



# **THE NEWFOUNDLAND AND LABRADOR GAZETTE**

**EXTRAORDINARY**

**Part II**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION**

**NLR 80/14**





**NEWFOUNDLAND AND LABRADOR  
REGULATION 80/14**

*Emergency 911 Fee Regulations*  
under the  
*Emergency 911 Act*  
(O.C. 2014-274)

*(Filed September 24, 2014)*

Under the authority of section 29 of the *Emergency 911 Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, September 23, 2014.

Julia Mullaley  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

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Short title

1. These regulations may be cited as the *Emergency 911 Fee Regulations*.

**2. In these regulations**

Definitions

- (a) "Act" means the *Emergency 911 Act*;
- (b) "exchange service" means a landline-based telephone service or wireless telephone service that is provided by a telecommunications service provider to a subscriber and is capable of being used to dial 911, including
  - (i) a single line residential access line,
  - (ii) a single line business access line,
  - (iii) a multi-line outgoing access line,
  - (iv) a centrex telephone number,
  - (v) a wireless telephone number, and
  - (vi) a VoIP service;
- (c) "fee" means the fee for the emergency 911 telephone service referred to in subsections 23(1) and 23(2) of the Act; and
- (d) "VoIP" means Voice Over Internet Protocol.

Fee for emergency 911 telephone service

**3. (1) The fee shall be paid monthly by every subscriber.**

(2) The fee shall be \$0.75 a month for each exchange service.

(3) Where a telecommunications service provider provides a service to a subscriber for less than a month, the fee shall be prorated.

(4) Where a telecommunications service provider retains a monthly service fee as authorized under subsection 23(2) of the Act, it shall deduct that monthly service fee from the fee referred to in subsection (2).

Prepaid wireless telephone service

**4. (1) A telecommunications service provider shall, on a monthly basis, deduct the fee from a subscriber's wireless telephone service prepaid account, if one exists.**

(2) The fee referred to in subsection (1) may be prorated in the manner contemplated in subsection 3(3).

(3) Where insufficient funds are available to deduct the fee from a subscriber's wireless telephone service prepaid account, the subscriber shall not be considered to have refused to pay the fee and the telecommunications service provider shall not make any further efforts to collect the fee.

Remittance of fee

**5.** (1) A telecommunications service provider shall, on a monthly basis and within 45 days after the last day of each month,

(a) remit to the corporation the fees that the telecommunications service provider collected during that month, less any monthly service fee authorized under subsection 23(2) of the Act, and

(b) submit to the corporation a report containing the following information with respect to that month:

(i) the amount of fees that the telecommunications service provider billed;

(ii) the amount of fees that the telecommunications service provider collected;

(iii) the amount of fees that the telecommunications service provider remitted to the corporation;

(iv) the amount of the monthly service fees collected as authorized under subsection 23(2) of the Act, if any;

(v) the number of exchange services that the telecommunications service provider provided; and

(vi) if applicable, the taxes, levies, duties or similar charges that the telecommunications service provider collected.

(2) Where a telecommunications service provider remits an amount of fees in excess of the amount required to be remitted, the corporation shall credit the surplus amount to the next remittance.

(3) Fees are not considered to be remitted to the corporation until they are received by the corporation.

Estimate of fees by corporation

**6.** (1) Where a telecommunications service provider fails to remit fees to the corporation as required by the Act and these regulations, the corporation may make an estimate of the amount of fees that should have been remitted by the telecommunications service provider.

(2) An estimated amount under subsection (1) shall be considered to be the amount of fees that the telecommunications service provider has not remitted.

Duty to provide information

**7.** (1) A telecommunications service provider shall provide the corporation with the following information:

(a) the corporate name of the telecommunications service provider; and

(b) the name, address, telephone number, fax number and e-mail address of the contact person for the telecommunications service provider.

(2) Where information referred to in subsection (1) changes, a telecommunications service provider shall provide the corporation with updated information.

Collection costs

**8.** Where a telecommunications service provider fails to remit fees to the corporation as required by the Act and these regulations, the telecommunications service provider shall, on demand by the corporation, pay to the corporation all of the costs and expenses incurred by the corporation in collecting the fees.

Fees considered held in trust

**9.** (1) Fees collected by a telecommunications service provider under the authority of the Act and these regulations, except a monthly service fee retained under the authority of subsection 23(2) of the Act, shall be considered to be held in trust for the corporation and the fees shall, until remitted, form a lien on the entire estate of the telecommunications service provider or on the entire assets of the telecommunications service provider's estate in the hands of any trustee, in priority to every claim, privilege, lien or encumbrance.

(2) Where a telecommunications service provider is considered under subsection (1) to hold fees referred to in that subsection in trust,

those fees shall be considered to be held separate from and form no part of the estate or assets of the telecommunications service provider, whether or not the fees have in fact been kept separate and apart from the estate or assets of the telecommunications service provider.

Recovery of fees

**10.** (1) The amount of fees required to be remitted to the corporation, which excludes any monthly service fees authorized under subsection 23(2) of the Act, is a debt due to the corporation and may be recovered by action in any court of competent jurisdiction.

(2) The court may in an action under subsection (1) make an order as to the costs of the action.

Statements by  
accountant

**11.** A telecommunications service provider shall, not later than a date to be established by the corporation, provide the corporation with a written statement signed by a chartered accountant, certified management accountant or certified general accountant certifying that the information contained in the reports submitted under section 5 during the previous calendar year is complete and accurate.

Retention of  
documents

**12.** A telecommunications service provider shall retain all books of account, reports, records and documents for a minimum of 6 years after the date on which the books of account, reports, records and documents were made.

Commencement

**13. These regulations come into force on January 1, 2015.**

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## Extraordinary Gazette Index

<b>Title of Act and Subordinate Legislation made thereunder</b>	<b>CNLR or NL Reg.</b>	<b>Amendment</b>	<b>XNL Gazette Date &amp; Page No.</b>
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