

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Dundy County,        ) Application No. 911-023.73  
Benkelman, seeking funding            )  
approval for recurring and non-        ) ORDER APPROVING FUNDING  
recurring costs associated with        ) REQUEST, IN PART  
Enhanced Wireless 911                    )  
implementation.                            ) Entered: May 5, 2009

BY THE COMMISSION:

By written request for funding received January 15, 2009, Dundy County, Benkelman, (Dundy County), sought funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In its application, Dundy County seeks non-recurring costs in the amount of **\$113,388.00** for the purchase and installation of equipment necessary for enhanced wireless 911 service. Additionally, Dundy County seeks funding for four years maintenance totaling **\$14,868.00** paid in equal annual installments. The costs are consistent with those filed with the Commission by the vendor. Dundy County is requesting 100% funding and has provided financial information.

Dundy County provided supporting documentation for the equipment and associated expenses from its vendor. The Enhanced Wireless 911 Advisory Board considered Dundy County's request at its April 6, 2009 meeting and recommended that the Commission approve payment consistent with the interim policy. However, Dundy County has not yet implemented enhanced landline 911 service pursuant to Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002.

Due to the fact that Dundy County has not yet implemented enhanced landline 911 service, hearing was held on the matter. Scott Hogeland, county commissioner and Stacen Gross, consultant for the county, each provided testimony in support of the funding request. Mr. Gross testified that the only obstacle to proceeding with enhanced landline and wireless 911 services is the equipment which the county cannot purchase without assistance. Mr. Hogeland testified that the county is experiencing a declining population. The county, at the request of the Commission, submitted documentation regarding the current level of levies assessed against political subdivisions.

## 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. 2008), 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 the costs requested, subject to the limitations set forth herein, 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.

The Commission finds that the requirement that Dundy County be connected to a tandem prior to receiving funding be waived. Waiver of this particular requirement is justified under the circumstances and will not adversely affect others.

This funding request was received subsequent to February 16, 2007. Pursuant to the Interim Policy, the Commission therefore considers this funding request for reimbursement subject to the wireless/landline allocation factor established in the Commission's February 17, 2007 order of fifty-five percent (55%) wireless. Although Dundy County requested 100% funding and provided financial information in support of its request, the Commission finds that 100% funding is not justified in this case due to the significant contributions received by the PSAP and the fact that the county has not reached the cap on its allowable levies to political subdivisions. Therefore, the Commission finds that the funding for the equipment should be granted pursuant to the allocation factor.

Dundy County's request includes costs associated with a four (4) year maintenance and service plan. 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.

Therefore, the request for funding should be granted in part in the amount of **\$62,363.40** in non-recurring costs for equipment and installation. This amount represents fifty-five percent (55%) of the total upgrade. Funding for maintenance in the amount of **\$14,868.00** should be granted. Maintenance shall be paid in annual installments of **\$3,717.00** for a period of up to four (4) years subject to the limitations set forth herein commencing the year following the expiration of the warranty period. Said amounts are consistent with the pricing set forth in the vendor's response to the RFP.

The Fund shall therefore pay to Dundy County or its designee the amounts set forth above consistent with the terms of this order. Dundy County may request that these amounts be paid directly to the vendor.

Should Dundy 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.

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 requirement that Dundy County be connected to a tandem prior to receiving any wireless funding is waived.

IT IS FURTHER ORDERED that the Enhanced Wireless 911 Fund shall pay to Dundy County or its designee the amount of **\$62,363.40** in non-recurring costs for equipment and installation necessary to provide enhanced wireless 911 service.

IT IS FURTHER ORDERED that the Fund shall pay maintenance costs in the amount of **\$14,868.00**. Maintenance shall be paid in annual installments of **\$3,717.00** for a period of up to four (4) years subject to the limitations set forth herein commencing the year following the expiration of the warranty period.

IT IS FINALLY ORDERED should Dundy County wish to be heard by the Commission regarding those portions of the funding 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 5th day of May,  
2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director