

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. 911-049/PI-174
Public Service Commission, on	)	
its own motion, to investigate	)	
the affect of statewide prepaid	)	
wireless subscriber counts on	)	ORDER APPROVING PROPOSAL
local exchange carrier payments	)	
for enhanced wireless 911	)	
service under the permanent	)	
funding mechanism and quarterly	)	
reporting requirements.	)	Entered: March 15, 2011

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to investigate the affect of statewide prepaid wireless subscriber counts on local exchange carrier payments for enhanced wireless 911 service under the permanent funding mechanism and quarterly reporting requirements.

Pursuant to the permanent funding mechanism adopted by the Commission on February 23, 2010 in Docket No. 911-019/PI-118, local exchange carriers (LECs) are paid for the provision of wireless enhanced 911 service to PSAPs on a quarterly basis in arrears based upon the number of wireless subscribers in a given county as reported by wireless service providers. Further, LECs were required to file a tariffed rate for these services. Certain prepaid wireless carriers have stated that they are unable to report subscriber counts on a county-by-county basis.

On January 19, 2011, the Commission released an order in which Commission staff proposed a method for allocating prepaid wireless subscribers to the appropriate local exchange carrier for purposes of calculating payments under the permanent funding mechanism. Specifically, Commission staff recommended that any wireless service provider unable to provide subscriber counts on a county-by-county basis would file with the Commission a signed statement that such a report is not possible. Those wireless service providers would then report in their quarterly reports all subscribers based upon prefix. The Commission would then assign the subscribers reported on a prefix basis to the appropriate PSAP and the LEC servicing that PSAP for purposes of calculating the payment. Any subscribers that cannot be assigned to a specific PSAP and LEC based upon the prefix would be allocated to counties, based on known wireless subscriber counts, and aggregated to the PSAP and LEC level.

The Commission sought comment on the staff proposal and set the matter for hearing. Comments were received by New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (AT&T). AT&T recommended that the Commission require any wireless service provider that is unable to provide county-by-county subscriber counts based on the prefix of the telephone number assigned to the subscriber to file with the Commission a signed statement that such a report is not possible. The Commission could then allow providers to report on their quarterly reports all subscribers based on another method approved by the Commission.

On March 8, 2011, a hearing was held in the Commission hearing room in Lincoln, Nebraska. The hearing was conducted in legislative format. Ms. Nichole Mulcahy and Ms. Sue Vanicek appeared for Commission staff.

Ms. Vanicek, NTIPS department director, recommended that the Commission adopt the staff proposal set forth in the January 19, 2011 order. Ms. Vanicek stated that since prepaid subscribers represent approximately 1% of the total subscribers in Nebraska, the proposed method is the most fair and efficient way to ensure accurate payment to LECs for enhanced wireless 911 services to PSAPs.

Upon review of the Commission staff proposal and comments submitted, the Commission is of the opinion and finds that the Commission staff recommendation proposed in the January 19, 2011 order should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the proposed method set forth in the January 19, 2011 order shall be, and it is hereby, approved.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of March, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director