



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

February 3, 2021

Jessica B. McNeel, Esq.
Attorney for Jackson County
Emergency Communications District
Post Office Box 1529
Pascagoula, Mississippi 39568-1529

Re: Wireless Communication Commission “sign-off approval”

Dear Ms. McNeel:

The Office of the Attorney General has received your request for an official opinion.

Background

You state that the Jackson County Emergency Communications District (“JCECD”) is currently working with a vendor to develop a managed service agreement for the provision of P25 radio services. Under the proposed agreement, the vendor will own and operate the radio system.

Question Presented

If the JCECD makes a finding of fact that it will neither own nor operate the P25 radio system under a proposed managed service agreement, is the JCECD required to obtain “sign-off approval” from the Wireless Communications Commission (WCC)?

Brief Response

No. The “sign-off approval” requirement is only applicable to communication systems that are “owned and operated by any state or local governmental entity.”

Applicable Law and Discussion

As cited in your letter, Mississippi Code Annotated Section 25-53-171 provides, in part:

(1) There is hereby created the Wireless Communication Commission, which shall be responsible for promoting the efficient use of public resources to ensure that law

enforcement personnel and essential public health and safety personnel have effective communications services available in emergency situations, and to ensure the rapid restoration of such communications services in the event of disruption caused by natural disaster, terrorist attack or other public emergency.

...

(4) The commission, 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 described in paragraph (a) and shall be vested with all legal authority necessary and proper to perform this function including, but not limited to:

...

(i) Having sign-off approval on all wireless communications systems within the state which are owned or operated by any state or local governmental entity, agency or department.

Miss. Code Ann. § 25-53-171 (emphasis added).

“When the words of a statute are plain and unambiguous, there is no room for interpretation or construction, and we apply the statute according to the meaning of those words.” *Hedgepeth v. Johnson*, 975 So. 2d 235, 238 (Miss. 2008) (quoting *Coleman v. State*, 947 So. 2d 878, 881 (Miss. 2006)).

The language “owned or operated by any state or local governmental entity” in Section 25-53-171(4)(i) being plain and unambiguous, there is no requirement for the JCECD to obtain “sign-off approval” from the WCC if the radio system will be owned and operated by the vendor.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Phil Carter

Phil Carter
Special Assistant Attorney General