

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. 911-054/
on its own motion, seeking to) PI-181
investigate and determine costs)
eligible for funding from the) ORDER AMENDING LIST OF
Enhanced Wireless 911 Fund) ELIGIBLE EXPENSES
pursuant to Neb. Rev. Stat.)
§ 86-465(2)(b) and (c).) Entered: April 17, 2012

BY THE COMMISSION:

On September 20, 2011, the Nebraska Public Service Commission opens the present docket on its own motion seeking to investigate and determine costs eligible for funding from the Enhanced Wireless 911 Fund pursuant to Neb. Rev. Stat. § 86-465(2)(b) and (c).

The docket followed a September 13, 2011 Commission order denying Grand Island's request to use its funding for the cost of translation service.¹ Commissioner Frank Landis issued a concurring opinion, joined by Commissioner Anne Boyle, asking that the Commission review its interpretation of eligible costs in light of previous statutory changes and the current state of implementation.²

E V I D E N C E

The Commission sought comment from public safety answering points (PSAPs) and other interested parties as to other costs that should be considered eligible for funding under the Enhanced Wireless 911 Services Act.³ Written comments were submitted by the City of Beatrice Police Department, the City of Columbus Police Department, Douglas County 911 Communications, Grand Island-Hall County Emergency Management, Lancaster County, Region 26 Council Emergency Management, Deith County Board of Commissioners, and the Nebraska Association of County Officials.

¹ *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: City of Grand Island*, Application No. 911-042.06, Order Denying Request Regarding Use of Funding (Sept. 13, 2011).

² *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: City of Grand Island*, Application No. 911-042.06, Concurring Opinion of Anne Boyle, Commissioner and Frank Landis, Commissioner (Sept. 13, 2011).

³ Neb. Rev. Stat. § 86-465.

The written comments supported the expansion of the list of eligible expenses to include general operations costs such as language translation services and personnel costs for in-house information technology and dispatch. Commenters also proposed that all GIS costs should be eligible rather than subject to the wireless/wireline factor. Others suggested the inclusion of call recording equipment and portions of the computer aided dispatch (CAD); however, these items are already included as eligible costs subject to the wireless/wireline ratio.

A hearing was held on January 23, 2012. Ms. Sue Vanicek, director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) testified on behalf of Commission staff. Ms. Vanicek stated that at the time LB 847, a bill introduced to modify the Act and the expenses eligible for funding to include personnel costs, was under consideration by the Nebraska Legislature. LB 847 did not advance. She further testified that an expansion of the list of eligible expenses would not affect the allocation of funding to any PSAP or wireless carriers.

Mark Conrey, communications director for Douglas County testified that expenses for regional backup centers should also be considered.

FINDINGS AND CONCLUSIONS

The Act, gives the Commission the discretion to determine eligible costs required for the provision of enhanced wireless 911 service.⁴ With respect to costs of public safety answering points, the Act states that the following may be eligible for funding:

(b) Costs incurred or to be incurred by public safety answering points to implement enhanced wireless 911 service may include, but not be limited to, purchases of new equipment, costs of upgrades, modification and personnel training used solely to process the data elements of enhanced wireless 911 service, and maintenance costs and license fees for new equipment;

(c) Costs incurred or to be incurred by public safety answering points for the purchase, installation, maintenance, and operation of telecommunications equipment

⁴ Id.

and telecommunications services required for the provision of enhanced wireless 911 service;⁵

The Commission's Order Adopting the Permanent Funding Mechanism entered on February 23, 2009, does not specifically address the eligibility of costs related to translation services.⁶

Therefore, in order to determine the eligibility of the cost, the Commission must first determine whether it meets the threshold statutory requirement, that it be required for the provision of enhanced wireless 911 services.

"Enhanced wireless 911 service" is defined as:

a telephone exchange communications service by which wireless carriers can provide automatic number identification, pseudo-automatic number identification, and wireless automatic location identification information to a public safety answering point which has the capability of providing selective routing, selective transfer, fixed transfer, automatic number identification, and wireless automatic location identification.⁷

Currently, costs associated with equipment, software, training, maintenance of equipment and software, GIS data and data maintenance, and telecommunications services are generally eligible subject to the Commission established wireless/wireline allocation factor.

Since the Act was first adopted, it has been amended multiple times. Most significantly, LB 1222 [2006] substantially changed the method of distributing funds and allowed more flexibility in what costs could be deemed eligible by the Commission.

Initial implementation of the enhanced 911 system demanded an emphasis on establishing the infrastructure necessary for the receipt and processing of Phase II enhanced wireless 911 calls, including hardware and software, the development of accurate

⁵ Id.

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 at 9 (Feb. 23, 2010).

⁷ Neb. Rev. Stat. § 86-448.

statewide geographic information data and intertandem trunking. At this time, statewide implementation of enhanced wireless 911 service is nearing completion. The focus of funding must therefore shift toward the provision of the service. Such a shift necessitates a broader interpretation of the costs necessary for the provision of wireless enhanced 911 services.

Neb. Rev. Stat. § 86-465(2)(b) and (c) set out categories of eligible expenses, however, the lists are not exclusive.

(b) Costs incurred or to be incurred by public safety answering points to implement enhanced wireless 911 service **may include, but not be limited to,** purchases of new equipment, costs of upgrades, modification and personnel training used solely to process the data elements of enhanced wireless 911 service, and maintenance costs and license fees for new equipment;

(c) Costs incurred or to be incurred by public safety answering points for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service; and

(emphasis added). The language of the Act contemplates the possible inclusion of operations costs related to the provision of enhanced wireless 911 service which necessarily include costs associated with the receiving and processing of the 911 call.

Therefore, based upon the comments and testimony received, the Commission finds, effective July 1, 2012, that the list of expenses eligible for wireless enhanced 911 funding shall be expanded to include translation services provided through service contracts and personnel expenses for dispatchers who receive and process wireless enhanced 911 calls. Such expenses are shared between landline and wireless 911 service and shall be subject to the wireless/wireline factor. Should a dispatcher have duties beyond the receipt and processing of 911 calls, the costs of the dispatcher should be prorated based upon the time spent on other duties. Wireless 911 funds may not be used for costs associated with general administrative support or any person not directly responsible for receiving and processing wireless 911 calls.

Documentation to support the costs shall be provided to the Commission and shall include copies of contracts for any translation services, job descriptions for dispatchers for which

wireless 911 funds will be used and an allocation of time spent on duties other than the answering and processing of 911 calls, documents supporting the costs associated with the compensation of the dispatchers for which funds will be used.

The expansion of the list of eligible expenses does not affect the allocation of funding provided to each PSAP, but instead merely provides PSAPs greater flexibility in the use of the funds.

Any PSAP wishing to use enhanced wireless 911 funding for the 2012-2013 funding year for a personnel expense must send a letter to the Commission no later than June 30, 2012 indicating the nature of the expense and an estimate of the total costs and the cost intended to be paid with wireless 911 funds during the funding year.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the list of eligible expenses should be expanded to include costs associated with contract translation services and dispatchers as outlined herein beginning the 2012-2013 funding year.

IT IS FURTHER ORDERED that the documentation for the above-mentioned costs be provided as set forth herein.

IT IS FINALLY ORDERED that Any PSAP wishing to use enhanced wireless 911 funding for the 2012-2013 funding year for a personnel expense must send a letter to the Commission **no later than June 30, 2012** indicating the nature of the expense and an estimate of the total costs and the cost intended to be paid with wireless 911 funds during the funding year.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of April, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. 911-054/PI-181

Page 5

wireless 911 funds will be used and an allocation of time spent on duties other than the answering and processing of 911 calls, documents supporting the costs associated with the compensation of the dispatchers for which funds will be used.

The expansion of the list of eligible expenses does not affect the allocation of funding provided to each PSAP, but instead merely provides PSAPs greater flexibility in the use of the funds.

Any PSAP wishing to use enhanced wireless 911 funding for the 2012-2013 funding year for a personnel expense must send a letter to the Commission no later than June 30, 2012 indicating the nature of the expense and an estimate of the total costs and the cost intended to be paid with wireless 911 funds during the funding year.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the list of eligible expenses should be expanded to include costs associated with contract translation services and dispatchers as outlined herein beginning the 2012-2013 funding year.



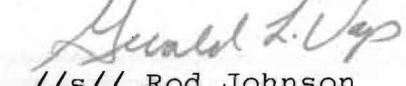
IT IS FURTHER ORDERED that the documentation for the above-mentioned costs be provided as set forth herein.

IT IS FINALLY ORDERED that Any PSAP wishing to use enhanced wireless 911 funding for the 2012-2013 funding year for a personnel expense must send a letter to the Commission **no later than June 30, 2012** indicating the nature of the expense and an estimate of the total costs and the cost intended to be paid with wireless 911 funds during the funding year.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of April, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s// Rod Johnson
//s// Frank Landis

Chairman

ATTEST:

