

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Pierce County,        ) Application No. 911-023.80  
Public Safety Answering Point,        )  
Pierce, seeking funding approval        )  
for recurring and non-recurring        ) ORDER  
costs of Enhanced wireless 911        )  
implementation.                         )  
  ) Entered: October 14, 2009

BY THE COMMISSION:

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

By written request for funding received April 13, 2009, Pierce County, Public Safety Answering Point, Pierce (Pierce County) seeks funding from the Enhanced Wireless 911 Fund (Fund) for implementing and providing enhanced wireless 911 service.

In its application, Pierce County sought non-recurring costs in the amount of **\$152,819.00** for the purchase and installation of equipment and software necessary for enhanced wireless 911 service. Additionally, Pierce County sought funding for five (5) years maintenance on both the equipment and software totaling **\$63,682.00** paid in annual installments to each vendor. Hearing on the matter was held on July 8, 2009.

At the hearing, minutes were submitted from the April 6, 2009 Wireless Enhanced 911 Advisory Board (Advisory Board) meeting recommending the approval of the funding request contingent on Pierce County communities entering into an Interlocal Agreement as well as establishing service with its local exchange carrier, Qwest, to a tandem or router in order to meet the requirements set forth by the Commission in order to receive funding. Pierce County submitted the Interlocal Agreement to the Commission, and stated that it would submit a copy of the signed agreement between Qwest Communications and Pierce County as a late-filed exhibit.

Subsequent to the hearing, at its July 13, 2009 meeting, the Advisory Board recommended that the Commission seek funding for Pierce County and three additional rural counties (Morrill County, Region 24, and Garden County) to obtain equipment and software installations necessary to move the PSAPs to Phase II wireless 911 service under the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act).

On or about July 28, 2009, the Commission entered an order adopting the recommendation of the Advisory Board to seek funding under the ENHANCE 911 Act grant program for the purchase and installation of equipment and software necessary for the

provision of Phase II 911 service for the named PSAPs, including Pierce County.<sup>1</sup>

#### 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.

Pierce County's request includes costs associated with a five (5) year maintenance and service plan for both 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.

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

Therefore, the request for funding should be granted in the amount of **\$152,819.00** for the purchase and installation of equipment and software necessary for enhanced wireless 911 service. Fifty percent of the cost of the purchase and installation of equipment and software shall be paid by funds received through the ENHANCE 911 Act and grant program. The remaining costs will be paid from the Fund. Additionally, funding shall be approved for five (5) years maintenance on both

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<sup>1</sup> In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to coordinate federal grants through the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act), Docket No. 911-040/PI-152, July 28, 2009.

the equipment and software totaling **\$63,682.00** paid in annual installments to each vendor subject to the limitations set forth herein. Said amounts are consistent with the pricing set forth in the vendor's response to the RFP.

Based on the evidence received, the Commission finds that funding for the purchase and installation of Phase II equipment for Pierce County shall be approved. All equipment shall be installed solely in the Pierce County PSAP. Fifty percent (50%) of the cost shall be paid by the ENHANCE 911 Act grant program. The additional fifty percent (50%) shall be born by the Enhanced Wireless 911 Fund.

The Fund shall therefore pay to Pierce County or the vendor in amounts set forth herein consistent with the terms of this order and the requirements of the ENHANCE 911 Act grant program. By accepting these funds Pierce County agrees to comply with all grant rules and regulation and requirements of the ENHANCE 911 Act and to cooperate with the Commission in ensuring compliance. Additionally Pierce County will be subject to audits as required by the federal grant.

All recurring amounts approved are subject to change based upon the availability of funding and the permanent funding mechanism. Pierce County may request that these amounts be paid directly to the vendor or may receive reimbursement for amounts it has expended.

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.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the funding request from Pierce County, Public Safety Answering Point, Pierce, for non-recurring costs in the amount of **\$152,819.00** for the purchase and installation of equipment and software necessary for enhanced wireless 911 service.

IT IF FURTHER ORDERED that funding be approved for five (5) years maintenance on both the equipment and software totaling **\$63,682.00**, paid in annual installments to each vendor.

IT IS FINALLY ORDERED that fifty percent of the funding for equipment and installation shall be paid by funds received from

the ENHANCE 911 Act grant program pursuant to Docket 911-040/PI-152, with the remaining funding for equipment and software and all of the costs of maintenance being paid from the Enhanced Wireless 911 Fund.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of October, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director