

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-042.19
Public Service Commission, on)
its own motion, seeking to)
administer funding for public)
safety answering points for the) ORDER APPROVING FUNDING
implementation and provision of)
Enhanced Wireless 911 service:)
Saline County.) Entered: February 20, 2019

BY THE COMMISSION:

On or about December 20, 2018, the Saline County Public Safety Answering Point ("PSAP") filed a request to use set aside funds for the purchase of a Computer Assisted Dispatch ("CAD") system from Zuercher Technologies, LLC ("Zuercher"). Although Saline County is purchasing an entire suite of law enforcement equipment and software from Zuercher, only the CAD system is eligible for funding from the Enhanced Wireless 911 Fund pursuant to the permanent funding mechanism.¹ According to the funding request filed with the Commission, the total amount of non-recurring costs for Saline County's purchase of the CAD system was \$50,015.83. The funding request also included a request for "Biennial" maintenance costs in the amount of \$14,338.00.

The purchase of a CAD system is an eligible cost that supports both wireless and landline 911 service is subject to the wireless/wireline ratio.² However, the Saline County funding request proposes that 100 percent of the cost of the CAD system be paid solely out of wireless set-aside funds as part of "an integrated and regionalized effort with three other counties; Butler, York and Seward."³ This request means that the cost would be paid entirely out of enhanced wireless 911 surcharge funds,⁴ and none of the cost would be paid from local sources, such as local government general funds or the \$1.00 monthly service

¹ See In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service, Application No. 911-019/PI-118, FINAL ORDER ADOPTING MODEL AND APPLICATION PROCESS (February 23, 2010) ..

² *Id.*

³ Letter from John Bauman, Assistant Head Communications, Office of Saline County Sheriff, January 16, 2019.

⁴ See, In the Matter of the Nebraska Public Service Commission, on its own motion, to establish interim policies for the Administration of the Enhanced Wireless 911 Fund pending Implementation of LB 1222 [2006], Application No. 911-017/PI-116, PROGRESSION ORDER No. 1 (February 13, 2007).

surcharge imposed on each landline telephone number in Saline County.^{5]}

The Enhanced Wireless 911 Advisory Board considered the request at its January 16, 2019, meeting and recommended the request be approved at Saline County's wireless/wireline ratio for the 2018-2019 funding year.

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

Pursuant to the 911 Service system Act⁶ (the "Act"), the Commission is responsible for allocating funding to PSAPs from the 911 Service System Fund (the "Fund").⁷ The Fund consists primarily of surcharges collected by wireless carriers from wireless service customers.⁸ The Act provides that money in the fund may be used to pay for costs that are determined by the Public Service Commission ("Commission") to be eligible for funding, including costs incurred by PSAPs for acquisition, installation, maintenance, and operation of telecommunications equipment and services required for the provision of 911 service.⁹

PSAP expenses that support both wireless and landline 911 service are subject to the wireless/wireline ratio. Under this approach, the funding available to pay for handling 911 calls is categorized based on the type of service that the caller uses to contact the PSAP. The funding standards typically provide that enhanced wireless 911 surcharge funds may only be used to pay for expenses that relate to the handling of wireless 911 calls.¹⁰ Conversely, expenses relating to wireline 911 calls must be paid from the locally-controlled service surcharge imposed on landline telephone numbers or local government general funds. The mechanism that is used to allocate funding responsibility between wireless and landline 911 calls is called the wireless/wireline ratio.¹¹

⁵ See, Emergency Telephone Communications Systems Act, Neb. Rev. Stat. §§ 86-420 to 86-441.01.

⁶ Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

⁷ Neb. Rev. Stat. §§ 86-1025(5).

⁸ See, e.g., Neb. Rev. Stat. §§ 86-456, 86-456.01, 86-457, 86-459, 86-466, 86-904 and 86-1028.

⁹ Neb. Rev. Stat. § 86-1025(5)(c).

¹⁰ See, *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service*, Application No. 911-019/PI-118, PROGRESSION ORDER NO. 1 (April 6, 2010).

¹¹ See, *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Boone County*, Application No. 911-042.44, ORDER APPROVING FUNDING (Jan. 8, 2019).

The Commission has provided a limited exception to these general requirements in the case of PSAP regionalization costs. On October 16, 2018, the Commission issued an Order determining that eligible costs incurred by PSAPs to join a region, including equipment costs and the first year of multi-year maintenance, support, service or licensing agreements, may be fully paid from monies in the 911 Service System Fund, including set-aside funds, without applying the wireless/wireline ratio.¹²

A region is a multi-node 911 system made up of separate PSAPs, each of which benefits from cost savings and mutual failover support by sharing call-handling and other equipment through an internet protocol network.¹³ However, Saline County is not incurring the requested costs in order to join a region. The other counties participating in the purchase of the CAD system are members of two different PSAP regions. Butler County is part of the East Central Region. York and Seward Counties are part of the Southeast Region. Saline County has not yet decided to join any PSAP region. Therefore, the costs to be incurred by Saline County for the CAD system are not regionalization costs. As a result, such costs are not eligible for 100 percent funding from set-aside funds under the October 16, 2018 Order referenced above.

As stated above, the funding request originally submitted by Saline County requested \$50,015.83 in non-recurring costs. Saline County subsequently found additional eligible costs for the CAD system and increased their request to \$57,515.83 of non-recurring costs. A further review by Commission staff identified even more eligible costs, which raised the total amount of non-recurring costs in Saline County's funding request to \$64,865.24.

Saline County also requested \$14,338.00 of "biennial" maintenance costs. However, a review of vendor documentation provided with the funding request reveals that first year maintenance and support costs are already included in the purchase price of the CAD system. The "biennial" maintenance and support costs apply to year two. Only the first year of multi-year maintenance, support, service or licensing agreements, are payable from monies in the 911 Service System Fund. Subsequent years of multi-year maintenance and support arrangements, must be paid from a PSAP's annually allocated funds or other sources.¹⁴ Therefore,

¹² *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Chase County, Application No. 911-042.50 ORDER APPROVING FUNDING (Oct. 16, 2018).*

¹³ *Supra*, note 19.

¹⁴ *See, e.g., In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points*

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. 911-042.19

Page 4

the requested "biennial" maintenance and support costs are not eligible to be paid from set-aside funds.

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 non-recurring costs in the amount of \$64,865.24 are eligible for funding as costs incurred for the purchase, installation, maintenance or operation of telecommunications equipment and telecommunications services required for the provision of 911 service. However, such costs are shared costs which are subject to the wireless/wireline ratio and are not eligible for 100 percent funding from set-aside funds. The wireless ratio for Saline County for the 2018-2019 funding year is 84 percent wireless.

Based upon the above, the Commission finds that use of set-aside funding by Saline County should be approved in an amount up to **\$54,486.80**.

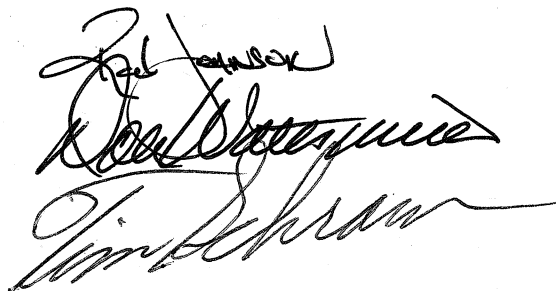
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that funding for Saline County is hereby approved in an amount up to **\$54,486.80**.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 20th day of February, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Mary Redder

Chair

ATTEST:

Phil S. HSO

Executive Director

for the implementation and provision of Enhanced Wireless 911 service: Keith County, Application No. 911-042.25 ORDER APPROVING FUNDING (Nov. 27, 2018); In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: EDS 911, Application No. 911-042.70 ORDER APPROVING FUNDING (Dec. 18, 2018); In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Washington County, Application No. 911-042.38, ORDER APPROVING FUNDING (Jan. 8, 2019).