

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission on	)	RULE AND REGULATION NO. 188
its own motion, seeking to amend	)	
Title 291, Chapter 15, Enhanced 911	)	
Rules and Regulations, to adopt	)	ORDER RELEASING SECOND SET OF
rules in accordance with Nebraska	)	PROPOSED RULES FOR COMMENT AND
Legislative Bill 1091 [2012]; to	)	SETTING HEARING
correct errors and to make changes	)	
to reflect current Commission	)	
orders and policies.	)	ENTERED: February 20, 2013

BY THE COMMISSION:

By its own motion, the Nebraska Public Service Commission (Commission) seeks to amend Title 291, Chapter 15, Enhanced 911 Rules and Regulations, in accordance with Nebraska Legislative Bill 1091 [2012]; to correct errors and to make changes to reflect current Commission orders and policies.

A copy of the first set of proposed rules was released for comment on December 4, 2012. No written comments regarding the proposed rules were received. On January 8, 2013, the Hearing Officer extended the deadline for comments; however, no written comments were filed. Further review by staff has resulted in one additional change to Rule 006.01A2d.

Therefore, the second set of proposed rules, attached hereto and incorporated herein by this reference, are released for comment. Comments on the proposed amendments shall be filed by interested parties **on or before 3:00 p.m. on March 29, 2013**. Parties filing comments should file one (1) original, five (5) paper copies and one (1) electronic copy in Word emailed to **kathy.lahman@nebraska.gov** and **angela.melton@nebraska.gov**.

Hearing on the second set of proposed rules is scheduled for **April 2, 2013, at 1:30 p.m.** immediately following the hearing in Docket No. 911-024 in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the second set of proposed Rules and Regulations be released for comment.

IT IS FURTHER ORDERED that comments on the second set of proposed rules shall be filed by interested parties **on or before 3:00 p.m. March 29, 2013**. Parties filing comments should file one (1) original, five (5) paper copies and one (1) electronic copy in Word emailed to **kathy.lahman@nebraska.gov** and **angela.melton@nebraska.gov**.

IT IS FINALLY ORDERED that hearing on the second set of proposed rules is scheduled for **April 2, 2013, at 1:30 p.m.** immediately following the hearing in Docket No. 911-024 in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

MADE AND ENTERED in Lincoln, Nebraska, on this 20th day of February, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

001 GENERAL:

001.01 Definitions: As used in this chapter, unless the context otherwise requires, the following definitions apply:

001.01A Advisory Board means the Enhanced Wireless 911 Advisory Board.

001.01B Automatic number identification (ANI) means a feature by which a person calling a PSAP has his or her ten-digit telephone number simultaneously forwarded to the PSAP and to the PSAP's display and transfer units.

001.01C Commission means the Nebraska Public Service Commission.

001.01D E-911 or enhanced-911 service means a telephone exchange communications service by which one or more PSAPs designated by the governing body may receive telephone calls dialed to the telephone number 911. E-911 service generally may provide, but is not limited to, selective routing, ANI, and automatic location identification (ALI) features.

001.01E Enhanced ~~911~~ wireless 911 service means a telephone exchange communications service by which wireless carriers can provide automatic number identification, pseudo-automatic number identification, and wireless automatic location identification information to a PSAP which has capability of providing selective routing, selective transfer, fixed transfer, automatic number identification, and wireless automatic location identification.

001.01F Fund means the Enhanced Wireless 911 Fund.

001.01G Funding year means the year for which funding is awarded under the permanent funding mechanism from July 1 through June 30.

001.01H Governing body means the board of county commissioners or supervisors of a county, the city council of a city, the board of trustees of a village, or the board of directors of any rural or suburban fire protection district.

001.01I Home service provider means a telecommunications company that has contracted with a customer to provide wireless service.

001.01J 911 service means a telephone service which provides a service user with the ability to reach a PSAP by dialing the digits 911 for the purpose of reporting emergencies. The level of technology used for 911 service in a particular 911 service area shall be determined by the governing bodies having jurisdiction over such area.

001.01K Prepaid wireless telecommunications service means a ~~wireless service for which the user pays prospectively and for which the wireless carrier does not have an ongoing monthly billing relationship with the user of such service~~ a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

001.01L Primary place of use means for users of wireless service other than prepaid wireless service, the street address representative of where the use of wireless service primarily occurs. The place of primary use shall be the residential street address or the primary business street address of the user of the wireless service and shall be within the service area of the home service provider. For users of prepaid wireless service, primary place of use means the location associated with the telephone number assigned to the user.

001.01M Pseudo-automatic number identification means a feature by which automatic number identification is provided to a PSAP of the ten-digit telephone number of the specific cell site or cell site sector from which a wireless call originated.

001.01N Public safety agency means an agency which actually provides firefighting, law enforcement, ambulance, emergency medical, or other emergency services.

001.01O Public safety answering point (PSAP) means a twenty-four hour, local-jurisdiction communications facility which receives 911 service calls and either directly dispatches emergency services or relays calls to the appropriate public safety agency.

001.01P Surcharge means the Enhanced Wireless 911 Surcharge.

001.01Q Ten-digit telephone number means a telephone number assigned to a particular telephone account including the area code.

001.01R Wireless automatic location identification (ALI) means a feature by which information is provided to a PSAP identifying the location, the latitude and longitude within the parameters established by the Federal Communications Commission, of a wireless unit originating a call to a PSAP.

001.01S Wireless carrier means any carrier of mobile service as referenced in 47 U.S.C. 153(27), as such section existed on January 1, 2007; any carrier of commercial mobile service as referenced in 47 U.S.C. 332(d)(1), as such section existed on January 1, 2007; any carrier of commercial mobile radio service as referenced in 47 C.F.R. 20.9, as such regulation existed on January 1, 2007; or any cellular radiotelephone service, licensees of a personal communications service, and specialized

mobile radio services as referenced in 47 C.F.R. 20.9, as such regulation existed on January 1, 2007. References to wireless carrier include those wireless carriers providing prepaid wireless telecommunications service as defined in section 001.01K unless specifically exempted.

001.01T Wireless service means any mobile service as defined in 47 U.S.C. 153 and 47 C.F.R. 27.4, as such section and regulation existed on January 1, 2007; any commercial mobile service as defined in 47 U.S.C. 332(d), as such section existed on January 1, 2007; or any commercial mobile radio service as referenced in 47 C.F.R. 20.9, as such regulation existed on January 1, 2007.

001.02 Confidential Information: Information provided by wireless carriers to the Advisory Board or the Commission pursuant to the Enhanced Wireless 911 Services Act may be treated as records which may be withheld from the public upon request of the party submitting such records if the information qualifies under subdivision (3) of section 84-712.05.

001.03 Immunity: The Commission, governing bodies, and public safety agencies may provide enhanced wireless 911 service. In contracting for and providing such service, except for failure to use reasonable care or for intentional acts, the Commission, each governing body, each public safety agency, each wireless carrier, and their employees and agents shall be immune from liability or the payment of damages in the performance of installing, maintaining, or providing enhanced wireless 911 service.

001.04 Civil Penalty: The Commission may assess a civil penalty pursuant to section 75-156 for each violation of any provision of the Enhanced Wireless 911 Services Act or any rule, regulation, or order of the Commission issued under authority delegated to the Commission pursuant to the Act.

002 ENHANCED WIRELESS 911 SURCHARGE:

002.01 Wireless Carriers:

002.01A Each wireless carrier shall collect:

002.01A1 A surcharge of up to seventy cents, except as provided in section 002.01A2 ~~and as otherwise provided with respect to prepaid wireless service~~, on all active telephone numbers or functional equivalents every month from users of wireless service and shall remit the surcharge in accordance with section 003.02.

002.01A2 A surcharge of up to fifty cents, ~~except as otherwise provided with respect to prepaid wireless service~~, on all active telephone numbers or functional equivalents every month from users of wireless service whose primary place of use is in a county containing a

city of the metropolitan class and shall remit the surcharge in accordance with section 003.02.

002.01B Liability: The wireless carrier, ~~except as otherwise provided with respect to prepaid wireless service,~~ is not liable for any surcharge not paid by a customer.

002.01C Billing Statements: ~~Except as otherwise provided with respect to prepaid wireless service,~~ The wireless carrier shall add the surcharge to each user's billing statement. The surcharge shall appear as a separate line-item charge on the user's billing statement and shall be labeled as "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation of such phrase.

002.01D Resellers: If a wireless carrier, ~~except as otherwise provided with respect to prepaid wireless service,~~ resells its service through other entities, each reseller shall collect the surcharge from its customers and shall remit the surcharge in accordance with section 003.02.

002.01E Exemptions:

001.01E1: The surcharges authorized by this section shall not apply to prepaid wireless telecommunications service as defined in section 001.01K.

002.01E2: This section does not apply to users who have no 911 service.

~~002.02 Wireless Carriers Providing Prepaid Wireless Service:~~

~~002.02A All users of prepaid wireless services shall pay an amount comparable to the amount paid by users of wireless services that are not prepaid in support of statewide wireless enhanced 911 service.~~

~~002.02B Liability:~~ ~~The duty to remit any surcharges established pursuant to section 002.03B is the responsibility of the wireless carrier. When possible, such amounts shall be collected from users of such prepaid wireless services.~~

~~002.02C Exemption:~~ ~~This section does not apply to users who have no 911 service.~~

002.032 Setting Surcharge: ~~002.03A~~ The Commission shall hold a public hearing annually to determine the amount of revenue necessary to carry out the Enhanced Wireless 911 Services Act. After the hearing, the Commission shall determine the amount of money to be deposited in the Fund for the following year and shall set the surcharge subject to the limitations set forth in 86-457.

~~002.03B The Commission shall establish surcharges comparable to the surcharge assessed on other users of wireless services and shall develop methods for collection and remittance of such surcharges from wireless carriers offering prepaid wireless services.~~

003 WIRELESS CARRIER REMITTANCE AND REPORTING:

003.01 Scope: Each wireless carrier shall comply with all Commission rules and regulations regarding wireless 911 service. Each wireless carrier shall comply with this section regardless of whether the wireless carrier receives reimbursement from the Fund. Wireless carriers failing to comply with this section may be administratively fined by the Commission pursuant to section 75-156.

003.02 Remittances: Each wireless carrier, except with respect to prepaid wireless telecommunications service, shall remit monthly to the Commission amounts collected pursuant to sections 002.01 and 002.02 together with any forms required by the Commission no later than sixty days (60) from the last day of the month. The Commission shall remit the funds to the State Treasurer for credit to the Fund.

003.03 Quarterly Reports: Each wireless carrier, except a wireless carrier whose users have no 911 service, shall report to the Commission on a quarterly basis for each county in a manner prescribed by the Commission.

003.03A Each wireless carrier shall provide the following information:

003.03A1 The number of telephone numbers or functional equivalents served;

003.03A2 The number of telephone numbers or functional equivalents from which it has collected surcharge revenue;

003.03A3 The number of wireless towers by county; and

003.03A4 The current implementation status of enhanced wireless 911 service in each county served by that wireless carrier.

003.03B The Commission will make available forms to be used for the filing of quarterly reports.

003.03C Quarterly reports shall be filed by the 15th of the month following the close of the quarter. Any wireless carrier failing to timely file its quarterly report may be subject to administrative fines.

003.04 Records: Wireless carriers shall maintain all records required by this section, records of the amounts collected pursuant to sections 002.01 and 002.02 and remittance records for a period of five (5) years after the date of remittance to the fund.

003.05 Audits: The Commission may require an audit of any wireless carrier's books and records concerning the collection and remittance of any amounts collected pursuant to sections 002.01 and 002.02.

003.05A The costs of any audit required by the Commission shall, at the Commission's discretion, be paid by the audited wireless carrier.

003.05B A wireless carrier shall not be required to pay for more than one remittance audit or more than one collection audit per year, unless the Commission orders subsequent audits for good cause.

004 ENHANCED WIRELESS 911 ADVISORY BOARD:

004.01 Purpose: The Enhanced Wireless 911 Advisory Board (Advisory Board) is created to advise the Commission regarding the implementation, development, administration, coordination, evaluation, and maintenance of enhanced wireless 911 service.

004.02 Membership: The Advisory Board shall be composed of the following individuals appointed by the Governor, including:

004.02A One sheriff;

004.02B Two county officials or employees;

004.02C Two municipal officials or employees;

004.02CD One representative from the state's wireless telecommunications industry;

004.02DE One manager of a PSAP not employed by a sheriff;

004.02EF One representative of the state's local exchange telecommunications service industry; and

004.02FG One member of the public.

004.03 Ex Officio Members: The Commissioner and the Chief Information Officer or their designees shall serve as ex officio members on the Board and are not appointed by the governor.

004.04 Members of the Board, except for the two ex officio members, shall be appointed for a term of three years. Each succeeding members of the Board shall be appointed for a term of three years.

004.05 Meetings: The Board shall meet as often as necessary to carry out its duties.

004.06 Expenses: Members of the Board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

004.07 Duties: The Advisory Board shall make recommendations to the Commission regarding the implementation of the Act, including:

004.07A The allocation of funds from the Fund as specified in section 86-465;

004.07B Rules and regulations necessary to carry out the Act;

004.07C Any adjustments in the surcharge amount to recommend to the Legislature; and

004.07D The resolution of any disputes between PSAPs and wireless carriers.

004.08 The Commission may approve and implement any recommendations of the Advisory Board.

005 ENHANCED WIRELESS 911 FUND:

005.01 The Fund shall consist of the surcharges credited to the Fund, any money appropriated by the Legislature, any federal funds received for wireless emergency communication, and any other funds designated for credit to the Fund.

005.02 Permitted Uses: Money in the Fund shall be used for the following purposes. The Commission, in consultation with the Advisory Board, shall determine which costs are eligible for funding pursuant to the permanent funding mechanism:

005.02A Costs of administering the Fund.

005.02B Costs incurred, or to be incurred, by wireless carriers to implement enhanced wireless 911 service pursuant to a service agreement with a PSAP or pursuant to a request for service from a PSAP which may include, but not be limited to:

005.02B1 The portion of the costs for new equipment used for providing enhanced wireless 911 service;

005.02B2 Costs to lease another vendor's equipment or services to provide enhanced wireless 911 service;

005.02B3 Costs to create or maintain any data base or data base elements used solely for enhanced wireless 911 service; and

005.02B4 Other costs of establishing enhanced wireless 911 service.

005.02C Costs incurred or to be incurred by PSAPs to implement enhanced wireless 911 service including but not limited to:

005.02C1 Purchases of new equipment used for the provision of enhanced wireless 911 service;

005.02C2 Costs of upgrades, modification and personnel training used solely to process the data elements of enhanced wireless 911 service;

005.02C3 Maintenance costs and license fees for new equipment used for the provision of enhanced wireless 911 service; and

005.02C4 Costs incurred, or to be incurred, for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service.

005.02D Expenses incurred by members of the Advisory Board while performing duties required by the Act.

005.03 Prohibited Uses: Money in the Fund shall not be used for the following purposes:

005.03A Any portion of the costs of equipment or services used in the wireless carrier's main infrastructure resulting in revenue to the wireless carrier;

005.03B Costs incurred to purchase, install or maintain street signs;

005.03C Any costs not directly in support of the implementation or provision of enhanced wireless 911 service.

005.04 A wireless carrier receiving funds from the Fund shall not directly assess any of the costs associated with the implementation or provision of enhanced wireless 911 service to any PSAP, county, or municipality without the express consent of the Commission.

006 FUNDING PROCESS:

006.01 Funding for wireless carriers and PSAPs is determined by the permanent funding mechanism established by the Commission. The permanent funding mechanism may be modified by Commission order at the discretion of the Commission.

006.01A PSAP Funding:

006.01A1 Prerequisites for Funding: In order to receive funding, the following eligibility requirements must be met.

006.01A1a PSAPs must maintain funds received in a separate account or fund and provide all necessary account information to the Commission;

006.01A1b PSAPs must be connected to the selective router;

006.01A1c PSAPs must make arrangements for the maintenance of all equipment and software necessary for the provision of enhanced wireless 911 service;

006.01A1d PSAPs must have made arrangement or retained trained personnel to ensure all GIS data necessary for the mapping of enhanced wireless 911 calls is current and accurate;

006.01A1e PSAPs must provide all GIS data and updates to the statewide GIS repository; and

006.01A1f PSAPs must certify and are responsible for complying with all applicable state and local bidding requirements for the purchase of goods or services related to the provision of enhanced wireless 911.

006.01A2 Eligible PSAP Costs: PSAPs may use funds provided through the permanent funding mechanism to pay the following costs. The Commission may approve additional costs by Commission order consistent with the limitations set forth in section 005.02.

006.01A2a The purchase and installation of equipment and software necessary for the provision of wireless enhanced 911 service based upon the wireline/wireless ratio established by the Commission or the wireline/wireless call ratio established by the PSAP;

006.01A2b Costs of upgrades to equipment and software necessary for the provision of wireless enhanced 911 service. Such costs are subject to the wireline/wireless ratio established by the Commission or the wireline/wireless call ratio established by the PSAP;

006.01A2c Maintenance costs for eligible equipment and software subject to the wireline/wireless ratio established by the Commission or the wireline/wireless call ratio established by the PSAP;

006.01A2d ~~Maintenance~~ Costs related to GIS data necessary for the provision of wireless enhanced 911 service subject to the wireline/wireless ratio established by the Commission or the wireline/wireless call ratio established by the PSAP, unless otherwise ordered by the Commission. Upon order of the Commission, a PSAP employing in-house personnel to maintain GIS data may be permitted to utilize funds for these personnel costs ~~subject to certain limitations as prescribed by the Commission notwithstanding the provisions of 006.01A3;~~

006.01A2e Telecommunications services required for the provision of enhanced wireless 911 service including trunking and connection to the selective router. A dedicated wireless 911 trunk is eligible for full funding; however, shared facilities are subject to the wireline/wireless ratio established by the Commission or the wireline/wireless call ratio established by the PSAP;

006.01A2f Local exchange carrier charges for the transportation of enhanced wireless 911 calls. Such costs will be paid directly by the Commission pursuant to the permanent funding mechanism.

006.01A2g Training related to the provision of enhanced wireless 911 service not to exceed 5% of the funds allocated to the PSAP; ~~and~~

006.01A2h Costs of translation services provided through service contracts necessary for the process of wireless enhanced 911 calls. Such expenses are shared between landline and wireless 911 service and shall be subject to the wireless/wireline ratio established by the Commission or the wireline/wireless call ratio established by the PSAP.

006.01A2i Personnel expenses for dispatchers who receive and process wireless enhanced 911 calls. Such expenses are shared between landline and wireless 911 service and shall be subject to the wireless/wireline ratio established by the Commission or the wireline/wireless call ratio established by the PSAP. Should a dispatcher have duties beyond the receipt and processing of 911 calls, the costs of the dispatcher should be prorated based upon the time spent on other duties. Wireless 911 funds may not be used for costs associated with general administrative support or any person not directly responsible for receiving and processing wireless 911 calls; and

006.01A2hj Any other costs deemed eligible by Commission order.

006.01A3 Ineligible PSAP Costs: Funds may not be used for the following costs:

~~006.01A3a~~ Personnel costs except as set forth in ~~006.01A2d~~;

~~006.01A3ba~~ Any costs not associated with the provision of enhanced wireless 911 service;

~~006.01A3eb~~ The purchase, installation, or maintenance of street signs;

~~006.01A3ec~~ The purchase, installation, or maintenance of radio equipment;

~~006.01A3ed~~ Any other costs deemed ineligible by Commission order.

006.01A4 The Commission is not required to provide compensation for costs to more than one PSAP in any county.

006.01B Wireless Carrier Funding:

006.01B1 Prerequisites for Funding: In order to receive funding, the following eligibility requirements must be met:

006.01B1a Wireless carriers must certify compliance with federally established

testing and accuracy standards as set forth in 47 C.F.R. 20.18(h);

006.01B1b Wireless carriers must report and account for any additional funding that may support 911 services including, but not limited to, federal or state universal service funds, federal or state grant funds and revenues generated through surcharges imposed by the carrier or costs billed to consumers for location-based services;

006.01B1c Wireless carriers must timely file accurate quarterly reports; remittances; and remittance worksheets. Failure to do so may result in a suspension or termination of funding; and

006.01B1d Additionally, prerequisites may be imposed by Commission order.

006.01B2 Eligible Wireless Carrier Costs: Wireless carriers may use funds provided through the permanent funding mechanism to pay the following costs regardless of whether the costs are associated with Phase I or Phase II enhanced wireless 911 service. Costs below, with the exception of costs set forth in section 006.01B2c are funded through a recurring monthly payment from the Fund. The Commission may approve additional costs by Commission order consistent with the limitations set forth in section 005.02.

006.01B2a Costs associated with database management and upgrade costs necessary to provide enhanced wireless 911 service;

006.01B2b Costs for the transportation and facilities necessary to carry enhanced wireless 911 calls to the selective router;

006.01B2c Costs for capital expenses directly related to the provision of enhanced 911 service, including new equipment, software and upgrades. ~~Such costs are funded solely through the grant program set forth in section 006.01B4.~~

006.01B2d Administrative costs.

006.01B2e Any other costs deemed eligible by Commission order.

006.01B3 Ineligible Wireless Carrier Costs: Funds may not be used for the following costs:

006.01B3a The construction of wireless towers; or

006.01B3b Any other costs deemed ineligible by Commission order.

006.01B4 Wireless Carrier Grant Program: Funds allocated to individual wireless carriers who have opted to not seek funding from the Fund are made available to eligible wireless carriers through a grant application process to recover capital expenses or other one-time costs incurred for the provision of enhanced wireless 911 service but not covered by the general funding disbursed to carriers on a monthly basis through the permanent funding mechanism.

006.01B4a No more than twenty-five percent (25%) of the total support amount allocated to wireless carriers may be spent on grant funding. Any funds in excess of this cap will be returned to the total funds available for both PSAPs and wireless carriers and reallocated the following funding year.

006.01B4b Any available grant funds not awarded in one year will be rolled into available funds for distribution to PSAPs and wireless carriers for the following funding year.

006.01B4c Grant funds may not be used for the construction of wireless towers.

006.01B4d The Commission may modify or eliminate the grant program by Commission order at its discretion.

007 FUNDING APPLICATION PROCESS:

007.01 PSAP Applications for General Funding:

007.01A Initial Applications for Funding: Initial applications for general funding shall be filed no later than April 15th prior to the beginning of the funding year for which funds are requested.

007.01A1 Contents of the Application: An application filed by a PSAP for general funding shall contain the

following minimum information. The Commission or department may request additional information as needed:

007.01A1a Certification that the PSAP has met all of the prerequisites to funding outlined in section 006.01A including a description of the means by which the PSAP has satisfied each of the requirements;

007.01A1b Detailed contact information for the person who shall be responsible for communicating with the Commission regarding the application and funding issues. Contact information should include, name, title, mailing address, telephone number, fax number and e-mail address.

007.01A1c Specifications of the PSAP's current equipment and software, including the type and model or version, the number of call taker positions, software version and a statement as to whether the equipment is IP compatible and meets NENA standards. The PSAP should also include the date of installation and the date of the last upgrade or update.

007.01A1d Specifications regarding the PSAP's mapping software, including the date of installation and the last upgrade.

007.01A1e A description of the area served by the PSAP and the current level of implementation of both landline and wireless 911 service.

007.01A1f The current level of the landline 911 surcharge implemented.

007.01A1g A description of other funding sources available to the PSAP including local, state and federal funds.

007.01A1h A report of wireless and wireline 911 call volumes by month for the previous twelve month period.

007.01A1i A description of what specific costs for which the PSAP intends to use enhanced wireless 911 funds.

007.01A1j Specify the percentage if any that the PSAP intends to set aside for the future purchase or upgrade of equipment and software.

007.01A1k Attach copies of all equipment, software, and GIS data maintenance contracts and any interlocal agreements regarding 911 service.

007.01B Annual Updates to Applications for Funding: Any PSAP receiving funding for the prior funding year shall submit an update to the information set forth in its previous application and, as required in section 007.01A, no later than April 15th prior to the beginning of the funding year for which funds are requested.

007.01B1 In addition to describing any changes to the previous information, the update must include the wireless and wireline call volumes per month for the most recent twelve month period.

007.01B2 The Commission or the department may request additional information.

007.01C Applications for the Purchase and Upgrade of Equipment and Software: Any PSAP wishing to utilize amounts set aside for further purchases and upgrades of equipment and software must file an application with the Commission.

007.01C1 Applications must include the following information:

007.01C1a A detailed description of the equipment and software including all specifications;

007.01C1b A statement that the PSAP has complied with all state and local bidding requirements;

007.01C1c A detailed breakdown of the costs of the equipment, software and installation;

007.01C1d A description of the funding being used for the purchase including landline 911 surcharge revenues, general funds, grant funding and enhanced wireless 911 funds;

007.01C1e The expected delivery and installation dates; and

007.01C1f Copies of all contracts related to the purchase and installation of the equipment and software.

007.01C2 All applications to utilize funding for equipment and software purchases and upgrades are subject to review by the Advisory Board.

007.01C3 Funds set aside for the purchase of equipment and software cannot be used during a subsequent funding year for any other purpose. Any funds not used within ten years of being set aside must be returned to the Fund.

007.01D Any PSAP failing to timely file an initial application for funding or an update to an application for funding by the April 15th deadline may lose funding for the following funding year.

007.02 Wireless Carrier Applications for General Funding:

007.02A Wireless Carrier Initial Applications Funding: Initial applications for general funding shall be filed no later than April 15th prior to the beginning of the funding year for which funds are requested.

007.02A1 Contents of the Application: An application filed by a wireless carrier for general funding shall contain the following minimum information. The Commission or department may request additional information as needed:

007.02A1a Certification that the wireless carrier has met all of the prerequisites to funding outlined in section 006.01B including a description of the means by which the wireless carrier has satisfied each of the requirements.

007.02A1b Detailed contact information for the person who shall be responsible for communicating with the Commission regarding the application and funding issues. Contact information should include, name, title, mailing address, telephone number, fax number and e-mail address.

007.02A1c Certification that the wireless carrier is in compliance with federally established testing and accuracy standards as set forth 47 C.F.R. 20.18(h).

007.02A1d A report of any additional funds from other sources in support of 911 services including, but not limited to, federal or state universal service funds, federal or state grant funds and revenues generated through surcharges imposed by the carrier or costs billed to consumers for location-based services.

007.02A1e A certification that the wireless carrier is in compliance with Commission quarterly reporting requirements, surcharge remittances, and remittance worksheet filing requirements.

007.02A1f A description of the eligible costs for which the wireless carrier intends to use funds.

007.03 Wireless Carrier Applications for Grant Funding:

007.03A Wireless Carrier Applications for Grant Funding: Applications for grant funding shall be filed no later than October 15th prior to the beginning of the funding year for which funds are requested.

007.03A1 Contents of the Application: An application filed by a wireless carrier for grant funding shall contain the following minimum information. The Commission or department may request additional information as needed:

007.03A1a Certification that the wireless carrier has met all of the prerequisites to funding outlined in section 006.01B including a description of the means by which the PSAP has satisfied each of the requirements.

007.03A1b Detailed contact information for the person who shall be responsible for communicating with the Commission regarding the application and funding issues. Contact information should include, name, title, mailing address, telephone number, fax number and e-mail address.

007.03A1c Detailed budget of the proposed project and supporting documentation for the project costs.

007.03A1d Information regarding vendors to be used for the project and copies of contracts with vendors.

007.03A1e Disclosures of any affiliations between the vendor and the wireless carrier.

007.03A1f Statement regarding 911 and/or public safety related funds received by the wireless carrier from other sources including, but not limited to, any stimulus money, other grant funds, 911 or public safety funds from other states used to support costs of providing 911 service.

007.03A1g Certification that funds requested for the project will support only the Nebraska 911 system.

007.03B All applications for grant funding will be reviewed by the Advisory Board and will be subject to a hearing before the Commission.

007.03C Any approved grant funds will be paid after the completion of the project based upon the submission of invoices or other appropriate documentation substantiating the costs.

007.03D Any funds not awarded in one year will be made available for distribution to PSAPs and wireless carriers in the following funding year.

007.03E Any wireless carrier failing to timely file any application for funding or an update to an application for funding by the required deadline may lose funding for the following funding year.

008 ANNUAL VERIFICATION REGARDING USE OF FUNDS:

008.01 Both wireless carriers and PSAPs shall submit all invoices and other supporting documentation to the Commission to demonstrate that all funds for the previous funding year were used for eligible costs including an accounting by PSAPs of all funds set aside for future equipment and software purchases and upgrades.

008.01A Such verification shall be filed with the Commission no later than October 15th following the close of the funding year.

008.01B Failure to submit the required verification may result in a suspension of funding for the current funding year and/or a loss of funding for the following funding year.

008.02 If the Commission determines that any funds were not used appropriately, funding for the following funding year would be adjusted to recover any necessary funds.

008.03 All PSAPs and wireless carriers receiving funding are subject to audit.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

RULE AND REGULATION NO. 188

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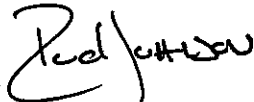
IT IS FURTHER ORDERED that comments on the second set of proposed rules shall be filed by interested parties **on or before 3:00 p.m. March 29, 2013**. Parties filing comments should file one (1) original, five (5) paper copies and one (1) electronic copy in Word emailed to **kathy.lahman@nebraska.gov** and **angela.melton@nebraska.gov**.

IT IS FINALLY ORDERED that hearing on the second set of proposed rules is scheduled for **April 2, 2013, at 1:30 p.m.** immediately following the hearing in Docket No. 911-024 in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

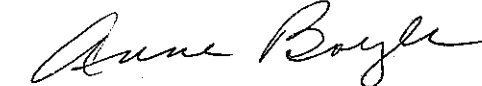
MADE AND ENTERED in Lincoln, Nebraska, on this 20th day of February, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

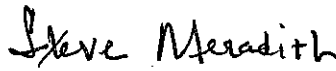


//s//Anne C. Boyle
//s//Frank E. Landis



Chair

ATTEST:



Executive Director