

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-019/PI-118
Public Service Commission, on)
its own motion, to implement)
provisions of LB 1222 [2006] and) ORDER RELEASING PROPOSED
to establish a permanent funding) APPLICATION PROCESS FOR
mechanism for wireless enhanced) COMMENT
911 service.)
)
) Entered: September 22, 2009

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service.

LB 1222 requires that the Commission:

Establish a mechanism for determining the level of funding available to each public safety answering point and wireless carrier for costs determined to be eligible by the commission...

Neb. Rev. Stat. § 86-465(1)(e) (2008).

On July 7, 2009, the Commission released for comment a proposed permanent funding mechanism. In order to implement the funding mechanism, it will be necessary to establish a timeline and application process for the approval and distribution of funding and the verification of the use of the funding. We recognize that that issues in establishing the funding mechanism itself and the process set forth herein will overlap. Therefore, the Commission releases the following timeline and process for comment.

The proposed timeline and process assumes that use of the permanent funding mechanism is implemented effective **July 1, 2010** with a funding year of July 1st through June 30th and that funds are distributed on a quarterly basis.

Requests for General Funding

All wireless carriers and Public Safety Answering Points (PSAPs) must file an initial application for funding no later than **April 15, 2010**. Failing to submit an application by the deadline would result in a loss of funding for the 2010-2011

funding year. The Commission will issue a notice of available funding to each applicant on or before **May 31, 2010**.

a. Wireless Carrier Applications

Wireless carriers seeking funding would have to identify the eligible costs for which funding would be used. Additionally, wireless carriers are responsible for the accuracy of the quarterly reports on which all payments would be based. Should an error be found in the process of an audit or otherwise, a carrier would be required to refund any overpayments made based upon an inaccurate report. However, if it was determined that the number of towers was underreported, a carrier is not entitled to any additional funds.

A wireless carrier's failure to timely file quarterly reports or otherwise fail to comply with Commission orders, rules and regulations or any other statutory requirements, could result in a delay, suspension, termination or refund of funds. Wireless carriers would also be required to submit updated ACH Enrollment and contact information for funding and quarterly reports or verification that information currently on file with the Commission is accurate.

b. PSAP Applications

PSAPs seeking funding would have to provide information regarding their current equipment and software including all specifications; dates of installations and upgrades; what, if any, maintenance contracts for equipment and software are in place. The PSAP would also have to verify the current status of the PSAP for both enhanced wireline and wireless 911 services and all areas for which it provides service; the current level of the landline 911 surcharge. Also, the application would include wireless and wireline 911 call volumes for each month for the previous 12 month period.

PSAPs would also identify the eligible costs for which funding would be used. If funds are not used appropriately, future funding may be affected. Additionally, funding may fluctuate from year to year based upon the availability of funds. Also, updated ACH enrollment forms, copies of interlocal agreements for 911 service and updated contact information would be required.

Equipment/Software Funding

All funding requests for equipment and software must be submitted prior to the purchase of any equipment and software.

For the initial funding year applications must be submitted no later than **April 15, 2010**. For funding years beginning on or after July 1, 2011, applications must be submitted no later than **October 15th** for the following funding year. The Commission would propose that it set aside seventy-five percent (75%) of each PSAPs available funding allocated to equipment and maintenance on an annual basis to be used for future equipment purchases. This percentage is based upon per occurrence historical data of equipment and software purchases and the costs of maintenance. These funds would be retained at the Commission to be provided to PSAPs for upgrades and replacements of PSAP equipment and software.

For those PSAPs the Commission has previously approved ongoing maintenance contracts, the Commission will to continue to pay pursuant to those contracts on behalf of the PSAP during the transition period. In this case, the PSAPs available funding allocated to equipment and maintenance will first be reduced by said maintenance contract amounts, with the remainder retained by the Commission to be used by the respective PSAP for future equipment purchases. Once the contracts expire and the Commission is no longer making the payments, the allocated maintenance amounts will be paid directly to the PSAP.

In order to utilize those funds PSAPs will have to submit an application for equipment and/or software outlining the specifications of such equipment, certifying that the equipment and software meets applicable NENA standards and are IP capable. PSAPs would also have to provide information regarding any other 911 and/or public safety related funds received from other sources (e.g. any stimulus money, other grant funds, funds from other states used to support the costs etc.) Wireless 911 Funds cannot be used for more than fifty-five percent (55%) of the funding for equipment and/or software, unless the PSAP can demonstrate that more than 55% of the calls received by the PSAP are wireless.

Wireless Carrier Grant Funding

The level of grant funding available will be announced on or before May 31st. Carriers seeking grant funding shall submit an application on or before **October 15th** for the following funding year. Grant funding can be used for capital expenses directly related to the provision of wireless enhanced 911 service. The Grant application shall include:

- A detailed budget and supporting documentation.

- Information regarding vendors to be used including copies of all contracts and disclosures of any affiliations between the vendor and carrier.
- A statement regarding 911 and/or public safety related funds received from other sources (e.g. any stimulus money, other grant funds, 911 or public safety funds from other states used to support the costs)
- A certification that the money requested is to support costs that are solely to support the Nebraska 911 system and information to support any allocation of costs between different states.

Hearings will be held on all grant fund applications. No more than twenty-five percent (25%) of the total amount assigned to the wireless carrier funds may be spent on grant funding. Any amounts in excess of the 25% will be returned to the total funds available for both PSAPs and wireless carriers and reallocated for the following funding year.

All grant funds will be paid after completion of project based on invoices paid by the wireless carrier.

Funds not awarded in one year will be rolled into available funds for distribution to PSAPs and wireless carriers the following funding year.

Annual Verification

Each year, both wireless carriers and PSAPs will be required to submit all invoices and other supporting documentation to the Commission to demonstrate that all funds for the previous funding year were used for eligible costs. Additionally, the verification would serve as the application for continued funding. All verifications would have to be submitted no later than **October 15th** following the close of the previous funding year. If the Commission determines that any funds were not used appropriately, funding for the remainder of the current funding year would be adjusted to recoup any necessary funds. All wireless carriers and PSAPs may be subject to audit.

Comments

Interested parties wishing to submit written comment shall submit one original and eight (8) copies and one electronic copy via email to brandy.zierott@nebraska.gov no later than **5:00 p.m. on October 30, 2009**.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the timeline and process outlined herein is released for written comment.

IT IS FURTHER ORDERED that Interested parties wishing to submit written comment shall submit one original and eight (8) copies and one electronic copy via email to brandy.zierott@nebraska.gov no later than **5:00 p.m. on October 30, 2009**

MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of September, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director