

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. 911-060/PI-191
on its own motion, seeking to)
investigate and determine)
whether additional funds from) PROGRESSION ORDER NO. 1
the Enhanced Wireless 911 Fund) SEEKING COMMENT, AND
should be made available to) ESTABLISHING SCHEDULE
public safety answering points)
for costs to implement text to) Entered: July 29, 2014
911 solutions.)

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 additional 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. The order also sought comments on specific questions regarding the types of text to 911 solutions available to PSAPs, the costs of implementing and providing text to 911 solutions to PSAPs, whether such funding should be available without conditions, and any other helpful information.

Comments were received from three PSAPs and two wireless service providers; Buffalo County Sheriff's office, Douglas County 911 Communications Department (Douglas County), Scotts Bluff County Consolidated Communications (Scotts Bluff County), N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero), and CTIA - The Wireless Association (CTIA).

E V I D E N C E

Hearing was held on July 7, 2014. Testimony was offered by Sue Vanicek, director of the Nebraska Telecommunications Infrastructure and Public Safety Department (Department); Mark Conrey, Douglas County; Neil Miller, 911 Advisory Board; Ray Richards, Scotts Bluff County; Loel Brooks, Viaero; and Bret Dublinske, CTIA.

Director Vanicek recommended the Commission receive more detailed information on available technologies and associated costs for statewide implementation prior to funding projects outside the cost model. As noted previously by the Commission, equipment, software, and services related to the provision of text to 911 service would be an eligible use of enhanced wireless 911 funds, and PSAPs may currently use their annual allocation toward

these costs. The question presented in this investigation is whether additional funds should be provided to implement text to 911 solutions.

Director Vanicek noted the comments received did not adequately address cost drivers and the impact on funding statewide, or the available technology solutions. One remaining question was whether the technology solutions are enhanced wireless 911 solely, or next generation 911. Director Vanicek noted the Attorney General's opinion issued March 20, 2013, that the Commission is precluded from funding next generation 911 solutions from the Enhanced Wireless 911 Fund without a specific grant of Legislative authority. Testimony and comments received by the Commission indicate text to 911 is a wireless technology and not yet a next generation 911 technology. However, the transition to next generation 911 will include text to 911 solutions, creating a likelihood of stranded technology costs. Stranded technology costs occur when new technology makes prior investments obsolete.

Mr. Conrey explained his research showed varying costs and solutions depending on the needs of the PSAP, call volume and demographics in particular. Mr. Conrey testified the Douglas County PSAP was ready to proceed with a contract for text to 911 technology solutions. Furthermore, Mr. Conrey indicated the population of Douglas County expects text to 911 solutions. Mr. Conrey testified location accuracy is limited to Phase 1, course cell tower data.

Mr. Neil Miller testified on behalf of the Wireless Advisory Board and agreed text to 911 was not a next generation 911 technology, but solely wireless. Mr. Miller also testified the Buffalo County PSAP had a population who expected text to 911 service, and he intended to apply to the Commission for additional funding.

Mr. Ray Richards testified for Scotts Bluff County, stating the county was ready for text to 911 services, but determining the best solution for the county was confusing. He testified that he needed additional funding for this particular project, but would like to be able to review the decision in two or three years to determine the best solution. He does intend to apply to the Commission for additional funding.

Mr. Bret Dublinske testified on behalf of CTIA stating that the text to 911 technology solutions available fall short of enhanced wireless 911, but are a transitional solution, and not

next generation 911 services. Mr. Dublinske also cautioned the Commission against funding the highest end solutions that will lead to stranded technology costs as we transition to next generation 911, but to take applications on a case by case basis to determine what is best for each PSAPs need.

Mr. Loel Brooks testified for Viaero, noting the transitional nature of text to 911 and the lack of rules, policy, and guidelines, and vendor or technology recommendations. A concern for stranded investment was stated, acknowledging the lack of guidance to PSAPs makes additional funding premature at this time.

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

In administering the enhanced wireless 911 fund, the Commission seeks a balance between implementing services the public demands in a timely fashion, and avoiding stranded technology costs when transitioning to new technologies and services. The Commission finds that some members of the public expect text to 911 services, and that some PSAPs are capable of providing the service. However, text to 911 technology solutions were not specifically contemplated in the funding mechanism, and ensuring adequate funding within the cost model will take time.

The Commission also finds that text to 911 is a purely wireless service, and not a wireline or next generation 911 service.

The Commission intends to seek further input to guide future and pending funding decisions through data requests to Wireless Service Providers, 911 Service Vendors, and 911 Telecommunications Service Providers (LECs).

The Commission intends to provide funding outside the cost model for text to 911 solutions on a case by case basis, for those PSAPs who are ready, while gathering data to guide statewide implementation in the future. The Commission intends to make available limited funding from the Enhanced Wireless 911 fund to implement text to 911 solutions. This interim funding is not intended as a permanent solution for text to 911 service needs.

The Commission now seeks comments on the following, regarding the creation of such an interim funding solution;

1. The amount of funding to be made available from the Enhanced Wireless 911 Fund.
2. Eligible payees. What costs associated with text to 911 should be eligible for funding? How should funding be

- distributed; through the PSAPs, to approved Vendors, or some other way?
3. Data collection. What data should the Commission require for those receiving interim funding? Should the Commission seek information on the number of texts received, any problems implementing text to 911, location accuracy information, or other information?
 4. How should those receiving interim funding account for the expenditure of the funds?
 5. How should the public be engaged and educated on text to 911? Whose responsibility should it be to educate?
 6. Whose responsibility is training for PSAPs to use text to 911 technologies?
 7. Text to 911 solution technologies. How should the Commission determine which technology option (TTY, web browser, or direct IP) should be funded for the different PSAPs?

All interested parties should file comments on the proposed interim funding of text to 911 solutions with the Commission **on or before Wednesday, August 27, 2014**. All parties filing comments should file one original and five (5) paper copies and email one electronic copy to brandy.zierott@nebraska.gov and joselyn.luedtke@nebraska.gov.

Based upon the responses to data requests, and comments filed, the Commission will determine procedures for administering the interim funding. Staff intends to release a proposal outlining the process by **September 9, 2014**. Public comments on the proposal should be filed by **October 3, 2014**.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the proposal set forth herein be released for comment.

IT IS FURTHER ORDERED that all interested parties should file comments on the above-listed issues with the Commission **on or before Wednesday, August 27, 2014 at 3:00 PM**. All parties filing comments should file one original and five (5) paper copies and email one electronic copy to brandy.zierott@nebraska.gov and joselyn.luedtke@nebraska.gov.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of July, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION
COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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COMMISSIONERS CONCURRING:

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//s//Frank E. Landis