5 GCA relative to bonding requirements.

Bill 170: "An act to authorize the Public Utilities Commission to establish a surcharge on local exchange telephone service and commercial mobile radio service to fund an island-wide enhanced "911" emergency telephone system.

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ADA Coordinator: Betty Ann Guerrero. The public is welcome to attend. For additional information please call the Office of Senator Carlotta A. Leon Guerrero at 472-3416. You may fax your testimony to 477-1323.

MAR 25 1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

Bill No. 170 EOA

Introduced by

C.A. Leon Guerrero *cg*  
J. C. Salas *Salas*  
K.S. Moylan

**AN ACT TO AUTHORIZE THE PUBLIC UTILITIES  
COMMISSION TO ESTABLISH A SURCHARGE ON  
LOCAL EXCHANGE TELEPHONE SERVICE AND  
COMMERCIAL MOBILE RADIO SERVICE TO  
FUND AN ISLAND-WIDE ENHANCED "911"  
EMERGENCY TELEPHONE SYSTEM.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative findings.** *I Liheslatura* finds that the existing "911" system is antiquated and insufficient for the island's emergency reporting needs, and that there is a need to establish a new Enhanced "911" system to better protect the health and safety of island residents. *I Liheslatura* further finds that in order to fund the new enhanced "911" system, a surcharge on Local Exchange Telephone Service and Commercial Mobile Radio Service should be established.

**Section 2. Authorization to establish surcharge.** The Public Utilities Commission ("Commission") shall establish and amend, as required, a monthly surcharge to be known as the "911" surcharge to be paid by Local Exchange Telephone and Commercial Mobile Radio Service subscribers. The Commission may establish different rates for residential and business subscribers. The "911" surcharge shall be established by the Commission at a rate not to exceed one dollar per month per access

1 line up to a maximum of twenty five access lines per account bill rendered for local  
2 exchange telephone service, and at a rate not to exceed one dollar per month per  
3 account number for commercial mobile radio service. The purpose of the "911"  
4 surcharge is to fund the just and reasonable expenses of operating and maintaining the  
5 "911" system, which shall be the responsibility of the Guam Fire Department  
6 ("Department"). The Department shall petition the Commission, in accordance with  
7 Commission rules, for the establishment of a "911" surcharge and for its amendment  
8 , from time to time; however, the Commission may on its own initiative examine the  
9 adequacy of the surcharge at any time. The Commission shall immediately notify *I*  
10 *Liheslatura* in the event there is a shortfall between the annual "911" system costs of  
11 service, as determined by the Commission, and the projected "911" surcharge revenues.  
12 Each Local Exchange Carrier ("LEC") and Commercial Mobile Radio Service  
13 ("CMRS") provider shall be responsible for establishing and maintaining an  
14 appropriate network to deliver "911" calls to the public safety answering point  
15 ("PSAP") and in maintaining the database for the name, address, and location of each  
16 telephone for use in the PSAP. Each LEC and CMRS provider shall collect and remit  
17 the surcharge to the Department of Administration in accordance with section 5 below.  
18 In exercising its responsibilities under this Act, the Commission shall have the powers  
19 and duties prescribed in its enabling legislation (Chapter 12 of Title 12 of the Guam  
20 Code Annotated). Surcharge revenues shall not be expended by the Department for the  
21 procurement of supplies, equipment or services in excess of Five Hundred thousand  
22 (\$500,000.00) without the prior approval of the Commission as to the prudence and  
23 reasonableness of the procurement. The Commission shall require that each LEC or  
24 CMRS provider imposing a surcharge identify such as a separate line item on its  
25 invoice. Recipients of Life-line rates for local exchange telephone service are

1 exempted from the "911" surcharge. For purposes of this Act, a CMRS provider  
2 means a provider of wireless cellular telephone service or wireless personal  
3 communications service.

4 **Section 3. Creation of Special Fund.** There is hereby created, separate and  
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