

§ 143B-1405. Fund distribution to CMRS providers.

(a) Distribution. – CMRS providers are eligible for reimbursement from the 911 Fund for the actual costs incurred by the CMRS providers in complying with the requirements of enhanced 911 service. Costs of complying may include costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide 911 communications service as well as the recurring and nonrecurring costs of providing the service. To obtain reimbursement, a CMRS provider must comply with all of the following:

- (1) Invoices must be sworn.
- (2) All costs and expenses must be commercially reasonable.
- (3) All invoices for reimbursement must be related to compliance with the requirements of enhanced 911 service.
- (4) Prior approval must be obtained from the 911 Board for all invoices for payment of costs that exceed the lesser of:
 - a. One hundred percent (100%) of the eligible costs allowed under this section.
 - b. One hundred twenty-five percent (125%) of the service charges remitted to the 911 Board by the CMRS provider.
- (5) A CMRS provider may request reimbursement by presenting a request to the Board not later than six months prior to the end of the Board's fiscal year and identifying the provider's anticipated qualified expenses for reimbursement during the Board's next fiscal year.

(b) Payment Carryforward. – If the total amount of invoices submitted to the 911 Board and approved for payment in a month exceeds the amount available from the 911 Fund for reimbursements to CMRS providers, the amount payable to each CMRS provider is reduced proportionately so that the amount paid does not exceed the amount available for payment. The balance of the payment is deferred to the following month.

(c) PSAP Grant and Statewide Project Reallocation. – If the amount of reimbursements to CMRS providers budgeted by the 911 Board for a fiscal year exceeds the amount of funds disbursed for reimbursements to CMRS providers for that fiscal year, the 911 Board may reallocate the excess amount to the Accounts established under G.S. 143B-1407. The 911 Board may reallocate funds under this subsection only once each calendar year and may do so only within the three-month period that follows the end of the fiscal year.

The 911 Board must make the following findings before it reallocates funds to the PSAP Accounts established under G.S. 143B-1407:

- (1) There is a critical need for additional funding for PSAPs in rural or high-cost areas and ensure that NG911 service is deployed throughout the State.
- (2) The reallocation will not impair cost recovery by CMRS providers.
- (3) The reallocation will not result in the insolvency of the 911 Fund. (2007-383, s. 1(a); 2010-158, s. 6; 2015-241, s. 7A.3(2); 2019-200, s. 7(e).)