

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Johnson) Application No. 911-023.45
County, Tecumseh, seeking)
funding approval for recurring)
and non-recurring costs) ORDER APPROVING FUNDING
associated with Enhanced)
Wireless 911 implementation.)
) Entered: August 28, 2007

BY THE COMMISSION:

By written request for funding received February 6, 2007, Johnson County Public Safety Answering Point, Tecumseh sought funding from the Enhanced Wireless 911 Fund for expenses of implementing and providing enhanced wireless 911 service. In particular, Johnson County seeks funding for Vesta Pallas equipment and MapStar software for the provision of Phase II 911 service.

Certain costs related to the equipment were in excess of Plant/CML's response to the Commission's Request for Proposal (RFP). Additionally, Johnson County has entered into a lease agreement for the equipment which gives rise to several questions regarding the terms of payment.

A hearing was held on the request on August 7, 2007 at which time, additional information was provided regarding the amounts over the vendor's response to the RFP and the lease agreement. Additionally, Johnson County provided an addendum to the lease which provides greater detail regarding the terms of payment. According to the lease, eight semi-annual payments of **\$9,968.73** are required commencing February 15, 2007. Additionally, a down payment of **\$29,538.86** was required. The total amount due under the lease agreement is \$109,282.86. However, the total requested amount in the county's funding request was **\$102,446.00**.

The Enhanced Wireless 911 Advisory Board considered this funding request at its March 23, 2007 meeting and recommended approval of the **\$102,446.00** requested.

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 finds that the amounts in excess of the RFP are reasonable. We further find that the funding request shall be granted.

Therefore, the request for funding should be granted in the amount of **\$102,446.00** in non recurring costs.

The Fund shall therefore pay to Johnson County, or its designee, the amount of **\$102,446.00** consistent with the terms of this order. Payments may be made directly to the leasing company in full or in accordance with the payment terms so long as the total amount paid from the Fund does not exceed **\$102,446.00**. Johnson County may also request that it be reimbursed as it makes payments to the leasing company upon receipt of documentation of the payment so long as the total amount paid from the Fund does not exceed **\$102,446.00**. Johnson County must notify the Commission within thirty (30) days of this order as to how it wishes payment to be made.

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 Johnson County the amount of **\$102,446.00** consistent with the terms of this order for the equipment and software necessary to provide enhanced wireless 911 service.

MADE AND ENTERED at Lincoln, Nebraska this 28th day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director