

### **65.7621 Definitions for KRS 65.7621 to 65.7643.**

As used in KRS 65.7621 to 65.7643, unless the context requires otherwise:

- (1) "Administrator" means the person who serves as the state 911 coordinator, the executive director of the Kentucky 911 Services Board, and the state administrator of CMRS emergency telecommunications under KRS 65.7625;
- (2) "Automatic location identification", or "ALI" means a feature by which the location or estimated location of the calling party is made available to a PSAP in accordance with applicable FCC rules and regulations;
- (3) "Automatic number identification", or "ANI" means a feature that allows for the automatic display of the 911 caller's ten-digit number, or equivalent, in accordance with applicable FCC rules and regulations;
- (4) "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. secs. 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, as it existed on August 10, 1993. The term includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communications service, and the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line;
- (5) "Board" means the Kentucky 911 Services Board;
- (6) "CMRS connection" means a mobile handset telephone number assigned to a CMRS customer;
- (7) "CMRS customer" means an end user to whom a mobile handset telephone number is assigned and to whom CMRS is provided in return for compensation;
- (8) "CMRS Fund" means the commercial mobile radio service emergency telecommunications fund;
- (9) "CMRS provider" means a person or entity who provides CMRS to an end user. The term includes both facilities-based resellers and nonfacilities-based resellers;
- (10) "CMRS service charges" means the CMRS postpaid service charge, the CMRS prepaid service charge, and the CMRS service charge fee levied under KRS 65.7636;
- (11) "CMRS postpaid service charge" means the CMRS emergency telephone service charge fee levied under KRS 65.7629(3) and collected under KRS 65.7635;
- (12) "CMRS prepaid service charge" means the fee imposed on prepaid wireless telecommunications service under KRS 65.7634 and collected under KRS 142.100 to 142.135;
- (13) "FCC order" means the Order of the Federal Communications Commission, FCC Docket No. 94-102, adopted effective October 1, 1996, including any subsequent amendments or modifications thereof;
- (14) "Local exchange carrier" or "LEC" means any person or entity who is authorized to provide telephone exchange service or exchange access in the Commonwealth;

- (15) "Local government" means any city, county, charter county, or urban-county government of the Commonwealth, or any other governmental entity maintaining a PSAP;
- (16) "Mobile telephone handset telephone number" means the ten (10) digit number assigned to a CMRS connection;
- (17) "Next generation 911" means a 911 system where any device capable of making a 911 emergency request uses digital technology through managed emergency services Internet protocol networks composed of functional elements and databases that replicate enhanced 911 features and functions while providing additional multimedia capabilities for the PSAP. "Next generation 911" includes any technology, functions, capabilities, best practices, or processes, either currently existing or later developed, that will be used during and after the transition of the delivery of 911 services from analog to digital technology;
- (18) "Prepaid wireless telecommunications service" means a wireless telecommunications service that:
  - (a) If purchased, must be paid for in advance;
  - (b) Is sold or provided in predetermined units of time or dollars that decline in a known amount of use or time; and
  - (c) Provides the user with access to 911 emergency service;"Prepaid wireless telecommunications service" includes service provided by prepaid wireless providers approved as eligible telecommunications companies by the Kentucky Public Service Commission to participate in the wireless low-income Lifeline program;
- (19) "Prepaid wireless telecommunications service provider" means a person or entity that provides prepaid wireless telecommunications service as authorized by a license issued by the FCC;
- (20) "Proprietary information" means information, including customer lists and other related information, technology descriptions, technical information, or trade secrets;
- (21) "Pseudo-automatic number identification" means a wireless enhanced 911 service capability that enables the automatic display of the number of the cell site or cell face;
- (22) "Public safety answering point" or "PSAP" means a communications facility that is assigned the responsibility to receive 911 calls originating in a given area and, as appropriate, to dispatch public safety services or to extend, transfer, or relay 911 calls to appropriate public safety agencies;
- (23) "Purchaser" means a person who purchases prepaid wireless telecommunications service in a retail transaction;
- (24) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a retailer for any purpose other than resale;
- (25) "Retailer" means a person who sells prepaid wireless telecommunications service to any person for a purpose other than resale;
- (26) "Service connection" means the transmission, conveyance, or routing of voice, data,

video, text, or any other information signal of the purchaser's choosing by any medium or method now in existence or later devised with the ability to directly connect the user to 911 emergency services;

- (27) "Service supplier" means a person or entity who provides local exchange telephone service to a telephone subscriber;
- (28) "Wireless enhanced 911 system," "wireless E911 system," "wireless enhanced 911 service," or "wireless E911 service" means an emergency telephone system that provides the end user of the CMRS connection with wireless 911 service and, in addition, directs 911 calls to appropriate public safety answering points based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features in accordance with the requirements of the FCC order; and
- (29) "Tier III CMRS provider" means a non-nationwide Commercial Mobile Radio Service provider with no more than five hundred thousand (500,000) subscribers as of December 31, 2001.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 111, sec. 4, effective July 15, 2016. -- Amended 2009 Ky. Acts ch. 12, sec. 33, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 219, sec. 1, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 85, sec. 92, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 535, sec. 1, effective July 15, 1998.

**Legislative Research Commission Note** (6/25/2009). This statute, as amended by 2009 Ky. Acts ch. 12, sec. 33, contained a reference in subsection (1) to "Section 4 of this Act," a statute codified at KRS 42.724. After consultation with the drafter and examination of the materials in the bill folder, the reference has been replaced with "KRS 65.7625" (Section 34 of that Act) by the Reviser of Statutes during codification to correct a manifest clerical or typographical error. This correction has been made under the authority of KRS 7.136(1).

**Legislative Research Commission Note** (7/12/2006). 2006 Ky. Acts ch. 193, sec. 14, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in the Act, as it confirms reorganization within the executive branch and establishes the Kentucky Office of Homeland Security. Such a correction has been made in this section.