

**E911  
INFORMATION**

**WEBSTER  
COUNTY  
COMMISSION**

**WEBSTER COUNTY E 911  
112 D. BELL STREET  
WEBSTER SPRINGS, WV 26288**

**PHONE: 304-847-7171  
304-847-2122  
FAX: 304-847-2120**

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W VA PUBLIC SERVICE  
COMMISSION  
SECRETARY'S OFFICE

**NOVEMBER 19, 1999**

DEAR DANNIE,

ATTACHED IS THE ORDINANCE AS PASSED, ALONG WITH THE CONTRACT FROM CITIZENS COMMUNICATIONS. IF EVERYTHING IS IN ORDER, AND MEETS APPROVAL, THE FEE INCREASE WILL START ON FEB. 1, 2000.

IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT THIS OFFICE.

RESPECTFULLY YOURS,

  
DON E. McCOURT, DIRECTOR

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TELECOMMUNICATIONS  
SECTION - PSC

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ENHANCED 911 BILLING CONTRACT

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This contract is made this 17 day of Nov. 1999, by and between (the "Authority), and Citizens Mountain State Telephone Company, d/b/a **CITIZENS MOUNTAIN STATE TELEPHONE COMPANY** ("Citizens Mountain State").

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COMMISSION  
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The parties hereby agree as follows:

1. Citizens Mountain State shall act as the billing agent for the Authority for the billing of the fee imposed by the Authority for the capital, installation and maintenance costs, including recurring, maintenance and dispatcher costs, of the enhanced emergency telephone system of WEBSTER County (the "County").
2. Citizens Mountain State's duties as billing agency shall be as follows:
  - a. The enhanced emergency telephone system fee shall appear on the monthly bills that Citizens Mountain State issues to its customers in the County, beginning with the bills dated FEB., 2000. The amount of such fee shall be \$2.60 per local exchange service line, except Tele-Assistance lines. For purposes of this contract, a "local exchange service line" is a line provided by Citizens Mountain State pursuant to its local exchange service tariff for which it issues a bill to a customer or customers. It is expressly understood that a "local exchange service line" shall include and be limited to the following:
    - (1) Each residence line;
    - (2) Each business line;
    - (3) Each semi-public telephone line;
    - (4) Each PBX trunk; or
    - (5) Each number of Centrex lines designated to be the equivalent of a PBX trunk under the aforementioned tariff. For each fraction of a PBX trunk equivalent, a proportionate fraction of the fee shall be billed.
  - b. Citizens Mountain State shall remit to the Authority by the last day of each month all fees collected by it during the preceding month, less the consideration set out in Paragraph 3. In the event the amount remitted is greater or less than the amount due under this contract, any and all liability under this contract shall be discharged by payment of the remaining amount due or by return of the amount overpaid, whichever the case may be. In either such case, no interest shall be charged.
  - c. In the event a customer of Citizens Mountain State contends either that such fee is not owed by such customer or that such customer is owed a refund of such fee, Citizens Mountain State shall refer the question to the Authority and Citizens Mountain State shall thereafter collect or refrain from collecting such fee from such customer as instructed in writing to do by the Authority. Such writing shall be mailed within five (5) days of the date the question is referred, unless otherwise agreed by the parties in writing.
3. In consideration for Citizens Mountain State billing agent services, it shall retain 3 percent of the fees collected before remitting the remainder to the Authority. For purposes of this contract, "fees collected" shall mean the fees billed by Citizens Mountain State less the fees uncollectable, which shall be calculated at Citizens Mountain State's current rate of uncollectable revenues for intrastate service.

- 4. The Authority shall indemnify and hold Citizens Mountain State harmless from and against any claims or suits arising out of, in connection with, or related to the Authority's legal authority to impose an enhanced emergency telephone system fee or the erroneous collection of failure to bill such fee because of a good faith mistake by Citizens Mountain State. It is expressly understood that the foregoing indemnification shall include the responsibility to investigate and defend against such claims, including payment of reasonable attorney's fees.
- 5. The Authority shall notify Citizens Mountain State in writing at least ninety (90) days prior to the effective date of any change in the amount of the enhanced emergency telephone system fee.
- 6. The term of this contract shall be one year. Such term may be extended by the Authority an additional year by giving Citizens Mountain State written notice of such extension within ninety (90) days of the date of expiration of such term. Such term may be extended in a like manner for three (3) more additional years, allowing for total of four (4) extensions of one year each.
- 7. Either party may, at any time, terminate this contract by giving the other party sixty (60) days written notice of such termination.
- 8. All notices under this contract shall be mailed by certified mail return receipt requested. Such notices shall be mailed to the other party at the following addresses:

The Authority:

Citizens Mountain State  
300 Bland Street  
Bluefield, WV 24701

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- 9. This contract is executed in and shall be governed by the laws of the State of West Virginia.
- 10. This contract shall supersede all prior documents, negotiations and agreements. It shall constitute the entire agreement of the parties on the subject matter to which it applies.

IN WITNESS WHEREOF, the parties have affixed their hands and seals on the date first above-written.

The Authority

Webster County Commission  
(Full Legal Name of Authority)

By: Hullena Cozart

Its: President

CITIZENS MOUNTAIN STATE TELEPHONE COMPANY,  
D/B/A CITIZENS MOUNTAIN STATE TELEPHONE  
COMPANY OF WEST VIRGINIA

By: \_\_\_\_\_

Its: \_\_\_\_\_

**WEBSTER COUNTY COMMISSION  
ENHANCED 9-1-1 ORDINANCE AMENDMENT**

AN ORDINANCE AMENDMENT OF WEBSTER COUNTY PROVIDING FOR THE HOLDING OF A PUBLIC MEETING ON SUCH PROPOSAL, AND FOR PLACEMENT OF AN ADVERTISEMENT NOTIFYING THE PUBLIC OF SUCH MEETING AND OF THE LOCATION AT WHICH A COPY OF SUCH PROPOSAL MAY BE EXAMINED.

WHEREAS, section three-cc, article one, chapter seven (7-1-3 cc) of the West Virginia Code grants the authority to county commissions to establish an enhanced emergency telephone system and impose a fee for the capital, installation and maintenance costs thereof:

WHEREAS, article six, chapter twenty-four (24-6-1 et al) of the West Virginia Code requires the preparation of a proposal, the holding of a public meeting and the timely placement of an advertisement concerning such proposal and meeting before a final plan for the implementation of such an enhanced emergency telephone system may be adopted:

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF WEBSTER COUNTY, WEST VIRGINIA, PURSUANT TO AND IN ACCORDANCE WITH SECTION THREE-CC, ARTICLE ONE, CHAPTER SEVEN (7-1-3-CC) AND ARTICLE SIX, CHAPTER TWENTY-FOUR (24-6-1 ET AL) OF THE WEST VIRGINIA CODE, THE FOLLOWING:

THAT A COPY OF THE PROPOSAL ATTACHED HERETO BE MAILED TO THE TELEPHONE COMPANIES PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE COUNTY AND TO LOCAL EMERGENCY SERVICE PROVIDERS AND THAT THE COUNTY COMMISSION SEEK THE ADVICE OF SUCH COMPANIES AND SUCH PROVIDERS IN DEVELOPING A FINAL PLAN FOR AN ENHANCED EMERGENCY TELEPHONE SYSTEM;

THAT A COPY OF THE PROPOSAL ATTACHED HERETO BE MADE AVAILABLE FOR EXAMINATION BY THE PUBLIC AT THE COUNTY CLERK'S OFFICE, COURT HOUSE, WEBSTER SPRINGS, WEST VIRGINIA;

THAT A PUBLIC MEETING BE SCHEDULED TO BE HELD AT THE OFFICE OF THE COUNTY COMMISSION, COURT HOUSE, WEBSTER SPRINGS, WEST VIRGINIA ON THE 17TH DAY OF NOVEMBER, 1999 AT 1:00 P.M. IN ORDER TO RECEIVE COMMENTS FROM OTHER PUBLIC OFFICIALS AND INTERESTED PERSONS;

THAT AT LEAST THIRTY DAYS BUT NOT MORE THAN SIXTY DAYS BEFORE SUCH MEETING AN ADVERTISEMENT BE PLACED BY THE CLERK


OF THE COUNTY COMMISSION IN THE CHARLESTON GAZETTE AND THE WEBSTER ECHO, NEWSPAPERS OF GENERAL CIRCULATION IN SUCH COUNTY, NOTIFYING THE PUBLIC OF THE DATE, TIME, PLACE AND PURPOSE OF SUCH MEETING AND OF THE LOCATION AT WHICH A COPY OF SUCH PROPOSAL MAY BE EXAMINED.

On motion of William M. Armentrout and seconded by Victor McClure,

the County Commission unanimously adopts the above ORDINANCE FOR AN  
ENHANCED EMERGENCY TELEPHONE SYSTEM for Webster County,  
West Virginia, ( Enhanced 911 ).

Enter this 17th day of November, 1999.

**Webster County Commission**

  
*Zhellena Cogswell*  
**President**

*Victor McClure*  
**Commissioner**

*William M. Armentrout*  
**Commissioner**

**PLAN FOR AN ENHANCED EMERGENCY TELEPHONE SYSTEM FOR  
WEBSTER COUNTY, WEST VIRGINIA**

**SECTION 1 - DEFINITIONS**

As used in this plan, unless the context clearly requires a different meaning:

- (a) “ Answering point “ means a facility to which enhanced emergency telephone system calls for a county are initially routed for response, and where personnel respond to specific requests for emergency service by relaying a message to the appropriate provider.
- (b) “ County Commission “ means County Commission of Webster County, West Virginia.
- (c) “ County “ means Webster County, West Virginia.
- (d) “ Emergency service provider “ means any emergency services organization or public safety unit.
- (e) “ Enhanced emergency telephone system” means a telephone system which automatically connects the person dialing the primary emergency number to the county answering point and in which the telephone network system automatically provides to personnel receiving the call, immediately on answering the call, information on the location and the telephone number from which the call is being made, and upon direction from the personnel receiving the call routes or dispatches such call by telephone, radio or any other appropriate means of communication to emergency service providers that serve the location from which the call is made.
- (f) “ Local exchange service line “ means a public utility which is engaged in the provision of telephone service.
- (g) “ Telephone company “ means a public utility which is engaged in the provision of telephone service.



## **SECTION 2 - TERRITORY INCLUDED IN SYSTEM**

- (a) All territory in the county, excepting a certain number of household telephones in the vicinity of Cranberry Ridge bearing Nicholas County 742 exchange, which will be served by Nicholas County thru a Mutual Aid Agreement by and between Nicholas and Webster County and including certain household telephones in Nicholas County, in the vicinity of Strouds Creek bearing Webster County 226 exchange and every municipal corporation in the county, which is served by telephone company central office equipment that will permit an enhanced emergency telephone system to be established, is be included in the system.
- (b) The municipal corporations included in the system shall include, but not necessarily be limited to, the following:
  - 1) Addison
  - 2) Camden On Gauley
  - 3) Cowen

## **SECTION 3 - COUNTY ANSWERING POINT (S)**

- (a) The county answering point shall be operated constantly and shall provide full service, including access for the hearing impaired, 24 ( twenty four ) hours per day.
- (b) There will be one county answering point. The location of such answering point shall be as follows:

Lower level of the Court House Annex, 112 Bell Street, Webster Springs, West Virginia.
- (c) The answering point will be required to respond to calls as follows:

By relaying a message to the appropriate emergency service provider.
- (d) The county answering point shall be connected to the telephone company's telephone network as follows:

By dedicated automatic number identification trunks.

**SECTION 4 – EMERGENCY SERVICE PROVIDERS; RESOLUTION OF DISPUTES; HANDLING OF MISDIRECTED CALLS; PUBLICLY ACCESSIBLE TELEPHONE NUMBERS**

- (a) Every emergency service provider that provides emergency service within the territory of the county will be required to participate in the enhanced emergency telephone system.
- (b) The emergency service providers referred to in subsection (a), above, shall be the following:
  - 1) State Police
  - 2) Municipal Police
  - 3) Sheriff's Department
  - 4) Fire
  - 5) Ambulance
- (c) In the event of a dispute between the County and on or more emergency service providers, such dispute, upon application to the Public Service Commission of West Virginia by any party to the dispute, may be resolved by order of the Public Service Commission of West Virginia.
- (d) In the event of a misdirected call, each emergency service provider will, immediately upon realization that some other emergency service provider should have been contacted by the answering point, call the answering point to assure that the message is relayed to the proper emergency service provider.
- (e) Each emergency service provider participating in the enhanced emergency telephone system shall maintain a publicly accessible 7-digit telephone number, which shall be appropriately listed in appropriate telephone directories, in addition to any telephone numbers provided in the Enhanced 9-1-1 system.

**SECTION 5 – PROJECTION OF COSTS**

- (a) The costs to continue the service of the enhanced emergency telephone system are projected to be as follows:

Year One	165,636.00
Year Two	182,200.00
Year Three	200,400.00
Year Four	220,440.00
Year Five	242,484.00
<b>Total</b>	<b>813,160.00</b>

**SECTION 6 - IMPOSITION OF FEE; ADOPTION OF BILLING CONTRACT;  
ESTABLISHMENT OF SEPARATE ENHANCED 9-1-1 FUND; PAYMENT OF  
COSTS NOT RECOVERED THROUGH FEE**

- (a) The imposition, pursuant to section three-cc, article one, chapter seven ( 7-1-3-cc ) of the West Virginia Code, of fee of 260 cents per month local exchange service line, except for Tel-Assistance lines, is proposed to finance the projected costs of the enhanced emergency telephone system. This fee shall apply to CENTREX lines in the following manner:  
A fee of 260 cents per month per CENTREX line shall apply to the first eight CENTREX lines at a single location. All other CENTREX lines at such location - shall be charged 32 cents per month per line. Such fee is not proposed to be used to offset the costs associated with the establishing, equipping, furnishing, operating or maintaining of the county answering point. Such fee is proposed to become effective beginning on the 1st day of February, 2000.
- (b) The County Commission of Webster County adopts and ratifies the contact attached hereto as Appendix A for the billing of the enhanced emergency telephone system fee by the Citizens Communication Telephone Company.
- (c) All fees remitted under the contract referred to in subsection (b), above, are proposed to be deposited into a separate " Enhanced 9-1-1 Fund."
- (d) The costs associated with maintaining, equipping, furnishing, and operating the county answering point shall be paid for as follows:  
(1) General County Fund  
(2) County Communication Center Budget
- (e) The costs listed in Section 5 are proposed to be paid for as follows:  
(1) Enhanced 9-1-1 fee revenues.

**SECTION 7 - TELEPHONE COMPANIES**

- (a) Upon the adoption of this plan, the terms and conditions of the telecommunications services and facilities provided by the telephone company will be governed by the applicable tariffs on file with and approved by the Public Service Commission of West Virginia, the rules, regulations and orders of the Public Service Commission of West Virginia and the laws of the State of West Virginia.
- (b) The telephone company that will provide the services and facilities identified subsection (a), are as follows:  
(1) Citizens Communications.

## **SECTION 8 – TARIFFS, RULES AND REGULATIONS, AND LAWS**

The final plan for the County enhanced emergency telephone system will be supplemented and superseded by the applicable tariffs on file with and approved by the Public Service Commission of West Virginia, the rules, regulations and orders of the Public Service Commission of West Virginia, and the laws of the State of West Virginia. Such tariffs, rules, regulations, orders and laws will be deemed incorporated in the final plan as if fully set out therein.

## **SECTION 9 – FILING OF PLAN WITH PUBLIC SERVICE COMMISSION**

Upon completion and adoption of this amendment of the County enhanced emergency telephone system, the County Commission will send a copy of such plan to the Public Service Commission of West Virginia.