

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. 911-060.22
on its own motion, seeking to)
investigate and determine)
whether additional funds from)
the Enhanced Wireless 911 Fund) ORDER APPROVING APPLICATION
should be made available to)
public safety answering points)
for costs to implement text to)
911 solutions: City of Columbus.) Entered: September 26, 2017

BY THE COMMISSION:

On May 6, 2014, the Nebraska Public Service Commission (Commission) entered an order on its own motion seeking to investigate and determine whether funds from the Enhanced Wireless 911 Fund should be made available to public safety answering points (PSAPs) for costs to implement text-to-911 solutions.

On November 4, 2014, the Commission released Progression Order No. 3 in this docket, setting out the procedure to fund text to 911 outside the cost model for PSAPs ready to implement technology solutions on an interim basis. The staff proposal adopted set out the application process for PSAPs seeking interim funding for text to 911 solutions.

On or about September 16, 2013, the PSAPs of Boone County, Butler County, City of Columbus, Merrick County, Nance County, Polk County, and Saunders County (together, the "EC-911 PSAPs") entered into an Inter-Local Cooperation Agreement known as the East Central Region 911 Emergency Communications Equipment Sharing Agreement, (the "Agreement") which among other things, provides for the joint purchase of customer premise equipment ("CPE") to be shared by the EC-911 PSAPs and the creation of a "Governing Regional Committee" to oversee and administer the call processing system. The Agreement authorizes the purchase of shared CPE at a maximum cost of \$1,084,101.13. The Commission authorized the purchase and installation of the shared CPE by a series of funding Orders for each EC-911 PSAP on December 17, 2013.¹ However, the Agreement includes no authorization for any further joint purchases by the EC-911 PSAPs. Moreover, the Agreement includes a provision stating: "Additions of equipment or

¹ See, e.g., 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 Columbus, ORDER APPROVING USE OF SET ASIDE FUNDS AND ADVANCE, Docket No. 911-042.22 (December 17, 2013).

services used by each participating agency will be the responsibility of that agency."²

On or about May 1, 2017, Todd Thalken of the City of Columbus PSAP submitted a joint application in this docket requesting text to 911 funding on behalf of "East Central Region (Boone, Butler, Platte, Merrick, Nance, Polk and Saunders Counties)." The application included a proposal from Comtech Telecommunication Corp. ("Comtech"), which called for equipment be installed only at the City of Columbus PSAP and the Saunders County PSAP. The proposal included equipment-related costs of \$20,000.00, maintenance and monitoring fees of \$5,000.00 per year, and recurring connectivity fees of \$545.00 per month to CenturyLink and \$735.00 to AT&T. The total three-year cost of the proposal was \$81,080.00. Although all equipment and connectivity charges under the proposal would be incurred with respect to the City of Columbus PSAP and the Saunders County PSAP, the proposal would provide text-to-911 services to all of the EC-911 PSAPs.

The Enhanced Wireless 911 Advisory Board considered the funding request at its May 8, 2017 meeting and recommended that the Commission approve the request.

Consideration of the funding request was left pending awaiting resolution of various issues raised during audits to verify that all amounts received by the EC-911 PSAPs from the Enhanced Wireless 911 Fund had been used for eligible costs under Commission Docket No. 911-019/PI-118. All such audits have since been concluded and any necessary adjustments have been made.

On September 20, 2017, the Commission received a revised proposal from Comtech, reflecting an increase in CenturyLink connectivity fees from \$545.00 to \$819.00 per month, representing a total increase of \$9,864.00 over the three year duration of the proposal.

Upon review of the funding request, Commission staff noted that the request did not include any evidence that Mr. Thalken was authorized to represent any EC-911 PSAP other than the City of Columbus. In addition, the funding request did not include any indication that the Agreement had been revised to permit the joint acquisition of additional equipment or services by the EC-911 PSAPs.

² Inter-Local Cooperation Agreement, East Central Region, 911 Emergency Communications Equipment Sharing Agreement, dated as of September 16, 2017, Section 5.

On September 21, 2017, Mr. Thalken provided the Commission with a revised funding request, solely on behalf of the Columbus PSAP for Text-to-911 funding, representing the Columbus PSAP's share of the equipment and recurring connectivity charges for the proposed project. At the same time, the Commission also received a parallel funding request from Saunders County, for the Saunders County PSAP's share of the equipment and recurring connectivity charges.³ However, the ultimate purpose of the proposal remained the same, that is, to provide text-to-911 services to each of the Boone County, Butler County, City of Columbus, Merrick County, Nance County, Polk County, and Saunders County PSAPs.

As revised, the funding request for the City of Columbus PSAP listed non-recurring equipment related costs of \$11,936.10 and monthly recurring connectivity and maintenance costs of \$1,035.55, resulting in a three year total cost of \$49,279.82.

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

According to Neb. Rev. Stat. 86-465(2), costs incurred by public safety answering points for the provision of enhanced wireless 911 service may be eligible for payment from the Enhanced Wireless 911 Fund, according to standards and criteria established by the Commission.

Pursuant to the staff proposal adopted in Progression Order No. 3 in this docket, the Commission may approve funding requests for text to 911 technology solutions costs such as text control center contracts, staff training, trunks necessary for additional text traffic, other costs related to the provision of text to 911 services not attributed more generally to 911 emergency response services. Progression Order No. 3 further specified that the Commission intended to limit approval of text to 911 related service contracts to no more than three years. In addition, costs relating to the provision of text-to-911 services are funded entirely from the Enhanced Wireless 911 Fund, and are not subject to the Wireless/Wireline Ratio.

The Commission finds the application submitted on behalf of the City of Columbus PSAP contains eligible costs under the Commission's interim text to 911 funding orders. The City of Columbus PSAP must submit invoices for payment by the Commission

³ In the Matter of the Commission, on its own motion, seeking to investigate and determine whether additional funds from the Enhanced Wireless 911 Fund should be made available to public safety answering points for costs to implement text to 911 solutions: Saunders County, ORDER APPROVING APPLICATION, Docket No. 911-060.71 (September 26, 2017).

or submit invoices with evidence of payment for reimbursement from the Enhanced Wireless 911 Fund. In addition, in keeping with the purpose of the proposal, the City of Columbus PSAP shall also provide evidence to the Commission demonstrating that text-to-911 services have been successfully provided to each of the EC-911 PSAPs.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the text to 911 technology solution funding request submitted by the City of Columbus PSAP be, and hereby is, approved in an amount not to exceed **\$11,936.10** in non-recurring costs and **\$1,035.55** in monthly recurring costs over a three year period.

IT IS FURTHER ORDERED that the City of Columbus PSAP submit required documentation to justify all expenditures for payment or reimbursement from the Enhanced Wireless 911 Fund. Such documentation shall include evidence demonstrating that text-to-911 services have been successfully provided to each of the PSAPs of Boone County, Butler County, City of Columbus, Merrick County, Nance County, Polk County, and Saunders County.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 26th day of September, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Riddie

Crystal Knodes

Frank E. Landis

//s//Frank E. Landis

//s//Tim Schram

Tim Schram

Chairman

ATTEST:

Michael R. Jell

Executive Director