

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-024.54
Public Service Commission, on)
its own motion, seeking to)
develop policies and process) ORDER DENYING ACCESS
requests for access to GIS data)
and the GIS Repository: Onvoy)
Spectrum, LLC) Entered: December 20, 2016

BY THE COMMISSION:

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

On or about August 8, 2006, the Nebraska Public Service Commission (Commission) opened the above-captioned docket, on its own motion, to develop policies and process requests for access to GIS data and the GIS Repository.

In an order entered on August 30, 2005 in docket No. 911-011/PI-97, the Commission approved the development of proper GIS data and map databases for public safety answering points (PSAPs) or supplementation of existing map databases necessary for Phase II service. The Commission has since approved funding for the development of GIS data for several PSAPs.

On April 4, 2006, the Commission also approved funding for a centralized data repository (Repository) for the GIS data, in order to allow for maintenance of the data and access to the data by individual PSAPs and the Commission.

On April 9, 2013, the Commission approved an amended GIS Data Repository Access and Use Policy and a procedure for entities to request access to the Repository.

On or about December 14, 2016, Onvoy Spectrum, LLC submitted an application requesting access to the Repository to be used for 911 call routing.

Pursuant to the Policy adopted on April 9, 2013, "Access to the Repository shall be limited to federal or state agencies, counties, municipalities or other political subdivisions or entities or individuals acting on behalf of such agencies, counties, municipalities or other political subdivisions pursuant to a contract."

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Onvoy Spectrum, LLC is not making the request pursuant to a contract with a state or federal agency, county, municipality or other political subdivision. Therefore, the Commission finds that the request is not consistent with the Commission approved policy and should be denied.

Onvoy Spectrum, LLC is entitled to a hearing on its request. Should Onvoy Spectrum, LLC wish to be heard by the Commission regarding its request denied herein it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

O R D E R


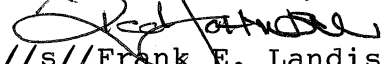
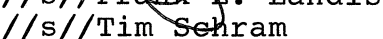
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Onvoy Spectrum, LLC's application for access to the GIS Repository is denied.

IT IS FURTHER ORDERED that should Onvoy Spectrum wish to be heard by the Commission regarding its denied request, herein it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 20th day of December, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Frank E. Landis

//s//Tim Sehram

COMMISSIONERS DISSENTING:




Chairman

ATTEST:


Deputy Director

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Commissioner Crystal Rhoades Dissenting:

I respectfully dissent. The Commission should grant this applicant access to the GIS Repository.

The current Commission Policy limiting access to GIS Repository Access provides: "Access to the Repository shall be limited to federal or state agencies, counties, municipalities or other political subdivisions or entities or individuals acting on behalf of such agencies, counties, municipalities or other political subdivisions pursuant to a contract." This is the wrong policy. There is no legitimate basis in logic or public policy to restrict access to the Repository only to governmental agencies and political subdivisions.

The geospatial data in the GIS Repository is bought and paid for with public dollars in the form of wireless surcharge revenues. The contents of the Repository are of interest and value to private individuals and commercial enterprises, not just governmental agencies and political subdivisions.

In the ten years since the Repository was established, it has become accepted practice for geospatial data compiled and maintained by government agencies to be made available to the general public. Moreover, this particular applicant states that it would use data in the Repository to facilitate 911 call routing. This is the purpose for which the Repository was created in the first place.

The Commission's policy restricting public access to the GIS Repository is simply wrong. It should be replaced in favor of policy that allows appropriate public access to the data that the public has paid for.



Crystal Rhoades