

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Clay County,) Application No. 911-023.28
Edgar, seeking funding approval)
for recurring and non-recurring) ORDER APPROVING FUNDING
costs of Enhanced Wireless 911) REQUEST, IN PART
implementation.)
) Entered: February 23, 2010

BY THE COMMISSION:

By written request for funding received March 23, 2009, Clay County, Edgar, sought funding from the Enhanced Wireless 911 Fund (Fund) for expenses for implementing and providing enhanced wireless 911 service.

In its application, Clay County sought non-recurring costs in the amount of **\$102,420.00** for the purchase and installation of equipment necessary to provide enhanced wireless 911 service. The Commission previously provided funding to Clay County for equipment in 2007 from the Fund. Therefore, the current application constitutes a second request.

The Enhanced Wireless 911 Advisory Board considered the funding request at its April 6, 2009 meeting and recommended that the request be approved based upon the wireless/landline allocation factor established in Docket No. 911-017/PI-116.

Because this request represented a second purchase of equipment for the county and presented a policy question to be resolved pursuant to the permanent funding mechanism being developed in Docket No. 911-019/PI-118, the Commission entered an order suspending the funding request on May 19, 2009.

Subsequently, Clay County filed updated pricing for the funding request in the amount of **\$99,019.00**. Clay County provided supporting documentation for the equipment and associated expenses from its vendor. Hearing on the funding request was held on January 12, 2010.

E V I D E N C E

Bob Rose, Clay County 911 Chair, testified in support of the application and requested that the Commission provide 100% funding for the amount sought. Mr. Rose provided average call volume statistics which showed that over the previous twelve months, Clay County's public safety answering point (PSAP) received 1558 911 calls of which approximately 65% were wireless. Mr. Rose further

testified that they are trying to move as quickly as possible to get new equipment installed.

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

This request for additional funding is being processed pursuant to Neb. Rev. Stat. §§ 86-442 to 86-470. (Cum. Supp. 2008), 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).

Based upon the request for funding, supporting documentation, and in consideration of the recommendation of the Advisory Board, the Commission is of the opinion and finds that costs requested, subject to the limitations set forth below, are eligible under Neb. Rev. Stat. § 86-465 as all costs have been incurred or will be incurred for the purchase, installation, maintenance or operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service.

This funding request was received subsequent to February 16, 2007. Pursuant to the Interim Policy, the Commission therefore considers this funding request for reimbursement subject to the wireless/landline allocation factor established in the Commission's February 17, 2007 order of 55% wireless and 45% wireline unless the PSAP requests 100% for good cause.

The Commission is in the process of establishing a permanent funding mechanism in Docket 911-019/PI-118. Pursuant to the current staff proposal, PSAPs would be permitted to set aside up to 75% of their funding allocation for the future purchase and installation of equipment and software. However, PSAPs would not be required to wait to apply for funding until sufficient funds have accumulated to cover the cost of the equipment and software. The staff has proposed that to the extent that there is an insufficient balance in the PSAP's equipment and software fund, the Commission could pay the appropriate percentage of the cost of the equipment and software and a deduction would be made from the annual allocation to the PSAP until the expense is reimbursed to the Fund the amount paid on behalf of the PSAP. At that point, the PSAP would again begin receiving its full allocation.

Clay County has previously received funding for equipment and software and the request at issue is a second request. The

Commission does not wish to continue to hold the funding request until the full adoption of the permanent funding mechanism. However, in fairness to other PSAPs, any amounts awarded herein will be deducted in some manner from future allocations made under the permanent funding mechanism in Docket No. 911-019/PI-118. The mechanism for accounting for those amounts will depend upon the final order in that docket.

The Commission finds that Clay County's amended funding request shall be granted, in part, in the amount of **\$67,332.92** which represents 68% of the amount requested to reflect the average percentage of wireless calls received over the previous six (6) months.

The Fund shall therefore pay to Clay County or its vendor as requested by the county the amount of **\$67,332.92** consistent with the terms of this order. Funds shall be paid only upon receipt of invoice.

The Commission shall incorporate the funding provided pursuant to this order into the allocation granted to the county based upon the final order in Docket 911-019/PI-118. Commencing with its first monthly payment under the permanent mechanism or upon the completion of the installation and payment for the equipment and software, whichever is later, **\$1,122.22** shall be deducted from Clay County's monthly allocations for a period of 60 months thereafter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Enhanced Wireless 911 Fund shall pay to Clay County or its vendor the amount of **\$67,332.92** consistent with the terms of this order for the equipment necessary to provide enhanced wireless 911 service.

IT IS FURTHER ORDERED that commencing with its first monthly payment under the permanent mechanism or upon the completion of the installation and payment for the equipment and software, whichever is later, **\$1,122.22** shall be deducted from Clay County's monthly allocations for a period of 60 months thereafter.

MADE AND ENTERED at Lincoln, Nebraska this 23rd day of
February, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director