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Sequence Number: 1-10-16
Rule ID(s): 6102
File Date: 1/11/16
Effective Date: 4/10/16

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Emergency Communications Board
Division:	
Contact Person:	Lee Pope, General Counsel
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0780-06-04	Base Funding Increase
Rule Number	Rule Title
0780-06-04-.01	Purpose
0780-06-04-.02	Definitions
0780-06-04-.03	Application and Minimum Criteria
0780-06-04-.04	Review and Approval

Chapter Number	Chapter Title
Rule Number	Rule Title

**DEPARTMENT OF COMMERCE AND INSURANCE
EMERGENCY COMMUNICATIONS BOARD**

**CHAPTER 0780-06-04
BASE FUNDING INCREASE**

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0780-06-04-.01 PURPOSE

The purpose of this chapter is to set forth an application process and minimum requirements for emergency communications districts to apply for an increase in base funding in accordance with T.C.A. § 7-86-303(e)(2).

Authority: T.C.A. §§7-86-303 and 7-86-306.

0780-06-04-.02 DEFINITIONS

- (1) Unless otherwise stated, as used in this chapter and each subsequent chapter of the Rules of the Emergency Communications Board:
 - (a) "Board" means the Tennessee Emergency Communications Board established by T.C.A. § 7-86-302;
 - (b) "ECD" or "district" means an emergency communications district created pursuant to T.C.A. § 7-86-104;
 - (c) "Eligible district" means an emergency communications district with a locally established emergency telephone service charge in effect as of July 1, 2011, less than the maximum allowable emergency telephone service charge then in effect.
 - (d) "Base amount" means the amount distributed to emergency communications districts by the Tennessee Emergency Communications Board in accordance with T.C.A. § 7-86-303(e).

Authority: T.C.A. §§7-86-303 and 7-86-306.

0780-06-04-.03 APPLICATION AND MINIMUM CRITERIA

- (1) The board shall provide an application for eligible districts to request an increase in the base amount.
- (2) To receive an increase in the base amount, eligible districts must submit an application to the board no later than sixty days after the effective date of this rule.
- (3) Districts applying for an increase in the base amount must satisfy the following minimum criteria:
 - (a) A district must be eligible for an increase in the base amount as provided in T.C.A. § 7-86-303(e)(2).
 - (b) A district must provide the board with the district's residential and business line counts for fiscal year 2012. If a district's line counts for fiscal year 2012 are unavailable, the district shall provide the board with a reasonable estimate of the district's residential and business line counts and shall provide the board with the basis used to determine the estimated line counts.

Authority: T.C.A. §§7-86-303 and 7-86-306.

0780-06-04-.04 APPLICATION REVIEW AND APPROVAL

- (1) The board shall review applications at a regularly scheduled meeting and shall determine the following:
 - (a) Whether the district has satisfied the minimum criteria required to receive an increase in the base amount;
 - (b) Whether to approve or deny the application; and
 - (c) The amount of increase to the district's base amount.
- (2) The board shall not approve an application if the board determines it lacks sufficient funds.
- (3) The board shall not approve an application if the board determines the minimum criteria established by these rules have not been satisfied.
- (4) The board shall not increase the base amount of an eligible district in excess of the amount the district would have received under T.C.A. § 7-86-303(e) if the district had the maximum allowable emergency telephone service charge in effect as of July 1, 2011.
- (5) The board shall publish to its web site any increase in the base amount.

Authority: T.C.A. §§ 7-86-303 and 7-86-306.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Mike Hooks	X				
Woody Boyd	X				
Greg Cothron	X				
Jennifer Estes	X				
Jill Holland	X				
Marvin Kelley	X				
Randy Porter	X				
James Sneed				X	
James Turnbow	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Emergency Communications Board on 11/04/15, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/26/2015

Rulemaking Hearing(s) Conducted on: (add more dates). 11/04/2015



Date: 12/4/15

Signature: [Handwritten Signature]

Name of Officer: Lee Pope

Title of Officer: General Counsel

Subscribed and sworn to before me on: 12-4-15

Notary Public Signature: [Handwritten Signature]

My commission expires on: 6-21-16

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]
 Herbert H. Slatery III
 Attorney General and Reporter
12/18/2015
 Date

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Filed with the Department of State on: 1/11/16

Effective on: 4/10/16

Tre Hargett

Tre Hargett
Secretary of State

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Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments at the rulemaking hearing on these rules.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Economic Impact Statement:

1. Types and estimated number of small businesses directly affected:

Small businesses will be minimally affected by the proposed rules.

2. Projected reporting, recordkeeping, and other administrative costs:

There is minimal additional projected reporting, recordkeeping, or other administrative costs associated with these proposed rules.

3. Probable effect on impacted small businesses and consumers:

There will be minimal effect on impacted small businesses and consumers as a result of these proposed rules.

4. Less burdensome, intrusive, or costly alternative methods:

There is no known less burdensome, intrusive or costly alternative method.

5. Comparison with federal and state counterparts:

The rules appear to comport with other similar state rules. There is no basis for comparison to current federal rules or statutes.

6. Effect of possible exemption of small businesses:

There will be no exemptions created by these rules.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rules may have a projected impact on local governments by increasing the funding available to certain emergency communications districts.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

These rules allow certain eligible emergency communications districts to apply to the Tennessee Emergency Communications Board for an increase in the base funding distributed by the board under T.C.A. 7-86-303(e). The rules also establish minimum criteria emergency communications district must satisfy in order to obtain an increase in base funding, as required by T.C.A. § 7-86-303(e)(2).

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are required by, and made pursuant to, T.C.A. §§ 7-86-303(e)(2) and 7-86-306.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules will only affect certain emergency communications districts eligible to apply for an increase in base funding under T.C.A. 7-86-303(e)(2). A Notice of Rulemaking Hearing was filed on August 26, 2015, and published in the Tennessee Administrative Record. Notice was published on the Board's website and distributed via email to all interested parties reasonably known to the Board. A public hearing was held on November 04, 2015. There were 0 public comments on these rules by 0 entities.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules may increase the revenue of fifty-five emergency communications districts identified as being eligible to apply for an increase in their annual base funding. The Tennessee Emergency Communications Board has allocated approximately 1.7 million dollars from the Emergency Communications Fund for distribution to eligible districts that apply for an increase in base funding.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Curtis Sutton, Executive Director of the Tennessee Emergency Communications Board, and Lee Pope, General Counsel for the Board.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Lee Pope, General Counsel for the Tennessee Emergency Communications Board.

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Emergency Communications Board, 500 James Robertson Parkway, 11th Floor, Davy Crockett Tower, Nashville, Tennessee 37243, (615) 253-2164 James.L.Pope@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.