

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-042.50
Public Service Commission, on)
its own motion, seeking to)
administer funding for public) ORDER REQUESTING COMMENTS
safety answering points for the)
implementation and provision of)
Enhanced Wireless 911 service:)
Chase County.) Entered: August 21, 2018

BY THE COMMISSION:

On or about July 9, 2018, the Chase County (Chase) Public Safety Answering Point (PSAP) filed a request to use enhanced wireless 911 set-aside funds toward the purchase of new call-handling equipment, plus related software and connectivity services, at a stated total cost of \$82,878.63. According to the funding request, the proposed expenditures will enable Chase to join the multi-node 911 system operating out of the Buffalo County and Dawson County PSAPs, also known as the South Central Region.¹

Pursuant to funding standards adopted by the Commission in 2007, PSAP expenses that support both wireless and landline 911 service are subject to the wireless/wireline ratio.² This means that funding provided by the Commission from enhanced wireless 911 surcharge funds, including set-aside funds, may only be used to pay for PSAP expenses relating to wireless 911 calls.³ PSAP expenses relating to wireline 911 calls are the responsibility of the PSAP (or its local governing body), paid from the service surcharge imposed on landline telephone numbers or out of local government general funds.⁴ However, Chase specifically states that it is "requesting 100% funding" from set-aside funds, which means

¹ 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: Buffalo County*, Application No. 911-042.10, ORDER APPROVING FUNDING (September 20, 2016).

² 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).

³ 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).

⁴ See, Emergency Telephone Communications Systems Act, Neb. Rev. Stat. §§ 86-420 to 86-441.01.

that this funding request would be paid entirely out of enhanced wireless 911 surcharge set-aside funds, without regard to the wireless/wireline ratio.⁵

The Enhanced Wireless 911 Advisory Board considered the request at its July 23, 2018, meeting and recommended the funding request be approved and paid solely from enhanced wireless 911 funds. Board members argued that allowing such 100 percent funding would encourage PSAPs to regionalize, resulting in overall cost savings, both to individual PSAPs and the entire 911 system. Members of the board also contended that the wireless/wireline ratio can actually prevent PSAPs from using their set-aside funds, because financially strapped local governments are often unable to scrape together matching funds to pay the landline share of costs based on the ratio. In such circumstances, it was argued, a PSAP's set-aside funds are essentially stranded monies that cannot be used for their intended purpose.

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

The cost model adopted by the Commission on February 23, 2010, provides that PSAP equipment and software costs are subject to the wireless/wireline ratio.⁶ In part, this standard reflected provisions of the Enhanced Wireless 911 Services Act⁷ that wireless surcharge funds be used "solely to process the data elements of enhanced wireless 911 service," and to pay for telecommunications equipment and services "required for the provision of enhanced wireless 911 service."⁸

Although the Enhanced Wireless 911 Services Act remains in place, the Commission's responsibilities with respect to 911 services have been supplemented by the 911 Service System Act⁹, which was adopted in 2016¹⁰ and revised in 2018.¹¹ The 911 Service System Act provides that the Commission is:

"responsible for statewide planning, implementation, coordination, funding assistance, deployment, and management and maintenance of the

⁵ Chase reports that its current set-aside fund balance is \$189,693.94.

⁶ *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 (Feb. 23, 2010).*

⁷ Neb. Rev. Stat. §§ 86-442 to 86-470

⁸ Neb. Rev. Stat. § 86-465(2)(b) & (c).

⁹ Neb. Rev. Stat. §§ 86-1001 to 86-1029.03.

¹⁰ LB938 [2016].

¹¹ LB993 [2018].

911 service system to ensure that coordinated 911 service is provided to all residents of the state at a consistent level of service in a cost-effective manner."¹²

The "911 Service System" is defined by statute to include not only wireless 911 service, but "basic 911 service, enhanced-911 service, enhanced wireless 911 service, next-generation 911 service, and any emerging technologies, networks, and systems that allow access to 911 service."¹³

Therefore, the Commission deems it appropriate to consider whether to grant Chase's request to use set-aside funds to pay 100 percent of the cost to purchase the equipment, software and connectivity necessary to join the South Central Region, and in addition, whether all PSAPs should be able to use set-aside funds to pay for 100 percent of such regionalization costs without regard to the wireless/wireline ratio.¹⁴

In an effort to reach a fully informed decision, the Commission seeks comment from all interested parties on whether to permit PSAPs to pay 100 percent of the costs associated with regionalization from set-aside funds without regard to the wireless/wireline ratio. The Commission also seeks comment on appropriate standards or limitations regarding the approval and scope of such funding, including the proper definition of "regionalization costs."

All interested parties who wish to participate should file comments with the Commission on or before Tuesday, September 11, 2018, at 5:00 p.m. All parties filing comments should file one original and five (5) paper copies and email one electronic copy to matt.effken@nebraska.gov and brandy.zierott@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all interested parties who wish to be heard should file comments with the Commission on or before Tuesday, September 11, 2018, at 5:00 p.m., in the manner prescribed above.

¹² Neb. Rev. Stat. § 86-1025(2).

¹³ Neb. Rev. Stat. § 86-1019.

¹⁴ The Commission notes that the Enhanced Wireless 911 Advisory Board also considered and recommended approval of funding requests for regionalization costs from the City of Hastings PSAP and the Howard County PSAP at its July 23, 2018 meeting.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 21st day
of August, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Knodes

Paul Johnson

Tim Schram

//s//Frank E. Landis
//s//Mary Ridder

Mary Ridder
Chair

ATTEST:

Shirley Kay
Executive Director