

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska       ) Application No. 911-042.55  
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  
Howard County.

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").<sup>1</sup>

On or about September 23, 2021, the Howard County PSAP filed a request to use set-aside funds for the purchase and installation of a logging recorder from Equature Corporation at a cost of \$13,992.00, including first year maintenance.

Loggers are an eligible use of 911 funds.<sup>2</sup> However, 911 funds may only be used to pay the 911 portion of the cost for equipment that is used for multiple purposes.<sup>3</sup> Howard County reports that approximately 35 percent of the logger's use will be devoted to 911 purposes. Therefore, the portion of the purchase price that corresponds to 911 usage is 35 percent of \$13,992.00, which is \$4,897.20.

The cost of a logger is also a shared cost that is subject to the wireless/wireline ratio. Howard County's wireless/wireline ratio at the time of their application for funding is 87 percent wireless. Therefore, the portion of the purchase price that is

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<sup>1</sup> *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).

<sup>2</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>3</sup> *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*, Application No. 911-042.19, ORDER APPROVING USE OF FUNDING, IN PART (May 7, 2013).

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eligible for funding using Howard County wireless 911 set-aside funds is 87 percent of \$4,897.20, which is \$4,260.56.

The Wireless Enhanced 911 Advisory Board considered the request at its October 18, 2021 meeting and recommended the 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 Act<sup>4</sup> (the "Act"), the Commission is responsible for allocating funding to PSAPs from the 911 Service System Fund (the "Fund").<sup>5</sup> The Fund consists of enhanced wireless 911 surcharges collected by wireless carriers from wireless service customers.<sup>6</sup> The Act provides that money in the fund may be used to pay 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.<sup>7</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>8</sup> Set aside funds may also be used to pay the first year of multi-year maintenance, service, support or licensing agreements.<sup>9</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>10</sup>

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<sup>4</sup> Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

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

<sup>6</sup> See, e.g., Neb. Rev. Stat. §§ 86-456, 86-456.01, 86-457, 86-459, 86-466, 86-904 and 86-1028.

<sup>7</sup> Neb. Rev. Stat. § 86-1025(5)(c).

<sup>8</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>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: City of North Platte*, Application No. 911-042.18 ORDER APPROVING FUNDING (August 29, 2017).

<sup>10</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).

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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.

Based upon the above, the Commission finds that use of set-aside funds by Howard County should be approved in an amount not to exceed **\$4,260.56**.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the use of set-aside funds by Howard County is hereby approved in an amount not to exceed **\$4,260.56**.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Brander*  
*Mary Kiddy*  
*Tim Schram*

*Don Watson*  
Chair

ATTEST:

*Sharice Knutson*  
Deputy Director