



Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

State of West Virginia
Master Agreement

Order Date: 2019-07-25

CORRECT ORDER NUMBER
 MUST APPEAR ON ALL PACKAGES,
 INVOICES, AND SHIPPING PAPERS.
 QUESTIONS CONCERNING THIS
 ORDER SHOULD BE DIRECTED TO
 THE DEPARTMENT CONTACT.

Order Number: CMA 0212 0212 CPHONE13AA	Procurement Folder: 456216
Document Name: Change Order No.: 02: CPHONE13AA - AT&T Mobility	Reason for Modification:
Document Description: WIRELESS COMMUNICATION SERVICES, ACCESSORIES & EQUIPMENT	Change Order 2 is issued to update the Public Service Commission-mandated 911 Fee to \$3.86.
Procurement Type: Statewide MA (Open End)	
Buyer Name: Mark A Atkins	
Telephone: (304) 558-2307	
Email: mark.a.atkins@wv.gov	
Shipping Method: Best Way	Effective Start Date: 2013-04-15
Free on Board: FOB Dest, Freight Prepaid	Effective End Date: 2019-12-31

Vendor Customer Code: 000000230606 AT&T MOBILITY 816 Lee St E Charleston WV 25301-1720 US Vendor Contact Phone: (304) 932-8194 Extension: Discount Percentage: 0.0000 Discount Days: 0	Requestor Name: Andrew Lore Requestor Phone: (304) 957-8267 Requestor Email: andrew.c.lore@wv.gov
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DEPARTMENT OF ADMINISTRATION OFFICE OF TECHNOLOGY 1900 KANAWHA BLVD E, BLDG 5 10TH FLOOR CHARLESTON WV 25305 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US
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Total Order Amount	Open End
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AGENCY COPY

7/25/19
MA 07/25/2019

ENTERED

PURCHASING DIVISION AUTHORIZATION SIGNED BY: <i>Tara...</i> DATE: <i>7/25/19</i> ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM SIGNED BY: <i>[Signature]</i> DATE: <i>8/1/19</i> ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION SIGNED BY: <i>Beverly Tolson</i> DATE: <i>8-2-19</i> ELECTRONIC SIGNATURE ON FILE
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Extended Description:

Change Order No.02 - CPHONE13AA Statewide Contract

Change Order No. 02 to the CPHONE13AA Statewide Contract with AT&T Mobility is being Issued to update the Public Service Commission-mandated 911 Fee from \$3.34 to \$3.86.

All provisions of the Original Contract and subsequent Change Orders not modified herein shall remain in full force and effect.

No other changes.

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
1	83111603			LS	\$0.000000
	Service From	Service To			

Commodity Line Description: WIRELESS EQUIPMENT

Extended Description:

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
2	83111603				\$0.000000
	Service From	Service To			
	2016-11-01	2019-12-31			

Commodity Line Description: WIRELESS SERVICES

Extended Description:

AT&T INC.

Elizabeth Spradlin
Government Account Executive
816 Lee Street, 1st Floor - Office 5
Charleston, WV 25301
Mobile • (304) 690 0140 • Fax • (847) 326 3980
Email • ef8030@att.com

July 24, 2019

Via Electronic Mail

Andrew Lore
Office of Technology
Building 5, 10th Floor
1900 Kanawha Boulevard East
Charleston, WV 25305

Re: AT&T CPHONE13AA Change Order / Update 911 Fee

Mr, Lore:

Please accept this letter as AT&T's formal request to update the 911 fee on the CPHONE13AA contract. This is due to the state of WV increasing the fee from \$3.34 to \$3.86. and is a pass-through cost out of AT&T's control. I have attached the following documents:

- State Legislation to show the 911 fee increase
- New Purchasing Affidavit

If the State of West Virginia requires additional information or clarification, we will be more than happy to accommodate your request. Thank you.

Sincerely,

Elizabeth Spradlin

Elizabeth Spradlin
Government Account Executive

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in
the City of Charleston on the 17th day of May 2019.

GENERAL ORDER NO. 187.50

In the matter of wireless enhanced 911 fees.

COMMISSION CORRECTIVE ORDER

This Order rescinds the May 14, 2019 Order in this matter to correct an error.

As corrected, the Public Service Commission increases the wireless enhanced 911
fee from \$3.34 to \$3.86 per month, per subscriber, to become effective July 1, 2019.

BACKGROUND

County Commissions derive revenues to operate enhanced emergency telephone systems from two different sources, the first being that County Commissions are authorized by statute to impose a fee (Enhanced 911 Fee) on consumers of local exchange service as well as voice over internet protocol (VoIP) service within their respective counties. W.Va. Code §7-1-3cc. This fee is placed on the bills of the telephone providers and the monies received by the providers are distributed directly to the County Commissions. Other than establishing rules, as directed by the Legislature, for the payment and collection of VoIP fees, the Commission has no role in establishment, administration, or collection of these fees. Rules and Regulations Governing Emergency Telephone Service, 150 C.S.R. 25, (Emergency Telephone Rules).

The second source of 911 revenues for County Commissions comes from the wireless enhanced 911 fee (Wireless E-911 Fee). This fee was established by statute at a minimum of \$3 per month for each valid retail commercial mobile radio service subscription. W.Va. Code §24-6-6b(b).

The Wireless E-911 Fee is paid by customers to the service providers who, in turn, remit the fees to the Commission. The Commission retains none of the fees and distributes the monies received according to instructions contained in statute. Specifically,

- One million dollars is placed in a fund, each year, to subsidize the construction of wireless towers.

- Ten cents of the amount collected per subscriber is distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communications efforts with those of the enhanced 911 systems.
- Five percent of the fees are deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrade of the West Virginia Interoperable Radio Project.
- The remainder of the money is distributed to the counties according to the formula set forth in W.Va. Code §24-6-6b(b) and (d).

W.Va. Code §24-6-6b(c) provides that

Beginning in the year [1997], and every two years thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as of the first day of March of the respecification year, of all the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance.

If the weighted average of the Enhanced 911 Fees exceeds the statutory minimum \$3 per month Wireless E-911 Fee, the Commission must increase the Wireless E-911 Fee to the weighted average of the Enhanced 911 Fees but not by more than twenty-five percent of the Wireless E-911 Fee at the beginning of the respecification year.

Commission Staff calculated the weighted average of Enhanced 911 Fees imposed by the County Commissions during the respecification years (which are the odd years). The weighted average of the Enhanced 911 Fees has been below the Wireless E-911 Fee in each of those years until 2017. The annual data received by Staff shows that the total number of landline subscribers has trended downward over time. Recent weighted average calculations of the Enhanced 911 Fees in odd years resulted in fees of \$2.38 (2011), \$2.30 (2013), \$2.63 (2015) and \$3.34 (2017). The 2019 data submitted to Staff from the providers of landline service and VoIP service show the number of subscribers per county and the Enhanced 911 Fee imposed by each County Commission. Staff calculated a weighted average Enhanced 911 Fee of \$3.86 as of March 1, 2019. See, 2019 Staff Audit of Wireless Enhanced 911 Fees, Attachment A, May 3, 2019.

On May 14, 2019, the Commission issued an Order in this case. Inadvertently, the Commission used a prior draft of the 2019 Staff Audit of Wireless Enhanced 911 Fees memorandum, dated May 2, 2019, instead of the updated memorandum dated May 3, 2019. The prior draft did not have fully updated fee information for Marion County.

DISCUSSION

The May 14, 2019 Commission Order inadvertently used the incorrect draft of the 2019 Staff Audit of Wireless Enhanced 911 Fees memorandum. To correct that error, the May 14, 2019 Commission Order will be rescinded by this Order.

Emergency Telephone Rule 11.1 provides that if it is necessary for the Commission to recalculate the Wireless E-911 Fee, the new rate takes effect July 1 of the respecification year.

W.Va. Code §24-6-6b(c) directs the Commission to recalculate the fee if the weighted average of the Enhanced 911 Fee exceeds the \$3 statutory minimum Wireless E-911 Fee.

Accordingly, effective July 1, 2019, under the provisions of W.Va. Code §24-6-6b(c), the Commission is required to establish a Wireless E-911 Fee of \$3.86 per month.

FINDINGS OF FACT

1. The Enhanced 911 Fees imposed by the County Commissions are authorized by W.Va. Code §7-1-3cc.
2. Staff calculates the weighted average of Enhanced 911 Fees during the respecification years (which are the odd years). The weighted average cost of the Enhanced 911 Fees was below the Wireless E-911 Fee in each of those years until 2017.
3. The annual data received by Staff shows that the total number of landline subscribers has trended downward over time.
4. The landline and VoIP service data showing the number of subscribers per county and Enhanced 911 Fees result in a weighted average Enhanced 911 Fee of \$3.86 as of March 1, 2019. 2019 Staff Audit of Wireless Enhanced 911 Fees, Attachment A, May 3, 2019.

CONCLUSIONS OF LAW

1. The May 14, 2019 Commission Order contains incorrect information and should be rescinded.

2. W.Va. Code §24-6-6b(c) provides that,

Beginning in the year [1997], and every two years thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as of the first day of March of the respecification year, of all the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance.

3. If the weighted average of the Enhanced 911 Fees exceeds the statutory minimum \$3 per month Wireless E-911 Fee, then the Commission must increase the Wireless E-911 Fee to the weighted average of the Enhanced 911 Fees but not by more than twenty-five percent of the Wireless E-911 Fee at the beginning of the respecification year.

4. If it is necessary for the Commission to respecify the Wireless E-911 Fee, that fee takes effect July 1 of the respecification year. Emergency Telephone Rule 11.1.

5. The statute requires the Commission to recalculate the Wireless E-911 Fee if the weighted average of the Enhanced 911 Fee exceeds the statutory minimum \$3 per month Wireless E-911 Fee. W.Va. Code §24-6-6b(c).

6. Because the weighted average of the Enhanced 911 Fee exceeds the statutory minimum \$3 per month Wireless E-911 Fee, the Commission must establish a Wireless E-911 Fee of \$3.86, in lieu of \$3, per subscriber, per month, effective July 1, 2019.

ORDER

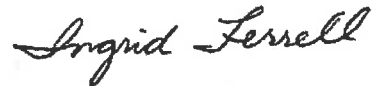
IT IS THEREFORE ORDERED that the May 14, 2019 Commission Order in this General Order series is rescinded.

IT IS FURTHER ORDERED that the Wireless E-911 Fee is \$3.86 per month, per subscriber, to become effective July 1, 2019.

IT IS FURTHER ORDERED that on entry of this Order, this case shall be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on each County Commission and each provider of commercial mobile radio service that has filed an e-service agreement, by United States First Class Mail on each County Commission and each provider of commercial mobile radio service that has not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Teste,



Ingrid Ferrell
Executive Secretary

JJW/sc
GO 187.50ca.sca.doc

2019 Staff Audit of Wireless Enhanced 911 Fees

TO: Michael Albert, Chairman
Brooks McCabe, Commissioner
Renee Larrick, Commissioner
Jessica Lane, General Counsel

FROM: Terri Blake, Cable and Telecommunications Supervisor
Utilities Division JB

DATE: May 3, 2019

RE: General Order 187.50

W. Va. Code §24-6-6b(c) states: Beginning in the year 1997, and every two years thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as of March 1 of the respecification year, of all of the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance: Provided, That the wireless enhanced 911 fee may never be increased by more than twenty-five percent of its value at the beginning of the respecification year.

By Statute, 2019 is an audit year for purposes of recalculating the wireless enhanced 911 fee. Counties are allowed, by statute, to impose an enhanced 911 fee upon consumers of local exchange service as well as voice over internet protocol service within their respective counties. The calculation is performed by finding the weighted average of all reported wireline subscribers and the respective County imposed fees as of March 1, 2019.

This year's official audit produced a weighted average for the landline rates of \$3.86, which is an increase over the \$3.34 rate calculated and ordered by the Commission in 2017. This increase is below the cap of twenty-five percent. The increase from the 2017 calculation is a result of both increases in the E911 fees approved by County Commissions and the continuing decline in the number of landlines. This calculation is based on the wireline count and County imposed landline E911 fees as of March 1, 2019. The calculation is shown on Attachment A.

TB:tb

RS

2018 CALCULATION OF WIRELINE E911 FEE STATE_WIDE WEIGHTED AVERAGE

COUNTY	NUMBER OF LAND LINES	WIRELINE E911 FEE	MONTHLY FEES
BARBOUR	4,101	\$ 3.00	\$ 12,573.00
BERKELEY	28,289	\$ 5.00	\$ 141,445.00
BOONE (bus)	1,418	\$ 6.00	\$ 8,508.00
BOONE (res)	6,942	\$ 4.00	\$ 27,768.00
BRAXTON	4,620	\$ 2.10	\$ 9,702.00
BROOKE	6,203	\$ 6.05	\$ 37,528.15
CABELL (bus)	9,113	\$ 9.50	\$ 86,573.50
CABELL (res)	14,551	\$ 7.00	\$ 101,857.00
CALHOUN	2,788	\$ 2.45	\$ 6,830.60
CLAY	2,841	\$ 2.00	\$ 5,682.00
DODDRIDGE	2,615	\$ 2.45	\$ 6,406.75
FAYETTE	12,219	\$ 4.50	\$ 54,985.50
GILMER	2,469	\$ 1.75	\$ 4,305.00
GRANT	3,824	\$ 3.75	\$ 14,715.00
GREENBRIER	12,449	\$ 2.00	\$ 24,898.00
HAMPSHIRE	7,096	\$ 2.00	\$ 14,192.00
HANCOCK	10,880	\$ 4.05	\$ 43,983.00
HARDY	6,517	\$ 3.75	\$ 24,438.75
HARRISON	21,815	\$ 3.50	\$ 75,652.50
JACKSON	8,247	\$ 2.00	\$ 16,494.00
JEFFERSON	16,849	\$ 5.00	\$ 79,245.00
KANAWHA (bus)	27,874	\$ 8.90	\$ 250,647.04
KANAWHA (res)	37,081	\$ 5.60	\$ 207,541.60
LEWIS	6,068	\$ 1.85	\$ 11,225.80
LINCOLN	5,297	\$ 3.50	\$ 18,539.50
LOGAN	13,446	\$ 3.00	\$ 40,338.00
MARION	17,345	\$ 3.34	\$ 57,932.30
MARSHALL	11,519	\$ 1.20	\$ 13,822.80
MASON	7,821	\$ 2.00	\$ 15,242.00
MCDOWELL	7,608	\$ 2.80	\$ 22,083.20
MERCER	17,984	\$ 3.00	\$ 53,982.00
MINERAL	5,882	\$ 5.00	\$ 29,910.00
MINGO	10,362	\$ 2.00	\$ 20,724.00
MONONGALIA	28,728	\$ 3.00	\$ 86,184.00
MONROE	4,045	\$ 4.65	\$ 18,809.25
MORGAN	5,881	\$ 2.50	\$ 14,202.50
NICHOLAS	7,450	\$ 3.50	\$ 26,075.00
OHIO	18,014	\$ 1.97	\$ 37,457.58
PENDLETON	3,800	\$ 2.50	\$ 9,500.00
PLEASANTS	2,893	\$ 2.00	\$ 5,786.00
POCAHONTAS	7,313	\$ 1.25	\$ 9,141.25
PRESTON	7,799	\$ 3.00	\$ 23,397.00
PUTNAM	14,857	\$ 1.50	\$ 21,965.50
RALEIGH	24,634	\$ 5.00	\$ 123,170.00
RANDOLPH	9,239	\$ 2.50	\$ 23,097.50
RITCHIE	4,187	\$ 2.00	\$ 8,374.00
ROANE	4,863	\$ 3.25	\$ 15,804.75
SUMMERS	3,358	\$ 3.85	\$ 12,928.30
TAYLOR	4,261	\$ 1.50	\$ 6,391.50
TUCKER	3,123	\$ 1.50	\$ 4,684.50
TYLER	2,925	\$ 2.85	\$ 8,336.25
UPSHUR (bus)	2,092	\$ 6.50	\$ 13,598.00
UPSHUR (res)	5,321	\$ 4.50	\$ 23,944.50
WAYNE	9,204	\$ 4.00	\$ 36,816.00
WEBSTER	3,000	\$ 2.80	\$ 7,800.00
WETZEL	6,569	\$ 2.95	\$ 19,378.55
WIRT	1,921	\$ 2.00	\$ 3,842.00
WOOD	25,519	\$ 3.25	\$ 82,936.75
WYOMING	7,511	\$ 3.65	\$ 27,415.15
TOTAL	572,281		\$ 2,211,006.82
WIRELINE E911 FEE WEIGHTED AVERAGE			\$ 3.86

From: [McAllister, Justin T](#)
To: [Lore, Andrew C](#)
Subject: RE: AT&T 911 Fee
Date: Thursday, July 25, 2019 8:57:21 AM
Attachments: [Image002.png](#)
[Image003.png](#)

Approved

Thanks,

Justin T. McAllister
Chief Financial Officer
WV Office of Technology
1900 Kanawha Blvd, East
Building 5, 10th Floor
PO Box 50110
Charleston, WV 25305
Office (304)957-8184
Mobile (304)356-1565



From: Lore, Andrew C
Sent: Thursday, July 25, 2019 7:54 AM
To: McAllister, Justin T <Justin.T.McAllister@wv.gov>
Subject: FW: AT&T 911 Fee

Can you provide CTO Approval for the 911 fee increase on AT&T?

From: SPRADLIN, BETH FRAZIER <ef8030@att.com>
Sent: Wednesday, July 24, 2019 9:42 PM
To: Lore, Andrew C <Andrew.C.Lore@wv.gov>
Cc: McAllister, Justin T <Justin.T.McAllister@wv.gov>
Subject: RE: AT&T 911 Fee

Hi Andrew,

Please see documentation and memo around the state 911 fee increase.

Let me know if there is anything I need to change or anything else that you will need.

Thanks,
Beth

Beth Spradlin
Government Account Manager
AT&T
816 Lee Street
Charleston, WV 25301
- P: 304.690.0140
- F: 847.326.3980
- ef8030@att.com

- www.att.com



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Business End-User Care: 1-800-331-0500 (subscriber level resource for authorized changes, technical troubleshooting and equipment warranty exchange).

National Business Services/Select Care: 1-800-999-5445 - Telecommunication Managers and Authorized Order Placer/Key Contacts only (account/service level maintenance, updates, technical troubleshooting, equipment warranty exchange and billing inquiries).

National Business Ordering: 1-888-444-4410: If you are an authorized order placer looking for new service activations, migrations, port-in activations and equipment upgrades.

Premier Support: 866-499-8008

International link: <http://www.wireless.att.com/international>

Warranty exchange: 800-801-1101

From: Lore, Andrew C [<mailto:Andrew.C.Lore@wv.gov>]
Sent: Wednesday, July 17, 2019 2:32 PM
To: SPRADLIN, BETH FRAZIER <ef8030@att.com>
Cc: McAllister, Justin T <Justin.T.McAllister@wv.gov>
Subject: RE: AT&T 911 Fee

I will need documentation showing where the State increased the fee, a memo from AT&T explaining the need for the increase and that it's a pass-through cost out of AT&T's control, and a new Purchasing Affidavit (attached).

Let me know if you have any questions,
Andrew

From: SPRADLIN, BETH FRAZIER <ef8030@att.com>
Sent: Wednesday, July 17, 2019 2:28 PM
To: Lore, Andrew C <Andrew.C.Lore@wv.gov>
Cc: McAllister, Justin T <Justin.T.McAllister@wv.gov>
Subject: RE: AT&T 911 Fee

Hi Andrew,

I was not until you sent this email and I verified another agencies bill and it looks like the state did increase the 911 fee to \$3.86.

So it sounds like I need to get started on the change order as soon as possible to get this updated.

What additional documentation will you need to be submitted with the request?

Beth Spradlin
Government Account Manager
AT&T
816 Lee Street
Charleston, WV 25301
- P: 304.690.0140
- F: 847.326.3980
- ef8030@att.com

- www.att.com

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Premier Support: 866-499-8008

International link: <http://www.wireless.att.com/international>

Warranty exchange: 800-801-1101

From: Lore, Andrew C [<mailto:Andrew.C.Lore@wv.gov>]

Sent: Wednesday, July 17, 2019 1:13 PM

To: SPRADLIN, BETH FRAZIER <ef8030@att.com>

Cc: McAllister, Justin T <Justin.T.McAllister@wv.gov>

Subject: AT&T 911 Fee

Beth,

The AG's Office has asked about an apparent increase in 911 fees - \$3.34 to \$3.86. Is this something you're aware of? We'd have to execute a Change Order to increase the fee, which will stop invoice payments until finalized.

Andrew Lore, Procurement Team
West Virginia Office of Technology



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF TECHNOLOGY
State Capitol
Charleston, West Virginia 25305

Allan L. McVey
Cabinet Secretary

Joshua D. Spence
Chief Technology Officer

TO: Mark Atkins, Senior Buyer
West Virginia Purchasing Division

FROM: Justin McAllister, CFO
West Virginia Office of Technology (WVOT)

CC: Andrew Lore, Procurement Team
West Virginia Office of Technology (WVOT)

SUBJECT: CPHONE13AA Change Order 2 (AT&T Mobility)

DATE: May 22, 2019

Please allow this memo to serve as the WVOT's formal request to execute a Change Order to AT&T's contract in order to update the 911 fee recently increased by the Public Service Commission, as below:

Current 911 Fee	\$3.34
Updated 911 Fee	\$3.86

This cost is a strict pass-through and is not mandated by the Vendor. Payment of invoices through the WV Auditor's Office necessitates this Change Order to reconcile the fees.

Attached are the Vendor Memo, PSC documents, CTO Approval, Purchasing Affidavit, and other relevant documentation needed for this request.

Please let us know if you require anything further.