

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. 911-002
on its own motion, seeking to)
determine the surcharge for the)
Enhanced Wireless 911 Fund.) ORDER SETTING SURCHARGE
)
)
) Entered: November 24, 2014

BY THE COMMISSION:

The Commission, on its own motion, scheduled a hearing on this matter pursuant to an order entered September 23, 2014, to determine the annual surcharge for the Enhanced Wireless 911 Fund (Fund), pursuant to Neb. Rev. Stat. § 86-458 (2008). The hearing was rescheduled pursuant to hearing officer order entered October 9, 2014.

Notice of hearing was sent to all interested parties including all wireless service providers and public safety answering points on or about October 9, 2014. Further notice was published in the Omaha World Herald, the Lincoln Journal Star, and The Daily Record, Omaha, on October 28 and November 4, 2014.

The hearing was held on November 13, 2014. Joselyn Luedtke appeared on behalf of the Commission staff. Loel Brooks appeared on behalf of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (Viaero).

E V I D E N C E

Tyler Frost, staff economist, testified on behalf of Commission staff. Mr. Frost testified that surcharge revenue growth has slowed as predicted, indicating a saturation point in the number of wireless subscribers. Projections continue to decrease, expected from last year's decrease in the surcharge. Further, the funding of text to 911 outside the 911 support allocation methodology will continue to draw down the fund. Mr. Frost recommended retaining the surcharge at the current level of \$0.45, while continuing to monitor remittance levels.

Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department, testified on behalf of Commission staff. Ms. Vanicek provided an overview of the current status of the Fund and the total approved expenditures of \$8.9 million for the 2014-2015 funding year. Ms. Vanicek recommended that at least a six-month operating reserve be maintained in the Fund and that the current balance represents roughly a two-year operating reserve. Ms. Vanicek stated that in light of the Next Generation 911 study and the current balance, the surcharge should remain at \$0.45.

Kara Thielen provided testimony on behalf of Viaero in support of maintaining, if not increasing, the current surcharge.

The Enhanced Wireless 911 Advisory Board recommended at their meeting on October 20, 2014, that the surcharge remain at the current level.

F I N D I N G S A N D C O N C L U S I O N S

Pursuant to *Neb. Rev. Stat.* § 86-457, the surcharge may be increased by the Commission up to \$.70 per active telephone number or functional equivalent for all counties but Douglas County, which remains capped at \$.50.

The Commission finds that based upon testimony provided by staff, the current fund balance, and the potential transition to Next Generation 911, the surcharge should be maintained forty-five cents (\$.45) per active telephone number or functional equivalent, per month. The Commission will have the opportunity to revisit the surcharge level annually. We will continue to monitor funding needs, revenue projections and the fund balance and will make adjustments in the future should it be necessary.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the surcharge for the Enhanced Wireless 911 Fund should remain at forty-five cents (\$.45) per active telephone number or functional equivalent, per month effective January 1, 2015.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of November, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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FINDINGS AND CONCLUSIONS

Pursuant to Neb. Rev. Stat. § 86-457, the surcharge may be increased by the Commission up to \$.70 per active telephone number or functional equivalent for all counties but Douglas County, which remains capped at \$.50.

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Aime Boyce
Tim Schram
Dee Johnson
David Hays

Frank E. Landis
Chairman

ATTEST:

Steve Meradile
Executive Director

//s//Frank E. Landis