

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, ) Application No. 911-059/  
on its own motion, seeking to ) PI-190  
investigate and determine )  
whether set aside funds from the ) ORDER AMENDING PERMISSIBLE  
Enhanced Wireless 911 Fund may ) USE OF SET ASIDE FUNDS  
be used for consulting costs )  
relating to the selection and )  
purchase of equipment and ) Entered: June 17, 2014  
software.

BY THE COMMISSION:

On April 29<sup>th</sup>, 2014 the Nebraska Public Service Commission (Commission) opened the present docket on its own motion seeking to investigate and determine whether set aside funds from the Enhanced Wireless 911 Fund may be used for consulting costs relating to the selection and purchase of equipment and software.

On April 7, 2014, Nemaha County filed its annual application for funding, that included costs associated with a consultant to assist with a request for proposal for equipment and software and supervising the installation of the equipment and software for regional sharing by public safety answering points (PSAPs). Fourteen counties would share backroom equipment and each individual PSAP would maintain call taking positions in its county. The fourteen counties would be Cass, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, and York counties.

On February 23, 2010, the Commission adopted the permanent cost model to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service under Docket No. 911-019/PI-118<sup>1</sup>. Pursuant to the permanent funding mechanism, PSAPs are permitted to retain up to seventy-five percent (75%) of the amount allocated to that PSAP for the future purchase of equipment and software. Currently, the costs of consultants related to the selection and purchase of equipment and software has not been specifically addressed.

EVIDENCE

A hearing was held on May 28<sup>th</sup>, 2014. Ms. Sue Vanicek, director of the Nebraska Telecommunications Infrastructure and

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<sup>1</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 9 (Feb. 23, 2010).

Public Safety Department (NTIPS) testified on behalf of Commission staff. Ms. Vanicek stated that the use of a consultant to advise in the selection and purchase of equipment and software would enable PSAPs to obtain the best equipment and software for their needs, especially when establishing a regional sharing of backroom equipment, and help PSAPs achieve greater efficiencies while better protecting the public. Ms. Vanicek also clarified that each funding request to use set aside funds for consultants would be made on a case by case basis, and the Commission would have the ultimate decision in allowing an individual PSAP to use their set aside funds for consultants. Further, Ms. Vanicek's testimony referenced the approval of Nemaha County's request to use set aside funds for consultant costs to assist with a request for proposal for equipment and software, by the Wireless 911 Advisory Board on April 14, 2014.

Sheriff Brent Lottman, Nemaha County, testified that consultants would help PSAPs avoid returning to the Commission to ask for more money, by providing needed subject matter expertise to get the right equipment and technology and reduce the costs for everyone. Sheriff Lottman also noted the use of consultants should help prevent PSAPs from making bad decisions about purchasing equipment.

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

The Enhanced Wireless 911 Services Act, gives the Commission the discretion to determine eligible costs required for the provision of enhanced wireless 911 service.<sup>2</sup> Neb. Rev. Stat. § 86-465(2)(b) and (c) set out categories of eligible expenses, however, the lists are not exclusive. With respect to costs of public safety answering points, the Act states that the following may be eligible for funding:

(b) Costs incurred or to be incurred by public safety answering points to implement enhanced wireless 911 service **may include, but not be limited to,** purchases of new equipment, costs of upgrades, modification and personnel training used solely to process the data elements of enhanced wireless 911 service, and maintenance costs and license fees for new equipment;

(c) Costs incurred or to be incurred by public safety answering points for the purchase, installation, maintenance, and operation of telecommunications equipment and

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<sup>2</sup> Neb. Rev. Stat. § 86-465.

telecommunications services required for the provision of enhanced wireless 911 service;<sup>3</sup>

(emphasis added). The Commission finds the use of consultants to provide technical and operational expertise may be necessary for the provision of enhanced wireless 911 service, and allow more efficient use of the fund.

Therefore, based upon the testimony received, the Commission finds, effective July 1, 2014, that the permissible uses of set aside funds be expanded to include consulting costs related to the selection and purchase of equipment and software.

Prior to expending these funds, PSAPs must submit an application to the Commission for approval. Applications related to equipment purchases may be submitted to the Commission throughout the funding year, but will only be reviewed by the Enhanced Wireless 911 Advisory Board on a quarterly basis. Hearings regarding the applications may be held by the Commission.

The expansion of the list of eligible expenses does not affect the allocation of funding provided to each PSAP, but instead merely provides PSAPs greater flexibility in the use of the funds.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the permissible uses of set aside funds be expanded to include consulting costs related to the selection and purchase of equipment and software.

MADE AND ENTERED at Lincoln, Nebraska, this 17<sup>th</sup> day of June, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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<sup>3</sup> Id.

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Chairman



ATTEST:


  
Executive Director

  
/s//Frank E. Landis

<sup>3</sup> Id.