

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. 911-019/  
Public Service Commission, on it ) PI-118  
own motion, to implement )  
provisions of LB 1222 [2006] and )  
to establish a permanent funding ) ORDER AUTHORIZING PAYMENTS  
mechanism for wireless enhanced )  
911 service. )  
Entered: May 7, 2019

BY THE COMMISSION:

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

On February 23, 2010, the Commission adopted the Wireless 911 Support Allocation Model (911-SAM) in this docket for the purpose of disbursing funds from the Enhanced Wireless 911 Fund (the "E911 Fund") to eligible wireless service providers (WSPs) and public service answering points (PSAPs). The 911-SAM was created to implement provisions of LB 1222 [2006] which established Enhanced Wireless 911 Services Act<sup>1</sup>, (the "E911 Act") and, among other things, called for the establishment of "a mechanism for determining the level of funding available to each public safety answering point and wireless carrier for costs determined to be eligible by the commission."

On March 29, 2018, the Nebraska Legislature adopted LB 993 [2018], was signed into law by the Governor on April 4, 2018. Among other things, LB 993 merged the E911 Fund into the 911 Service System Fund and amended the 911 Service System Act<sup>2</sup> so as to direct the Commission to:

(a) Determine how to allocate the 911 Service System Fund in order to facilitate the planning, implementation, coordination, operation, management, and maintenance of the 911 service system;

(b) Create a mechanism for determining the level of funding available to or for the benefit of local governing bodies, public safety answering points, and third-party service or infrastructure providers for costs determined to be eligible by the commission; and

(c) Establish standards and criteria concerning disbursements from the 911 Service System Fund for the

<sup>1</sup> Neb. Rev. Stat. §§ 86-442 to 86-471.

<sup>2</sup> Neb. Rev. Stat. §§ 86-1001 to 86-1030.

planning, implementation, coordination, operation, management, and maintenance of the 911 service system.<sup>3</sup>

On May 1, 2018, the Commission issued an Order in this docket finding that the 911-SAM had reached the end of its useful life as a valid funding mechanism for eligible PSAPs.<sup>4</sup> The Commission observed that the 911-SAM was built on assumptions and key inputs that no longer reflect present-day circumstances. For example, the 911-SAM operates on decade old assumptions for modeling expected population growth, PSAP equipment expenses and Geographic Information Systems (GIS) costs. Such assumptions have become highly inaccurate, leading to anomalous results. In addition, the 911-SAM does not account for the ongoing process of regionalization or PSAP consolidations. In some cases, the 911-SAM financially penalizes PSAPs that choose to regionalize or consolidate their operations. Importantly, the 911-SAM includes no provision for the cost of transitioning to next generation 911.

Likewise, it has become apparent that the 911-SAM is also having anomalous effects in the calculation WSP funding. For example, the 911-SAM does not account for the significant changes in wireless technology that have occurred since it was adopted in 2010. In addition, there are fewer WSPs that seek 911 funding from the Commission than was the case when the 911-SAM was first adopted. This is significant, because the 911-SAM operates in such a way that activities, such as tower construction, undertaken by WSPs that do not seek Commission funding may reduce the funding allocated to the WSPs that do seek Commission Funding. Therefore, the Commission concludes that the 911-SAM has also reached the end of its useful life with respect to determining funding levels for WSPs.

In conjunction with the May 1, 2018 Order referenced above, the Commission opened a docket to engage stakeholders regarding the development of a new funding allocation mechanism under the 911 Service System Act.<sup>5</sup> A funding workshop has already been held pursuant to that docket, with written comments collected from stakeholders both before and after the workshop. In addition, the

<sup>3</sup> LB993 [2018], Section 12 (revising Neb. Rev. Stat. § 86-1025).

<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, ORDER AUTHORIZING PAYMENTS (May 1, 2018)...

<sup>5</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement provisions of LB 993 [2018] and establish a funding mechanism for next generation 911 service pursuant to the 911 Service System Act*, Application No. 911-068/PI-215, ORDER OPENING DOCKET AND SCHEDULING WORKSHOP (May 1, 2018).

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pursuant to that docket, with written comments collected from stakeholders both before and after the workshop. In addition, the 911 Service System Advisory Committee, established under the Act, is in the process of establishing a formal Funding Working Group to explore options for the development of a new funding model to be considered by the Committee as a whole and presented for adoption to the Commission.

In the meantime, with respect to the 2019-2020 funding year, the Commission hereby determines that 911 funding allocated to PSAPs and WSP shall be maintained at the same level as provided to such funding recipients during the 2018-2019 funding year. Therefore, funding for the 2019-2020 funding year is authorized for eligible PSAPs in a total amount of up to **\$4,893,532.94** and for WSPs in an amount up to **\$1,007,264**.

Attached hereto and incorporated herein by this reference are Appendix A, a summary of the potential funding to each PSAP after all pre-existing commitments are paid for in the 2019-2020 funding year; and Appendix B, outlining WSP Support.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Commission staff be authorized to make disbursements for the 2019-2020 funding year as described herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 7<sup>th</sup> day of May, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

//s//Rod Johnson

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**APPENDIX A**

| PSAP Names  | 2019-2020 Ann<br>Allocation | Advances<br>Deducted | Audit<br>Deduction | Adjusted Annu<br>Allocation | Monthly Paymer<br>(11 Months) |
|---|-----------------------------|----------------------|--------------------|-----------------------------|-------------------------------|
| Alliance PD   | \$55,039                    |                      |                    | \$55,039                    | \$5,003                       |
| Antelope County Sheriff's Office                      | \$48,195                    |                      |                    | \$48,195                    | \$4,381                       |
| Beatrice Communications Center/Gage County            | \$72,270                    |                      |                    | \$72,270                    | \$6,570                       |
| Boone County  | \$46,478                    |                      |                    | \$46,478                    | \$4,225                       |
| Brown County (Basic 911)                              | \$42,717                    |                      |                    | \$42,717                    | \$3,883                       |
| Buffalo County 911                                    | \$109,006                   |                      |                    | \$109,006                   | \$9,909                       |
| Burt County 911                                       | \$51,293                    |                      |                    | \$51,293                    | \$4,663                       |
| Butler County   | \$50,318                    |                      |                    | \$50,318                    | \$4,574                       |
| Cass County Sheriff's Dept.                           | \$83,183                    |                      |                    | \$83,183                    | \$7,562                       |
| Cedar County Sheriff 911                              | \$50,345                    |                      |                    | \$50,345                    | \$4,576                       |
| Chase County  | \$46,614                    |                      |                    | \$46,614                    | \$4,237                       |
| Cherry County (Basic 911)                             | \$47,494                    |                      |                    | \$47,494                    | \$4,317                       |
| Cheyenne County Emergency Communications<br>Ctr       | \$55,787                    |                      |                    | \$55,787                    | \$5,071                       |
| Clay County   | \$46,189                    |                      |                    | \$46,189                    | \$4,199                       |
| Colfax County 911                                     | \$55,867                    |                      |                    | \$55,867                    | \$5,078                       |
| Columbus PD   | \$81,394                    |                      |                    | \$81,394                    | \$7,399                       |
| Cuming County 911                                     | \$56,763                    |                      |                    | \$56,763                    | \$5,160                       |
| Custer County 911                                     | \$55,339                    |                      |                    | \$55,339                    | \$5,030                       |
| Dakota County/South Sioux City Law<br>Enforcement Ctr | \$74,242                    |                      |                    | \$74,242                    | \$6,749                       |
| Dawes County  | \$53,772                    |                      |                    | \$53,772                    | \$4,888                       |
| Dawson County Sheriff                                 | \$82,780                    |                      |                    | \$82,780                    | \$7,525                       |
| Dixon County  | \$43,835                    |                      |                    | \$43,835                    | \$3,985                       |
| Douglas County 911 LEC                                | \$458,580                   |                      |                    | \$458,580                   | \$41,689                      |
| Dundy County  | \$41,798                    |                      |                    | \$41,798                    | \$3,799                       |
| Fillmore County                                       | \$43,462                    |                      |                    | \$43,462                    | \$3,951                       |
| Franklin County                                       | \$39,798                    |                      |                    | \$39,798                    | \$3,618                       |
| Fremont PD 911  | \$91,504                    | \$4,128              |                    | \$87,375                    | \$7,943                       |
| Frontier County 911                                   | \$45,887                    |                      |                    | \$45,887                    | \$4,171                       |
| Furnas County Sheriff 911                             | \$47,861                    |                      |                    | \$47,861                    | \$4,351                       |
| Garden County   | \$45,334                    |                      |                    | \$45,334                    | \$4,121                       |
| Hall County 911                                       | \$119,588                   |                      |                    | \$119,588                   | \$10,871                      |
| Hamilton County                                       | \$68,382                    |                      |                    | \$68,382                    | \$6,216                       |
| Harlan / Phelps Counties/City of Holdrege             | \$54,560                    |                      |                    | \$54,560                    | \$4,960                       |
| Hastings Police Department                            | \$86,924                    |                      |                    | \$86,924                    | \$7,902                       |

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|                                    |             |         |     |             |           |
|------------------------------------|-------------|---------|-----|-------------|-----------|
| Hitchcock County 911               | \$46,205    |         |     | \$46,205    | \$4,200   |
| Holt/Boyd County                   | \$57,974    |         |     | \$57,974    | \$5,270   |
| Howard County 911                  | \$51,631    |         |     | \$51,631    | \$4,693   |
| Jefferson County                   | \$48,562    |         |     | \$48,562    | \$4,414   |
| Johnson County                     | \$44,834    |         |     | \$44,834    | \$4,075   |
| Kearney County 911                 | \$50,501    |         |     | \$50,501    | \$4,591   |
| Keith County 911                   | \$63,401    |         |     | \$63,401    | \$5,763   |
| Kimball County                     | \$46,225    |         |     | \$46,225    | \$4,202   |
| Knox County                        | \$53,022    |         |     | \$53,022    | \$4,820   |
| Lincoln 911                        | \$339,711   |         |     | \$339,711   | \$30,882  |
| Lincoln County 911/North Platte PD | \$94,425    |         |     | \$94,425    | \$8,584   |
| McCook Police Department           | \$51,414    |         |     | \$51,414    | \$4,674   |
| Mid Rivers 911                     | \$44,023    |         |     | \$44,023    | \$4,002   |
| Morrill County (Basic 911)         | \$49,723    |         |     | \$49,723    | \$4,520   |
| Nance County                       | \$39,740    |         |     | \$39,740    | \$3,612   |
| Nemaha County                      | \$48,487    |         |     | \$48,487    | \$4,407   |
| Norfolk PD                         | \$95,775    |         |     | \$95,775    | \$8,706   |
| Nuckolls County                    | \$43,492    |         |     | \$43,492    | \$3,953   |
| Otoe County                        | \$60,915    |         |     | \$60,915    | \$5,537   |
| Pierce County                      | \$53,651    |         |     | \$53,651    | \$4,877   |
| Polk County                        | \$47,442    |         |     | \$47,442    | \$4,312   |
| Region 26                          | \$56,430    |         |     | \$56,430    | \$5,130   |
| Richardson County                  | \$46,962    |         |     | \$46,962    | \$4,269   |
| Rock Co. Sheriff's Dept.           | \$40,226    |         |     | \$40,226    | \$3,656   |
| Sarpy County 911                   | \$249,914   |         |     | \$249,914   | \$22,719  |
| Saunders County                    | \$68,180    |         |     | \$68,180    | \$6,198   |
| Scottsbluff County Communication   | \$93,122    |         |     | \$93,122    | \$8,465   |
| Seward County                      | \$65,053    |         |     | \$65,053    | \$5,913   |
| Sheridan County                    | \$52,326    |         |     | \$52,326    | \$4,756   |
| Thayer County                      | \$41,822    |         |     | \$41,822    | \$3,802   |
| Thurston County                    | \$45,082    |         |     | \$45,082    | \$4,098   |
| Washington County 911              | \$69,639    |         |     | \$69,639    | \$6,330   |
| Wayne PD                           | \$57,084    |         |     | \$57,084    | \$5,189   |
| Wilbur Sheriff's Office            | \$63,497    |         |     | \$63,497    | \$5,772   |
| York County Sheriff                | \$60,412    |         |     | \$60,412    | \$5,492   |
|                                    | \$4,893,532 | \$4,128 | \$0 | \$4,889,404 | \$444,491 |

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**APPENDIX B**

**2019-2020 WSP E911  
FUNDING SUPPORT**

| WSP Names    | WSP |           |
|--------------|-----|-----------|
|              | \$  | 1,007,264 |
| ATT          | \$  | -         |
| IowaWireless | \$  | -         |
| PinPoint     | \$  | -         |
| Sprint       | \$  | 200,319   |
| Swiftel      | \$  | -         |
| TMobile      | \$  | -         |
| USCC         | \$  | 375,034   |
| Verizon      | \$  | -         |
| Viaero       | \$  | 431,911   |