MISSISSIPPI WIRELESS COMMUNICATION COMMISSION

Rules and Regulations

Per Miss. Code § 25-53-171 (3), (4), (4)(f) and (5)(j) the Mississippi Wireless Communication Commission (WCC), in conjunction with the Department of Information Technology Services, shall have the sole authority to promulgate rules and regulations governing the operations of the wireless communications system and shall be vested with all legal authority necessary and proper to perform this function, to establish policies, procedures and standards which shall be incorporated into a comprehensive management plan for the operation of the statewide communications system, and to exercise any power necessary to carry out the intent of the statute.

ARTICLE I OFFICERS AND PERSONNEL

Section 1. Officers.

The officers of the WCC shall be a Chairperson and a Vice Chairperson.

Section 2. Chairperson.

The Chairperson shall be elected by the members of the WCC and serve a two year term. The Chairperson shall preside at all meetings of the WCC; co-sign all contracts, deeds and other instruments made by the WCC when required by federal or state regulations; and perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the WCC from time to time.

Section 3. Vice Chairperson.

The Vice Chairperson shall be elected by the members of the WCC and shall move into the position of Chairperson at the end of his/her term as Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence, incapacity, or inability of the Chairperson to act.

Section 4. Vacancy in Office

a. Vacancy in the Office of Chairperson

Should a vacancy exist in the office of Chairperson, as determined by a majority of the WCC, the Vice Chairperson shall assume the office of Chairperson and the WCC shall elect a new Vice Chairperson, with both officers to serve for a period of two years. Notwithstanding any provision of these Rules and Regulations to the contrary, a Chairperson who assumes this office prior to the date of the enactment of this subsection shall be eligible to serve a prospective two-year term, if elected by the WCC pursuant to Article I, Section 2.

b. Simultaneous Vacancies in the Offices of Chairperson and Vice Chairperson

Should the Executive Director of the Department of Information Technology Services ("Executive Director") determine that a vacancy exists simultaneously in the offices of

Chairperson and Vice Chairperson he/she shall notify the WCC and call for a meeting of the WCC for the purpose of holding an election of officers as soon as practicable, but in no event not less than sixty (60) days from the date the dual vacancy occurs. The Executive Director shall serve as interim Chairperson until a new Chairperson is elected. An election shall be conducted by the WCC to fill simultaneous vacancies in the offices of Chairperson and Vice Chairperson and those officers elected shall serve a full two-year term, with the right of succession by the Vice Chairperson, as provided in Article I, Section 3.

Section 5. Executive Manager.

The WCC Personnel Committee shall interview and select the Executive Manager, subject to the advice and consent of the WCC. The Executive Manager shall serve at the will and pleasure of the WCC. This individual may not concurrently serve as a member of the WCC representing one of those agencies listed in Miss. Code § 25-53-171. The Executive Manager shall be responsible to the members of the WCC and, subject to the policies and directions of the WCC, shall exercise control over the administration of the WCC and the execution of WCC policies. The Executive Manager shall co-sign all contracts and other documents approved by the WCC unless federal or state regulations require otherwise; appoint, remove, discipline, and supervise the WCC's personnel; supply the WCC with such information and recommendations as necessary or as may be requested by the WCC; authorize and certify payrolls, requisitions and other documents relating to the financial affairs of the WCC; and perform such other duties as may from time to time be prescribed for the Executive Manager by the WCC. The Executive Manager may delegate such administrative duties and authority as are consistent with these by-laws and such other rules and regulations as may from time to time be approved by the WCC. The salary of the Executive Manager shall be set by the Personnel Committee. The Executive Manager shall attend all meetings of the WCC, maintain a full and thorough record of all proceedings of the WCC, and keep all official records of the WCC.

Section 6. Support Staff.

The Personnel Committee shall have the authority to approve or deny all requests of additional staff as petitioned by the Executive Manager. Once the position is approved, the Executive Manager is authorized to interview, hire, dismiss, and set salary for the individual positions pursuant to the rules and regulations of the State Personnel Board.

ARTICLE II MEETINGS

Section 1. Regular Meetings.

Regular meetings shall be conducted on the first Thursday of each month beginning at 1:30 p.m. and shall be held in the first floor auditorium of Mississippi Department of Transportation, or such other location as may be selected and announced in advance by the Chairperson. Public notice shall be provided for each meeting as required by state law.

Section 2. Special Meetings.

Special meetings may be called at any time by the Chairperson or by the majority of members of the WCC by delivering personally, by mail or by e-mail, written notice to each member of the

WCC at least 24 hours before the time of such meeting as specified in the notice. Said notice shall specify the time and place of said meeting and the business to be transacted. No other business shall be considered at such meetings.

Section 3. Public Meetings.

All regular and special meetings of the WCC shall be open to the public except for such executive sessions.

Section 4. Quorum.

A majority of the members of the WCC shall constitute a quorum for the transaction of business, but a smaller number may recess from time to time until a quorum is obtained.

Section 5. Voting.

Voting on all matters shall be by voice vote or by roll call, and the ayes and nays shall be entered in the minutes of the meeting. All actions shall require a majority vote of the members present provided a quorum is present. The Chairperson will have a vote on any measure before the WCC. The Chairperson may not make or second motions.

Section 6. Designees.

If a member of the WCC , as provided in Miss. Code § 25-53-171(2)(a)-(o), opts to send a designee in his/her place, as allowed by this Section, said member shall notify the Chairperson and the WCC Executive Manager of his/her designee via his/her agency letterhead prior to or at the meeting. Such letter of designation shall remain on file and considered the official appointment of his/her designee as long as that commission member remains a member of the WCC.

Section 7. Rules and Order.

The WCC shall follow Robert's Rules of Order to the extent such procedures are not inconsistent with the WCCRules and Regulations, enabling statutes, or other Mississippi law.

ARTICLE III COMMITTEE STRUCTURE

Section 1. Committees and Appointments.

The following standing committees will be appointed: Personnel Committee, Interoperability/Governance Committee and Procurement Committee. Each standing committee will consist of five members, with two members being appointed by the Chairperson, two members being appointed by the Vice Chairperson and one member being appointed by the representative of the Mississippi Department of Information Technology Services. No member of the WCC, including the Chairperson or Vice Chairperson may serve on more than two committees. The Executive Manager may not serve on any standing committee. The terms of standing committee members shall be the same as the Chairperson. At the beginning of a Chairperson's term, standing committees will be appointed as described above in this Article. There shall be no prohibition to standing committee members being reappointed to serve

additional terms. Ad hoc committees may be appointed by the Chairperson on an as needed basis. The Chairperson shall fill any vacancies that occur on standing committees during their term.

ARTICLE IV EXPENDITURES

Section 1. Approval of Expenditures and Contracts.

Per Miss. Code § 25-53-171 (7)(a) the Mississippi Department of Information Technology Services (ITS) shall administer expenditures approved jointly by the WCC and the Mississippi Department of Information Technology Services. Further, the WCC, in conjunction with Mississippi Department of Information Technology Services, may enter into contracts or extensions thereof ("Contracts") upon approval by a majority of the members of the WCC.

(1) Approval of Contracts greater than $250,000. All contracts in excess of $250,000 lifecycle cost shall be approved in advance by ITS and the WCC and, after full approval, shall require the signatures of the ITS Executive Director and the Chair of the Commission.

(2) Approval of Contracts of $250,000 or Less. All contracts of $250,000 lifecycle cost or less shall be approved by ITS and the WCC Executive Manager or designee.

(3) All WCC Expenditures shall be approved in advance by ITS and the WCC Executive Manager or designee and ratified by a majority of the members of the WCC at the following meeting.

ARTICLE V PUBLIC RECORDS

Proposals, books, records, papers, or other documentary materials, regardless of physical form or characteristics, in use, prepared, possessed or retained by the WCC for use in the conduct of its business are public records under Mississippi law and are subject to disclosure to any person making a request thereof, according to the procedures documented below.

Section 1. Submission of Requests

All requests for information under the Public Records Act must be submitted in writing to:

Executive Manager

Mississippi Wireless Communication Commission 412 East Woodrow Wilson Avenue, Mail Stop 6601 Jackson, MS 39216-1405

RE: PUBLIC RECORDS REQUEST

Please Note: No verbal or telephone requests can be accepted for either standard documents or special requests. Because payment must be submitted with the request, no email requests can be accepted.

For documents listed on the attached Schedule of Fees under "Standard Documents," each request must be accompanied by payment in the amount specified on the payment schedule.

For any special request (i.e. any request for information not included in the list of Standard Documents), the request must be accompanied by payment in the amount of $60 to cover the first hour of staff time involved in evaluation and research of the request. This payment is non-refundable and is applied toward the total actual cost of filling the public records request.

Requests not accompanied by payment in the amount specified for Standard Documents or in the amount of $60 for special requests will be closed within ten (10) Working Days of the date of notification to the requestor, if payment is not received. "Working Days" as used herein means Monday through Friday but excludes State recognized holidays mandated by Mississippi Code Annotated, Section 3-3-7 (1972), other holidays identified in holiday proclamations published or distributed by the Mississippi Secretary of State, and any other day the offices of state agencies are officially closed for business.

Section 2. Timetable for Processing

Upon receipt of a written request accompanied by the appropriate initial payment as described above, the WCC will provide the requested Standard Document within seven (7) Working Days, or, for special requests, will furnish the requestor within seven (7) Working Days a cost estimate and projected schedule for providing the information included in the request. When payment in the amount of the estimated remaining balance is received from the requestor, WCC will provide the requested information.

The WCC staff will make a good faith effort to provide the requested information within 14 Working Days after payment is received. Note, however, that if Third Party Information is requested, additional time will be required to notify the Third Party and to provide this party the opportunity to protect any confidential information. The WCC cannot accept payment for the balance of the request until the deadline for obtaining a court order to block release of Third Party Information has passed. (See discussion of Third Party Information below).

Section 3. Information on Proposal Results

All information and documents applicable to a request for proposals and awarded contracts, including proposals received, will be available to any business or person via the submission of a public records request as outlined in this policy. Proposal information will be handled as described below under Third Party Information.

Section 4. Third Party Information

The WCC receives certain information from Third Parties that may be confidential. In compliance with the Mississippi Public Records Act of 1983 [Section 25-61-9(1), Mississippi Code Ann. 1972, as amended], trade secrets or confidential commercial or financial information is not released until notice has been given to the party submitting the information. When the WCC receives a request to release Third Party Information, the owner of this information is notified of the name and address of the party requesting the information and the nature of the information requested. The requestor also receives a copy of this notification. The owner of the information is given ten (10) Working Days to obtain a court order protecting the information as confidential. This time period may be extended for a reasonable amount of time, at the discretion of the Executive Manager.

If a court order is delivered to the WCC by this deadline, the WCC will notify the requestor that the information is protected and cannot be furnished. If a court order is not obtained or if portions of the information are excluded from the court order, the WCC releases all information not protected to the requestor once the deadline has passed and payment for the information has been received from the requestor.

Section 5. Assessment of Costs to Requestor

Payment for information requested must be made in advance and must be sufficient to cover the actual costs for the WCC and/or the customer agency/institution to furnish the information. Such costs include, but are not limited to, staff and/or counsel time to evaluate and research the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.

Payment must be in the form of a certified check, money order, or corporate check made payable to the WCC for the amount specified. No cash or personal checks can be accepted. Should the actual cost of producing the requested information exceed the estimate provided, the requestor will be notified of the additional amount due before the WCC provides the information.

Section 6. Requests for Standard Documents

In order to save time and expense to the requestor, the WCC has established a list of standard documents and rates for frequently requested information. The list of these documents and associated costs are in the Standard Documents portion of the Schedule of Fees shown below. It is not necessary to send the $60 evaluation and research fee for Standard Documents.

Section 7. Special Requests

When a public records request is received for information not on the list of Standard Documents, the WCC staff will evaluate the request; research the project file and other sources to see what information is available and in what format the information is stored; and estimate the effort that will be required to reproduce the information. This research may require the retrieval of files that have been archived or the search of electronic records. The WCC staff will then prepare a schedule and estimated cost for the public records request, based upon the volume of the information, the format in which the information is stored, and whether or not Third Party Information has been requested. The requestor must provide a payment of $60 with the public records request to cover the first hour of staff time involved in researching the request, retrieving files, and preparing the estimate. This payment is non-refundable if the requestor decides not to proceed with the request after receiving the schedule and estimated cost.

Please note that the following types of public records requests tend to require additional research and staff time and can have significant cost associated with filling the request:

(1) Requests with Large and/or Nonspecific Scope:

The less defined and/or more inclusive the scope of the public records request, the more documents and files have to be searched and evaluated by the WCC staff. For example, wording in requests asking for "all records, papers, documents, messages, correspondence, notes, etc.

related to this or similar projects" is extremely open-ended and requires staff to interpret what time-frame, sources of information, and project files are reasonable to research and evaluate. The wider the "net," the greater the effort required, and, thus, the greater the cost to the requestor.

(2) Postponing a Request:

Sometimes the requestor will submit a public records request and then not respond with payment during the required time frame once the schedule and estimate are provided. If the requestor later decides to proceed with the request, the WCC staff must again locate the information and develop a new schedule and cost estimate. The requestor must submit a new request with the $60 initial payment.

(3) Delays in Requesting Information:

Project files may be archived off-site after a reasonable time period. Requests for information on projects for which a contract has been signed for several months are typically more expensive to respond to than requests for information on projects that have been recently awarded. The WCC reserves the right to use temporary personnel and services, the cost of which will be passed on to the requestor, if sufficient in-house personnel are not available to respond to the request in a timely manner.

The charges for the WCC to fulfill public records requests are based upon the following:

Section 8. Schedule of Fees

Standard Documents:	
Printed Copy of RFPs	$25, plus actual cost of reproducing any oversized diagrams or other special attachments
Copy of RFPs on CD in Microsoft Word format	$25 for Word document; any oversized diagrams or other special attachments will be reproduced on paper or electronically at actual cost
Paper copy of a project contract, excluding confidential exhibits	$25
Special Requests and Variable Costs:	
Evaluation & research payment (Due with the submission of Public Records requests for special requests and is applied toward the actual cost of filling the Public Records request)	$60
Fees for fulfilling Special Requests, based on the expense categories below:	Quoted individually upon receipt of written request and $60 evaluation and research payment (above).
In-house photocopies	$0.20 per page (paper/copier fee); actual cost for color copies
CD (with .doc, .xls, or .pdf files of requested information)	$5.00 per CD (media fee)
Postage, UPS, Federal Express*	Actual Cost

Staff time	Actual staff time required to provide all services to fulfill the Public Records request, including but not limited to researching; providing notifications; and compiling, copying, scanning, and delivering requested information, at staff members' hourly rates ($60 - $75 per hour)
Computer processing	Actual Cost
Temporary agency personnel*	Actual Cost
Reproduction cost by outside print facility*	Actual Cost
Attorney time	Actual Cost

***The WCC may request that payments for outside services be made by the requestor directly to the company or person providing the services.**

Acceptable Forms of Payment:

1. Corporate Check
2. Certified Check
3. Money Order

No cash or personal checks can be accepted.