

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 ) ORDER ADOPTING INTERIM POLICY  
Administration of the Enhanced )  
Wireless 911 Fund pending )  
Implementation of LB 1222 )  
[2006]. ) Entered: January 9, 2007

BY THE COMMISSION:

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

On June 6, 2006, the Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to establish interim policies for the Administration of the Enhanced Wireless 911 Fund (Fund) pending Implementation of LB 1222 [2006].

The Commission received comments from Wireless Enhanced 911 Advisory Board, PSAPs, wireless carriers, local exchange providers, and third-party vendors regarding the proposed interim policy. The Commission finds that it is essential to establish an interim policy regarding priorities and funding so that the implementation of wireless enhanced 911 may continue pending the establishment of the permanent funding mechanism required by LB 1222 [2006].

Based upon the comments received, in the present docket, the Commission finds that the interim policy attached hereto as Appendix A be adopted. The policy recognizes that the change in law giving the Commission discretion to pay less than 100% for costs associated with the implementation of wireless enhanced 911 may have a detrimental effect on some PSAPs. Therefore, the policy sets forth a deadline of **February 16, 2007** for the filing of reimbursement and funding requests and for the filing of invoices by wireless carriers for past billing periods. This policy establishes a deadline for PSAPs to file, who could have requested reimbursement or funding under the prior law, but were advised to wait pending the outcome of legislative action.

Appendix A also sets forth policies regarding mapping, Phase I funding, Phase II funding, wireless carrier costs, GIS data Development and the Data Repository, multiple PSAPs within a county, testing and other miscellaneous issues.

Prior to the February 16, 2007 deadline, the Commission will establish a statewide factor that is to be used during the

remainder of the interim period to allocate wireless and wireline costs of E911. Funding will then be determined based upon this statewide factor until such time as the permanent funding mechanism is established pursuant to LB 1222 [2006].

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 attached hereto as Appendix A be and is hereby adopted as outlined herein.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of January, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

## Interim Implementation Policy

### Equipment Funding Requests

All PSAPs who have purchased or contracted for the purchase of equipment necessary for the implementation of wireless E911 service must file a request for reimbursement **no later than February 16, 2007** in order to be considered for reimbursement. This affects any previously submitted request that was denied, in whole or in part, or any new request not previously submitted. This also includes any request for reimbursement for equipment necessary to replace Motorola Centralink systems or other systems no longer receiving manufacturer support. All requests should include any costs for maintenance, software upgrades made and other attendant costs. The Commission will consider all funding requests submitted and any eligible equipment will be reimbursed up to 100% during this period.

Requests for reimbursement filed after **February 16, 2007** will be subject to the applicable allocation factor. This interim policy does not guarantee funding for any particular request. All requests must be reviewed on a case by case basis on their own merits.

**This does not affect funding for future equipment purchases. Prior to February 16, 2007, the Commission will establish a statewide factor that will be used during the interim period to allocate wireless and wireline costs of E911. Funding will then be determined based upon the statewide factor until such time as the funding mechanism is established pursuant to LB 1222 [2006].**

### Mapping

All PSAPs, counties or cities who have developed GIS data on their own and have not yet submitted requests for reimbursement, must do so **no later than February 16, 2007**. All data must be provided in a form consistent with the standards set forth by the Commission to be included in the data repository prior to a PSAP receiving any funding or access to the data repository. The Commission staff will continue to develop a policy regarding access to and use of the data repository.

The Commission will continue to fund the development of GIS data up to 100% during the interim period. Any requests for funding for the development of GIS data will continue to be reviewed on a case-by-case basis.

### Phase II Funding

Any requests for Phase II costs, whether already incurred or new costs, will be considered on a case-by-case basis. Any requests for reimbursement of already incurred Phase II costs must be submitted **no later than February 16, 2007**. Failure to submit requests for

reimbursement of already incurred costs by said date, may constitute a waiver of reimbursement.

### Testing

During the interim period, all PSAPs, wireless carriers, LECs and vendors involved in the implementation of Phase I or Phase II wireless enhanced 911, must do so consistent with the Phase I standards adopted by the Commission in Progression Order No. 5 in Docket No. 911-011/PI-79 and the Phase II standards adopted by the Commission on October 17, 2006 in the same docket. The applicable testing standards shall be followed on any initial implementation and if an additional tower is being implemented.

Failure to comply with applicable testing guidelines may result in loss of funding.

### Wireless Carrier Costs

Any wireless carrier who has not submitted invoices for previous billing periods must file with the Commission all invoices for previous billing periods by February 16, 2007. Furthermore, all invoices for billing periods up through December, 2006 must be filed by February 16, 2007. Failure to submit these invoices may constitute a waiver of any funds previously approved.

The Commission will not approve any increase in Wireless Carrier costs during the effectiveness of the interim policy. The Commission will continue to consider costs associated with new implementations.

### Phase I Funding

All PSAPs ready to move forward with Phase I and wireless service providers should submit requests for funding consistent with Progression Order No. 5 and Commission procedures set forth herein. The Commission and staff may request additional information in order to properly consider each request.

### GIS Data Development and the Data Repository

Due to the length of time necessary for development and the need statewide, funding for the development of GIS data and the data repository will continue during the transition period. Any PSAP which has developed its own data, must provide that data in a form consistent with the standards set forth by the Commission to be included in the data repository prior to receiving any funding or access to the data repository. The Commission staff will be developing a policy regarding access to and use of the data repository.

### Multiple PSAPs Within a County

Pending implementation of LB 1222, the Commission will provide funding for only one PSAP per County consistent with Neb. Rev. Stat. § 86-465(1)(e) (2005 Supp.) as amended LB 1222 [2006]. Furthermore, no funding will be provided for backup PSAPs.

In cases in which funding is currently being provided to multiple PSAPs within a county, funding will continue during the interim period and the issue will be resolved in conjunction with the establishment of a permanent funding mechanism. If during the interim period, any new funding requests are received from PSAPs serving an area served by multiple PSAPs, each request will be reviewed on a case-by-case basis.

#### Miscellaneous

All funding requests will continue to be reviewed by the Wireless E911 Advisory Board consistent with past practices. All parties requesting funding will be notified when their request is on the Board's agenda. The Board's funding recommendations will be forwarded to the Commission. Final decision on any funding request will be made by the Commission. Any PSAP, wireless carrier, vendor or LEC may request a hearing before the Commission on any funding request.

All funding requests for equipment and/or hardware/software should include any additional expenses related to maintenance of the equipment. After February 16, 2007, all PSAPs shall utilize vendors of choice as outlined in Docket No. 911-011/PI-79. Any PSAP wishing to use a vendor other than a vendor of choice, should file a request for approval prior to the signing of any contract with the vendor.

**As outlined above, prior to February 16, 2007, the Commission will establish a statewide factor that will be used during the interim period to allocate wireless and wireline costs of E911 for any shared expense. Funding will then be determined based upon the statewide factor until such time as the funding mechanism is established pursuant to LB 1222 [2006].**

Should the Commission determine that money is no longer available for funding, no new funding requests will be approved.

The Commission may amend this policy at any time during the interim period.