

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)
the Enhanced Wireless 911 Fund) PROGRESSION ORDER NO. 2
should be made available to)
public safety answering points)
for costs to implement text to)
911 solutions.) Entered: September 9, 2014

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, how such funding should be available, and any other helpful information.

On July 29, 2014, the Commission entered a progression order setting out the commission's intent to develop, and seeking public comment on the creation of, an interim funding solution for Text to 911. In conjunction with the public comment period, the commission released data requests to wireless carriers, local exchange carriers, and Text to 911 vendors.

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

In response to Progression Order No. 1 in this docket, the Commission received comments from Douglas County 911 Department, CTIA - The Wireless Association (CTIA), and N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero). These comments supported the Commission's decision to fund Text to 911 solutions in PSAPs requesting the service.

Comments from Viaero urged the Commission to develop a statewide plan to implement a uniform system. However, the Commission has deferred to local 911 authorities on operational decisions, and where the Enhanced Wireless 911 Fund is not intended to cover all costs associated with operations of a 911 center, ultimately the authority to provide 911 service lies with the local governing bodies. To require all PSAPs to use a specific technology solution that the Commission may not be able to fully fund into the future would be a disservice to local PSAPs who may

not be ready to implement Text to 911, or may hinder the progress of others.

Comments received also highlight the need for public education on the possibilities and limitations of Text to 911 services. As part of that effort, we are seeking input from the Enhanced Wireless 911 Advisory Board as well as all affected parties including PSAPs, the public safety community, wireless carriers, and the public. In order to accomplish this, the Commission hereby schedules a workshop for **October 30, 2014, 9:00 a.m. to 5:00 p.m.**, in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, to discuss resources available to help educate the public. An agenda will be circulated at a later date.

The Commission finds that it is essential to establish a policy regarding Text to 911 interim funding to ensure implementation of the wireless service can progress as PSAPs are ready. While the Commission's current methodology does anticipate new technologies requiring upgrades to equipment and software with the equipment program and set aside allowance, Text to 911 is a wireless service with associated costs not necessarily covered by the set aside, such as contracts with vendors for text control center services.

A Text to 911 interim funding solution staff proposal is attached to this order as Appendix A. An application for PSAPs requesting Text to 911 funding is attached to this order as Appendix B. The Commission seeks public comment and schedules a public hearing regarding the proposal and application. The proposal sets out the process for PSAPs applying for funding from the Enhanced Wireless 911 Fund, above and beyond their annual allocation, for costs associated with implementing Text to 911.

All interested parties should file comments on the staff proposal with the Commission **on or before October 3, 2014**. All parties filing comments should email one electronic copy to brandy.zierott@nebraska.gov and joselyn.luedtke@nebraska.gov.

The Commission finds that a hearing on the matter should be scheduled for **October 7, 2014, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call

the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the staff proposal set forth herein as Appendix A, and application set forth herein as Appendix B, be released for comment.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that a workshop, to discuss resources available to educate the public on Text to 911, be scheduled for **October 30, 2014** 9:00 a.m. to 5:00 p.m., in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

IT IS FURTHER ORDERED that all interested parties should file comments on the above-listed issues with the Commission **on or before October 3, 2014**. 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 joselyn.luedtke@nebraska.gov.

IT IS FURTHER ORDERED that a hearing on this matter should be scheduled for **October 7, 2014, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of September, 2014.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Executive Director

Application No. 911-060/PI-191
Progression Order No. 2

Page 3

the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the staff proposal set forth herein as Appendix A, and application set forth herein as Appendix B, be released for comment.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that a workshop, to discuss resources available to educate the public on Text to 911, be scheduled for **October 30, 2014** 9:00 a.m. to 5:00 p.m., in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

IT IS FURTHER ORDERED that all interested parties should file comments on the above-listed issues with the Commission **on or before October 3, 2014**. 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 joselyn.luedtke@nebraska.gov.

IT IS FURTHER ORDERED that a hearing on this matter should be scheduled for **October 7, 2014, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of September, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Sam Boyle
Tim Schram
Jack Johnson
Shad Ziegler

Frank E. Landis
Chairman

ATTEST:

Steve Meradith
Executive Director

//s//Frank E. Landis

Text to 911 Interim Funding Nebraska Public Service Commission Staff Proposal

September 9, 2014

Purpose

The Purpose of this proposal is to make known the Commission's intent to provide funding for interim assistance to PSAPs for Text to 911 solutions, and to set forth the process by which PSAPs can apply for interim funding assistance. The funding is intended to allow PSAP's who are ready to provide the public with Text to 911 capabilities, and funding to accomplish the purposes of the Enhanced Wireless 911 Services Act. The interim funding discussed herein is not intended to be a permanent solution, and may be revised by the Commission.

Objective

The implementation of new technology in the 911 arena is not a flash cut, but rather, occurs in a more cascading fashion with early adopters paving the way. The objective of the Text to 911 interim funding assistance is to provide funding outside the cost model for a wireless 911 technology, Text to 911. The Commission will gather data on the costs and appropriate technologies, in order to develop policies and procedures for future statewide implementation with the least stranded technology costs possible.

Text to 911 Funding

The Commission staff proposes to provide interim funding for Text to 911 solutions to PSAPs requesting such services from wireless carriers. The Commission will provide funding for only one PSAP per County consistent with Neb. Rev. Stat. § 86-466.

Given the rapid developments in mobile communications technology, and the year-long funding cycle of the cost model, staff recognizes that incremental changes to the funding mechanism may not address the needs of the public. Over the next 18 months, staff will gather data from Nebraska PSAPs to monitor the implementation of Text to 911 solutions. The Commission will review the interim funding solution by April 15, 2016.

Text to 911 interim funding from the Commission is not intended to fully fund Text to 911 costs. Acceptance of Text to 911 interim funding by a PSAP does not preclude the use of set aside funds for equipment and software costs associated with Text to 911, in the event interim funding does not cover the entirety of Text to 911 costs. Text to 911 interim funding from the Commission is discretionary and may be terminated at any time by the Commission.

PSAP costs eligible for Text to 911 interim funding include initial and recurring monthly charges for contracts with text control centers, a new trunk for additional traffic, training for PSAP workers, and other costs for the provision of Text to 911 service that are not simply for more general emergency response services. Interim funding assistance can only be used for costs directly related to the provision of Text to 911 services.

Ineligible costs include costs to connect to the Internet, Internet network charges, equipment and software, and other costs that are otherwise eligible to be paid for through the PSAPs annual allocation set aside through the equipment program.

This proposal does not address location accuracy of SMS technology, roaming accessibility, or wired Internet text messaging capable services such as Over The Top (OTT) texting.

Process

1. PSAP submits request for Text to 911 service to wireless carriers.
2. PSAP requests Text to 911 interim funding assistance from NPSC E911 Department
3. Enhanced Wireless 911 Advisory Board reviews request
4. A third part contractor retained by the Commission for technical subject matter expertise reviews, and the Commission approves, approves in part, or denies request
5. Commission will reimburse PSAPs for approved costs upon completion of work and invoices submitted to Commission staff

Commission staff proposes an application form for PSAPs requesting Text to 911 funding which is attached. The form will not be required to receive funding, but will assist PSAPs in developing a request and inform PSAPs of the information needed by the Commission. Prior to submitting application to the Commission, a PSAP must have initiated a valid request for service from the wireless carriers in their service area. Sample letters requesting service will be available on the Commission's website.

PSAPs may request payment for hardware, software, and telecommunications services necessary to receive SMS text messages from the public requesting emergency services. Eligible Text to 911 solutions currently existing include SMS to TTY, web browser, and direct IP technologies. Emerging technologies may also be eligible. The PSAP should consult with NPSC E911 Department staff prior to submitting application. PSAPs will be required to submit invoices, contracts, or any other supporting documentation containing detailed cost information for Commission staff to determine eligible initial, recurring, and non-recurring amounts to be paid by the Commission. Beginning October 27th, 2014, any PSAP seeking funding assistance for Text to 911 from the Enhanced Wireless 911 Fund shall make application to the Commission.

The Enhanced Wireless 911 Advisory Board meets quarterly, usually July, October, January, and April of each year. PSAPs are notified by the Commission at least three weeks prior to each Board meeting. PSAP applications for Text to 911 interim funding should be received by Commission staff at least one week prior to the scheduled meeting. Failure to make application to the Commission for Text to 911 interim funding assistance at least one week prior to the Advisory Board meeting may result in a delay of consideration by the board, and thus the Commission, until the next Advisory Board meeting.

The Commission will have 30 days from the date of action by the Advisory Board (or the date of Commission's order approving the Text to 911 interim funding staff proposal in the case of Text to 911 proposals already approved by the Board) to review and approve, approve in part, or deny an application. If the Commission denies an application, the PSAP may reapply. Consolidated or regional resource sharing arrangements between more than one PSAP shall submit requests for funding in a single application for a single technology solution.

After Commission approval of an application, a PSAP may submit invoices for reimbursement by the Commission.

Commission staff will track Text to 911 implementation by any PSAP receiving funding under this interim funding proposal. Any PSAP receiving funding under this interim funding proposal is subject to audit by the Commission.

Education efforts

Commission staff proposes a workshop October 30th, 2014 to engage the public, civic groups, educational institutions, PSAPs, affected industry, and other entities on resources to educate the public about the availability and proper use of Text to 911 services in the state.

The Commission will provide links from its website to resources available for the Public and for PSAPs. Also, the Commission will provide a link from its website to the Department of Homeland Security database of PSAPs capable of receiving Text to 911, upon creation of such database, as directed in the Federal Communications Commission's (FCC's) Second Report and Order and Third Further Notice Of Proposed Rulemaking adopted August 8, 2014.

Training

While costs for training may be paid with interim Text to 911 funding assistance from the Commission, the Commission is not responsible for training PSAPs. Ultimately, the provision of 911 is the responsibility of the local governing body.

Timeline

- Public comments due October 3, 2014
- Public hearing October 7, 2014
- Applications available to PSAPs October 27, 2014
- Workshop on public education October 30, 2014
- Review for further action April, 2016

Nebraska Public Service Commission Text to 911 Funding Assistance Request

PSAP Information

PSAP Name _____

Contact Name _____

Address _____

City _____

Telephone Number _____

Email Address _____

Text to 911 Solution (check one)

_____ SMS to TTY

_____ Web Browser

_____ Direct IP

_____ Other technology solution (Please describe below)

Please provide the following information:

1. What is your annual 911 call volume? If possible please distinguish between Wireline, Wireless, and VOIP.
2. How many trunks currently serve your PSAP?
3. How many incoming lines currently serve your PSAP? Please distinguish between Wireline, Wireless, and VOIP.
4. Do excess calls spillover (if all 911 lines are busy) onto Administrative lines?

Costs of Text to 911 Solution

Vendor/Provider Name	Non-Recurring Costs	Monthly Costs
Total		

Please include costs for hardware or software necessary to implement and provide Text to 911 service in your PSAP.

Attach to Application:

_____ Copy of each letter sent to a wireless carrier requesting Text to 911 service.

_____ Copy of all supporting documentation regarding costs of Text to 911 including contract with Vendor.

Signature

Date

Submit Applications and Direct Questions to Joan Raffety, Public Service Commission E911 Coordinator,
(402)471-0208 or joan.raffety@nebraska.gov