

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Frontier) Application No. 911-023.66
County, Curtis, seeking funding)
approval for recurring and non-) ORDER APPROVING FUNDING
recurring costs of Enhanced) REQUEST IN PART
Wireless 911 implementation.)
) Entered: November 6, 2007

BY THE COMMISSION:

By written request for funding dated February 13, 2007, Frontier County, Curtis, sought funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In its application, Frontier County sought non-recurring costs in the amount of **\$75,557.00** for the purchase and installation of equipment necessary to implement enhanced wireless 911 service and **\$26,000.00** for addressing costs. Additionally, Frontier County seeks **\$347.92 per month** over five (5) years for maintenance commencing February 2006. Frontier also seeks reimbursement of \$26,000.00 for GIS data development.

Frontier County provided supporting documentation for the equipment and associated expenses from its vendor. However, no supporting documentation was provided to support the monthly amounts for maintenance. The Enhanced Wireless 911 Advisory Board considered Frontier County's request at its March 23, 2007 meeting and recommended that the Commission approve payment in the amount of **\$103,257.00**.

The costs of several items listed in the supporting documentation exceed the prices contained in the vendor'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 listed in italics are priced above the RFP pricing.

Based upon the supporting documentation it appears that of the **\$26,000.00** requested for GIS data development, **\$13,000.00** was attributable to addressing and is therefore not eligible for reimbursement. Frontier County has entered into a contract for services with GIS Workshop, Inc. (GIS Workshop) for the development and maintenance of GIS Data and has provided a copy of the contract with its request for funding.

In the contract, Frontier County authorized the Nebraska Public Service Commission to remit all payments for GIS data development and maintenance to GIS Workshop.

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.

Frontier County's request includes costs associated with a five (5) year maintenance and service plan for both equipment and software. 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, it does not appear that Frontier County has actually expended any funds for maintenance or entered into a contract for said maintenance. The Commission finds that Frontier County shall resubmit its request for funding for maintenance with the appropriate supporting documentation.

The Commission further finds that the funding request shall be granted only to the extent the pricing complies with the vendor's response to RFP.

Therefore, the request for funding should be granted in part in the amount of **\$63,069.00** in non recurring costs for equipment and **\$13,000.00** in non recurring costs for GIS data development subject to the limitations set forth herein. Said amounts 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 Frontier County or its designee the amount of **\$76,069.00** consistent with the terms of this order and the amounts set forth in Appendix A. Frontier County may request that these amounts be paid directly to the respective vendor.

Should Frontier 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, amounts attributable to addressing or amounts requested for maintenance it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

The Commission and its authorized staff shall have access to all GIS data developed. Additionally, agencies and political subdivisions of the State of Nebraska, to the extent allowed by law and by agreement of the parties, shall have access to data as deemed appropriate by the Commission. The data and all updates shall be provided for inclusion in the centralized GIS data repository.

If the Nebraska Legislature fails to appropriate or authorize the expenditure of sufficient funds to provide for the payment of costs from the Fund for GIS development and maintenance or if a lawful order issued in or for any fiscal year during the term of the contract for services 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.

The Commission reserves the right to modify any amounts approved herein 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 the Enhanced Wireless 911 Fund shall pay to Frontier County or its designee the amount of **\$76,069.00** consistent with the terms of this order and the amounts set forth in Appendix A for the equipment and GIS data necessary to provide enhanced wireless 911 service.

IT IS FURTHER ORDERED should Frontier County wish to be heard by the Commission regarding those portions of the funding request not approved herein, 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 6th day of November, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director