

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,)	Application No. 911-060/
on its own motion, seeking to)	PI-191
investigate and determine)	
whether additional funds from)	ORDER OPENING DOCKET
the Enhanced Wireless 911 Fund)	SEEKING COMMENT AND
should be made available to)	SCHEDULING HEARING
public safety answering points)	
for costs to implement text to)	
911 solutions.)	Entered: May 6, 2014

BY THE COMMISSION:

The Nebraska Public Service Commission (Commission) opens the present docket 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.

Four major wireless service providers have agreed that by May 15, 2014 they will begin providing text to 911 services to those PSAPs requesting the service. On April 9, 2014, Douglas County filed a request seeking funds beyond its annual allocation through the 911-SAM for costs associated with upgrades and services necessary to receive and process text messages sent to 911. A similar request was filed by Washington County on April 10, 2014.

The Enhanced Wireless 911 Advisory Board reviewed both requests at their April 15, 2014 meeting recommended that they be approved. The Commission anticipates requests from other PSAPs to soon follow.

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

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.¹ 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

¹ Neb. Rev. Stat. § 86-465.

elements of enhanced wireless 911 service, and maintenance costs and license fees for new equipment;

(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;²

"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.³

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. Also, the Commission has previously noted that with the passage of LB 1222 [2006], the Act provides more flexibility in what costs could be deemed eligible by the Commission.

The Commission has not specifically addressed the eligibility of costs related to the implementation of text to 911 services.⁴ However, the ability for a PSAP to receive and process text messages and determine the location of the wireless subscriber is indisputably a wireless service. Therefore, generally equipment, software and services related to the provision of the service would be an eligible use of enhanced wireless 911 funds, and PSAPs may use their annual allocation toward these costs.

Furthermore, because the costs associated with the provision of text to 911 services relate solely to enhanced

² Id.

³ Neb. Rev. Stat. § 86-448.

⁴ *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).

wireless 911 service and do not include expenses necessary for landline 911 service, the wireless/wireline ratio need not be used to allocate the costs.

The question remaining is whether additional funds beyond the annual allocation to PSAPs should be made available for the implementation and provision of text to 911 services. In order to make a determination, the Commission seeks comment on the following:

1. The various types of text to 911 solutions available to PSAPs;
2. The cost of implementing and providing a text to 911 solution for PSAPs;
3. Whether such additional funding should be made available to all PSAPs without conditions; and
4. Any other information helpful to the Commission in making a determination.

All interested parties should file comments on the above-listed issues with the Commission **on or before June 6, 2014**. All parties filing comments should file one original and five (5) paper copies and email one electronic copy to joan.raffety@nebraska.gov and brandy.zierott@nebraska.gov.

The Commission finds that hearing on the matter should be scheduled for **July 8, 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 above-captioned docket be, and it is hereby, opened, 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.

IT IS FURTHER ORDERED that all interested parties should file comments on the above-listed issues with the Commission **on or before June 6, 2014**. All parties filing comments should file one original and five (5) paper copies and email one electronic copy to joan.raffety@nebraska.gov and brandy.zierott@nebraska.gov.

IT IS FURTHER ORDERED that hearing on this matter should be scheduled for **July 8, 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 6th day of May, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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MADE AND ENTERED at Lincoln, Nebraska, this 6th day of May, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Ann Boyle
Tim Schram
Paul Johnson
David L. Vop

Frank E. Landis
Chairman

ATTEST:

Steve Meradith
Executive Director

//s//Frank E. Landis