BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. 911-002
Commission, on its own motion,)
seeking to determine the)
surcharge for the Enhanced) ORDER SETTING SURCHARGE
Wireless 911 Fund.)
) Entered: November 8, 2016

BY THE COMMISSION:

The Commission, on its own motion, scheduled a hearing on this matter pursuant to an order entered September 27, 2016, to determine the annual surcharge for the Enhanced Wireless 911 Fund (Fund), pursuant to Neb. Rev. Stat. § 86-458 (2008).

Notice of hearing was sent to all interested parties including all wireless service providers and public safety answering points on or about September 28, 2016. Further notice was published in the Omaha World Herald, the Lincoln Journal Star, and The Daily Record, Omaha, on October 17 and 24, 2016.

The hearing was held on November 1, 2016. Ms. Jamie Reyes appeared on behalf of the Commission staff. Mr. Loel Brooks appeared on behalf of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (Viaero).

EVIDENCE

Director of Vanicek, Sue 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 \$8.2 million for the 2016-2017 funding year. Expenditures include around \$144,000 annually for text to 911. Ms. Vanicek recommended that at least a six-month operating reserve be maintained in the Fund and that the current balance is at about a 20 month operating reserve. Remittances have also remained stable over the last year. Ms. Vanicek stated that LB 938 established the 911 Service Systems Act, which directed the Commission to develop and prepare a plan for a statewide Next Generation 911 service system. The new fund created by LB 938 received a transfer from the Enhanced Wireless 911 Fund of \$2.2 million, with another transfer of \$2.0 million to be made on or before July 5, 2017. Ms. Vanicek recommended that, due to the potential transition to Next Generation 911 and the current balance, the surcharge should remain at \$0.45.

Mr. Brooks provided testimony on behalf of Viaero in support of maintaining the current surcharge, stating that

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adequate funds should be maintained for costs associated with future Next Generation 911 implementation. Mr. Brooks submitted a copy of his written testimony, which was entered into the record.

The Enhanced Wireless 911 Advisory Board recommended at their meeting on October 26, 2016 that the surcharge remain at the current level.

FINDINGS AND CONCLUSIONS

Pursuant to Neb. Rev. Stat. \S 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 transition to Next Generation 911, the surcharge should be maintained at 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. The Commission will continue to monitor funding needs, revenue projections and the fund balance and will make adjustments in the future should it be necessary.

ORDER

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 (\$0.45) per active telephone number or functional equivalent, per month effective January 1, 2017.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this $8^{\rm th}$ day of November, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Guole Logo Cystal Groades

Chairman

ATTEST:

Executive Director

//s//Frank E. Landis
//s//Tim Schram

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