

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Sarpy County,) Application No. 911-023.01
Papillion, seeking funding)
approval for recurring and non-) ORDER GRANTING FUNDING
recurring costs of Enhanced) REQUEST IN PART AND DENYING
Wireless 911 implementation.) FUNDING REQUEST IN PART
)
) Entered: September 5, 2007

BY THE COMMISSION:

By written request for funding received February 15, 2007, Sarpy County sought funding from the Enhanced Wireless 911 Fund for expenses of implementing and providing enhanced wireless 911 service. The request included recurring in-house administrative costs related to in-house costs for the maintenance of GIS data in the amount of **\$1,293.60 per month** for ten hours per week of maintenance of the map layers and **\$1,243.80 per month** for fifteen hours per week of map maintenance. Additionally, the request includes nonrecurring costs of **\$3,234.00** in costs for data conversion, **\$1,200.00** for a software license for Arc Editor; **\$500.00** for ArcGIS Network Analyst Maintenance and, **\$2,040.00** for ArcGIS Network Analyst software.

The Enhanced Wireless 911 Advisory Board considered these requests at its March 23, 2007 meeting. Although a motion to approve the request was made, the motion failed for lack of a majority.

The Commission conducted a hearing regarding the matter on July 10, 2007.

Mr. Larry Lavelle and Mr. Eric Herbert testified in support of Sarpy County's funding requests.

OPINION AND FINDINGS

This request for funding is being processed pursuant to Neb. Rev. Stat. §§ 86-442 to 86-470. (Cum. Supp. 2006), 291 Neb. Admin. Code, Chapter 1, Section 5, Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002 and the Interim Policy established in Progression Order No. 1 in Commission Docket No. 911-017/PI-116, entered February 13, 2007 (Interim Policy).

GIS Software

The Commission finds that nonrecurring costs requested for software and software maintenance totaling **\$6,974.00** are

eligible under Neb. Rev. Stat. § 86-465 (2006 Supp.). These costs have been incurred or will be incurred for the provision of Phase II wireless enhanced 911 service.

The Commission finds that payment should be made to Sarpy County in the amount of **\$6,974.00** upon receipt of proper documentation of payment. Sarpy County may request that any of these amounts be paid directly to the vendor.

The Commission reserves the right to modify any costs associated with this funding request consistent with amendments to the Interim Policy or the establishment of a permanent funding mechanism.

If the Nebraska Legislature fails to appropriate or authorize the expenditure of sufficient funds to provide for the payment of costs from the Fund or, if a lawful order issued in or for any fiscal year during the term of the contract reduces the funds appropriated or authorized in such amounts as to preclude making the payments from the Fund, the Commission will not be responsible for any costs not reimbursed by the Fund.

In-House Personnel Costs

Pursuant to the Enhanced Wireless 911 Service Act,¹ the following purposes **may** be eligible for funding from the Enhanced Wireless 911 Service Fund (Fund),

(b) Costs incurred or to be incurred by public safety answering points to implement enhanced wireless 911 service may include, but not be limited to, purchases of new equipment, costs of upgrades, modification and personnel training used solely to process the data elements of enhanced wireless 911 service, and maintenance costs and license fees for new equipment;

(c) Costs incurred or to be incurred by public safety answering points for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service;²

Although costs sought by Sarpy County for in-house personnel are not specifically set forth in the Act as eligible costs, the list of eligible costs is not exclusive. It remains

¹ Neb. Rev. Stat. §§ 86-442 et seq. (2006 Cum. Supp.).

² Neb. Rev. Stat. § 86-465(b) and (c) (2006 Cum. Supp.).

within the Commission's discretion, in consultation with the Advisory Board, to determine which costs are eligible for reimbursement.

The Commission recognizes that larger counties have employed individuals to specifically handle aspects of the implementation and provision of enhanced wireless 911 service. We are also keenly aware of the budget constraints faced by many local governments. However, the Commission must balance the limited resources available through the Fund and the significant needs statewide. The potential impact on the Fund could be substantial in light of the fact that some portion of personnel time from every PSAP could be attributable to the provision of wireless E911 service. The Commission has not previously provided such funding.

Providing reimbursement for the payroll costs for county personnel would significantly impact the availability of Funds for other costs associated with the implementation of enhanced wireless 911 service. Therefore, the Commission finds that Sarpy County's request for funding for in-house personnel costs associated with the maintenance of GIS data should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Sarpy County's funding request for costs of in-house personnel to maintain GIS data, is denied.

IT IS FURTHER ORDERED that Sarpy County's funding request for costs of GIS software and software maintenance in the amount of **\$6,974.00** is granted and payment shall be made pursuant to the terms of this order.

MADE AND ENTERED at Lincoln, Nebraska this 5th day of September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director