

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-042.68
Public Service Commission, on)
its own motion, seeking to)
administer funding for public)
safety answering points for the) ORDER APPROVING FUNDING
implementation and provision of)
Enhanced Wireless 911 service:)
Butler County.) Entered: December 17, 2019

BY THE COMMISSION:

On March 30, 2010, the Nebraska Public Service Commission ("Commission") opened the above-referenced docket on its own motion, seeking to administer funding for public safety answering points ("PSAPs").¹

On or about July 24, 2019, the Butler County PSAP filed a request to use set-aside funds to connect its geographic information system ("GIS") to a multi-county computer aided dispatch ("CAD") system hosted by the Seward County PSAP.² In order to accomplish this, GeoComm will consolidate Butler County's GIS dataset with the Seward County GIS dataset for installation on the Seward County GeoLynx Server. According to the funding request filed with the Commission, the total cost for this project, including two additional GeoLynx Server Dispatch Mapping Licenses and first year support and maintenance, is \$24,942.00.

GIS expenses for the delivery of 911 service are eligible costs that support both wireless and landline 911 service and are subject to the wireless/wireline ratio.³ However, the Butler County funding request proposes that the entire cost of GIS project be paid out of wireless set-aside funds, because this is "a regional cooperative shared technology project which further supports the goal of regionalization."⁴ This would mean that none of the cost would be

¹ In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service, Application No. 911-042, ORDER OPENING DOCKET (March 30, 2010).

² See, In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Seward County, Application No. 911-042.28, ORDER APPROVING FUNDING (June 26, 2018).

³ Id. See also, In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Lincoln, Application No. 911-042.33, ORDER APPROVING FUNDING (Nov. 7, 2017.)

⁴ Funding Request.

paid from the monthly service surcharges imposed on each landline telephone number in Butler County⁵ or other local sources.

The Wireless Enhanced 911 Advisory Board Considered the request at its October 21, 2019 meeting and recommended the funding request be approved.

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

Pursuant to the 911 Service System Act⁶ (the "Act"), the Commission is responsible for allocating funding to PSAPs from the 911 Service System Fund (the "Fund").⁷ The Fund consists primarily of surcharges collected by wireless carriers from wireless service customers.⁸ The Act provides that money in the fund may be used to pay for costs that are determined by the Public Service Commission ("Commission") to be eligible for funding, including costs incurred by PSAPs for acquisition, installation, maintenance, and operation of telecommunications equipment and services required for the provision of 911 service.⁹

PSAP expenses that support both wireless and landline 911 service are subject to the wireless/wireline ratio. Under this approach, the funding available to pay for handling 911 calls is categorized based on the type of service that the caller uses to contact the PSAP. The funding standards typically provide that enhanced wireless 911 surcharge funds may only be used to pay for expenses that relate to the handling of wireless 911 calls.¹⁰ Conversely, expenses relating to wireline 911 calls must be paid from the locally-controlled service surcharge imposed on landline telephone numbers or local government general funds. The mechanism that is used to allocate funding responsibility between wireless and landline 911 calls is called the wireless/wireline ratio.¹¹

⁵ See, Emergency Telephone Communications Systems Act, Neb. Rev. Stat. §§ 86-420 to 86-441.01.

⁶ Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

⁷ Neb. Rev. Stat. §§ 86-1025(5).

⁸ See, e.g., Neb. Rev. Stat. §§ 86-456, 86-456.01, 86-457, 86-459, 86-466, 86-904 and 86-1028.

⁹ Neb. Rev. Stat. § 86-1025(5)(c).

¹⁰ See, *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, PROGRESSION ORDER NO. 1 (April 6, 2010).

¹¹ See, *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Boone County*, Application No. 911-042.44, ORDER APPROVING FUNDING (Jan. 8, 2019).

The Commission has provided a limited exception to these general requirements in the case of regionalization costs. On October 16, 2018, the Commission issued an Order determining that eligible costs incurred by PSAPs to join a region, including equipment costs and the first year of multi-year maintenance, support, service or licensing agreements, may be fully paid from monies in the 911 Service System Fund, including set-aside funds, without applying the wireless/wireline ratio.¹² A region is a multi-node 911 system made up of multiple individual PSAPs, each of which benefits from cost savings and mutual failover support by sharing call-handling and other equipment through an internet protocol network.¹³

Butler County is not incurring the requested costs in order to join a region. Butler County is already part of the East Central Region. Therefore, the costs to be incurred by Butler County to consolidate its GIS data into the Seward County GIS dataset and use the Seward County GeoLynx Server and CAD system is not a cost incurred to join a region, and therefore not eligible for 100 percent funding under the limited exception approved by the Commission.

The funding mechanism adopted by the Commission permits PSAPs to set aside up to seventy-five percent (75%) of their annual funding allocation for future purchases of equipment and software.¹⁴ Such set aside funds may also be used to pay the first year of multi-year maintenance, service, support or licensing agreements.¹⁵ However, set aside funds may not be used to pay future years of multi-year maintenance, service, support or licensing agreements. Any such future costs must be paid from a PSAP's annually allocated funds or other sources.¹⁶

¹² *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Chase County, Application No. 911-042.50 ORDER APPROVING FUNDING (Oct. 16, 2018).*

¹³ *Supra*, note 19.

¹⁴ *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, FINAL ORDER ADOPTING MODEL AND APPLICATION PROCESS (Feb. 23, 2010).*

¹⁵ *See, e.g., In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of North Platte, Application No. 911-042.18 ORDER APPROVING FUNDING (August 29, 2017).*

¹⁶ *See, e.g., In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points*

Application No. 911-042.68

Page 4

Based upon the request for funding, supporting documentation, and in consideration of the recommendation of the Advisory Board, the Commission is of the opinion and finds that the costs requested are eligible for funding as costs incurred for the purchase, installation, maintenance or operation of telecommunications equipment and telecommunications services required for the provision of 911 service. PSAP costs for the purchase and maintenance of GIS systems are eligible for funding.¹⁷

Based upon the request for funding, support documentation, and in consideration of the recommendation of the Advisory Board, the Commission is of the opinion and finds that the amount eligible for funding hereunder is \$24,942.00. Such costs are shared costs which are subject to the wireless/wireline ratio in effect for Butler County for the 2018-2019 funding year, which is 77 percent wireless.

Based upon the above, the Commission finds that use of set-aside funds by Butler County should be approved in an amount of up to 77 percent of \$24,942.00, or **\$19,205.34**.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that funding for Butler County is hereby approved in the amount of up to **\$19,205.34**.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 17th day of December, 2019.

COMMISSIONERS CONCURRING:

Cystal Knoder
Ed Jensen
Don Waters
Tim Schram

NEBRASKA PUBLIC SERVICE COMMISSION

Mary Ridd
 Chair

ATTEST:

Michael S. H. D.
 Executive Director

for the implementation and provision of Enhanced Wireless 911 service: Dundy County, Application No. 911-042.45, ORDER APPROVING APPLICATION (Dec. 4, 2018).

¹⁷ See, e.g., In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Clay County, Application No. 911-042.03, ORDER APPROVING FUNDING (October 31, 2017).