

## 911 SURCHARGES – FAILURE TO REPORT, CHARGE, COLLECT, OR TRANSMIT

### State 911 Committee Delinquency Collection Procedure

*Adopted by the SNC 3/09/22*

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#### **Purpose**

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Public Act 32 of 1986 as amended, sections 401a [1]-[4], 401c [1]-[7], and 403 [1]-[4] outline the requirements and responsibilities for suppliers and retailers conducting business within the State of Michigan, to report, charge, collect, and transmit a 9-1-1 charge. Furthermore, section 403 [2]-[5] establishes a process for notification of failure to report, charge, collect, or transmit these charges.

This process will be utilized to support the notification to the Michigan Public Service Commission (MPSC) for failure to report, charge, collect, and transmit the 9-1-1 surcharges collected under sections 401a, 401b, and 401c. Under section 403 [4], a county is not prohibited from taking any action authorized by law against an entity that fails to remit the county 9-1-1 charge under section 401b.

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#### **Internal Procedure**

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To support the notification under section 403, the State 911 Committee (SNC) will demonstrate that attempts were made in the collection of delinquent prepaid/postpaid surcharge fees, including, but not limited to, the following:

- Documented attempts to contact the delinquent party, including details of contact, regarding collection of delinquent payment(s) (i.e., emails, phone calls, etc.).
- If no payment has been received after sixty (60) days of attempted contact, a certified letter with return signature required will be sent to the delinquent party.
- At ninety (90) days from the initial notification of the account delinquency, if the delinquent party has not responded to previous attempts at contact with a plan to cooperate or has not settled the outstanding balance, the delinquency will be escalated to the SNC's Attorney General representative for an informal review.

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#### **State 911 Committee Attorney General Informal Review**

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If a supplier/retailer has failed to report, charge, collect, or transmit the 9-1-1 charges in sections 401a, 401b, or 401c, and has not responded to attempts to collect, the State 911 Office, with the support of the SNC, will provide a draft of the notification, to include the following supporting documentation (where applicable) to the SNC's Attorney General representative for review:

- A cover letter explaining the delinquency and the processes undertaken in attempt to collect the outstanding balance.

- All pertinent information regarding the delinquent account, such as:
  - Account holder name
  - How long account has been delinquent
  - Amount of delinquent balance
  - Any payments that have been received or payment plans discussed
- Documentation for all collection attempts including:
  - Dates, times, contact names, and type of contact (emails, phone calls, etc.)
  - Copies of certified letters and return signature cards
  - Any additional information relevant to assisting with the review
- Pertinent communication:
  - Communications involving delinquent party
  - Reasons provided by delinquent party for late payments

As required under section 403, the notification under this subsection should include all information, testimony, exhibits, or other documents and information the SNC, county, or 9-1-1 service district possesses that support the notification. The above information and failure to report, charge, collect, or transmit the 9-1-1 charges will be explained in testimony with labeled supporting exhibits.

The SNC’s Attorney General representative will review the above information and will coordinate with the State 911 Office in finalizing the notification to present to the SNC.

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**Notification of Failure to Report, Charge, Collect, or Transmit Charges**

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According to Public Act 32 of 1986 as amended:

Sec. 403 [3] states—*“Subject to subsection (5), upon referral by the commission, the attorney general may commence a civil action against a service supplier, CMRS supplier, reseller, or retailer of a prepaid wireless telecommunications service for appropriate relief for failure to report, charge, collect, and transmit the state 9-1-1 charges in sections 401a and 401c....”*

Once the SNC’s Attorney General representative has reviewed the notification and deemed it satisfactory, the information will then go before the SNC in a closed meeting session.

The SNC will review all of the information contained in the proposed notification. If the SNC elects to proceed in escalating the collection/notification of 9-1-1 surcharges that have failed to be reported, charged, collected, or transmitted under sections 401a, 401b, and 401c, the SNC’s Attorney General representative, on behalf of the SNC, will submit a formal notice to the MPSC for further action.