

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. 911-042.49
Public Service Commission, on	)	
its own motion, seeking to	)	
administer funding for public	)	ORDER APPROVING
safety answering points for the	)	REQUEST, IN PART
implementation and provision of	)	
Enhanced Wireless 911 service:	)	
Douglas County.	)	Entered: December 18, 2012

BY THE COMMISSION:

The Nebraska Public Service Commission opened the present docket on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service for Douglas County.

On or about October 15, 2012, Douglas County filed a request for funding seeking \$150,000.00 for the development of an address point layer for its GIS data. The Commission sought additional information as to whether Douglas County was asking the Commission to expand eligible expenses for funding to include this expense; whether the county intends to use funds set aside for future equipment and software purchases; or whether it was requesting that the Commission pay this expense outside of the E911-SAM cost model.

On or about November 20, 2012, Douglas County filed supplemental information to its application stating that it is requesting that this expense be considered an eligible expense for purposes of the Enhanced Wireless 911 Fund (Fund) and that it be allowed to pay 100% of the cost with money from the Fund rather than the expense being subject to the wireless/wireline allocation factor. Additionally, the county requested that the Commission consider providing funding for the cost beyond the funding already allocated to PSAPs through the E911-SAM.

A hearing was held on **December 5, 2012** in conjunction with a hearing on a similar request filed by Washington County in Docket No. 911-042.38. Nichole Mulcahy appeared on behalf of Commission staff.

## E V I D E N C E

Mr. Mark Conrey testified regarding Douglas County's request and the expected benefits of developing the GIS data at issue.

Ms. Sue Vanicek testified on behalf of Commission staff regarding the funding request. She recommended that the Commission examine in a separate docket the issue of whether the costs for the project should be funded outside of the E911-SAM.

Mr. Larry Lavelle testified that Sarpy County has developed address point layer for Sarpy County using other county funds.

## F I N D I N G S   A N D   C O N C L U S I O N S

This funding request is being considered pursuant to the Enhanced Wireless 911 Services Act<sup>1</sup>; the Enhanced Wireless 911 Rules and Regulations<sup>2</sup> and previous Commission Orders.

Pursuant to the Commission's order adopting the cost model and funding process, GIS maintenance is an eligible expense for purposes of using Funds allocated through the E911-SAM.<sup>3</sup> The Commission finds that based upon the nature of the request and because the GIS data to be developed is used for the provision of enhanced wireless 911 service, that GIS data development should be designated an eligible expense for purposes of using Funds allocated through the E911-SAM.

GIS expenses have been subject to the wireless/wireline factor due to their use in providing both wireline and wireless enhance 911 service. The county has requested that it be permitted to pay all of these expenses with wireless funds. Due to the fact that the address point layer is used exclusively for the provision of wireless enhanced 911 service, the Commission finds that the county may pay the entirety of the cost of the development of the address point layer with wireless funds. However, it should be noted that all other GIS expenses are subject to the wireless/wireline factor.

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<sup>1</sup> Neb. Rev. Stat. § 86-442 to 86-470 (2012).

<sup>2</sup> Neb. Admin. Code, Title 291 Ch. \_\_ (2010).

<sup>3</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service*, Application No. 911-019/PI-118 at 4 (Feb. 23, 2010).

The February 23, 2010 order stated, "PSAPs may retain up to seventy-five percent (75%) of the amount allocated to that PSAP for the future purchase of equipment and software."<sup>4</sup> These amounts are intended to allow a PSAP to set aside funds for future capital expenses. We find that the development of GIS data is a capital expense, similar to costs associated with the purchase of equipment and software. Therefore, to the extent Douglas County has sufficient funds available in its set-aside account, the funds may be used for the costs of GIS data development.

Finally, the county has requested that amounts for the expenses related to the GIS address point data layer be funded outside of the allocations made through the E911-SAM. Because the Commission is likely to receive similar requests from other PSAPs and that the impact to the Fund is not clear, the Commission finds that an investigation should be opened to examine the issue of statewide funding for the development of the address point GIS data layer.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Douglas County's request is approved, in part as set forth herein.

IT IS FURTHER ORDERED that costs for the development of the address point GIS data is an eligible expense and that wireless funds may be used to pay the entirety of the expense.

IT IS FURTHER ORDERED that the County may use its set aside funds for the development of GIS data as it is a capital expense.

IT IS FINALLY ORDERED that an investigation should be opened to examine the issue of statewide funding for the development of the address point GIS data layer.

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<sup>4</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service, Application No. 911-019/PI-118 at 4 (Feb. 23, 2010).*

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of  
December, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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MADE AND ENTERED at Lincoln, Nebraska, this 18th day of  
December, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schram*

Chairman

*Zel Johnson*

ATTEST:

*Anne Boyle*

*John E. Landis*

*Gerald Hays*

Deputy Director

//s//Rod Johnson

//s//Frank E. Landis