

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the State
Enhanced 911 Excise Tax

DOCKET UT-180820

ORDER 01

ORDER DETERMINING THE
STATE ENHANCED 911 EXCISE
TAX

BACKGROUND

- 1 On September 28, 2018, the Emergency Management Division (EMD) of the Washington Military Department (WMD), Petitioner, filed with the Washington Utilities and Transportation Commission (Commission) a petition recommending the Commission maintain the rate of enhanced 911 excise tax at 25 cents per month for switched access lines, radio access lines, and interconnected Voice over Internet Protocol (VoIP) service lines for calendar year 2019.
- 2 Revised Code of Washington (RCW) sections 82.14B.030 (5), (6), and (7) impose a state enhanced 911 excise tax on all switched access lines, radio access lines, and interconnected VoIP service lines in the state. The amount of the tax may not exceed 25 cents per month for each such service. Local exchange telecommunications companies providing or reselling these services, companies providing radio access lines, and interconnected VoIP providers are required to remit the tax to the Washington Department of Revenue (DOR), and the treasurer must deposit the tax in an enhanced 911 account.
- 3 RCW 82.14B.030 (9) requires that Petitioner, the state enhanced 911 coordinator, recommend to the Commission the appropriate level of tax based on a systematic cost and revenue analysis for switched access lines, radio access lines, and interconnected VoIP service lines. EMD makes its recommendation annually and the Commission must determine the level of the state enhanced 911 excise tax for the following year by October 31 of the current calendar year.

- 4 The legislature has appropriated funds to support the enhanced 911 program at the WMD. State and county enhanced 911 excise tax revenues are remitted by vendors directly to DOR, which distributes the appropriate funds to the respective government entities in accordance with RCW Chapter 82.14B.
- 5 Commission staff (Staff) has reviewed the filing and agrees with Petitioner's recommendation that 25 cents per month per switched access line, radio access lines, and interconnected VoIP service line is necessary to recover enhanced 911 costs and should be approved.

DISCUSSION

- 6 RCW 82.14B.030(5) and (8) require that telecommunications companies remit the state enhanced 911 excise tax to DOR.
- 7 The state enhanced 911 coordinator is required to recommend to the Commission the level for the next year of the state enhanced 911 excise tax imposed by RCW 82.14B.030(5) and (8). RCW 82.14B.030(9). Petitioner has done so in this case, recommending an enhanced 911 excise tax of 25 cents per month per switched access line, radio access lines, and interconnected VoIP service line.
- 8 Pursuant to RCW 82.14B.030(9), the Commission is authorized to determine the level of the state enhanced 911 excise taxes imposed by RCW 82.14B.030(5) and (8) for the next year.
- 9 We agree with Staff's recommendation and find that a state-enhanced 911 excise tax rate of 25 cents per month per switched access line and interconnected VoIP service line is fair, just, reasonable, and in the public interest.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including telecommunications companies.

- 11 (2) The Commission is authorized to determine the level of the state enhanced 911 excise taxes imposed by RCW 82.14B.030(5) and (8) for the next year, which are required to be remitted by telecommunications companies to DOR.
- 12 (3) On September 28, 2018, the Washington Military Department, Emergency Management Division, filed with the Commission its annual report of revenues, expenditures, and budgets relating to the statewide provision of 911 services. The Petitioner recommended an assessment of the excise tax at the monthly rate of 25 cents per switched access line, radio access line, and interconnected VoIP line in accordance with RCW 82.14B.030 for the year beginning January 1, 2019.
- 13 (4) This matter came before the Commission at its regularly scheduled open meeting on October 19, 2018.
- 14 (5) The Commission agrees with Staff's recommendation and finds that a state enhanced 911 excise tax rate of 25 cents per month per switched access line and interconnected VoIP service line is fair, just, reasonable, and in the public interest.

ORDER

THE COMMISSION ORDERS:

- 15 (1) Each local exchange company shall collect a state enhanced 911 excise tax in the amount of 25 cents per month per switched access line and remit the amount collected directly to the Department of Revenue on a tax return provided by the Department of Revenue, pursuant to RCW 82.14B.030.
- 16 (2) Each interconnected Voice over Internet Protocol service company shall collect a state enhanced 911 excise tax in the amount of 25 cents per month per interconnected Voice over Internet Protocol service line and remit the amount collected directly to the Department of Revenue on a tax return provided by the Department of Revenue, pursuant to RCW 82.14B.030.

The Commissioners, having determined this Order to be consistent with the provision of RCW 82.14B.030 and in the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective October 19, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary