

A RESOLUTION BY

04-*l*-2042

**A RESOLUTION REAFFIRMING THE NECESSITY OF THE \$1.50 SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTIONS 46-5-133 (A) AND 46-5-134(A)(2)(A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR OTHER PURPOSES.**

**WHEREAS**, the General Assembly finds and declares it is in the public interest to shorten the time required for a citizen to request and receive emergency aid; and

**WHEREAS**, the General Assembly finds and declares that the benefits of "911" service should be widely available, regardless of whether a "911" call is placed from traditional landline telephone or from a wireless telephone and it is also in the public interest that users of wireless telephones should bear some of the cost of providing this service, as users of landline telephones currently do; and

**WHEREAS**, it is the intent of the General Assembly to bring wireless telephone service within the scope of Section 46-5-121 of the O.C.G.A. and to establish a means by which local public safety agencies may provide enhanced "911" service to wireless telephone users; and

**WHEREAS**, "wireless service" means "commercial mobile service" as defined under Section 332(D) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (PL 103-66) and included real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers; and

**WHEREAS**, "wireless service supplier" means a provider of wireless service; and

**WHEREAS**, wireless "telecommunication connection" means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service; and

**WHEREAS**, "wireless enhanced "911" charge means a contribution to the local government for the cost to the local government of implementing or upgrading, and maintaining, an emergency "911" system which is capable of receiving and utilizing automatic number identification, the location of the base station or cell site which receives the "911" call, and the location of the wireless telecommunications connection as it relates to "911" calls made from a wireless

telecommunication connection. Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the aforementioned information and other cost which may be paid with money from the Emergency Telephone System Fund pursuant to Subsection (e) of Code Section 46-5-134 of the O.C.G.A.; and

**WHEREAS**, Section 46-5-133 of the O.C.G.A. authorizes any local government, which prior to 1988 operated or contracted for the operation of an enhanced emergency telephone number "911" system which is capable of providing or provides enhanced "911" service to persons or entities with a wireless telecommunications connection, excluding a military base, to adopt an ordinance to impose a monthly wireless enhanced "911" charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. On or after January 1, 1999, no monthly "911" charge provided for may be imposed or continue to be imposed unless each dispatch center funded in whole or in part from such charges is in compliance with Code Section 36-80-19, relating to required TDD training for communication officers; and

**WHEREAS**, O.C.G.A. Section 46-5-134(2)(B) provides that after October 1, 2001 wireless enhanced "911" charges may not exceed the monthly "911" charge imposed upon subscribers of exchange access facility for land lines and in no event, shall such wireless enhanced "911" charge exceed \$1.50 per month per wireless telecommunications connection provided to the telephone subscriber; and

**WHEREAS**, each service supplier that collects "911" or wireless enhanced "911" charges on behalf of a local government is entitled to retain as an administrative fee an amount equal to 3% of the gross "911" or wireless enhanced "911" charge receipts to be remitted to the local government; and

**WHEREAS**, after July 1, 2002, 30-cents of the monthly wireless enhanced "911" charge imposed shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase II Reserve Account.

**THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1.** That pursuant to the authority granted in O.C.G.A. Section 46-5-133 there is hereby imposed a \$1.50 surcharge upon each wireless telecommunication connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the City of Atlanta.

**Section 2.** That pursuant to O.C.G.A. Section 46-5-134, Service Supplier(s) shall, on behalf of the City of Atlanta, collect the "911" charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency "911" system.

**Section 3.** That pursuant to O.C.G.A. Section 46-5-134(d), the wireless Service Suppliers, be and are hereby directed to continue collecting the wireless "911" \$1.50 monthly surcharge from wireless telephone subscribers where wireless service is in the area served by the City of Atlanta enhanced emergency wireless number "911" system, for the period from January 1, 2005 through



December 31, 2005 and to remit said funds collected, less a 3% administrative fee retained by the wireless telephone companies to the City.

A true copy  
  
Deputy Clerk

ADOPTED by the City Council  
APPROVED by the Mayor

NOV 15, 2004  
NOV 19, 2004

RCS# 6243  
11/15/04  
2:41 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PG(S) 4-20, EXCEPT: 04-O-2036

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	B Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		11-15-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1887	43. 04-R-1968	67. 04-R-2003
2. 04-O-1872	44. 04-R-1969	68. 04-R-2004
3. 04-O-1936	45. 04-R-2024	69. 04-R-2005
4. 04-O-1946	46. 04-R-2029	70. 04-R-2006
5. 04-O-2030	47. 04-R-2033	71. 04-R-2007
6. 04-O-2031	48. 04-R-1752	72. 04-R-2008
7. 04-O-2038	49. 04-R-1974	73. 04-R-2009
8. 04-O-1417	50. 04-R-1975	74. 04-R-2010
9. 04-O-1879	51. 04-R-2025	75. 04-R-2011
10. 03-O-2222	52. 04-R-2085	76. 04-R-2012
11. 04-O-0044	53. 04-R-1980	77. 04-R-2013
12. 04-R-1982	54. 04-R-2026	78. 04-R-2014
13. 04-R-1983	55. 04-R-2040	
14. 04-R-1984	56. 04-R-2048	
15. 04-R-1985	57. 04-R-1999	
16. 04-R-1988	58. 04-R-2000	
17. 04-R-1977	59. 04-R-2001	
18. 04-R-1979	60. 04-R-2002	
19. 04-R-2041	61. 04-R-2015	
20. 04-R-2042	62. 04-R-2016	
21. 04-R-2092	63. 04-R-2017	
22. 04-R-2093	64. 04-R-2018	
23. 04-R-2094	65. 04-R-2019	
24. 04-R-2095	66. 04-R-2020	
25. 04-R-2096		
26. 04-R-1875		
27. 04-R-1876		
28. 04-R-1877		
29. 04-R-1950		
30. 04-R-1951		
31. 04-R-1953		
32. 04-R-1954		
33. 04-R-1957		
34. 04-R-1959		
35. 04-R-1960		
36. 04-R-1961		
37. 04-R-1962		
38. 04-R-1963		
39. 04-R-1964		
40. 04-R-1965		
41. 04-R-1966		
42. 04-R-1967		

04-R-2042

(Do Not Write Above This Line)

A RESOLUTION

A RESOLUTION REAFFIRMING THE NECESSITY OF THE \$1.50 MONTHLY SURCHARGE UPON EACH WIRELESS TELECOMMUNICATION CONNECTION SUBSCRIBED TO TELEPHONE SUBSCRIBERS WHOSE BILLING ADDRESS IS WITHIN THE CITY OF ATLANTA, PURSUANT TO THE AUTHORIZATION GRANTED IN SECTION 46-5-133(A) AND 46-5-134(A)(2)(A) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 15 2004

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

F.N. Committee C

Date 11-16-04

Chair John W. Starnes

Action Fav, Adv, Hold (see rev. side) Other

Members

Handwritten signatures: David Starks, Patricia A. Miller, Alan Miller

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side) Other

Members

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side) Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side) Other

Members

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Constant
- V Vote
- RC Vote

CERTIFIED

NOV 15 2004

Handwritten signature: David Starks

Handwritten signature: Patricia A. Miller

MAYOR'S ACTION

Handwritten signature: David Starks

NOV 19 2004