

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,	)	Application No. 911-056/
on its own motion, seeking to	)	PI-184
investigate and establish one	)	
time distribution of funds for	)	ORDER MAKING FINDINGS AND
equipment and software pursuant	)	CLOSING DOCKET
to the Enhanced Wireless	)	
Services Act, Neb. Rev. Stat. §	)	
86-442 et seq.	)	
	)	Entered: June 26, 2012

BY THE COMMISSION:

On or about April 24, 2012, the Nebraska Public Service Commission opened the present docket on its own motion seeking to investigate and establish one-time distribution of funds for equipment and software pursuant to the Enhanced Wireless 911 Services Act<sup>1</sup>. The Commission sought comment regarding whether a one-time distribution of funds should be made to public safety answering points (PSAPs) from the Enhanced Wireless 911 Services Fund (Fund) to be set aside for future equipment and software upgrades.

Written comments were received from the Region 26 Council, the Cuming County Dispatch Center, and NE Colorado Cellular, Inc., d/b/a Viaero Wireless.

E V I D E N C E

A hearing was held on May 23, 2012. Tyler Frost testified on behalf of the Commission staff that the original proposal allowed for \$8.5 million to be disbursed as one-time payouts to PSAPs for future equipment and software purchases and upgrades. Sue Vanicek, NTIPS Director, testified that this amount would be impossible to do in one funding year as it would cause the department to exceed the spending authority granted by the legislature for the fiscal year. Therefore, the payments, if made, would have to be made over two fiscal years. Ms. Vanicek also testified that a one-time payout may help PSAPs; however, Commission staff did not make a recommendation. Bill Mizner of the Norfolk Police Division testified that he was in favor of the one-time payment to provide for new equipment that Norfolk is unable to purchase with its current allocation. Kara Thielen testified on behalf of Viaero in support of the action.

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<sup>1</sup> Neb. Rev. Stat. § 86-442 et. seq.

Larry Lavelle testified on behalf of Sarpy County Communications that while there are short-term needs and technology is expensive, providing a one-time allocation that need not be paid back would provide a disincentive to regionalization and consolidation of PSAPs. Mr. Lavelle further testified that it would be harmful to the long-term health of the Fund. Jon Rosenlund of Grand Island Emergency Management agreed with Mr. Lavelle, and testified that the access to funds for emergency situations would be very helpful, but PSAPs should be responsible for paying back at least a portion of that money to the Fund to discourage abuse and ensure the ongoing vitality of the Fund. Next, Mark Conrey, 911 Communications Director at Douglas County, testified the Fund should provide one-time payments, but only to those PSAPs that have regionalized or have consolidated equipment.

Mr. Mizner then testified again, stating that not having to pay back the one time allocation would allow PSAPs to set aside more money for future equipment purchases and that only granting payouts to consolidated PSAPs would be unfair. Donna Mainwaring of Fillmore County testified that small counties needed the same consideration as large counties with or without a regionalization plan in place.

#### FINDINGS AND CONCLUSIONS

On February 23, 2010, the Commission entered an order in Docket 911-019/PI-118<sup>2</sup> establishing a permanent funding mechanism and adopting a model for the distribution of enhanced wireless 911 funds to PSAPs and wireless service providers (WSPs). Pursuant to the February 23, 2010 order, PSAPs receive a monthly amount allocated through the model to be used for eligible costs associated with the implementation and provision of enhanced wireless 911 services.<sup>3</sup> A PSAP may also choose to set aside up to seventy-five percent (75%) of their allocation for the future purchase of equipment and software necessary for the provision of enhanced wireless 911 service.<sup>4</sup> Testimony indicated many PSAPs have been unable to set aside the maximum amount allowed for future purchases.

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<sup>2</sup> *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.* Order Adopting, February 23, 2010.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 4.

Based upon changes in allocations being considered in Docket No. 911-019/PI-118, reservations exist regarding the sustainability of the Fund if one-time payments were made. Additionally, several commenters and witnesses were concerned that the distribution of funds dedicated to the purchase of equipment and software could undermine efforts to consolidate PSAPs and to improve the efficiency of the 911 network.

Some PSAPs may require significant equipment or software upgrades or new equipment or software systems and have not yet had sufficient time to accumulate a reserve to purchase the required items. However, the Commission has approved advances of wireless enhanced 911 funds to those PSAPs with the provision that a monthly amount be deducted from their future allocations over a period of five (5) years.<sup>5</sup>

Therefore, based upon the comments and testimony received and the fact that an alternative for the funding of equipment and software exists, the Commission finds that no one-time payments shall be made for future equipment and software upgrades and purchases. The option of seeking a one-time advance as established in Docket No. 911-019/PI-118 remains available.

The Commission further finds that the docket should be closed and no further action be taken on this matter.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that no one-time payments to PSAPs shall be made for future equipment and software upgrades and purchases.

IT IS FURTHER ORDERED that the option of seeking a one-time advance as established in Docket No. 911-019/PI-118 remains available.

IT IS FINALLY ORDERED that the docket should be closed and no further action be taken on this matter.

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<sup>5</sup> 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: Perkins County*, Docket No. 911-042.23, Order Approving Funding, In Part, (Feb. 8, 2011) and *In the Matter of Clay County, Edgar, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation*, Docket No. 911-023.28, Order Approving Funding Request, In Part (Feb. 28, 2010).

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of June, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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MADE AND ENTERED at Lincoln, Nebraska, this 26th day of June, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schram*

*Rene Boyle*

*Gerald F. Vap*

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

Chairman

*Rod Johnson*

ATTEST:

*Walter H. Hill*

Executive Director