

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 APPROVING ADDITIONAL  
wireless 911 service                   ) VENDOR OF CHOICE  
implementation.                         )  
  ) Entered: December 9, 2008

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, as part of that process, 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, that require these resources. On August 31, 2004, the Commission designated Vendors of Choice for Phase II of Enhanced Wireless 911. The Commission has continued to allow new offerings and to approve new vendors of choice on a case-by-case basis.

On or about March 10, 2008, Zetron submitted a proposal and request to become a vendor of choice with certain equipment offerings. Currently, Zetron equipment is used by some PSAPs in Nebraska. On or about May 20, 2008, the Commission entered an order approving Zetron's offering and placing the company on its list of approved vendors. At the time, it was the Commission's understanding that Zetron would be selling the equipment directly. However, subsequently we were informed that the equipment would be sold through two retailers, Prairie States Communications and Platte Valley Communications. The Commission requested and received additional information regarding the retail agreements with the vendors. Zetron, itself, will not be selling directly to PSAPs but are instead acting as a wholesaler.

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

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

All pricing offered by the retailers is consistent with that in Zetron's original filing.

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

Although the Commission previously closed the RFP to amendments, based upon Zetron's request, the Commission finds that the RFP can be opened for purposes of considering the request.

The Commission has reviewed Zetron's additional submission. The retailers with whom Zetron has contracted are offering the same equipment at the same pricing originally contained within Zetron's proposal and approved by the Commission. Based upon the information provided, the Commission hereby finds that for purposes of providing the Zetron equipment, Platte Valley Communications and Prairie States Communication are approved. Platte Valley's equipment offerings should be amended to include the Zetron offering and Prairie States should be included on the vendor of choice list for purposes of providing the approved Zetron equipment.

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.

Additionally, PSAPs are reminded that they must comply with all applicable state and local laws with respect to bidding and awarding contracts. A vendor's inclusion on the list of approved vendors does not take the place of any bidding requirements.

# O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the RFP should be amended to include Platte Valley Communications and Prairie States Communications, as vendors of choice offering the previously approved Zetron equipment.

IT IS FURTHER ORDERED that both Platte Valley and Prairie States Communications are bound by the pricing and terms set

forth in Zetron's original submission and as previously approved by the Commission. Any change in pricing or terms, shall require a filing by the retailer and approval from the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of December, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Deputy Director