

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. 911-013/
on its own motion, seeking to) PI-96
investigate collection and)
remittance of enhanced 911) ORDER OPENING DOCKET
surcharges by prepaid wireless)
carriers.) Entered: April 19, 2005

BY THE COMMISSION:

The Commission is responsible for administration of the Wireless Enhanced 911 Fund, pursuant to the Enhanced Wireless 911 Services Act (Act).¹

"Each wireless carrier who has a subscriber with a billing address in Nebraska shall collect a surcharge of not more than fifty cents per month per access line."² The surcharge is currently fifty cents and must be added "to each subscriber's billing statement" as "a separate line item charge" on the statement labeled "Enhanced Wireless 911 Surcharge".³

The Commission has been asked to clarify whether certain prepaid wireless providers are required to collect and remit the surcharge.

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

The Enhanced Wireless 911 Services Act provides that "The Commission shall determine the most efficient method for providing enhanced wireless 911 service,"⁴ and further provides that "[t]he Commission shall have any powers necessary to carry out the intent and purposes of the Act."

Due to the complexity of the issue and possible effects for other carriers and on the Enhanced Wireless 911 Fund, the Commission finds that it should open a public investigation to explore the following issues:

- a. Whether prepaid wireless providers are required to collect and remit the Enhanced Wireless 911 Surcharge?
- b. How the prepaid wireless providers should collect the Enhanced Wireless 911 Surcharge from individuals purchasing their services?

¹ See Neb. Rev. Stat. §§ 86-442 to 86-469 (2002 Cum. Supp.).

² Neb. Rev. Stat. § 86-457.

³ Id.

⁴ Neb. Rev. Stat. § 86-463.

Interested parties may file comments in this matter on or before **5:00 p.m., May 20, 2005**. All parties submitting comments should provide one original, five paper copies and one electronic copy in MS Word format on a disk/CD or sent via email to angela.melton@psc.ne.gov and joan.raffety@psc.ne.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public investigation is hereby opened as captioned above.

IT IS FURTHER ORDERED that interested parties may file comments in this matter on or before **5:00 p.m., May 20, 2005**. All parties submitting comments shall provide one original, five paper copies and one electronic copy in MS Word format on a disk/CD or sent via email to angela.melton@psc.ne.gov and joan.raffety@psc.ne.gov.

MADE AND ENTERED at Lincoln, Nebraska, this 19th day of April, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director