

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-042.12
Public Service Commission, on)
its own Motion, seeking to)
administer funding for public) ORDER APPROVING FUNDING
safety answering points for)
the implementation and)
provision of Enhanced Wireless) Entered: November 17, 2020
911 service: Kimball County.

BY THE COMMISSION:

On or about December 6, 2019, the Kimball County Public Safety Answering Point ("Kimball PSAP") filed a request to use set aside funds to purchase new call handling equipment and connectivity from CenturyLink Business in order to join the regional network of PSAPs known as the South Central Region. The funding request filed with the Commission documented eligible costs in the amount of \$107,337.55. However, the Kimball PSAP's set-aside balance at the time of the request was \$42,732.53. Therefore, the Kimball PSAP requested authority from the Commission to apply 100 percent of its available set-aside balance to defray the eligible cost of joining the South Central Region.

On March 3, 2020, the Commission entered an Order approving the Kimball PSAP's funding request in the amount of \$42,732.53.¹

After the Commission's Order Approving Funding was issued, the Kimball PSAP's purchase and installation of the new equipment and services was delayed by circumstances beyond its control. In the meantime, the Kimball PSAP's set-aside balance has increased from \$42,732.53 to \$62,938.92. Consequently, the Kimball PSAP has requested that the March 3, 2020 Order be amended to reflect this increase in available resources, which is still below the total documented eligible costs of \$107,337.55

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: Kimball County, Application No. 911-042.12, ORDER APPROVING FUNDING (March 3, 2020).

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

Pursuant to the 911 Service System Act² (the "Act"), the Commission is responsible for allocating funding to PSAPs from the 911 Service System Fund (the "Fund").³ The Fund consists of surcharges collected by wireless carriers from wireless service customers.⁴ 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 the acquisition, installation, maintenance, and operation of telecommunications equipment and services required for the provision of 911 service.⁵ 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.⁶

Furthermore, eligible costs incurred by PSAPs to join a regional network of PSAPs, such as equipment costs and the first year of multi-year maintenance, support or service agreements, may be fully paid from monies in the 911 Service System Fund, including set-aside funds, without applying the wireless/wireline ratio.⁷ However, future years of multi-year license, maintenance, support, service or licensing agreements remain subject to the wireless/wireline ratio and must be paid from sources other than set-aside funds, such as a PSAP's annual funding allocation.⁸

In our March 3, 2020 Order, the Commission determined that the \$107,337.55 of costs documented by the Kimball PSAP met the statutory requirement for funding eligibility as costs incurred for

² Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

³ Neb. Rev. Stat. §§ 86-1025(5).

⁴ See, e.g., Neb. Rev. Stat. §§ 86-456, 86-456.01, 86-457, 86-459, 86-466, 86-904 and 86-1028.

⁵ Neb. Rev. Stat. § 86-1025(5)(c).

⁶ *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).

⁷ *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 (October 16, 2018).

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: Boone County*, Application No. 911-042.44, ORDER OPENING DOCKET (Jan. 8, 2019).

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the acquisition of new equipment and related maintenance costs and license fees, and/or the acquisition, installation, maintenance, and operation of telecommunications equipment and telecommunications service required for the provision of 911 service.⁹ As stated above, the Kimball PSAP requested the use of 100 percent of its set-aside balance, which, at \$62,938.92, remains less than the total amount of eligible costs.

Therefore, the Commission finds that use of set-aside funds for the purposes requested by the Kimball PSAP in its December 6, 2019 funding request should be approved in an amount not to exceed the lesser of (x) **\$107,337.55** and (y) 100 percent of the Kimball PSAP set-aside fund balance on the date of this Order.




O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the use of set-aside funds previously approved for the Kimball PSAP is hereby amended to an amount not to exceed the lesser of (x) **\$107,337.55** and (y) 100 percent of the Kimball PSAP set-aside fund balance on the date of this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 17th day of November, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Deputy Director

⁹ Neb. Rev. Stat. § 86-1025(c).