### BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. 911-002
Commission, on its own motion,	)	
seeking to determine the	)	
surcharge for the Enhanced	· )	ORDER SETTING SURCHARGE
Wireless 911 Fund.	)	
	)	
	)	Entered: November 27, 2018

#### BY THE COMMISSION:

Pursuant to an Order entered October 2, 2018¹, and as required by Enhanced Wireless 911 Services Act², the Public Service Commission ("Commission") scheduled a hearing on this matter to determine the amount of the monthly Enhanced Wireless 911 Surcharge ("Surcharge") to be collected during calendar year 2019 by wireless carriers from users of wireless service on all active telephone numbers or functional equivalents.³ Such amounts are remitted by the wireless carriers to the Commission and, in turn, remitted by the Commission to the Nebraska State Treasurer to be credited to the 911 Service System Fund ("Fund").⁴ The Surcharge is currently set at a monthly rate of \$0.45, an amount which has remained unchanged since January 1, 2013.⁵

Notice of hearing was sent to interested parties including wireless service providers and public safety answering points on or about October 3, 2018. Further notice was published in each of the Omaha World Herald, the Lincoln Journal Star, and The Daily Record, on October 29, 2018 and November 5, 2018.

The hearing was held on November 19, 2018. Matt Effken appeared on behalf of the Commission staff. Loel Brooks appeared on behalf of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero").]

## EVIDENCE

David A. Sankey, State 911 Director, testified on behalf of Commission staff. Director Sankey provided an overview of the

<sup>&</sup>lt;sup>1</sup> In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund, Application No. 911-002, ORDER SCHEDULING HEARING (October 2, 2018).

<sup>&</sup>lt;sup>2</sup> Neb. Rev. Stat. §§ 86-442 to 86-470.

<sup>&</sup>lt;sup>3</sup> Neb. Rev. Stat. §§ 86-457 & 86-458.

<sup>&</sup>lt;sup>4</sup> Neb. Rev. Stat. § 86-457 & 86-459.

<sup>&</sup>lt;sup>5</sup> See, In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund, Application No. 911-002, ORDER SETTING SURCHARGE (October 23, 2012).

Application 911-002

Page 2

current status of the Fund and staff's recommendation for no change to the current rate of the monthly Surcharge.

Director Sankey testified that the balance in the fund as of October 31, 2018 was approximately \$13 million. He further stated that the total approved expenditures from the fund for the 2018-2019 funding year were approximately \$8.6 million. These amounts were allocated to provide support to public safety answering points, wireless service providers, to compensate local exchange carriers, and to provide text-to-911 service and to cover administrative expenses. Director Sankey also testified that additional projected operational and administrative costs would bring the total amount expected to be expended from the fund to approximately \$10.0 million.

The Director stated that the forecasted remittances for the 2018-2019 fiscal year are approximately \$8.3 million, which is about the same than the actual remittances received of \$8.3 million for the 2017-2018 fiscal year.

Director Sankey recommended that the Surcharge remain at \$0.45. In addition, Director Sankey advised the Commission that the Enhanced Wireless 911 Advisory Board had met on October 29, 2018, and recommended that the Surcharge remain at the current level of \$0.45.

Mr. Brooks provided comments on behalf of Viaero. Mr. Brooks stated that Viaero supported maintaining the Surcharge at the current level.

# FINDINGS AND CONCLUSIONS

Pursuant to Neb. Rev. Stat. § 86-457, the Commission may set the Surcharge no higher than \$0.70 per active telephone number or functional equivalent for all counties except Douglas County, where the maximum Surcharge is \$0.50.

The Commission finds, based upon witness testimony, Commission staff recommendation, the Advisory recommendation, the current fund balance, and the implementation of the 911 Service System Plan, that the surcharge should be maintained at forty-five cents (\$0.45) per active telephone number or functional equivalent, per month. The Commission will have the opportunity to revisit the surcharge level annually. Commission will continue to monitor funding needs, projections and the fund balance and will make adjustments in the future should it be necessary.

Application 911-002

Page 2

# ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the surcharge for the Enhanced Wireless 911 Fund should remain at forty-five cents (\$0.45) per active telephone number or functional equivalent, per month, effective January 1, 2019.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this  $27^{\rm th}$  day of November, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST

Executive Director

Many Redde