

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-024.33
Public Service Commission, on)
its own motion, seeking to)
develop policies and process)
requests for access to GIS data) ORDER GRANTING ACCESS
and the GIS Repository: Apex Co-)
Vantage, LLC.)
) Entered: February 9, 2010

BY THE COMMISSION:

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

On or about August 8, 2006, the Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to develop policies and process requests for access to GIS data and the GIS Repository.

In an order entered on August 30, 2005 in docket No. 911-011/PI-97, the Commission approved the development of proper GIS data and map databases for public safety answering points (PSAPs) or supplementation of existing map databases necessary for Phase II service. The Commission has since approved funding for the development of GIS data for several PSAPs.

On April 4, 2006, the Commission also approved funding for a centralized data repository (Repository) for the GIS data in order to allow for maintenance of the data and access to the data by individual PSAPs and the Commission.

On October 10, 2007, the Commission established a GIS Data Repository Access and Use Policy and a procedure for entities to request access to the Repository.

On or about February 3, 2010, Apex CoVantage LLC (Apex) submitted an application requesting access to the Repository for purposes of completing the State Broadband Data and Development Grant Program on behalf of the Commission and the State of Nebraska. Apex is currently the contractor assisting the Commission with completion of the project.

The Commission finds that the request should be granted and passwords issued to allow Apex the ability to download and view GIS data for all counties for which data is available. Apex shall honor the proprietary nature of the cell tower locations and coverage available and not share the information with anyone other than the Commission or the Commission's designee

consistent with the terms of its contract. Furthermore, Apex may utilize the information in the repository solely for its work for the Commission and may not use it for any commercial purposes or any others projects. Upon completion of the project, Apex's access to the repository will be terminated.

Prior to the issuance of the requested passwords, an authorized representative of Apex shall sign and return to the Commission the attached Acknowledgment and Agreement regarding GIS Access and Use Policy attached hereto as Appendix A with the understanding that it shall also abide by the limitations set forth in this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Apex CoVantage, LLC's application for access to the GIS Repository is granted as set forth herein.

IT IS FURTHER ORDERED that prior to receiving the requested password, an authorized representative of Apex CoVantage, LLC shall sign and return to the Commission the attached Acknowledgment and Agreement regarding GIS Access and Use Policy, attached hereto as Appendix A.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of February, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director