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January 21, 2010

Gerald Vap, Chairman
Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

RE: Application No. 911-019/PI-118 – Order of December 15, 2009

Dear Chairman Vap:

Application No. 911-019/PI-118 proposes funding for wireless 911 to be paid directly to PSAPs (public safety answering points), rather than the current practice of the Public Service Commission (PSC) making payments to vendors on behalf of PSAPs. These comments are directed toward an Order entered December 16, 2009 which replaces Orders set forth in July and September 2009. While the specific needs of each county may differ, these comments reflect the general concerns of counties. Please consider these comments for the record.

- Counties support using the July 1-June 30 fiscal year as a funding cycle. Use of these dates facilitates consideration of PSAP funding as counties adopt budgets. However, under the Order, PSAPs seeking funding would have to apply by April 15, 2010 in order to be eligible for FY2010-2011 funding. Notice of available funding would be provided by May 31, 2010. Due to the significant amount of data that would have to be verified and submitted by PSAPs as shown on page 11, NACO would request either prompt action on this Order or a delay in implementation until FY2011-2012 so that all parties have adequate time to prepare documentation.
- Page 2 of the Order states that “PSAP and GIS cost proxy amounts are calculated as functions of population.” While it is appropriate in some cases to use population as a distribution factor, it should not be the sole consideration. For example, certain low-population rural areas may experience a disproportionately high number of emergency calls due to the location of a recreational area or the interstate. NACO strongly opposes basing the distribution of funds on a single population factor.

- As noted in NACO's comments on previous Orders, counties are concerned that the next generation of equipment and software will be more costly than the technology currently in use. The proposal shows funding estimates through 2013, a four-year period, but the useful life of wireless E-911 technology is estimated at five years. In addition, the interest transferred to the state during the 2009 special legislative session translates into a significant reduction in overall funds available. This means counties and cities operating PSAPs will incur potentially significant additional costs without assistance from additional wireless surcharge funds. The costs will be passed on to property tax payers, rather than cell phone users. Perhaps it is time to consider increasing the monthly surcharge to provide additional funding for the program.
- The proposal would require the governing bodies of PSAPs to adopt the maximum allowable landline E911 surcharge. In many counties, the landline surcharge cannot fully cover the costs incurred by landline uses of 911, regardless of the rate, and therefore cannot be used to supplement funding for wireless E911. Again, property tax payers are asked to cover funding inadequacies.
- Under the proposal, the Commission would no longer pre-approve equipment and software vendors. Counties are concerned that a potential lack of consistent standards in equipment and software may lead to gaps in interoperability. In addition, counties are concerned that despite their best efforts to vet vendors and follow required procedures, including compliance with bidding statutes as required by law and in the Order, equipment or software purchases will fail to be approved for funding by the Commission. Counties would ask the Commission to be available for consultation with PSAPs, particularly as the next generation of technology is developed, so that counties lacking expertise would not purchase technology that is inadequate or inappropriate for their needs or which is ineligible for funding under the 911-SAM.
- Counties are also concerned that a lack of statewide contracts and pre-approved equipment and software vendors may lead to increased costs to PSAPS. Vendors that risk losing the Commission's approval may offer better pricing or maintenance contract terms than would be available to individual PSAPs.
- Counties support the opportunity to carry over 75 percent of each PSAPs' available funding allocation for future years.

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- The Order specifically states that funds may not be used for administration, personnel and training at this time. The cost of training personnel to operate new software or equipment may be included in the purchase price. While counties support the overall opportunity to use funds for training if deemed appropriate by the PSAP, NACO strongly urges the Commission to allow approval of integrated training costs, particularly if personnel must be certified by the Commission to operate said equipment or software.

NACO appreciates the efforts of the Commission and its staff in providing opportunities to comment on Application No. 911-019/PI-118 and the related Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Dix", with a stylized flourish at the end.

Larry J. Dix
Executive Director