Emergency Telephone Users (911) Surcharge

This publication is designed to provide basic information about California’s Emergency Telephone Users Surcharge Program. If you have any questions that are not answered in this publication, please visit our website at www.boe.ca.gov, or contact us at 1-800-400-7115, (TTY:711).

Who must register?

Every service supplier in this state is required to register with the Board of Equalization (BOE). A “service supplier” is defined as:

- Any person supplying any intrastate telephone communication services (which includes all local or toll telephone services where the points of origin and destination of the service are all located in this state) according to California intrastate tariffs to any user in this state.
- Any person supplying any intrastate telephone communication services for whom the California Public Utilities Commission (CPUC), by rule or order, modifies or eliminates the requirement for that person to prepare and file California intrastate tariffs.
- Any person supplying Voice over Internet Protocol (VoIP) services to any service user in this state and providing access to the 911 emergency system by utilizing the digits 9-1-1. (Please note: The surcharge does not apply to charges for VoIP service where the point of origin or destination is outside of California.)

Additionally, every California consumer who purchases intrastate telephone or VoIP and who does not pay the 911 surcharge to a service supplier, is liable for the 911 surcharge until it has been paid to this state.

If you have questions, please contact our Customer Service Center at 1-800-400-7115 (TTY:711), Monday through Friday, 8:00 a.m. - 5:00 p.m., (Pacific time), excluding state holidays.

Do I need to register with the California Public Utilities Commission?

If you would like to provide telecommunications services within California, you must meet the CPUC’s application or registration requirements before you can legally begin providing these services in this state. For information regarding CPUC requirements, visit their website at www.cpuc.ca.gov, or call 1-415-703-2782.

What am I required to do?

You are required to collect the 911 surcharge from your customers and file a monthly, quarterly, or yearly return. The return is due on or before the last day of the second month following each reporting period. For example, the January 20XX returns are due March 31, 20XX. The returns must be signed by a responsible officer or agent of the service supplier, accompanied by payment for the surcharge due, made payable to the BOE, and postmarked on or before the due date. You must file a return even if you have no surcharge to report.

May I use a billing agent?

Yes. A billing agent may submit a bill to a service user on behalf of the service supplier, reseller, or billing aggregator.

What is a billing aggregator?

A billing aggregator is any person engaged in the business of facilitating the billing and collection of charges for intrastate telephone communication services. The billing aggregator summarizes the information about telephone communication services provided by one or more service suppliers and submits the combined information to one or more local exchange carriers for billing and collection.

Must I make my payment electronically?

You are required to pay the surcharge due by an Electronic Funds Transfer (EFT) if your surcharge liability averages $20,000 or more per month. In addition to paying the surcharge by the due date, you must also file the return on or before the due date. If no amount is owed, a return must still be submitted on or before the due date. A delinquent return, failure to pay by EFT, or a late transfer will result in penalty charges being imposed. For more information about EFT payments, click on our homepage at www.boe.ca.gov, then click the Make a Payment tab.

What mandated charges are not subject to the 911 Surcharge?

The following charges are not subject to the 911 Surcharge:
- Access Recovery Charge
- Universal Service Fund Charge (USF)
- Universal Lifeline Telephone Service (ULTS)
- California High-Cost Fund-A and Fund-B (CHCF-A & CHCF-B)
- California Teleconnect Fund (CTF)
When am I required to prorate recurring fixed flat-rate monthly charges that are both intrastate and interstate in nature?

Certain fixed flat-rate monthly charges that are both intrastate and interstate in nature must be prorated using a reasonable and verifiable basis to determine the amount of the interstate charge to which the 911 surcharge does not apply. Revenue and Taxation Code section 41020(b) of the Emergency Telephone User’s Surcharge Law provides multiple reasonable and verifiable methods for calculating the interstate revenue portion not subject to the surcharge.

A monthly recurring charge must be prorated, using a reasonable and verifiable method, if it is charged on both intrastate and interstate services provided by the service supplier and meets the following criteria:

- The monthly charge is imposed by a service supplier under its billing plan and must be paid by its customers each month as a precondition for the customers to be able to make any long distance calls, whether intrastate, interstate, or international.
- The charge is billed to a customer in the same amount each month, whether or not the customer makes any long distance calls during a billing period, and whether all long distance calls made during the billing period are intrastate or interstate or some combination of each.

The charge is set forth in the service supplier’s federal tariffs, filed with the Federal Communications Commission, not with the CPUC.

Please note: Monthly recurring flat charges, historically associated with the provision of local telephone service are not subject to proration.

How do I calculate the interstate portion of my charges?

A service supplier is permitted to choose between two (or three for VoIP service suppliers) optional methods for calculating the interstate portion of its charges. This is done by making a selection on the BOE-501-TEA, Emergency Telephone Users Surcharge—Exempt Interstate Revenue Election Form, and submitting it to the BOE.

The service supplier may elect to use one of the optional methods for each type of service it provides. Once the choice is made, the service supplier must use that method for that service for at least one calendar year before making a change in its election. The form does not need to be renewed annually; it will remain in effect until a revised form is submitted and another method is elected.

Please note: Service suppliers who do not submit an election form are required to report using the books and records method.

What is the tax rate?

The Governor’s Office of Emergency Services (OES) is required to determine the annual surcharge rate by October 1 each year. Following notification by the OES, the BOE sends a notice of rate change to service suppliers prior to January 1 of the following year. The current and prior Emergency Telephone Users Surcharge rates can be found on our website at: www.boe.ca.gov/sptaxprog/tax_rates_stfd.htm.

How are revenues used?

The 911 surcharge funds more than 500 official public safety answering points (PSAPs). PSAPs are primarily law enforcement agencies such as local police, sheriff, and fire departments. The 911 revenues pay for the network and infrastructure that support 911 services, and for ongoing support for refreshing equipment, the network, and the database information that appears at each site when someone calls “911.”

How long do I need to keep records?

All service suppliers must maintain and make available their records for examination on request by the BOE. All records required to be retained must be kept for at least four years.

How do I register?

You can apply for a permit, license or account at: www.boe.ca.gov/elecsrv/esrvcont.htm#Register

Taxpayers’ Rights Advocate

If you would like to know more about your rights as a tax or feepayer, or if you have been unable to resolve a problem through normal channels (for example, by speaking to a supervisor), please see publication 70, Understanding Your Rights as a California Taxpayer, or contact the Taxpayers’ Rights Advocate for help at (toll-free) 1-888-324-2798 or 1-916-324-2798. The Advocate’s fax number is 1-916-323-3319.

You also may write to:

Taxpayers’ Rights Advocate, MIC.70
State Board of Equalization
PO Box 942879
Sacramento, CA 94279-0070

Note: This publication summarizes the law and applicable regulations in effect when the publication was written. However, changes in the law or in regulations may have occurred since that time. If there is a conflict between the text in this publication and the law, decisions will be based on the law and not on this publication.