

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Fillmore) Application No. 911-023.35
County, Geneva, seeking funding)
approval for recurring and non-) ORDER APPROVING FUNDING
recurring costs of Enhanced) REQUEST IN PART
Wireless 911 implementation.)
) Entered: May 8, 2007

BY THE COMMISSION:

By written request for funding dated February 9, 2007, Fillmore County, Geneva, sought funding from the Enhanced Wireless 911 Fund for implementing expenses and providing enhanced wireless 911 service.

In its application, Fillmore County sought non-recurring costs in the amount of **\$103,640.40** for the purchase and installation of equipment necessary to implement enhanced wireless 911 service.

Fillmore County provided supporting documentation for the equipment and associated expenses from its vendor, Plant/CML. The Enhanced Wireless 911 Advisory Board considered Fillmore County's request at its March 23, 2007 meeting, and initially recommended that the Commission approve payment in the amount of **\$91,830.40**.

Costs associated with labor in the amount of **\$4,717.00**, **Miscellaneous Materials in the amount of \$5,345.00 and Shipping in the amount of \$1,748.00** listed in the supporting documentation, were not originally contained in Plant/CML's response to the Commission's Request for Proposal (RFP). All costs contained within the request for funding and supporting documentation are set forth in the confidential attachment Appendix A, attached hereto and incorporated herein by this reference.

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. 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).

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 prior to February 16, 2007. Pursuant to the Interim Policy, the Commission therefore considers this funding request for full reimbursement without being subject to the wireless/landline allocation factor established in the Commission's February 17, 2007 order.

The Commission further finds that the funding request shall be granted only to the extent the pricing complies with Positron's response to the RFP.

Therefore, the request for funding should be granted, in part, in the amount of **\$91,830.40** for non-recurring costs. Said amounts are consistent with the pricing set forth in the vendor's response to the RFP. However, this amount does not include any funding requested in excess of the prices offered in response to the RFP as outlined in Appendix A.

The Fund shall therefore pay to Fillmore County the amount of **\$91,830.40** consistent with the terms of this order and the amounts set forth in Appendix A. Payments shall be made in accordance with the progress of payments set forth in the contract.

Fillmore County may request that any amounts approved herein be paid directly to the vendor.

Prior to any payment being made to or on behalf of Fillmore County, Fillmore County shall submit to the Commission a copy of its final contract for the equipment and services described herein. Said contract shall be consistent with the amounts set forth in the funding request and approved herein.

Should Fillmore County wish to be heard by the Commission regarding those portions of the funding request related to the amounts in excess of the prices offered in the response to the RFP, it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

The Commission reserves the right to modify any recurring costs associated with this funding request, including any approved amounts for maintenance, consistent with amendments to the Interim Policy or the establishment of a permanent funding mechanism.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Enhanced Wireless 911 Fund shall pay to Fillmore County the amount of **\$91,830.40** consistent with the terms of this order and the amounts set forth in Appendix A for the equipment necessary to provide enhanced wireless 911 service.

IT IS FURTHER ORDERED should Fillmore County wish to be heard by the Commission regarding those portions of the funding request related to the amounts in excess of the prices offered in the response to the RFP, it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

MADE AND ENTERED at Lincoln, Nebraska this 8th day of May, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director