

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the First) Application No. 911-050
Petition of N.E. Colorado)
Cellular, Inc., d/b/a Viaero) ORDER APPROVING FUNDING
Wireless for Support from the)
E-911 Wireless Service Provider)
(WSP) Grant Program.) Entered: February 23, 2011

BY THE COMMISSION:

On October 15, 2010, N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (Viaero) filed a First Application for Support from the E-911 Wireless Service Provider Grant Program (Application). Notice of the Application was published in the Daily Record, Omaha, Nebraska, on November 20, 2010. No petitions for intervention were filed.

On November 15, 2010, the Enhanced Wireless 911 Advisory Board (Advisory Board) reviewed Viaero's application, and raised questions regarding the application. The Board voted to hold over the application for recommendation until its January 24, 2011 meeting. A public hearing was held on January 18, 2011 in the Commission Hearing Room. Ms. Kara Thielen, provided pre-filed testimony and testified in-person in support of Viaero's application.

E V I D E N C E

Ms. Kara Thielen, 911 Director, testified on behalf of Viaero. Ms. Thielen made a correction to her pre-filed testimony regarding the amount of funding that Viaero is requesting from the Grant Program, stating that the corrected amount should be \$447,570.17 instead of \$447,567.22 as set forth in the application. Ms. Thielen testified that Viaero plans to use the funds to replace its E-911 location platform software, which is being discontinued and will no longer be supported by the manufacturer. Ms. Thielen testified that the upgrade to Viaero's 911 system would serve its entire service area.

During the hearing, Commissioner Tim Schram asked Ms. Thielen whether the Andrew system used by Viaero supports both CDMA and GSM technologies. Ms. Thielen was unsure, and the information was offered to the Commission as a late-filed exhibit. Viaero's Late Filed Exhibit No. 5 was received by the Commission on February 9, 2011, and showed that the Andrew system in fact supports both CDMA and GSM technologies.

On January 24, 2011, the Advisory Board met to review Viaero's application in light of the testimony presented at the

hearing. Based on the information presented, the Advisory Board recommended that the Commission approve Viaero's request for funds from the Grant Program conditioned upon Viaero providing results of drive test reports of known areas that do not meet FCC guidelines and receiving feedback from PSAPs on the accuracy of the tests. A copy of the Board's minutes was entered into the record as a late-filed exhibit.

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

Pursuant to the April 29, 2010 Notice, \$714,586.00 was available for the wireless service provider grant program. According to the testimony and application, all costs are eligible for funding.

Based on the application, the evidence in the record, and the Advisory Board recommendation, the Commission finds that Viaero's application for funding from the E-911 Wireless Service Provider Grant Program should be approved in the amount of \$447,570.17.

Funding under the WSP Grant Program is available to all wireless service providers, eligible to receive funding, for other eligible costs incurred in the provision of wireless E-911 services. As stated in the February 23, 2010 Order Adopting the E-911 Cost Model¹, such eligible costs may include capital expenses or other one-time costs to provide E-911 services and not covered by recurring funding available under the monthly funding program.

Grant funds are not to be used for the construction of towers, administrative costs or personnel costs. Grant funds will be paid after completion of the project based on invoices paid by Viaero.

O R D E R

IT IS THEREFORE ORDERED that the First Application for Support from the E-911 Wireless Service Provider Grant Program for N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless in the amount of **\$447,570.17** shall be, and it is hereby, approved.

¹ 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. Final Order entered February 23, 2010.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of February, 2011.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman:

ATTEST:

Executive Director