

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 884 Session of
2001

INTRODUCED BY CONTI, ERICKSON, SCHWARTZ, MUSTO, BOSCOLA,
M. WHITE, THOMPSON, WAUGH, HELFRICK, KUKOVICH, KITCHEN,
BODACK AND JUBELIRER, MAY 21, 2001

REFERRED TO COMMUNICATIONS AND HIGH TECHNOLOGY, MAY 21, 2001

AN ACT

1 Amending the act of July 9, 1990 (P.L.340, No.78), entitled "An
2 act providing for a Statewide emergency telephone number 911
3 system; providing for contributions from telephone
4 subscribers; providing a penalty; and making a repeal,"
5 further providing for definitions, for local government
6 immunity and for powers and duties of the Pennsylvania
7 Emergency Management Agency; establishing a Statewide
8 integrated wireless E-911 State plan; establishing a wireless
9 E-911 Emergency Services Fund and disbursements therefrom;
10 further providing for collection of an E-911 surcharge from
11 wireless customers and for annual reporting; establishing a
12 wireless E-911 Emergency Services Advisory Board; and
13 providing for rules and regulations.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 2 of the act of July 9, 1990 (P.L.340,
17 No.78), known as the Public Safety Emergency Telephone Act,
18 amended February 12, 1998 (P.L.64, No.17), is amended to read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "911 emergency communication system" or "911 system." A

1 system, including enhanced 911 service but excluding a wireless
2 E-911 system, which permits a person dialing 911 by telephone to
3 be connected to a public safety answering point, via normal
4 telephone facilities, for the reporting of police, fire, medical
5 or other emergency situations.

6 "Advisory board." The Wireless E-911 Emergency Services
7 Advisory Board established in section 11.3.

8 "Agency." The Pennsylvania Emergency Management Agency.

9 "Commission." The Pennsylvania Public Utility Commission.

10 "Competitive local exchange carrier." A local exchange
11 carrier that has been certificated as a competitive local
12 exchange carrier by the Pennsylvania Public Utility Commission.

13 "Contribution rate." A fee assessed against a telephone
14 subscriber for the nonrecurring costs, maintenance and operating
15 costs of a 911 system. Counties of the first through second
16 class A may impose a monthly contribution rate in an amount not
17 to exceed \$1 per line on each local exchange access line.

18 Counties of the third through fifth class may impose monthly
19 contribution rates in an amount not to exceed \$1.25 per line on
20 each local exchange access line. Counties of the sixth through
21 eighth class may impose a monthly contribution rate in an amount
22 not to exceed \$1.50 per line on each local exchange access line.

23 The contribution rate may be used by counties for the expenses
24 of implementing, expanding or upgrading a 911 system. Expenses
25 eligible for reimbursement through the contribution rate shall
26 include telephone terminal equipment, trunk line service
27 installation, network changes, building of initial data base and
28 any other nonrecurring costs to establish a 911 system. The
29 contribution rate may also be used to fund recurring costs
30 pursuant to section 8(b). Expenses not eligible for

1 reimbursement through the contribution rate shall include
2 purchase of real estate, cosmetic remodeling, central office
3 upgrades, hiring of dispatchers, ambulances, fire engines or
4 other emergency vehicles, utilities, taxes and other expenses as
5 determined by the Pennsylvania Emergency Management Agency.

6 "Council." The Pennsylvania Emergency Management Council.

7 "County." The term shall include a city of the first class
8 coterminous with a county.

9 "County plan." A document submitted by the county on a
10 triennial basis to the Pennsylvania Emergency Management Agency,
11 outlining its proposed or existing 911 system, including a
12 contribution rate, for the forthcoming three years.

13 "Enhanced 911 service" or "E-911." Emergency telephone
14 service providing for automatic identification of caller
15 location and calling number.

16 "FCC E-911 Order." All orders issued by the Federal
17 Communications Commission pursuant to the proceeding entitled
18 "Revision of the Commissions Rules to Ensure Compatibility with
19 Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102;
20 RM-8413), or any successor proceeding, regarding the delivery of
21 wireless automatic number identification and wireless automatic
22 location information as of the dates and according to the other
23 criteria established therein.

24 "Interexchange carrier." A person that is authorized by the
25 Pennsylvania Public Utility Commission to provide long-distance
26 telecommunications service.

27 "Local exchange carrier." A person, including a competitive
28 local exchange carrier, that is authorized by the Pennsylvania
29 Public Utility Commission to provide local exchange
30 telecommunications service or exchange access.

1 "Local exchange telephone service." The provision of
2 telephonic message transmission within an exchange, as such is
3 defined and described in tariffs filed with and approved by the
4 commission.

5 "Person." The term includes a corporation, a partnership, an
6 association, the Federal Government, the State government, a
7 political subdivision, a municipal or other local authority, as
8 well as a natural person.

9 "Public agency." The Commonwealth or a political
10 subdivision, public authority, municipal authority or any
11 organization located in whole or in part within this
12 Commonwealth which provides or has the authority to provide
13 firefighting, law enforcement, ambulance, emergency medical or
14 other emergency services. The term includes public safety
15 answering points.

16 "Public safety answering point" or "PSAP." The first point
17 at which calls for emergency assistance from individuals are
18 answered, operated 24 hours a day.

19 "Telephone subscriber." A person other than a wireless
20 service customer who contracts with a [telephone company] local
21 exchange carrier within this Commonwealth for local exchange
22 telephone service, either residential or commercial. When the
23 same person has several telephone dial tone access lines, each
24 dial tone access line shall constitute a separate subscription.
25 For purposes of the contribution rate, the term shall not
26 include pay stations owned or operated by a regulated public
27 utility.

28 "Vendor." A person other than a local exchange carrier or a
29 wireless provider who supplies 911 or wireless E-911 system
30 services or equipment.

1 "Wireless automatic location information." The delivery or
2 receipt of the approximate geographic location, as specified in
3 the FCC E-911 Order, of the wireless device being used to place
4 a call to a 911 system or to a wireless E-911 system.

5 "Wireless automatic number identification." The delivery or
6 receipt of the telephone number assigned to the wireless device
7 being used to place a call to a 911 system or to a wireless E-
8 911 system.

9 "Wireless E-911 system." An E-911 system which permits
10 wireless service customers dialing 911 to be connected to a
11 public safety answering point for the reporting of police, fire,
12 medical or other emergency situations.

13 "Wireless E-911 service." Service provided by a wireless
14 provider, pursuant to the FCC E-911 Order.

15 "Wireless E-911 State plan." A document to be prepared,
16 maintained, and kept current by the Pennsylvania Emergency
17 Management Agency providing for all aspects of the development,
18 implementation, operation, and maintenance of a Statewide
19 integrated wireless E-911 system, including the exclusive
20 authority to approve wireless provider service agreements,
21 formulate technical standards, and determine permitted uses of
22 and amounts disbursed from the Wireless E-911 Emergency Services
23 Fund established by section 11.4(a).

24 "Wireless E-911 surcharge." A monthly fee assessed upon each
25 wireless service customer for each wireless two-way
26 communication device for which that customer is billed by a
27 wireless provider for wireless service.

28 "Wireless provider." A person engaged in the business of
29 providing wireless service to end-use customers in this
30 Commonwealth, including resellers.

1 "Wireless service." Commercial mobile radio service as
2 defined under section 332(d) of the Communications Act of 1934
3 (47 U.S.C. § 332(d)), and which provides real-time, two-way
4 voice service that is interconnected with the public switched
5 telephone network.

6 "Wireless service customer." A person who is billed by a
7 wireless provider for wireless service within this Commonwealth.

8 Section 2. Section 11.1 of the act, added February 12, 1998
9 (P.L.64, No.17), is amended to read:

10 Section 11.1. Immunity.

11 All 911 systems and wireless E-911 systems run by county and
12 local governments shall be local agencies who shall enjoy local
13 governmental immunity as provided under 42 Pa.C.S. Ch. 85 Subch.
14 C (relating to actions against local parties).

15 Section 3. The act is amended by adding sections to read:
16 Section 11.2. Powers and duties of agency.

17 (a) Administration.--The agency shall have the following
18 powers and duties in relation to a wireless E-911 system:

19 (1) To designate a member of the agency who shall serve
20 as a point of contact at the agency for all matters involving
21 wireless E-911 systems in this Commonwealth.

22 (2) To oversee the development, implementation,
23 operation, and maintenance of a Statewide integrated wireless
24 E-911 system, including the exclusive authority to approve
25 wireless provider service agreements, formulate technical
26 standards, and determine permitted uses of and amounts
27 disbursed from the Wireless E-911 Emergency Services Fund
28 established in section 11.4(a).

29 (b) Wireless E-911 State plan.--The agency shall prepare,
30 maintain, and keep current, after adequate public notice and

opportunity to comment and after consideration of the recommendations of the advisory board, a wireless E-911 State plan providing for all aspects of the development, implementation, operation, and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order. Pursuant to such plan, the agency shall:

(1) Make arrangements with each wireless provider to provide wireless E-911 service according to the wireless E-911 State plan.

(2) Execute all contracts, mutual aid agreements, cross-service agreements and all other necessary documents that may be required in the implementation of the wireless E-911 State plan.

(3) Notify counties of wireless service within each county, specifically noting wireless service to more than one county. Such notice also shall be provided at the time wireless service is newly initiated within the county. The agency shall designate the appropriate PSAP for wireless E-911 service for each wireless provider.

(4) Forward a copy of the completed plan and any revision thereof to all affected public agencies, wireless providers, local exchange carriers, competitive local exchange carriers and interexchange carriers.

Section 11.3. Advisory board.

(a) Establishment of board.--There is hereby established an advisory board of five members to be known as the Wireless E-911 Emergency Services Advisory Board.

(b) Members.--The advisory board shall be comprised of the following persons:

(1) The director of the agency or his designee who shall

1 act as chairperson.

2 (2) Four members appointed by the Governor as follows:

3 (i) Two representatives of the Pennsylvania State
4 Association of County Commissioners, one of whom shall be
5 appointed for an initial term of two years and one of
6 whom shall be appointed for an initial term of three
7 years.

8 (ii) Representatives of two wireless providers
9 licensed by the Federal Communications Commission, one of
10 whom shall be appointed for an initial term of two years
11 and one of whom shall be appointed for an initial term of
12 three years.

13 (c) Length of term.--After the initial terms under this
14 section have been completed, all terms shall be for a period of
15 three years.

16 (d) Reimbursement.--The members of the advisory board shall
17 serve without compensation, but shall be reimbursed for their
18 actual and necessary traveling and other expenses in connection
19 with attendance at meetings.

20 (e) Procedure.--All actions of the advisory board shall be
21 by majority vote. The advisory board shall meet upon the call of
22 the chairperson, but not less than quarterly, to carry out its
23 duties under this act. The advisory board shall select such
24 other officers as it deems appropriate.

25 (f) Powers and duties.--The members of the advisory board
26 shall have the following powers and duties:

27 (1) To advise the agency regarding the development,
28 implementation, operation and maintenance of a Statewide
29 integrated wireless E-911 system.

30 (2) To make recommendations to the agency regarding the

1 preparation and periodic revision as necessary of a wireless
2 E-911 State plan providing for all aspects of the
3 development, implementation, operation and maintenance of a
4 Statewide integrated wireless E-911 system in accordance with
5 the FCC E-911 Order.

6 (3) To review procedures and operations of the Wireless
7 E-911 Emergency Services Fund.

8 (4) To make recommendations to the agency regarding the
9 approval or disapproval of wireless provider service
10 agreements, the formulation of technical standards, and the
11 determination of permitted uses of and amounts disbursed from
12 the Wireless E-911 Emergency Services Fund.

13 (5) To assist in the promulgation by the agency of
14 guidelines, rules, and regulations to be observed by the
15 agency for effecting disbursement of funds from the Wireless
16 E-911 Emergency Services Fund and to be observed by public
17 agencies and wireless providers for receipt of such funds.

18 (6) To oversee the development and rendition of the
19 annual report and recommendations required of the agency by
20 this act, including, but not limited to, recommendations
21 concerning adjustment of the wireless E-911 surcharge.

22 Section 11.4. Wireless E-911 Emergency Services Fund.

23 (a) Establishment of fund.--There is hereby established in
24 the State Treasury a nonlapsing restricted interest-bearing
25 account to be known as the Wireless E-911 Emergency Services
26 Fund. The fund shall consist of the fees collected under
27 subsection (b), funds appropriated by the General Assembly, and
28 of funds from any other source, private or public. Moneys in the
29 fund and the interest it accrues shall be appropriated annually
30 to the Pennsylvania Emergency Management Agency to be disbursed

by the agency and shall be used only for the costs of development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order.

(b) Wireless E-911 surcharge.--Each wireless service customer shall pay a fee, to be known as a wireless E-911 surcharge, in an amount of 50¢ per month per each wireless two-way communication device for which that customer is billed by a wireless provider for wireless service.

(1) Wireless providers shall collect the fee on behalf of the agency as part of their billing process and shall have no obligation to take any legal action to enforce the collection of the surcharge. Such action may be brought by or on behalf of the agency. Upon request of the agency each wireless provider shall provide an annual list of the names and addresses of those wireless service customers carrying a balance that have failed to pay the wireless E-911 surcharge. The wireless provider shall not be liable for such unpaid amounts.

(2) If a wireless provider receives a partial payment for a monthly bill from a wireless service customer, the wireless provider shall apply the payment against the amount the wireless service customer owes the wireless provider first, and shall remit to the State Treasurer such lesser amount, if any, as shall result therefrom.

(3) The fees collected under this subsection shall not be subject to taxes or charges levied by the Commonwealth or any political subdivision of this Commonwealth, nor shall such fees be considered revenue of the wireless provider for any purpose.

1 (4) Exemptions to the surcharge shall be the same
2 exemptions as prescribed in Article II of the act of March 4,
3 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

4 (c) Remittance of fees.--On a quarterly basis, each wireless
5 provider shall remit the fees collected under subsection (b) to
6 the State Treasurer for deposit into the fund.

7 (d) Reimbursement of wireless providers costs.--

8 (1) From every such remittance, the wireless provider
9 shall be entitled to deduct and retain an amount not to
10 exceed 2% of the gross receipts collected as reimbursement
11 for the administrative costs incurred by the wireless
12 provider to bill, collect and remit the surcharge.

13 (2) Upon receipt of a request by a public agency for
14 wireless E-911 service, a wireless provider also shall be
15 entitled:

16 (i) To deduct and retain from the gross receipts
17 collected an amount for the reimbursement of any
18 recurring costs approved pursuant to agency rules
19 associated with the development, implementation,
20 operation and maintenance of wireless E-911 service in
21 the geographic area served by the requesting public
22 agency.

23 (ii) To be reimbursed for any nonrecurring costs
24 approved pursuant to agency rules associated with the
25 development, implementation, operation and maintenance of
26 wireless E-911 service in the geographic area served by
27 the requesting public agency. Full reimbursement of the
28 approved costs shall be made by the agency simultaneously
29 with its initial approval of the costs, subject to a
30 completion adjustment by mutual agreement of the agency

1 and the wireless provider.

2 (3) In no event shall any expenditure be deducted,
3 retained or reimbursed for payment of costs that are not
4 related to a wireless provider's compliance with requirements
5 established by the wireless E-911 State plan and the FCC E-
6 911 Order.

7 (e) Reporting by wireless providers.--With each remittance a
8 wireless provider shall supply the following information to the
9 State Treasurer and to the agency:

10 (1) The total fees collected through the wireless E-911
11 surcharge from its wireless service customers during the
12 reporting period.

13 (2) The total amount retained by it as reimbursement for
14 administrative costs to cover its expenses of billing,
15 collecting and remitting the fees collected from the wireless
16 E-911 surcharge during the reporting period.

17 (3) The total amount retained by it as reimbursement for
18 recurring costs associated with the development,
19 implementation, operation and maintenance of wireless E-911
20 service during the reporting period.

21 (4) Until all nonrecurring costs have been recovered by
22 a wireless provider, the total amount it has been reimbursed
23 by the agency for nonrecurring costs associated with the
24 development, implementation, operation and maintenance of
25 wireless E-911 service during the reporting period.

26 (f) Information to be supplied by wireless providers.--All
27 wireless providers shall provide the agency with such
28 information as it shall request in order to discharge its
29 obligations under this section, including, but not limited to,
30 the collection, deposit and adjustment of the wireless E-911

1 surcharge and its administration of the fund.

2 Section 11.5. Disbursement of fund amounts by agency.

3 (a) Expenditures for wireless E-911 systems.--During each
4 fiscal year, the agency may, only in furtherance of the wireless
5 E-911 State plan, disburse moneys from the Wireless E-911
6 Emergency Services Fund to public agencies and wireless
7 providers for the following purposes:

8 (1) To provide for recurring and nonrecurring costs for
9 the development, implementation, operation and maintenance of
10 a Statewide integrated wireless E-911 system in accordance
11 with the FCC E-911 Order.

12 (2) To train emergency service personnel regarding
13 receipt and use of wireless E-911 service information.

14 (3) To educate consumers regarding the operations,
15 limitations, role and responsible use of wireless E-911
16 service.

17 (4) To the extent that a wireless provider has not
18 recovered its wireless E-911 system costs through the
19 deduction and retention or reimbursement mechanisms specified
20 in section 11.4(d)(2), to provide for a wireless provider's
21 agency-approved recurring or nonrecurring costs associated
22 with the establishment, operation, administration and
23 maintenance of the wireless E-911 system, including the costs
24 of designing, developing, acquiring, constructing,
25 maintaining and operating network or other equipment,
26 hardware and data bases.

27 (b) Limitations on use of fund amounts by public agencies.--
28 No public agency shall receive a disbursement from the fund for
29 any cost necessary to house the wireless E-911 system or for the
30 purchase of real estate, cosmetic remodeling, central office

upgrades, ambulances, fire engines or other emergency vehicles,
utilities, taxes and other expenses as determined by the agency.
No more than 70% of the disbursements which a public agency
receives from the fund during the agency's fiscal year may be
utilized to fund personnel training, salary and benefit costs.

(c) Pro rata sharing of fund amounts.--Should the total
amount of funds in the fund in any quarter be insufficient to
pay for both agency-approved public agency costs and agency-
approved wireless provider costs, each wireless provider and the
requesting public agency shall receive a pro rata share of the
total funds in the account. The pro rata share for any public
agency or wireless provider shall be computed based upon the
total dollar amount of funds in the fund multiplied by the ratio
of the total dollar amount of agency-approved but unpaid
invoices of that public agency or wireless provider to the total
dollar amount of all agency-approved but unpaid invoices. Any
remaining unpaid agency-approved public agency costs or wireless
provider costs shall be carried forward for payment during the
next fiscal quarter. Such carryforward process shall continue
each fiscal quarter until all agency-approved public agency
costs and wireless provider costs have been paid.

(d) Triennial financial audit.--The agency may require a
triennial financial audit of each public agency's use of the
disbursements it has received from the fund and of a wireless
provider's collection, deduction, retention, remittance and use
of the amounts collected by the wireless provider under the
wireless E-911 surcharge or the disbursements it received from
the fund. These triennial financial audits shall be consistent
with guidelines established by the agency and the cost of each
audit shall be paid from the fund.

1 Section 11.6. Reporting.

2 (a) Annual report by agency.--Not later than March 1 of each
3 year, the agency, after consideration of the recommendations of
4 the advisory board, shall submit an annual report, which may be
5 combined with that required by section 3(a)(5), to the Governor
6 and the General Assembly. Subject to the provisions of section
7 11.7(b), the report shall include at least the following:

8 (1) The extent to which wireless E-911 systems currently
9 exist in this Commonwealth.

10 (2) Those public agencies which completed installation
11 of wireless E-911 systems pursuant to the wireless E-911
12 State plan and the costs and expenses for installation.

13 (3) An itemization by a public agency or wireless
14 provider, project and description and expenditure for each
15 Wireless E-911 Emergency Services Fund disbursement made in
16 the fiscal year just concluded. The itemization shall include
17 an explanation of how each project contributed to the
18 fulfillment of the existing wireless E-911 State plan.

19 (4) The planned expenditures for the next fiscal year
20 for installation of wireless E-911 systems pursuant to the
21 wireless E-911 State plan.

22 (5) The total aggregate fees collected from all wireless
23 providers in the fiscal year just concluded based upon the
24 reports of such providers submitted under section 11.4(e) and
25 any other funds received by the fund.

26 (6) The amount of any unexpended funds carried forward
27 in the fund.

28 (7) The amount of any remaining unpaid agency-approved
29 public agency costs or wireless provider costs being carried
30 forward for payment during the next fiscal quarter.

1 (8) After consideration of the recommendations of the
2 advisory board, a recommendation, if necessary, supported by
3 adequate information, for an adjustment in the wireless E-911
4 surcharge to a rate that will ensure full recovery for public
5 agencies and wireless providers, over a reasonable period of
6 time, of the costs associated with developing, operating and
7 maintaining wireless E-911 service in accordance with the FCC
8 E-911 Order, but not to permit an accumulation in the fund in
9 excess of 125% of the planned expenditures for the next
10 fiscal year.

11 (b) Study of Wireless E-911 Emergency Services Fund.--The
12 agency, after consideration of the recommendations of the
13 advisory board, shall undertake a study of the operations and
14 structure of the Wireless E-911 Emergency Services Fund and
15 shall report to the Governor and the General Assembly not later
16 than February 1, 2002, its recommendations concerning the future
17 of the fund, including, but not limited to, necessary or
18 required actions which must be undertaken in response to the
19 Federal Communication Commission's directive in the FCC E-911
20 Order. The report shall recommend measures to be taken by the
21 General Assembly.

22 Section 11.7. Public disclosure and confidentiality of
23 information.

24 (a) Annual report of the agency.--The annual report of the
25 agency shall be a public document.

26 (b) Prohibition against release of information.--Neither the
27 Treasurer, the agency, nor any employee, agent or representative
28 of a PSAP, public agency, the Treasurer or the agency shall
29 divulge any information acquired by it or him with respect to
30 any wireless provider, its customers, revenues or expenses while

acting or claiming to act as such employee, agent or representative, and all such information is hereby required to be kept confidential, except that aggregations of information which do not identify numbers of customers, revenues or expenses attributable to any individual wireless provider may be made public.

Section 11.8. Wireless provider records.

(a) Access.--Upon request from and pursuant to agreement with the agency, each wireless provider shall provide automatic location information as defined in the FCC E-911 Order for phase one implementation. Such information shall remain the property of the disclosing wireless provider and, except as otherwise provided by applicable Federal or State law, shall be used only to provide emergency response services to a call to a 911 system or to a wireless E-911 system.

(b) Violations.--A person commits a misdemeanor of the third degree who:

(1) Uses or discloses wireless E-911 service data base information for purposes other than handling a call to a 911 system or to a wireless E-911 system, or as otherwise provided by applicable Federal or State law.

(2) Knowingly uses the telephone number of a 911 system or wireless E-911 system to avoid any charges for the services of a local exchange carrier, competitive local exchange carrier, interexchange carrier or wireless provider.

(c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906 (relating to dissemination of telephone numbers and other identifying information) shall have no application to wireless providers engaged in providing wireless E-911 service or related services.

1 Section 11.9. Immunity.

2 (a) Generally.--No wireless provider or its officers,
3 directors, employees, agents or vendors shall be liable to any
4 person for criminal penalties or civil damages resulting from,
5 or caused by, such wireless provider's, its officers',
6 directors', employees', agents' or suppliers', participation in
7 or acts, failure or omissions in connection with that
8 participation in the development, design, installation,
9 operation, maintenance, performance or provision of wireless E-
10 911 service, except for willful or wanton misconduct.

11 (b) Parity of liability.--A wireless provider shall have
12 the same immunity from liability for transmission errors or
13 failures, network outages or other technical problems that arise
14 in the course of handling emergency calls or providing emergency
15 services (including wireless E-911 service) as a local exchange
16 carrier enjoys in the course of handling such calls or providing
17 such services.

18 (c) Release of information.--No wireless provider or its
19 employees or agents shall be liable to any person for releasing
20 wireless service customer information to the agency or to any
21 911 system or wireless E-911 system, public agency or PSAP as
22 required by this act.

23 Section 11.10. Rate regulation.

24 Nothing in this act shall be construed to constitute the
25 regulation of the rates charged by wireless providers for any
26 service or feature which they provide to their wireless service
27 customers, or to prohibit a wireless provider from charging a
28 wireless service customer for any service or feature provided to
29 such customer.

30 Section 11.11. Rules and regulations.

The agency shall have the power and authority to issue guidelines and to promulgate, adopt, publish, use and enforce rules and regulations for the implementation of this act and shall within one year of the effective date of this act, after consideration of the recommendations of the advisory board, promulgate such guidelines and rules and regulations as may be necessary to implement this act. Guidelines and rules and regulations proposed under the authority of this section shall be subject to review by the General Counsel and the Attorney General in the manner provided for the review of proposed rules and regulations pursuant to the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Section 11.12. Enforcement of provisions of act.

In addition to any powers expressly enumerated in this act, the agency shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its rules and regulations, or otherwise, all and singular, the provisions of this act, and the agency may institute injunction, mandamus or other appropriate legal proceedings to enforce the provisions of this act and regulations promulgated under it.

Section 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 5. This act shall take effect in 90 days.