

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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



COMMENTS  
OF  
SPRINT NEXTEL

Sprint Communications Company L.P. d/b/a Sprint, Nextel West Corp. d/b/a Nextel, and NPCR, Inc. d/b/a Nextel Partners (collectively “Sprint Nextel”), by counsel and pursuant to the Nebraska Public Service Commission’s (“Commission”) Order Releasing Amended Model and Application Process for Comment and Setting Hearing, dated December 15, 2009, (“**Amended Model Order**”), in the above-referenced Docket, is pleased to submit the following Comments. Among other things, Sprint Nextel is a commercial mobile radio service (“**CMRS**”) provider pursuant to the definition of “mobile service” provider in 47 U.S.C. § 153(27) and provides CMRS service throughout the state of Nebraska.

In general, Sprint Nextel strongly supports the comments previously filed by N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (“Viaero”) in this proceeding. In addition, Sprint Nextel has communicated with Viaero and is familiar with the substance of Viaero’s comments filed contemporaneously with Sprint’s comments, and again Sprint Nextel strongly supports Viaero. Sprint Nextel will not burden the Commission or other parties with unnecessary duplication or reiteration of points already made by Viaero. Accordingly, Sprint Nextel will limit its comments to the following points that it wishes to emphasize or clarify.

First, Sprint Nextel agrees with Viaero that requiring carriers to demonstrate compliance with federal accuracy standards at the state level is unnecessarily expensive and burdensome. As Viaero pointed out, carriers are already required to demonstrate, at the federal level, compliance with federally mandated standards. The Commission should have the right, via a show cause proceeding, to suspend or eliminate funding to any carrier that has not complied with the applicable federal requirements. It is not necessary or feasible to require carriers to demonstrate compliance with the same standards twice.

Next, Sprint Nextel agrees with Viaero that the Commission should clarify the Eligible WSP Costs, in particular the definition of "capital expenses." In addition, Sprint Nextel suggests the Commission clarify that Eligible WSP Costs can include both recurring and non-recurring expenses.

Further, Sprint Nextel agrees wholeheartedly with Viaero's comments about the proposed 25% cap on WSP funding. Such a cap is capricious, discriminatory, and should be eliminated. There is no statutory, legal, or rational basis for capping support at an arbitrarily selected level of 25%. In addition, a cap at any level is counterproductive. As Viaero explained, limiting WSPs' capacity to recover legitimately incurred costs would simply hinder their ability to invest in network facilities and additional coverage, and delay the implementation of E911 service in rural areas of Nebraska. Sprint Nextel agrees with Viaero's suggestion that a better approach is an engaged Commission actively overseeing the demand from the WSP industry for funding and exercising its discretion based on facts and evidence presented on the record.

Finally, Sprint Nextel agrees with Viaero's comments regarding funding for LEC costs, including its concerns about the potential for over-recovery by the LECs. In addition, Sprint Nextel supports the Commission's proposal to pay LEC costs directly, on behalf of PSAPs, rather than paying PSAPs for such costs in order for the PSAPs to in turn pay the LECs.

## CONCLUSION

Sprint Nextel appreciates the opportunity to provide comments in this important Docket. The Commission appears to be developing a permanent funding mechanism for wireless enhanced 911 services which recognizes the needs and interests of wireless service providers in the development of a ubiquitous and accurate wireless E-911 system across the State of Nebraska. Sprint Nextel encourages the Commission to fine-tune the proposed 911-SAM Model as suggested in these Comments and the Comments of Viaero so that wireless service providers can fully participate in the deployment and maintenance of this crucial public safety system and that the Commission can fully exercise its discretion over funding decisions based on facts and evidence currently available to it and reflective of the ever-changing needs of the wireless industry.

Respectfully submitted this 22nd day of January, 2010.

**SPRINT COMMUNICATIONS COMPANY L.P., d/b/a  
SPRINT, NEXTEL WEST CORP., d/b/a NEXTEL  
AND NPCR, INC., d/b/a NEXTEL PARTNERS**

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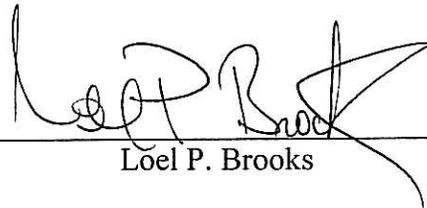
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22<sup>nd</sup> day of January, 2010, an original, eight copies and an electronic copy of the Comments of Sprint Communications Company L.P., d/b/a Sprint, Nextel West Corp., d/b/a/ Nextel, and NPCR, Inc., d/b/a/ Nextel Partners, in Application No. 911-019/PI-118 were delivered to:

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The undersigned hereby certifies that on this 22<sup>nd</sup> day of January, 2010, one copy of the Comments of Sprint Communications Company L.P., d/b/a Sprint, Nextel West Corp., d/b/a/ Nextel, and NPCR, Inc., d/b/a/ Nextel Partners, in Application No. 911-019/PI-118 was mailed via U.S. mail to:

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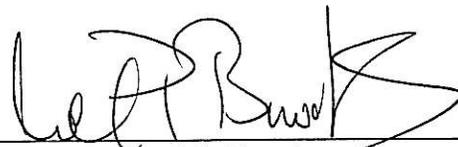
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