

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of KBRC, Regional) Application No. 911-023.82
E-911, Keya Paha, Brown,)
Cherry, and Rock Counties,) ORDER APPROVING FUNDING
seeking funding approval for) REQUEST
recurring and non-recurring)
costs of Enhanced Wireless 911)
implementation.) Entered: December 8, 2009

BY THE COMMISSION:

By written requests for funding received from KBRC Regional E-911 (KBRC) seeks funding from the Enhanced Wireless 911 Fund (Fund) for equipment, software and maintenance necessary for the implementation and provision of Phase II wireless enhanced 911. KBRC covers Brown, Cherry, Keya Paha and Rock Counties.

In its application, KBRC seeks non-recurring costs totaling **\$442,512.00** for the purchase and installation of equipment and software necessary for enhanced wireless 911 service in each of the following counties: Brown, Cherry, and Keya Paha. Additionally, KBRC seeks funding for five (5) years maintenance on software totaling **\$43,812.00** paid in five (5) installments and five (5) years maintenance on equipment totaling **\$154,680.00** paid in four (4) annual installments to the vendor for all of the above-listed counties. Once installed, maintenance for Rock County would be covered under this maintenance plan at no additional cost.

Pursuant to Neb. Admin. Code, Title 291, Ch. 1, § 5, Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002, PSAPs must have all equipment needed to operate landline enhanced 911 and the capability to receive data prior to receiving funding for equipment and software. Based upon the information available at this time, it appears that none of the counties have satisfied these requirements. Therefore, the Commission finds that a hearing is necessary to determine whether said requirements should be waived.

Additionally, there is an added issue regarding the location of the new equipment for Keya Paha County.

KBRC provided supporting documentation for the equipment and associated expenses from its vendor. The Enhanced Wireless 911 Advisory Board considered KBRC's request at its July 13, 2009 meeting and recommended that the Commission approve payment consistent with the interim policy. However, KBRC 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 KBRC has not yet implemented enhanced landline 911 service and the equipment is to be located in a private residence used for multiple dispatching purposes, a hearing was held on the matter.

E V I D E N C E

Douglas Fox, Emergency Management Director for Region 24; Mike Turk, Keya Paha County Commissioner; Stacen Gross from GeoComm; and Bill Rahder from NG-911, Inc. all testified in support of the funding request. Also, appearing on behalf of Keya Paha County was Eric Scott, County Attorney.

Mr. Fox testified that all four counties in KBRC are collecting the full landline surcharge but the amounts are insufficient to cover all costs. Two funding requests were submitted. Mr. Fox misidentified the funding request at issue during his testimony but subsequently notified the Commission of the error. The funding request that should be addressed reflects a total cost of \$641,000 and includes \$53,977 for wireless equipment necessary for the operation of the 911 equipment.

According to Mr. Fox and Mr. Gross, the primary 911 equipment will be located in Ainsworth. Each of the PSAPs will have remote workstations and will be capable of dispatching for one another and all will be linked using a microwave link. However, the equipment can use DSL as a back-up should the microwave link fail. Mr. Gross further testified that it would be a good first step toward future consolidation and that additional counties could be added.

Mr. Rahder testified that he has been to the Keya Paha location for the workstations and it has all of the necessary networking and power supply to support the workstation. The second workstation will be housed in the courthouse. The County has provided a copy of the insurance policy that covers the County generally, has provided a copy of the contract for dispatch services for the individual who currently resides where the workstation will be installed.

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 KBRC implement enhanced landline 911 service, prior to receiving any wireless 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. KBRC requested 100% funding and provided financial information in support of its request, the Commission finds that 100% funding is justified in this case. Furthermore, additional funding for this project will be available through the ENHANCE 911 grant program. Any equipment not normally funded through the Enhanced Wireless 911 fund will be paid through the ENHANCE 911 grant program to the extent permitted by law. Specifically these items would include the IRR Local Recorder and the Sound card for dual IRR.

KBRC's request includes costs associated with a five (5) year maintenance and service plan on the 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.

Therefore, the request for funding should be granted in the amount of **\$442,512.00** in non-recurring costs for equipment and software. To the extent possible under the ENHANCE 911 grant

program, costs should be covered with federal funds and the matching funds through the Enhanced Wireless 911 Fund.

Funding for five (5) years maintenance on software totaling **\$43,812.00**, paid in five (5) installments and five (5) years maintenance on equipment totaling **\$154,680.00**, paid in four (4) annual installments to the vendor should be granted. Maintenance shall be paid in annual installments pursuant to the contracts to each vendor for a period of up to five (5) 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 vendors' responses to the RFP.

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

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.

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

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the requirement that KBRC implement enhanced landline 911 service prior to receiving any wireless funding, is waived.

IT IS FURTHER ORDERED that the Enhanced Wireless 911 Fund shall pay to KBRC, or its designee, the amount of **\$442,512.00** in non-recurring costs for equipment and installation necessary to provide enhanced wireless 911 service with any appropriate amounts to be paid from the ENHANCE 911 grant program.

IT IS FURTHER ORDERED that the Fund shall pay maintenance costs in the amount of **\$43,812.00** for software maintenance paid in five (5) installments and **\$154,680.00** for equipment maintenance paid in four (4) annual installments to the appropriate vendor.

Maintenance shall be paid in annual installments to each vendor pursuant to the contracts for a period of up to five (5) years subject to the limitations set forth herein commencing the year following the expiration of the warranty period.

MADE AND ENTERED at Lincoln, Nebraska this 8th day of December, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director