

65.7636 Lifeline program provider to collect and remit monthly CMRS service charge to board -- Enforcement of service charge collection -- No impact on CMRS fees imposed prior to January 1, 2017 -- Prohibited use of moneys received.

- (1) As used in this section, "Lifeline provider" means a CMRS provider that the Kentucky Public Service Commission has deemed or deems eligible to participate in the wireless low-income Lifeline program and to receive reimbursement from the universal service fund managed by the Federal Communications Commission pursuant to the federal Telecommunications Act of 1996, 47 U.S.C. secs. 151 et seq.
- (2) A Lifeline provider shall be liable for a CMRS service charge equal to the amount of the CMRS postpaid service charge levied under KRS 65.7629 and shall remit a monthly payment to the Kentucky 911 Services Board equal to the product of the following factors:
 - (a) The amount of the postpaid CMRS service charge levied under KRS 65.7629; and
 - (b) The number of unique end users with Kentucky addresses for which the Lifeline provider received reimbursement from the universal service fund during the immediately preceding month.
- (3) All service charges levied by this section are due and payable to the board monthly and shall be remitted on or before thirty (30) days after the end of the calendar month. Collection actions may be initiated by the state, on behalf of the board, in the Franklin Circuit Court or any other court of competent jurisdiction, and the reasonable costs and attorney's fees which are incurred in connection with any such collection action may be awarded by the court to the prevailing party in the action.
- (4) Nothing in this section shall be interpreted or otherwise construed to impact litigation pending in the courts of the Commonwealth commencing on or before March 1, 2016, regarding the application of CMRS fees imposed prior to January 1, 2017, to CMRS providers receiving reimbursement from the universal service fund.
- (5) A Lifeline provider shall not use any moneys received for participation in the wireless low-income Lifeline program from the universal service fund managed by the Federal Communications Commission pursuant to the federal Telecommunications Act of 1996, 41 U.S.C. secs. 151 et seq., to pay for any portion of the CMRS service charge levied on the Lifeline provider under this section.

Effective: March 27, 2020

History: Amended 2020 Ky. Acts ch. 37, sec. 1, effective March 27, 2020. -- Created 2016 Ky. Acts ch. 111, sec. 29, effective January 1, 2017.