### 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 28, 2017

#### BY THE COMMISSION:

The Commission, on its own motion, scheduled a hearing on this matter pursuant to an order entered October 31, 2017, to determine the annual surcharge ("Surcharge") for the Enhanced Wireless 911 Fund ("Fund"), pursuant to Neb. Rev. Stat. § 86-458.

Notice of hearing was sent to all interested parties including all wireless service providers and public safety answering points on or about October 31, 2017. Further notice was published in the Omaha World Herald, the Lincoln Journal Star, and The Daily Record, Omaha, on November 6 and 13, 2016.

The hearing was held on November 21, 2016. Mr. Matt Effken 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

Mr. Dave Sankey, State 911 Director, testified on behalf of Commission staff. Director Sankey provided an overview of the current status of the Fund and staff's recommendation for no change to the current rate of the monthly Surcharge.

Director Sankey testified that the balance in the fund as of October 31, 2017 was approximately \$11.85 million. He further stated that the total approved expenditures from the fund for the 2017-2018 funding year were \$8.6 million. These amounts were allocated to cover administrative expenses, provide support to Public Safety Answering Points and wireless service providers, and compensate local exchange carriers for costs associated with the provision of enhanced wireless 911 service. Director Sankey testified that Fund expenditures also included approximately \$250,000 annually for text-to-911 costs.

The Director stated that the forecasted remittances for the 2017-2018 fiscal year are approximately \$8.2 million, which is slightly higher than the actual remittances of \$8.0 million for the 2016-2017 fiscal year.

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Director Sankey further testified that plan for the 911 Service System (the "Plan") recently adopted by the Commission pursuant to LB 938 [2016] could be implemented without an increase in the Surcharge for the coming year. Therefore, Director Sankey recommended that the Surcharge remain at \$0.45. In addition, Director Sankey advised the Commission that the Enhanced Wireless 911 Advisory Board ("Advisory Board") had met on November 16, 2017, recommending that the Surcharge remain at the current level.

Mr. Brooks provided testimony on behalf of Viaero. Mr. Brooks testified that Viaero supported maintaining the Surcharge at the current level. Mr. Brooks further recommended that the Commission adopt a policy to establish and maintain an adequate minimum reserve balance in the Fund to deal with future contingencies. Mr. Brooks submitted a copy of his written testimony, which was entered into the record.

# 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.

The Commission finds, based upon witness testimony, the staff recommendation, the Advisory recommendation, the current fund balance, and the coming implementation of the Plan, that 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. 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, 2018.

<sup>&</sup>lt;sup>1</sup> In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement provisions of LB 938 [2016] and to plan, implement, coordinate, fund, deploy, manage, and maintain a plan for the 911 service system, Application No. 911-067/PI-208, ORDER ADOPTING PLAN (November 7, 2017).

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this  $28^{\rm th}$  day of November, 2017.

COMMISSIONERS CONCURRING:

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

ATTEST:

Chairman

Deputy Director

NEBRASKA PUBLIC SERVICE COMMISSION