

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-042.10
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:)
Buffalo County) Entered: January 14, 2020

BY THE COMMISSION:

The Buffalo County ("Buffalo") Public Safety Answering Point ("PSAP") operates host equipment for the South Central Region of PSAPs. On or about October 9, 2019, the Buffalo PSAP filed a request to use set-aside funds to pay CenturyLink for a software upgrade to the call handling equipment at each call taker position in the South Central Region. According to the funding request, the software upgrade is "required to allow continuity of the South Central Region" and "for new PSAP's [sic] to join the region with the latest 911 phone equipment."¹ The cost of the upgrade for each call taking position in the South Central Region is \$757.84 and the total number of current and anticipated call taking positions in the region will be 48, so the total amount of the request is \$36,376.50.

Buffalo County is the largest PSAP in the South Central Region and is one of two host locations for the region.² To facilitate the software installation by CenturyLink, and for the convenience of the region's other PSAPs, Buffalo has agreed to pay CenturyLink for the software upgrade and then seek reimbursement from the other members of the region. In addition, the Buffalo County funding request proposes that the entire cost of the regional software upgrade be paid out of wireless set-aside funds, without being subject to the wireless/wireline ratio.

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

¹ Funding Request, at 1.

² The Dawson County PSAP is the other host location. All the other PSAPs in the South Central Region will be remote locations.

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

Pursuant to the 911 Service System Act³ (the "Act"), the Commission is responsible for allocating funding to PSAPs from the 911 Service System Fund (the "Fund").⁴ The Fund consists primarily of surcharges collected by wireless carriers from wireless service customers.⁵ 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.⁶

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.⁷ Such set-aside funds may also be used to pay the first year of multi-year maintenance, service, support or licensing agreements.⁸ 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.⁹

PSAP expenses that support both wireless and landline 911 service are ordinarily 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

³ Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

⁴ Neb. Rev. Stat. §§ 86-1025(5).

⁵ See, e.g., Neb. Rev. Stat. §§ 86-456, 86-456.01, 86-457, 86-459, 86-466, 86-904 and 86-1028.

⁶ Neb. Rev. Stat. § 86-1025(5)(c).

⁷ *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).

⁸ 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).

⁹ 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: Dundy County*, Application No. 911-042.45, ORDER APPROVING APPLICATION (Dec. 4, 2018).

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*

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

The Commission has provided a limited exception to these general requirements in the case of regionalization costs. 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.¹² On October 16, 2018, the Commission issued an Order determining that eligible costs incurred by PSAPs to join a region, such as equipment and software costs, may be fully paid from monies in the 911 Service System Fund, including set-aside funds, without applying the wireless/wireline ratio.¹³ In that instance, the Commission agreed with the Enhanced Wireless 911 Advisory Board that allowing such 100 percent funding would encourage PSAPs to regionalize, resulting in cost savings to both individual PSAPs and the entire 911 service system.¹⁴

The Commission concludes that the same principle also applies in the present situation. According to the funding request, the South Central Region, which is still in the process of being created and adding new members, must implement this software upgrade at each call taking position in order to continue to operate and to add more PSAPs.¹⁵ Therefore, allowing these costs to be paid entirely from wireless set aside funds will promote the goal of regionalization and encourage more PSAPs to benefit from cost savings and mutual failover support by sharing call-handling and other equipment through a host/remote network. Indeed, this software upgrade is apparently required in order for the region to continue in operation.

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).*

¹² *Supra*, note 19.

¹³ *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).*

¹⁴ *Id.*, at 2.

¹⁵ Funding Request, at 1.

Application No. 911-042.10

Page 4

In addition, Buffalo County is willing to act as agent for the current and future members of the South Central Region to assure timely payment is made to CenturyLink. This would appear to be an appropriate choice in order to assure continuity of operations within the region.


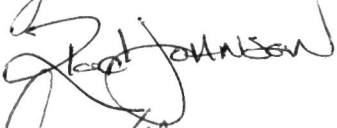

Based upon the above, the Commission finds that use of set-aside funding by Buffalo County should be approved in the amount of up to **\$36,376.50**.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the use of set-aside funds by Buffalo County is hereby approved in an amount up to **\$36,376.50**.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 14th day of January, 2020.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION


Chair

ATTEST:


Executive Director