

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 OPENING DOCKET AND
Enhanced Wireless 911 Fund) SEEKING COMMENT
pursuant to Neb. Rev. Stat.)
§ 86-465(2)(b) and (c).)
) Entered: September 20, 2011

BY THE COMMISSION:

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 Commission entered an order on September 13, 2011, 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

The Enhanced Wireless 911 Services Act (the Act), gives the Commission the discretion to determine eligible costs required for the provision of enhanced wireless 911 service.³ 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;

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.

(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;⁴

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.⁵ 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.⁶

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.

The Commission seeks comment from public safety answering points and other interested parties as to other costs that should be considered eligible for funding under the Act.

⁴ Id.

⁵ *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).

⁶ Neb. Rev. Stat. § 86-448.

Commenters should specifically explain the necessity of the cost in the provision of enhanced wireless 911 service.

All interested parties should file comments on the above-listed issues with the Commission **on or before October 28, 2011 at 3:00 p.m.** All parties filing comments should file one original and five (5) paper copies and email one electronic copy to brandy.zierott@nebraska.gov and angela.melton@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and it is hereby, opened, 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).

IT IS FURTHER ORDERED that all interested parties should file comments on the above-listed issues with the Commission **on or before October 28, 2011 at 3:00 p.m.** All parties filing comments should file one original and five (5) paper copies and e-mail one electronic copy to brandy.zierott@nebraska.gov and angela.melton@nebraska.gov.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of September, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

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MADE AND ENTERED at Lincoln, Nebraska, this 20th day of September, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Red Johnson
Gunn Boyfe
Gerald L. Vap

//s// Frank Landis
//s// Tim Schram

Tim Schram
Chairman

ATTEST:

Anna Durvaine
Deputy Director