

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission        ) Application No. 911-035  
on its own Motion Seeking to            )  
Investigate Cost Recovery by            ) ORDER OPENING DOCKET AND  
Wireless Carriers Directly from        ) SEEKING COMMENT  
Public Safety Answering Points         )  
for the Implementation of                ) Entered: December 18, 2007  
Enhanced Wireless 911 Service.

BY THE COMMISSION:

The Commission hereby opens this docket on its own motion to investigate cost recovery by wireless carriers directly from public safety answering points (PSAPs) for the implementation of enhanced wireless 911 service.

The Enhanced Wireless 911 Fund (Fund) consists of "surcharges credited to the fund, any money appropriated by the Legislature, any federal funds received for wireless emergency communication, and any other funds designated for credit to the fund."<sup>1</sup> Costs which may be eligible for funding include, "[c]osts incurred or to be incurred by wireless carriers to implement enhanced wireless 911 service pursuant to a service agreement with a public safety answering point or pursuant to a request for service from a public safety answering point."<sup>2</sup> The Commission has the discretion to determine the level of funding to be granted to wireless carriers.

PSAPs have expressed concern to the Commission that wireless carriers may invoice PSAPs directly for certain costs necessary to implement Phase II enhanced wireless 911 service for which the Commission does not provide funding. The Commission finds that the issues presented by this docket constitute matters of statewide commercial importance.

The Commission seeks comment on the following issues from all wireless carriers, PSAPs and any other interested party:

1. Whether the Commission has jurisdiction with respect to cost recovery for wireless carriers for the implementation of enhanced wireless 911 service in Nebraska.
2. Whether cost recovery by wireless carriers directly from PSAPs, municipalities or counties requesting

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<sup>1</sup> Neb. Rev. Stat. § 86-463 (Cum. Supp. 2006).

<sup>2</sup> Neb. Rev. Stat. § 86-465 (Cum. Supp. 2006).

Phase II service is permissible under federal and state law.

3. Whether receipt of funding by wireless carriers from the Fund should preclude cost recovery directly from PSAPs if it is determined that such cost recovery is permissible.
4. Whether receipt of cost recovery by wireless carriers from sources other than the Fund, including but not limited to wireless users, municipalities, counties, other state or federal funds, should be a factor used in determining the level of funding received by wireless carriers from the Fund.

Comments shall be filed with the Commission no later than **5:00 p.m. on January 31, 2007** by sending an electronic copy via e-mail to **angela.melton@psc.ne.gov** and mailing one original and eight (8) copies to the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this docket be opened to investigate cost recovery by wireless carriers directly from public safety answering points for the implementation of enhanced wireless 911 service.

IT IS FURTHER ORDERED that comments on the issues set forth herein shall be filed by all interested parties no later than **5:00 p.m. on January 31, 2007** by sending an electronic copy via e-mail to **angela.melton@psc.ne.gov** and mailing one original and eight (8) copies to the Commission.

MADE AND ENTERED at Lincoln, Nebraska this 18th day of December, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director