

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. 911-042.21  
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 911 service: ) Entered: February 17, 2021  
Cuming County

BY THE COMMISSION:

The public safety answering points ("PSAPs") located in Cuming, Dodge, Burt, and Colfax Counties are forming a new regional PSAP network, to be known as MidEast Regional 911.<sup>1</sup> On or about January 7, 2021, the Cuming County public safety answering point ("PSAP") filed a request to use set-aside funds toward the purchase a variety of new equipment and services necessary to join the new region.

Cuming County is purchasing new VIPER call handling equipment, first year maintenance, and connectivity from Lumen, plus GIS data aggregation from GeoComm at a total cost of \$101,312.24. Cuming County's current set-aside fund balance is \$10,007.01.

The Enhanced Wireless 911 Advisory Board considered the request at its January 20, 2021 meeting and recommended that the requested funding 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 Act<sup>2</sup> (the "Act"), the Commission is responsible for allocating funding to PSAPs from the 911 Service System Fund (the "Fund").<sup>3</sup> The Fund consists of surcharges collected by wireless carriers from wireless service customers.<sup>4</sup> 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

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<sup>1</sup> 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: Dodge County*, App. No. 911-042.02, ORDER APPROVING FUNDING (Dec. 8, 2020).

<sup>2</sup> Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

<sup>3</sup> Neb. Rev. Stat. §§ 86-1025(5).

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

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operation of telecommunications equipment and services required for the provision of 911 service.<sup>5</sup>

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.<sup>6</sup> Set-aside funds may also be used to pay the first year of multi-year maintenance, service, support or licensing agreements.<sup>7</sup> 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.<sup>8</sup> In addition, PSAP expenses that are incurred in order to join a regional network of PSAPs are not subject to the wireless/wireline ratio and may be fully paid using set-aside funds.<sup>9</sup>

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 meet the statutory requirement for funding eligibility as costs that have been incurred or will be incurred for 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.<sup>10</sup> In addition, all such costs will be incurred to join MidEast Regional 911 and, therefore,

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<sup>5</sup> Neb. Rev. Stat. § 86-1025(5) (c).

<sup>6</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, FINAL ORDER ADOPTING MODEL AND APPLICATION PROCESS (Feb. 23, 2010).

<sup>7</sup> *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).

<sup>8</sup> *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).

<sup>9</sup> *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: Hitchcock County*, Application No. 911-042.17 ORDER APPROVING FUNDING (May 14, 2019).

<sup>10</sup> Neb. Rev. Stat. § 86-1025(c).

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may be paid from set-aside funds, without applying the wireless/wireline ratio.

Therefore, the Commission finds that the Cuming County PSAP's request to use set-aside funds should be approved. However, because Cuming County reports that their current set-aside balance is \$10,007.01, which is less than the \$101,312.24 of eligible costs requested, the Commission further finds that the Cuming County request to use set-aside funds should be approved in an amount not to exceed the lesser of (i) \$101,312.24 or (ii) the Cuming County set-aside balance at the time of payment of the related invoices.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the request of Cuming County to use set-aside funds is hereby approved in an amount not to exceed the lesser of (i) \$101,312.24 or (ii) the Cuming County set-aside balance at the time of payment of the related invoices.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 17<sup>th</sup> day of February, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Brader*  
*Mary Kadden*  
*Tim Schram*

*Don Watson*  
Chair

ATTEST:

*Michael S. Hyl*  
Executive Director