

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Garden County, ) Application No. 911-023.78  
Public Safety Answering Point, )  
Oshkosh, seeking funding )  
approval for recurring and non- ) ORDER APPROVING FUNDING  
recurring costs of Enhanced ) REQUEST  
Wireless 911 implementation. )  
)  
) Entered: January 26, 2010

BY THE COMMISSION:

By written request for funding received October 13, 2009, Garden County, Oshkosh, (Garden County), sought funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In its application, Garden County seeks non-recurring costs in the amount of **\$179,041.00** for the purchase and installation of equipment and software necessary for enhanced wireless 911 service. Additionally, Garden County seeks funding for five (5) years maintenance on both the equipment and software totaling **\$24,604.00**, paid in annual installments to each vendor. The costs are consistent with those filed with the Commission by the vendor. Garden County is requesting 100% funding and has provided financial information. Garden County's project is among those projects included in the Commission's application for grant funds pursuant to the ENHANCE 911 Act and grant program.

Garden County provided supporting documentation for the equipment and associated expenses from its vendor. The Enhanced Wireless 911 Advisory Board considered Garden County's request at its November 2, 2009 meeting, recommending that the Commission approve payment consistent with the interim policy. However, Garden County has not yet implemented enhanced landline 911 service pursuant to Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002.

Due to the fact that Garden County has not yet implemented enhanced landline 911 service, a hearing was held on the matter. Sheriff Doug Miller of the Garden County Sheriff's office and Stacen Gross of GeoComm each testified on behalf of the PSAP. Mr. Gross testified that all of the mapping data should be completed by February, 2010 and that the equipment and software requested would take the county to Phase II by June, 2010. Mr. Gross further testified that the county has entered into a contract with the LEC for 911 routing on the selective router.

## 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 the costs requested, subject to the limitations set forth herein, 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.

The Commission finds that the requirement that Garden County be connected to a tandem prior to receiving funding be waived. Waiver of this particular requirement is justified under the circumstances and will not adversely affect others.

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 fifty-five percent (55%) wireless. Garden County requested 100% funding and provided financial information in support of its request, the Commission finds that 100% funding is justified in this case. Furthermore, additional funding for this project will be available through the ENHANCE 911 grant program.

Garden County's request includes costs associated with a five (5) year maintenance and service plan on the equipment and software. The Commission finds that maintenance of the equipment and software is essential to ensure the proper operation of the statewide 911 system and should be funded to the extent funds are available during this interim period, subject to change based upon the availability of funds and the permanent funding mechanism.

Therefore, the request for funding should be granted in the amount of **\$179,041.00** in non-recurring costs for equipment and software. To the extent possible under the ENHANCE 911 grant

program, costs should be covered with federal funds and the matching funds through the Enhanced Wireless 911 Fund.

Funding for maintenance in the amount of **\$24,604.00** should be granted. Maintenance shall be paid in annual installments pursuant to the contracts to each vendor for a period of up to five (5) years subject to the limitations set forth herein, commencing the year following the expiration of the warranty period. Said amounts are consistent with the pricing set forth in the vendors' responses to the RFP.

The Fund shall therefore pay to Garden County or its designee the amounts set forth above consistent with the terms of this order. Garden County may request that these amounts be paid directly to the vendor.

The Commission reserves the right to modify any recurring 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.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the requirement that Garden County implement enhanced landline 911 service prior to receiving any wireless funding is waived.

IT IS FURTHER ORDERED that the Enhanced Wireless 911 Fund shall pay to Garden County or its designee the amount of **\$179,041.00** in non-recurring costs for equipment and installation necessary to provide enhanced wireless 911 service with any appropriate amounts to be paid from the ENHANCE 911 grant program.

IT IS FURTHER ORDERED that the Fund shall pay maintenance costs in the amount of **\$24,604.00**. Maintenance shall be paid in annual installments to each vendor pursuant to the contracts for a period of up to five (5) years subject to the limitations set

forth herein commencing the year following the expiration of the warranty period.

MADE AND ENTERED at Lincoln, Nebraska this 26th day of January, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director