

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5069/PI-226
Public Service Commission, on)
its own motion, to implement) ORDER ESTABLISHING APPLICATION
LB 641 [2019].) REQUIREMENTS AND OPENING WINDOW
)
) Entered: November 5, 2019

BY THE COMMISSION:

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

On May 29, 2019, the Governor signed Legislative Bill 641 into law ("LB 641"). LB 641 requires the Commission to award a grant annually to a 211 Information and Referral Network which submits an application and meets the requirements set forth in statute. The amount of each grant shall be three hundred thousand dollars. On August 6, 2019, the Nebraska Public Service Commission ("Commission") opened this proceeding as the vehicle to implement the provisions of LB 641.

According to LB 641, in order to be eligible for the grant, the 211 Information and Referral Network applicant shall:

1. Update the information and referral services on the network at least annually;
2. Geographically index the services to provide information on a county-by-county basis; and
3. Be accredited as meeting the standards for service delivery and quality by the Alliance of Information and Referral Systems or a similar organization.

The grant support shall be used to establish a web site which includes links to providers of health and human services, the name, address, and telephone number of any organization listed on the web site, a description of the type of services provided by the organization listed on the web site, and other information to educate the public about the health and human services available on a geographic basis. The grant shall also be used to provide access to the network twenty-four hours per day, seven days per week, through telephone access and web site access.

In our August 2019, Order, the Commission sought comment on the following questions:

1. How should the Commission structure the grant application process?

2. Should the Commission develop a specific application form and if so, what should be included?
3. What should the timing of the grant application window be?
4. How long should the Commission keep the grant application window open?
5. What procedural requirements should be in place to make sure grant applications are open, transparent and fairly considered?
6. By what date should the Commission decide on the grant award?
7. What considerations should the Commission take into account other than the specific requirements in the statute?
 - a. For example, the Commission was notified¹ that Neb. Rev. Stat. § 71-7606 specifically prohibits the use of funds from Nebraska's Health Care Cash Fund (HCCF) for abortion referrals. How should the Commission structure the grant to ensure compliance with § 71-7606.
 - b. Are there any other restrictions on the HCCF that the Commission needs to consider?
8. What should the ongoing grant report requirements look like?

Comments responsive to the Commission's inquiry were filed by two entities the United Way of the Midlands ("United Way") and the Nebraska State Unit on Aging ("Unit on Aging").

United Way commented that the grant process should be brief but ensure that the requirements set out in LB 641 are met. United Way provided a sample list of grant application requirements. United Way recommended the Commission allow for 30 days to submit, and 30 days for review of a grant application with implementation scheduled within 30 days from the date of grant approval. United Way recommended that reporting could encompass outreach efforts, marketing efforts, database content, referral information and impact. United Way did not comment in response to question 7(a) or (b) related to compliance with Neb. Rev. Stat. § 71-7606.

The Unit on Aging recommended the Commission use a procurement process through the Department of Administrative Services. Unit on Aging suggested the Commission keep the window application open for 6 to 8 weeks. Unit on Aging recommended

¹ See the July 17, 2019 letter from the Administrator of the Nebraska State Budget Division of the Department of Administrative Services to the Commission's Executive Director.

having the vendor research and contact other state agencies already using online service directory applications. Further, they indicated the Commission should require the application to be mobile friendly and responsive. Other suggestions included having the vendor identify how advertising will be utilized and how the vendor will ensure advertising does not alter the frequency a vendor is found in the search; require a phone number and call center to accept and direct calls for those without online access, require multi modal communication options such as closed captioning and/or American sign language; and requiring regular updates to the resources listed. The Unit on Aging did not comment in response to question 7(a) or (b) related to compliance with Neb. Rev. Stat. § 71-7606.

We find that applicants will be required to complete and submit an application to the Commission as outlined in Exhibit "A", which is attached hereto and fully incorporated herein. All requirements outlined in the application must be met in order for grant funding to be awarded.

We further find that each applicant will be required to certify compliance with Neb. Rev. Stat. § 71-7606 in the initial grant application and on an annual basis in its report.

The application, included as Exhibit A, requires an applicant to attest that they will comply with Neb. Rev. Stat. § 71-7606. Compliance requires that:

Grant funds appropriated or distributed under that act shall not be used for abortion, abortion counseling, referral for abortion, or research or activity of any kind involving the use of human fetal tissue obtained in connection with the performance of an induced abortion or involving the use of human embryonic stem cells or for the purpose of obtaining other funding for such use.

Grant Window

The Commission finds that the grant window shall open on November 5, 2019. All applications should be submitted to Public Service Commission (PSC) in the manner prescribed below. Any confidential information shall be clearly marked. If confidential information is contained within the application, the applicant shall file one redacted version of the application with the confidential information removed. Applicants should file one (1) original paper copy and (1) electronic copy in Word or PDF format

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with Cullen.robbyins@nebraska.gov and susan.horn@nebraska.gov, and/or mailed to the PSC at: ATTN: Telecommunications/NUSF Department; 300 The Atrium; 1200 N Street; Lincoln, NE 68508.

The application window will close on **December 17, 2019**. All applications must be received by the Commission prior to 5:00 p.m. central time on this date.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the findings and conclusions made herein be and they are hereby adopted.

IT IS FURTHER ORDERED that the application window shall open on November 5, 2019, and shall close on at 5:00 p.m. central time on December 17, 2019 as provided above.

IT IS FURTHER ORDERED that applications for grant support must contain the information required in Exhibit A, which is attached hereto, in order to be considered by the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 5th day of November, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cyotal Knoder
Lee Austin
Paula Bessinger
Tim Schram

Mary Ridd

Chair

ATTEST:

Mark A. H. H.

Executive Director

EXHIBIT A**211 Information and Referral Network
Application**

During the 2019 Legislative session, the Nebraska Legislature passed LB 641, and the Governor signed the bill into law on May 29, 2019. LB 641 provided for a grant process to develop and maintain a 211 Information and Referral Network. As outlined in Chapter 75, Section 1101 (3), in order to be eligible for the grant, the applicant must:

1. Update the information and referral services on the network at least annually;
2. Geographically index the services to provide information on a county-by-county basis; and
3. Shall be accredited as meeting the standards for service delivery and quality by the Alliance of Information and Referral Systems or a similar organization

2019/2020 Grant Schedule

- **November 5, 2019 - Application window opens. All applications should be submitted to Public Service Commission (PSC) Contact as outlined below**
 - **December 17, 2019 - Application window closes. All applications must be received by the Commission prior to COB on this date.**
 - **January 7, 2020 - Grant award announced.**
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Applicant must provide **all of the following** in their application in order to be considered:

1. Timeline for development of the 211 Information and Referral Network ("Network")
2. Proposed budget for development and maintenance of the Network
3. Description of relevant expertise in managing any prior resources similar to the Network
4. Description of methodology and frequency for updating information on the Network

5. Description of methodology for geographically indexing services by county
6. Description and any relevant documentation of accreditation to meet standards for service delivery and quality
7. Description of the resources that will be available on the Network
8. Will the network be available for use throughout the state?
9. Describe the other resources that will be made available by the applicant
 - a. Will a helpline be available? If so, what hours will the helpline operate?
 - b. Will language assistance be available for non-English speaking users?
 - c. What outreach will the applicant undergo to promote use of the Network?
 - d. Describe measures used to make the Network ADA compliant
10. Will the applicant utilize other outside funding sources for development of the Network?
11. In order to receive a grant funded through Nebraska's Health Care Cash Fund (HCCF), Applicant must provide attestation that the Network complies with Nebraska Revised Statute Chapter 71, Section 7606(3).
12. The PSC will require ongoing reports to be made available at least annually. The report should include at a minimum, the following:
 - a. Number of Calls, Texts, and Referrals provided in the previous year, indexed by geography
 - b. Analysis and Description of relevant trends
 - c. List and Description of outside entities/partners that were utilized in providing the Network
 - d. Description of updates made to the Network over the preceding year
 - e. Summary of outreach efforts made over the preceding year
 - f. Summary of feedback regarding customer satisfaction and quality assurance
 - g. Statement of compliance with Neb. Rev. Stat. § 71-7606(3).

Applicants should file one (1) original paper copy and (1) electronic copy in Word or PDF format with cullen.robbins@nebraska.gov and susan.horn@nebraska.gov, and/or mailed to the PSC at:

ATTN: Telecommunications/NUSF Department
300 The Atrium
1200 N St.
Lincoln, NE 68508