

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 ADOPTING PROPOSAL AND
to establish a permanent funding) RELEASING ADJUSTED PAYMENTS
mechanism for wireless enhanced)
911 service.)
) Entered: September 18, 2012

BY THE COMMISSION:

On February 23, 2010, the Nebraska Public Service Commission (Commission) entered an order pursuant to Neb. Rev. Stat. § 86-465(1)(e) adopting a permanent funding mechanism and process to provide funding for the implementation and provision of enhanced 911 service.

On June 26, 2012, the Commission entered an order directing Commission staff to complete the annual update of the 911-SAM; include a personnel cost module within the PSAP cost category pursuant to the Commission staff proposal; to evaluate a possible reduction in the surcharge; and to simplify wireless service provider funding by phasing out the individual grant program and transitioning funding for capital expenditures to the monthly allocation.¹

Results of the modifications were released for comment on July 24, 2012. Written comments were received from N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (Viaero), the Nebraska Association of County Officials, Grand Island - Hall County Emergency Management, the Antelope County Sheriff's Department, the Region 26 Council, the North Platte Police Department, and Fremont/Dodge County 911.

Hearing was held on August 28, 2012. Angela Melton appeared on behalf of Commission staff and Loel Brooks appeared on behalf of Viaero.

¹ In the Matter of the Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service, Application No. 911-019/PI-118 Order Making Findings, Establishing Schedule and Setting Hearing (June 26, 2012).

E V I D E N C E

Mr. Tyler Frost, Commission economist, testified on behalf of Commission staff, as to the modifications made to the 911-SAM at the direction of the Commission. Ms. Sue Vanicek, director of the Nebraska Telecommunications Infrastructure and Public Safety Department, provided testimony on behalf of Commission staff as to the policies behind the three modifications.

Multiple witnesses testified on behalf of PSAPs. Mr. Ray Richards, communications director for the public safety answering point (PSAP) in Scotts Bluff County, testified that the wireless enhanced 911 surcharge should remain at \$.50 due to the loss of landline 911 surcharge revenue. Neil Miller, Buffalo County Sheriff, also testified that the surcharge should remain unchanged due to the decrease in landline 911 surcharge revenues and due to expenses anticipated with the implementation of next generation 911 service (NextGen 911). Sheriff Miller also provided information regarding the costs to operate the Buffalo County PSAP. Mr. Jon Rosenlund testified on behalf of the Grand Island/Hall County PSAP that the surcharge should not be reduced until the personnel cost module and the personnel costs of the PSAPs are better understood. Mr. Pat Foust testified on behalf of the South Sioux City PSAP that the Commission should provide direction regarding training, consolidation and the implementation of NextGen 911.

Ms. Kara Thielen testified on behalf of Viaero that the Commission should require and administer training for PSAP personnel, that the surcharge should not be reduced, and that the Commission should consider developing policies regarding the implementation of NextGen 911. Furthermore, Ms. Thielen testified that it generally supports the modification to the WSP grant program and the addition of the personnel cost module.

Mr. Stacen Gross, GeoComm, testified that planning and implementation NextGen 911 will be required soon and that its development is driven by wireless 911. Mr. Gross also stated the surcharge should not be reduced.

F I N D I N G S A N D C O N C L U S I O N S

As previously stated, the development of the 911-SAM in conjunction with a shift in the focus of the wireless 911 program from implementation to operations continues to evolve. The Fund is not intended to cover all possible costs incurred by PSAPs and

wireless carriers in the provision of enhanced wireless 911 service. Therefore, the Commission must balance the interests of wireless carrier subscribers, the public's need for reliable enhanced wireless 911 service, and the funding requirements of the wireless service providers and PSAPs.

Based upon the evidence presented, the Commission finds that modifications to the 911-SAM including the annual updates, the addition of the personnel cost module, and the gradual elimination of the wireless service provider grant program as proposed should be approved.

Additionally, consistent with the shift in funds from the wireless service provider grant program to the monthly allocation for wireless service providers, the list of eligible expenses should be amended to include capital expenditures

As previously stated in the June 26, 2012 order, the Commission will true-up funding amounts for PSAPs and WSPs retroactively to July 1, 2012, including but not limited to making any adjustments for pre-existing commitments that may have expired or otherwise changed, deductions from funding for any late filed applications, and for any change in allocation resulting from the addition of the personnel cost module. No adjustments based upon the audit for the 2010-11 funding year are included. All adjustments are reflected in Appendices A and B attached hereto and incorporated herein by this reference.

This order does not modify the surcharge level. The annual hearing to establish the wireless enhanced 911 surcharge is scheduled for October 10, 2012 in Docket No. 911-002.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that in addition to completing the annual update of the model, the modifications to the 911-SAM as set forth herein are adopted.

IT IS FURTHER ORDERED that adjustments to the allocations to public safety answering points and wireless service providers shall be made retroactively to July 1, 2012 and payments adjusted as set forth in Appendices A and B.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of
September, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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MADE AND ENTERED at Lincoln, Nebraska, this 18th day of
September, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Bruce Bayle

Merald T. Vop

//s//Rod Johnson

//s//Frank Landis

Chairman

Rod Johnson

ATTEST:

Michael R. Lipp

Executive Director