

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Douglas) Application No. 911-023.02
County, Public Safety Answering)
Point, Omaha, seeking funding) ORDER APPROVING FUNDING
approval for recurring and non-) REQUEST IN PART
recurring costs of Enhanced)
Wireless 911 implementation.) Entered: April 7, 2009

BY THE COMMISSION:

By written request for funding dated January 13, 2009, Douglas County Public Safety Answering Point (Douglas County), Omaha, sought funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In its application, Douglas County sought **\$84,857.50** for five (5) years of software maintenance for its Evergreen Software for the period covering August, 2004 through August, 2009. Furthermore, Douglas County has requested **\$40,406.14** for the maintenance of its Viper equipment in its primary PSAP, covering the period of November, 2006 through November, 2007. Douglas County has indicated that none of the amounts incurred relate to its backup facility.

Douglas County provided supporting documentation for the expenses. The Enhanced Wireless 911 Advisory Board considered Douglas County's request at its January 26, 2009 meeting and recommended that the Commission approve payment in full.

The costs in the supporting documentation are consistent with the prices contained in the vendor's response to the Commission's Request for Proposal (RFP).

O P I N I O N A N D F I N D I N G S

This request for additional funding is being processed pursuant to Neb. Rev. Stat. §§ 86-442 to 86-470. (Cum. Supp. 2006), 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).

The Interim Policy established on January 9, 2007 in Docket No. 911-017/PI-116 stated in relevant part,

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All PSAPs who have purchased or contracted for the purchase of equipment necessary for the implementation of wireless E911 service must file a request for reimbursement **no later than February 16, 2007** in order to be considered for reimbursement. This affects any previously submitted request that was denied, in whole or in part, or any new request not previously submitted. ... **All requests should include any costs for maintenance, software upgrades made and other attendant costs...** (emphasis added)

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 costs requested for periods after February 2007, subject to the limitations set forth below, are eligible under Neb. Rev. Stat. § 86-465 as all costs have been incurred or will be incurred for the purchase, installation, maintenance or operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service.

Douglas County's request includes costs associated with a five (5) year maintenance and service plan for software, and a one (1) year maintenance plan for equipment. The Commission finds that maintenance of the equipment and software is essential to ensure the proper operation of the statewide 911 system and should be funded to the extent funds are available during this interim period, subject to change based upon the availability of funds and the permanent funding mechanism.

However, Douglas County's request contains a significant amount attributable to expenses contracted for or incurred prior to the February 16, 2007 deadline for which no reimbursement was previously sought. Requests for these expenses should have been made prior to the February 16, 2007 deadline.

Therefore, the Commission finds that the funding request shall be granted only for expenses incurred after the February 16, 2007 deadline and the amounts requested prorated for the applicable periods.

Therefore, the request for funding should be granted in part in the amount of **\$32,528.70** in costs for the Evergreen software maintenance representing the twenty-three (23) months from February 2007 through August 2009 and an additional **\$33,671.61** for Viper maintenance representing the ten (10) month period from February 2007 through November 2007. Said amounts are consistent with the pricing set forth in the vendor's response to the RFP.

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Based upon the documentation provided, it appears that Douglas County has already paid all amounts to the vendor. Therefore, the Fund shall reimburse Douglas County the amount of **\$66,200.31** consistent with the terms of this order and the amounts set forth above.

Should Douglas County wish to receive funding for any future maintenance, it should submit a request prior to the signing of the contract.

Should Douglas County wish to be heard by the Commission regarding those portions of the funding request that were not approved it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

The Commission reserves the right to modify any costs associated with this funding request consistent with amendments to the Interim Policy or the establishment of a permanent funding mechanism.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Enhanced Wireless 911 Fund shall pay to Douglas County **\$66,200.31** consistent with the terms of this order and the amounts set forth above.

IT IS FURTHER ORDERED should Douglas County wish to be heard by the Commission regarding those portions of the funding request not approved, it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of April, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Harold Steg
Paul Johnson
Anne LaBoyle
Tim Schram

Frank E. Landis
Chairman

ATTEST:

John Burdette
Deputy Director

//s// Frank E. Landis