

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-042.03
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: November 2, 2021
Clay County.

BY THE COMMISSION:

On or about September 21, 2021, the Clay County public safety answering point ("PSAP") filed a request to use set-aside funds to purchase a Generac 50-kilowatt power generator from Midwest Engine Services. Clay reports the purchase price of the generator is \$24,830.00.

Backup generators are an eligible use of 911 funds.¹ However, 911 funds may only be used to pay the 911 portion of the cost for equipment that is used for multiple purposes.² Clay County reports that ninety-nine percent (99%) of the generator use will be devoted to the PSAP. Therefore, the portion of the purchase price that corresponds to 911 usage is 99% of \$24,830.00, which is \$24,581.70.

Such costs are shared costs subject to the wireless/wireline ratio. The wireless/wireline ratio for Clay County for the 2021-2022 funding year is 76 percent. Therefore, the maximum amount of set-aside funds that Clay County may apply to the cost of the generator is 76 percent of \$24,581.70, which is \$18,682.10.

The Wireless Enhanced 911 Advisory Board considered the request at its October 18, 2021, meeting and recommended the request be approved.

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: Franklin County, App. No. 911-042.70, ORDER APPROVING FUNDING (Dec. 8, 2020).*

² *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: Saline County, App. No. 911-042.19, ORDER APPROVING USE OF FUNDING, IN PART (May 7, 2013).*

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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 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 PSAP costs for PSAP power systems are eligible for funding.⁸

Based upon the above, the Commission finds that use of set-aside funding by Clay County should be approved in an amount not to exceed **\$18,682.10**.

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*, App. 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: Jefferson County*, App. No. 911-042.30, ORDER APPROVING USE OF FUNDING (May 7, 2013).

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that funding for Clay County is hereby approved in an amount up to **\$18,682.10**.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 2nd day of November 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rock Johnson
Cystal Brander
Mary Kidden
Tim Schram

Don Watson
Chair

ATTEST:

Sharice Knutson
Deputy Director