

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-017/PI-116
Public Service Commission, on)
its own motion, to establish)
interim policies for the) PROGRESSION ORDER NO. 2
Administration of the Enhanced)
Wireless 911 Fund pending)
Implementation of LB 1222)
[2006].) Entered: December 16, 2008

BY THE COMMISSION:

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

On January 9, 2007, the Nebraska Public Service Commission (Commission) established interim policies for the Administration of the Enhanced Wireless 911 Fund (Fund) pending Implementation of LB 1222 [2006]. In addition to establishing other policies, the order set a deadline of February 16, 2007 for the filing of invoices by wireless carriers for past billing periods and for PSAPs to file funding or reimbursement requests, who could have requested reimbursement or funding under the prior law, but were advised to wait pending the outcome of legislative action.

Subsequently, Progression Order Number 1, entered February 13, 2007, amended the interim policy establishing a statewide allocation factor of 55% wireless to 45% wireline, until the permanent funding mechanism is established and prohibiting any increase in costs for local exchange carriers during the interim period.

On February 29, 2008, NE-Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) submitted a funding request for implementation of Phase II in three counties. The interim policy does not specifically address whether these costs are reimbursable, and no other wireless carrier has requested reimbursement for similar costs. Due to concerns of ensuring that all wireless carriers are treated similarly and not over-committing available monies in the Fund, the Commission denied Viaero's request in an order entered on November 13, 2008 in Application No. 911-022.09. Pursuant to the decision in docket 911-022.09, the Commission directed that the interim policy be amended to be consistent with its findings in the Viaero application.

The Commission also finds that certain areas of the interim policy required clarification. Therefore, the Commission further amends the interim policy to state that a PSAP may request a waiver or adjustment of the funding allocation factor for good cause, including but not limited to, financial need. Additionally, all counties are responsible for ensuring that they

have complied with all bidding requirements pursuant to state and local law.

An amended interim policy is attached hereto as Appendix A. Policies regarding mapping, Phase I funding, Phase II funding, wireless carrier costs, GIS data development and the Data Repository, multiple PSAPs within a county and, other miscellaneous issues remain in effect.

The Commission may amend the interim policy at any time.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the interim policy as set forth in Appendix A attached hereto, and incorporated herein by this reference, be adopted.

IT IS FURTHER ORDERED that the amended interim policy supersedes the previous policy adopted in this docket on February 13, 2007.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of December, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair:

ATTEST:

Executive Director