

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Sarpy County,) Application No. 911-023.01
Papillion, seeking funding)
approval for recurring and non-) ORDER AMENDING FUNDING FOR
recurring costs of Enhanced) SOFTWARE MAINTENANCE
Wireless 911 implementation.)
) Entered: January 12, 2010

BY THE COMMISSION:

In orders entered on May 23, 2007 and October 21, 2008, the Nebraska Public Service Commission approved funding for maintenance of equipment necessary for the implementation of enhanced wireless 911 service. The Commission approved funding of **\$63,021.02**, for Evergreen software maintenance and **\$61,364.40** for hardware maintenance, paid in annual installments. The funding in the amount of **\$63,021.02** for software maintenance, was to be paid in annual installments over a period of four (4) years in the amount of **\$15,755.25** per year.

Subsequent to the approval of the amended annual installments, Sarpy County did not immediately sign a contract for maintenance services and the amounts for software maintenance increased to a total of **\$69,566.87**. Sarpy County now seeks approval of the additional cost. However, of that amount, **\$4,509.61** relates to items for which the Commission does not provide funding. Excluding costs related to those items, the Commission considers funding in the amount of **\$65,057.26** paid in four (4) annual installments of **\$16,264.32** commencing July, 2009. A copy of the signed maintenance contract has been provided. Amounts for equipment maintenance are unchanged.

O P I N I O N

This request for additional funding is being processed pursuant to Neb. Rev. Stat. §§ 86-442 to 86-470. (Cum. Supp. 2008), 291 Neb. Admin. Code, Chapter 1, Section 5, Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002 and the Interim Policy established in Progression Order No. 1 in Commission Docket No. 911-017/PI-116, entered February 13, 2007 (Interim Policy).

Costs requested are eligible under Neb. Rev. Stat. § 86-465 (2008 Cum. Supp.). All costs have been incurred or will be incurred for the provision of Phase II wireless enhanced 911 service.

The Commission finds that the amended amount of **\$65,057.26** shall be approved.

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The Commission finds that annual payments should be made to Qwest on behalf of Sarpy County in the amount of **\$16,264.32** pursuant to the terms of the contract for recurring costs for software support. Payments shall be made on an annual basis commencing July, 2009 as set forth in the contract over a four-year period and the total amount of all five payments shall not exceed **\$65,057.26**.

Approval of these recurring costs is subject to the limitations set forth herein and the terms of the contract, subject to change based upon the availability of funding and the permanent funding mechanism.

The Commission reserves the right to modify any recurring costs associated with this funding request, including any approved amounts for maintenance, consistent with amendments to the Interim Policy or the establishment of a permanent funding mechanism.

If the Nebraska Legislature fails to appropriate or authorize the expenditure of sufficient funds to provide for the payment of costs from the Fund or, if a lawful order issued in or for any fiscal year during the term of the contracts reduces the funds appropriated or authorized in such amounts as to preclude making the payments from the Fund, the Commission will not be responsible for any costs not reimbursed by the Fund.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Enhanced Wireless 911 Fund shall pay to Qwest, on behalf of Sarpy County, the amount of **\$65,057.26** for software maintenance. Payments shall be made in annual installments over a period of four (4) years in the amount of **\$16,264.32** per year, subject to the conditions and limitations set forth herein.

MADE AND ENTERED at Lincoln, Nebraska this 12th day of January, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:





Chairman



ATTEST:

Executive Director



//s// Frank E. Landis
//s// Gerald L. Vap