

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of)	Application No. 911-023.36
Lincoln/Lancaster County,)	
seeking funding approval for)	ORDER APPROVING AMENDED COSTS
recurring and non-recurring)	
costs of wireless E911)	
implementation.)	Entered: January 5, 2010

BY THE COMMISSION:

By written request for funding received November 24, 2004, Lincoln/Lancaster County sought funding from the Enhanced Wireless 911 Fund for expenses of implementing and providing enhanced wireless 911 service. Lincoln/Lancaster County has one public safety answering point (PSAP) to provide enhanced wireless 911 service, with Windstream (formerly known as Alltel) serving as the local exchange carrier for the PSAP. On February 23, 2005, the Commission entered an order in Docket No. PSAP-036.1 approving Lincoln/Lancaster County's funding request and remitting payments for Windstream upon invoice.

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

Subsequent to entering the above-mentioned order, Commission staff learned that Nextel Partners (Nextel) had been inadvertently omitted from the list of wireless carriers serving the Lincoln/Lancaster County PSAP to be approved for funding. The amount of funding approved by the Commission included the costs associated with Nextel as well as the listed carriers. Therefore, no adjustment needs to be made regarding the amount of funding approved for Lincoln/Lancaster County pursuant to the February 23, 2005 order.

On or about November 28, 2006, the Commission was informed that Nextel had implemented wireless Phase I in Lincoln/Lancaster County. Additionally, Windstream advised the Commission the cost of providing service after implementation of wireless Phase I in Lincoln/Lancaster County had increased and that funding approved in the February 23, 2005 order was insufficient to cover the costs. Since that time, payments to Windstream have been in the amount approved under the February 23, 2005 order, and have not included costs incurred by Windstream in excess of the approved amount.

On July 10, 2008, Lincoln/Lancaster County submitted a new funding request to the Commission to reflect the increased costs associated with providing service. Costs are reflected in Appendix A attached hereto and incorporated herein by this reference. Appendix A shall be treated as confidential as it contains proprietary information. The Commission finds that this

funding request should be approved. Approval of this funding request would result in a balance due to Windstream for the difference in costs between the February 23, 2005 funding order and the increased cost of service after Nextel's implementation of wireless Phase I in Lincoln/Lancaster County. Therefore, the Commission finds that Windstream shall be paid \$62,602.00, which reflects payment for costs incurred retroactive to November 28, 2006, and that the revised amounts be approved prospectively as set forth in the confidential attachment.

Information set forth in Appendix A shall be treated as proprietary and confidential.

Payment of all recurring charges shall be made in arrears on a quarterly basis. Payment shall be adjusted based upon the number of subscribers reported by Windstream in its quarterly reports required by Neb. Rev. Stat. § 86-459 (2006 Cum. Supp.). Any adjustments to costs must be approved by the Commission.

The Commission further finds that Lincoln/Lancaster County is on notice and is aware that approval of this funding request is made with the understanding that it may be modified in the future, consistent with the permanent funding mechanism established pursuant to LB 1222 [2006].

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Windstream's request for funding shall be granted.

IT IS FURTHER ORDERED that Windstream shall be paid \$62,602.00, to include payments retroactive to November 28, 2006 and that the revised amounts set forth in Appendix A be approved prospectively.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of January, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman:

ATTEST:

Executive Director