

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                |   |                            |
|--------------------------------|---|----------------------------|
| In the Matter of Buffalo       | ) | Application No. 911-023.03 |
| County, Kearney, seeking       | ) |                            |
| funding approval for recurring | ) | ORDER APPROVING FUNDING    |
| and non-recurring costs of     | ) | REQUEST IN PART            |
| Enhanced Wireless 911          | ) |                            |
| implementation.                | ) | Entered: May 23, 2007      |

BY THE COMMISSION:

By written request for funding dated February 5, 2007, Buffalo County, Kearney, sought funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In its application, Buffalo County sought non-recurring costs in the amount of **\$149,839.08** for the purchase and installation of equipment necessary to implement enhanced wireless 911 service. In addition, Buffalo County sought \$4,074.31 representing fifty percent (50%) of the cost for the purchase and installation of wiring and cables necessary for the installation of the new equipment from Platte Valley Communications of Kearney (Platte Valley). Buffalo County was using Motorola Centralink equipment which will no longer be supported by the manufacturer, therefore crippling the County's ability to maintain and upgrade the equipment.

Buffalo County provided supporting documentation for the equipment and associated expenses from its vendors, Positron and Platte Valley. The Enhanced Wireless 911 Advisory Board considered Buffalo County's request at its March 23, 2007 meeting and recommended that the Commission approve payment.

The costs of several items listed in the supporting documentation exceed the prices contained in Positron's response to the Commission's Request for Proposal (RFP). All costs contained within the request for funding and supporting documentation are set forth in the confidential attachment Appendix A, attached hereto and incorporated herein by this reference. Those items priced above the RFP pricing are listed and include the CAMA Interface Module, living expenses per day per person, labor charges and shipping/handling. Costs associated with the purchase and installation of wiring and cables from Platte Valley were not part of the Commission's RFP.

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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).

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, 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.

This funding request was received prior to February 16, 2007. Pursuant to the Interim Policy, the Commission therefore considers this funding request for full reimbursement without being subject to the wireless/landline allocation factor established in the Commission's February 17, 2007 order.

The Commission further finds that the funding request shall be granted only to the extent the pricing complies with Positron's response to RFP. The \$4,074.31 incurred for the installation of wiring and cable necessary for the installation of the equipment shall be granted in full.

Therefore, the request for funding should be granted in part in the amount of **\$138,581.07** in non recurring costs for the purchase and installation of equipment and an additional **\$4,074.31** for the installation of wiring and cable necessary for the equipment. Said amounts for the equipment are consistent with the pricing set forth in the vendor's response to the RFP. However, this amount does not include costs associated any amounts requested in excess of the prices offered in response to the RFP as outlined in Appendix A.

The Fund shall therefore pay to Buffalo County the amount of **\$138,581.07** consistent with the terms of this order, the terms of the contract, and the amounts set forth in Appendix A. Additionally, the Fund shall pay **\$4,074.31** for the installation of wiring and cable. Buffalo County may request that these amounts be paid directly to the vendor or upon receipt of sufficient proof of payment, these amounts may be paid directly to Buffalo County.

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If payment is made to the vendor, all payments shall be made consistent with the contract(s). Prior to any payment being made, Buffalo County must file with the Commission a copy of the final contracts and all amounts approved must comport with the amounts set forth in the final contract.

Should Buffalo County wish to be heard by the Commission regarding those portions of the funding request related to the amounts in excess of the prices offered in the response to the RFP 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 recurring 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 Buffalo County the amount of **\$138,581.07** consistent with the terms of this order and the amounts set forth in Appendix A for the equipment necessary to provide enhanced wireless 911 service.

IT IS FURTHER ORDERED that the Fund shall pay **\$4,074.31** for the installation of wiring and cable consistent with the terms of this order.

IT IS FINALLY ORDERED should Buffalo County wish to be heard by the Commission regarding those portions of the funding request related to the amounts in excess of the prices offered in the response to the RFP, 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 23rd day of May, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chairman

*Frank E. Landis*

ATTEST:

Executive Director

*And B. Pollock*

//s// Frank E. Landis