

In the Matter of the Commission,     ) Application No. 911-060/PI-191  
on its own motion, seeking to     )  
investigate and determine     )  
whether additional funds from     )  
the Enhanced Wireless 911 Fund     ) PROGRESSION ORDER NO. 3  
should be made available to     )  
public safety answering points     )  
for costs to implement text to     )  
911 solutions.     ) Entered: November 4<sup>th</sup>, 2014

BY THE COMMISSION:

On May 6<sup>th</sup>, 2014 the Commission opened this docket to investigate and determine whether additional funds from the Enhanced Wireless 911 Fund should be made available to public safety answering points (PSAPs) for costs to implement text to 911 solutions.

The Commission intends to provide additional funding to PSAPs for the implementation of text to 911 technology solutions from the Enhanced Wireless 911 Fund. This funding is considered interim, until the Commission has further opportunity to review the inclusion of such costs in the 911-SAM, the funding methodology adopted pursuant to Docket No. 911-019. Detail on provision of such interim funding is outlined in the staff proposal attached hereto as Appendix A.

#### E V I D E N C E

In previous orders in this docket the Commission determined that text to 911 costs are wireless costs and eligible for payment from the Enhanced Wireless 911 Fund.

The Commission received public comments through two prior progression orders, held public hearings, and proffered data requests to local exchange carriers, wireless service providers, and text control center vendors. The Commission also held a text to 911 workshop seeking further input from stakeholders.

Comments received reflected support for funding from the Enhanced Wireless 911 Fund. PSAPs commented that funding outside the current allocation methodology was needed to begin implementation in a timely manner since they had not anticipated

these costs when budgeting for this fiscal year. Wireless providers were supportive of the Commission moving forward to help implement text to 911. However, they expressed reservations on moving forward without a statewide plan. N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) commented that wireless service providers costs to implement text to 911 should also be funded.

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

The Commission intends to fund text to 911 technology solutions for public safety answering points (PSAPs) in Nebraska, outside the annual allocation methodology, on an interim basis to encourage implementation, improve emergency response, and carry out the purposes of the Enhanced Wireless 911 Services Act (the Act).

The Act allows the commission to, in consultation with the advisory board, "establish eligibility standards and criteria for fund disbursement applications" for "costs incurred or to be incurred by public safety answering points for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service".<sup>1</sup> PSAPs costs to implement text to 911 meet these requirements.

Considering the rapid technology developments and Commission's continued review of statewide text to 911 deployment, the Commission intends to limit approval of text to 911 related service contracts to no more than three years.

While wireless providers may incur costs in providing text to 911, the impact is expected to be negligible considering their networks are designed to handle larger volumes of texts. PSAPs recover costs from the Enhanced Wireless 911 fund and other public funds. Wireless providers, on the other hand, are able to pass these costs along to customers. Further, the costs are reasonable in light of the public benefits from increased accessibility to emergency services. We find that the costs submitted by wireless providers to justify additional financial support are highly speculative. The Commission is not persuaded by the evidence that wireless providers require additional support from the Fund at this time.

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<sup>1</sup> Neb. Rev. Stat. 86-465(2) (2014)

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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The Commission may amend the interim policy after reasonable notice and hearing.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the staff proposal attached as Appendix A be adopted as amended herein.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of November, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Aune Boyle*  
*Tim Schram*  
*Red Johnson*

//s//Gerald L. Vap

*Gerald L. Vap*

Vice Chairman

ATTEST:

*Steve Meredith*

Executive Director

## **Text to 911 Interim Funding Nebraska Public Service Commission Staff Proposal**

November 4<sup>th</sup>, 2014

### **Purpose**

The Purpose of this proposal is to make known the Commission's intent to provide funding for interim assistance to PSAPs for Text to 911 solutions, and to set forth the process by which PSAPs can apply for interim funding assistance. The funding is intended to allow PSAP's who are ready to provide the public with Text to 911 capabilities, and to accomplish the purposes of the Enhanced Wireless 911 Services Act. The interim funding discussed herein is not intended to be a permanent solution, and may be included in PSAPs annual allocation in the future if ordered by the Commission.

### **Objective**

The implementation of new technology in the 911 arena is not a flash cut, but rather, occurs in a more cascading fashion with early adopters paving the way. The objective of the Text to 911 interim funding assistance is to provide funding in addition to PSAPs annual allocation from the Enhanced Wireless 911 Fund for a wireless 911 technology, Text to 911. The Commission will gather data on the costs and appropriate technologies, in order to develop policies and procedures for future statewide implementation with the least stranded technology costs possible.

### **Text to 911 Funding**

The Commission staff proposes to provide interim funding for Text to 911 solutions to PSAPs requesting such services from wireless carriers. The Commission will provide funding for only one PSAP per County consistent with Neb. Rev. Stat. § 86-466.

Given the rapid developments in mobile communications technology, and the year-long funding cycle of the cost model, staff recognizes that incremental changes to the funding mechanism may not address the needs of the public. Over the next 18 months, staff will gather data from Nebraska PSAPs to determine the appropriateness of including such costs in the cost model for annual distribution to PSAPs. The Commission will review the interim funding solution for inclusion in the cost model by April 15, 2016.

Text to 911 interim funding from the Commission is not intended to fully fund Text to 911 costs. Acceptance of Text to 911 interim funding by a PSAP does not preclude the use of other funds, including set aside funds for equipment and software costs associated with Text to 911, in the event interim funding does not cover the entirety of Text to 911 costs. Text to 911 interim funding from the Commission is discretionary and may be terminated at any time by the Commission after public notice and comment.

PSAP costs eligible for Text to 911 interim funding include initial and recurring monthly charges for contracts with text control centers, a new trunk for additional traffic if necessary, training for PSAP workers, and other costs for the provision of Text to 911 service that are not simply for more general emergency response services, as approved by the Commission. Interim funding assistance can only be used for costs directly related to the provision of Text to 911 services. The Commission

may consider funding items with a general benefit to PSAPs, such as Internet service into the PSAP to support Text to 911, up to the PSAPs wireless/wireline ratio.

Ineligible costs include those that are otherwise eligible to be paid for through the PSAPs annual allocation, including the set aside through the equipment program.

### **Process**

1. PSAP notifies Commission E911 Coordinator of intent to apply for interim funding and whether or not the PSAP is requesting technical assistance from a consultant hired by the Commission to file the application.
2. If technical assistance is requested, Commission staff will notify the technical consultant of the PSAP requesting assistance. The consultant will contact the PSAP, provide technical support in filing the application, and provide the Commission with a recommended Text to 911 solution for that PSAP.
3. PSAP files the application requesting interim funding assistance to Commission staff.
4. If technical assistance was not requested, the Commission will forward the PSAPs application to the consultants for technical review and recommendation.
5. Enhanced Wireless 911 Advisory Board reviews application and provides recommendation.
6. Commission approves or denies request. If denied, PSAP may re-apply with an amended application. If approved, PSAP may begin implementing.
7. PSAP submits invoices of approved costs for payment or reimbursement by the Commission.

An application form for PSAPs requesting Text to 911 funding is available from Commission staff and on the Commission's website. The form will not be required to receive funding, but will assist PSAPs in developing a request and inform PSAPs of the information needed by the Commission.

PSAPs may request payment for technology services necessary to receive SMS text messages from the public requesting emergency services. Eligible Text to 911 solutions currently existing include SMS to TTY, web browser, and direct IP technologies. Emerging technologies may also be eligible. The PSAP should consult with NPSC E911 Department staff prior to submitting application. PSAPs will be required to submit invoices, contracts, or any other supporting documentation containing detailed cost information for Commission staff to determine eligible initial, recurring, and non-recurring amounts to be paid by the Commission. Commission staff will ensure carrier specific data on call volume, that could be considered confidential and proprietary, is protected. Beginning November 4<sup>th</sup>, 2014, any PSAP seeking funding assistance for Text to 911 from the Enhanced Wireless 911 Fund shall make application to the Commission.

The Enhanced Wireless 911 Advisory Board meets quarterly, usually July, October, January, and April of each year, but may meet more often to consider Text to 911 interim funding applications. PSAPs are notified by the Commission prior to each Board meeting. PSAP applications for Text to 911 interim funding should be received by Commission staff at least one week prior to the scheduled meeting. Failure to make application to the Commission for Text to 911 interim funding

assistance at least one week prior to the Advisory Board meeting may result in a delay of consideration by the board, and thus the Commission, until the next Advisory Board meeting.

The Commission will have 30 days from the date of action by the Advisory Board to review and approve, approve in part, or deny an application. If the Commission denies an application, the PSAP may reapply.

Consolidated or regional resource sharing arrangements between more than one PSAP shall submit requests for funding in a single application for a single technology solution.

After Commission approval of an application, a PSAP may submit invoices for payment by the Commission or submit invoices with evidence of payment for reimbursement to the PSAP.

Commission staff will track Text to 911 implementation by any PSAP receiving funding under this interim funding proposal.

### **Education efforts**

Education will be very important to ensure proper use of Text to 911, by dispatchers and the public. Commission staff will continue to research ways to assist PSAPs in education efforts.

Any PSAP may request assistance from the Commission in developing press releases announcing the implementation of Text to 911 in their area.

The Commission will provide links from its website to resources available for the Public and for PSAPs. Also, the Commission will provide a link from its website to the Federal Communications Commission's deployment tracker.