

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,     ) Docket No. 911-011/PI-79  
on its own motion, seeking to         )  
establish Phase II enhanced            ) ORDER  
wireless 911 service                    )  
implementation.                         ) Entered: October 24, 2006

BY THE COMMISSION:

The Enhanced Wireless 911 Act (the Act) provides in part, "The commission shall have any powers necessary to carry out the intent and purposes of the act." <sup>1</sup> Furthermore, "The commission shall determine the most efficient method for providing enhanced wireless 911 service."<sup>2</sup> In anticipation of the costs and data development associated with Phase II, the Commission established a process by which implementation of Phase II can be handled in an efficient and cost effective manner.

On May 21, 2004, the Commission issued a Request for Proposal (RFP) to vendors in an effort to coordinate the purchase of Phase II equipment and services for all PSAPs that have implemented Phase I and require these resources.

The Commission received nine responses to its RFP. The responses were reviewed and scored by the Review Committee consisting of the Director of the Wireless E911 Department, members of the Wireless E911 Advisory Board, and Commission Staff. On August 31, 2004, the Commission designated Vendors of Choice for Phase II of Enhanced Wireless 911.

The Commission then held public workshops to allow each Vendor of Choice to meet with PSAP representatives to discuss the specific needs of the PSAPs for Phase II implementation.

The Commission required PSAPs to contract directly with the individual Vendors of Choice for the purchase of Phase II equipment and services to be eligible to seek funding from the Wireless Enhanced 911 fund for the necessary equipment and services. All contracts between Vendors of Choice and PSAPs must comply with the provisions of the RFP and responses to the RFPs were required to be filed with the Commission for approval prior to execution.

On August 29, 2006, the Commission issued an Order Requesting Amended Offerings and Pricing from Vendors of Choice which would allow any Vendor of Choice wishing to update its

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<sup>1</sup> Neb. Rev. Stat. § 86-465(3).

<sup>2</sup> Neb. Rev. Stat. § 86-464.

equipment offerings and services to submit to the Commission at any time, information regarding any offerings not available at the time of their original response to the RFP. Further, if a vendor not previously chosen as a Vendor of Choice wished to submit new equipment and service offerings for consideration which was not previously rejected pursuant to the RFP process, they were given the opportunity to do so. Upon Commission approval, the new offerings would be eligible for funding under RFP No. 911-II-04, consistent with Commission rules and regulations, orders and applicable statutes.

#### O P I N I O N S     A N D     F I N D I N G S

The proposed equipment described in the responses meets or exceeds the Commission's original RFP requirements. The Vendors were given an opportunity to amend their responses to allow for proposed equipment and pricing which was not available at the time the original responses to the RFP were filed. Frontier was not previously approved as a Vendor of Choice. The Commission has reviewed Frontier's submission in response to the Commission's August 29, 2006 Order and the Commission hereby approves it as a Vendor. The remaining providers were previously selected by the Commission as Vendors of Choice.

The Commission staff shared the amended offerings and pricing from the Vendors with the Advisory Board and the Board was given the opportunity to object to any amended offering and price list filed. No objections were filed.

Upon consideration of the responses to the Commission's Order Requesting Amended Offerings and Pricing from Vendors of Choice, the Commission is of the opinion and finds the bids and implementation schedules from the following Vendors should be approved as submitted.

1. Frontier/PlantCML
2. Platte Valley/TCI
3. Windstream/PlantCML
4. Qwest/Positron

This Order does not authorize or guarantee reimbursement from the Fund. The issue of reimbursement will be decided on a case-by-case basis through the application process consistent with past practices of the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Request for Proposals filed with the Commission be and they are hereby approved as submitted.

IT IS FURTHER ORDERED that all Vendors of Choice and PSAPs shall comply with the requirements set forth herein and the Enhanced Wireless 911 Services Act, Commission rules and regulations, and Commission orders.

MADE AND ENTERED at Lincoln, Nebraska, this 24<sup>th</sup> day of October, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director