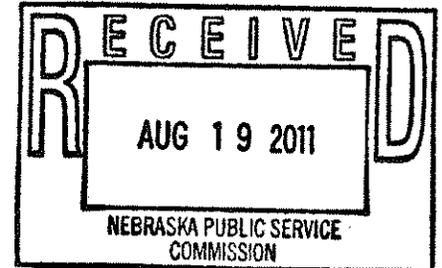


**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Commission, on ) Application No. 911-053/PI-180  
its own Motion, seeking to )  
investigate and establish policies and )  
procedures for the filing and )  
auditing of enhanced wireless 911 )  
quarterly reports pursuant to Neb. )  
Rev. Stat. § 86-859. )



**COMMENTS  
OF  
N.E. COLORADO CELLULAR, INC.  
d/b/a VIAERO WIRELESS**

N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (“Viaero”), by and through its counsel and pursuant to the Nebraska Public Service Commission’s (the “Commission’s”) Order Opening Docket and Seeking Comment, dated July 12, 2011 (the “Order”) in the above-referenced docket, is pleased to provide the following Comments.

**I. INTRODUCTION**

Viaero is a wireless carrier under Neb. Rev. Stat. § 86-456. Viaero provides interstate telecommunications services as defined in 47 U.S.C. § 254(d) and 47 C.F.R. § 54.5 and was designated an Eligible Telecommunications Carrier (“ETC”) by Commission Order entered on October 18, 2005 in Application C-3324. Viaero currently files with the Commission on a quarterly basis the report and information required of wireless carriers pursuant to Neb. Rev. Stat. § 86-459(2). Viaero also maintains all records concerning amounts of all service surcharges collected and remitted pursuant to Neb. Rev. Stat. § 86-459(3). Viaero provides the required reports and data to the Commission in the Commission’s approved electronic Quarterly Report Form in Excel and works diligently to ensure that all information reported is accurate and consistent.

All questions raised by the Commission regarding Viaero's Quarterly Reports are immediately addressed and resolved to the satisfaction of the Commission.

Viaero acknowledges that the 911-SAM adopted by the Commission in Application No. 911-019/PI-118 on February 23, 2010<sup>1</sup> uses data reported to the Commission by wireless carriers in their 911 Quarterly Reports, including data concerning each wireless carrier's number of wireless subscribers and expected future towers and that the accuracy and consistency of the data provided by wireless carriers is crucial to the accurate calculation of payments and allocations to local exchange carriers.

## **II. POLICIES AND PROCEDURES FOR FILING AND AUDITING 911 QUARTERLY REPORTS SHOULD RECOGNIZE THE UNIQUE AND COMPLEX SYSTEMS USED BY WIRELESS CARRIERS TO DEVELOP AND REPORT RELEVANT DATA**

The Commission's investigation into the development of policies and procedures for the filing and auditing of 911 Quarterly Reports presents an especially challenging undertaking. While the data reporting process required pursuant to Neb. Rev. Stat. § 86-459 has become uniform and structured through the utilization of the Commission's Excel-based Quarterly Report Form, the data imported into that form is not collected, maintained or stored in a single uniform database. Therefore, the Commission's request for Comments in this Docket presents a decidedly complex issue.

### **1) WHAT TYPE OF RECORDS AND SUPPORTING DOCUMENTATION ARE MAINTAINED BY WIRELESS CARRIERS RELATING TO 911 QUARTERLY REPORTS?**

Viaero collects data which is imported into its 911 Quarterly Report from a number of sources. There is no single database which accumulates all the information

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<sup>1</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LP 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service, Final Order Adopting Model and Process at 8-9 (Feb. 23, 2010).*

that is imported into the Quarterly Report. For example, subscriber counts change almost daily, as new customers are procured and existing customers terminate or change service. This information is maintained within Viaero's billing system. Data relating to tower counts is collected and maintained by a different department in a different database. Similarly, the information relating to the status of new and proposed towers is coordinated between several additional departments which coordinate construction programs and 911 testing compliance. Viaero currently coordinates all tower E-911 testing with the Commission through meeting makers and e-mail communications among the PSAPs, Viaero and the 911 vendors. This information is then regularly updated for purposes of inputting the status of each tower's 911 capability and the status of towers yet to be placed online. This data changes daily and is subject to a host of intervening factors which can delay or otherwise alter pre-established construction, testing and implementation schedules.

Based on the foregoing, the data and information collected and evaluated by Viaero which is ultimately imported into the 911 Quarterly Report is derived from several sources, both in electronic format in the form of databases and electronic spreadsheets, and in e-mail and paper records relating to construction schedules, compliance testing with vendors, site acquisition documents, local government land use and approval records and the like. As required by law, documentation and data relating to Viaero's 911 Quarterly Report is maintained for five (5) years, but there is no single database or source of information from which all of the reported information is readily accessible.

The Commission has not defined what it means by "supporting documentation" maintained by carriers related to the 911 Quarterly Report. The data, information and

documents identified above constitute the “sources” for the data inputted into the 911 Quarterly Report and therefore would logically comprise the “supporting documentation” for Viaero’s reported information. To the extent the Commission intends to identify some other type of information as “supporting documentation,” then it would be helpful if the Commission would clarify its intentions in this regard.

**2) HOW IS DOCUMENTATION RELATED TO THE 911 QUARTERLY REPORT MAINTAINED AND COULD IT BE PROVIDED IN “ELECTRONIC FORM”?**

The data and information relating to Viaero’s 911 Quarterly Report is maintained in the form in which it was collected and accumulated. For example, all site data is stored in an electronic database, whereas information relating to tracking cell tower implementation is maintained through e-mail records, paper records reflecting telephone communications, site inspections and personal conferences with field managers and vendors, as well as paper correspondence and related documentation. Documentation relating to testing compliance for voice implementation and E-911 testing is also accumulated in both electronic database form and through paper documents and e-mail records. There is however, no centralized electronic database which houses all of the various types of data and information accumulated by Viaero for reporting on the 911 Quarterly Report. The final tabulation of all of Viaero’s data and its importation in the Commission’s Excel 911 Quarterly Report Form is the only “electronic form” currently available for Viaero’s multi-source data.

Clearly, each wireless carrier collects, evaluates and maintains its data in a different manner, so that development of a rigid policy regarding the maintenance of such data could be economically and administratively burdensome for wireless carriers. While

all wireless carriers are subject to an audit of its books and records concerning the collection and remittances of 911 surcharges, the internal methodology and systems used by each carrier are unique and essentially proprietary and should not be specifically dictated by the Commission.

**3) IN DEVELOPING POLICIES AND PROCEDURES REGARDING WIRELESS 911 QUARTERLY REPORTS TO ENSURE ACCURATE CALCULATIONS OF PAYMENTS AND ALLOCATIONS TO LECS, THE COMMISSION SHOULD ALSO INCLUDE POLICIES AND PROCEDURES FOR VERIFYING LEC COSTS BILLED TO THE COMMISSION ON BEHALF OF PSAPS.**

The original purpose of the of Wireless 911 Quarterly Reports was to track each carrier's cell tower and service area to cross-reference that data with the cost recovery invoices submitted by each carrier and to verify the wireless Phase I and Phase II implementation across the state. The 911-SAM, among other functions, calculates E-911 Fund support amounts for each year based on several factors including LEC costs paid on behalf of the PSAPs by the Commission.<sup>2</sup> The Commission has determined that LEC costs are eligible costs for PSAP funding, even though invoices from each of the three LECs for wireless 911 charges to PSAPs are sent directly to the Commission, where they are paid directly, on behalf of the PSAPs, on a statewide basis.<sup>3</sup>

While LECs will be compensated on a per wireless subscriber rate and paid based on the number of wireless subscribers served by a given PSAP, Commission verification of the LECs invoices to be sure that the subscriber data is accurate is also a crucial component of ensuring the accuracy and consistency of the data used to calculate final allocations and payments to PSAPs. Does the Commission currently employ a process to

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<sup>2</sup> *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*, Final Order Adopting Model and Application Process (Feb. 23, 2010), p. 3.

<sup>3</sup> *Id.*, p. 9.

audit the data and supporting documentation which support the LECs invoices to the Commission, and if so, does that process test the accuracy of the wireless subscriber count used by the LECs to create their respective invoices? Does the Commission require submission of supporting documentation from the LECs to evaluate for this purpose? Without such a cross-check of information, the Commission's efforts in this Docket to ensure the accuracy and consistency of data it receives in this "crucial" process of making accurate calculations of payments and allocations would be severely undermined.

### **III. CONCLUSION**

Viaero appreciates the opportunity to provide Comments on the Commission's investigation into the development of policies and procedures for the filing and auditing of wireless carriers' 911 Quarterly Reports. Clearly data and information relating to the 911 Quarterly Report is derived from a number of sources rather than from a single electronic database. The assembly, evaluation, coordination and maintenance of this information is a process which is unique to each wireless carrier and involves a variety of record management and maintenance strategies and solutions. While all relevant data related to the 911 Quarterly Report is subject to Commission audit, such information is not always convertible into an electronic format for both technical and economic reasons. Therefore, specific policies and procedures for acquiring and submitting a wireless carrier's relevant records could be entirely unworkable, impractical, burdensome and uneconomical. The Commission should refrain from establishing policies and procedures which attempt to dictate the type, design or nature of proprietary business systems which

wireless carriers must utilize to collect, evaluate and maintain that carrier's essential and proprietary business data.

Further, the Commissions needs to define the term "supporting documentation" for which its proposed policies and procedures are directed so that all wireless carriers can carefully evaluate the scope of the Commission's intended policies.

Respectfully submitted this 19<sup>th</sup> day of August, 2011.

**NE COLORADO CELLULAR, INC.,  
d/b/a VIAERO WIRELESS**

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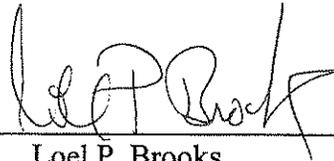
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of August, 2011, an original, five copies and an electronic copy of the Comments of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, in Application No. 911-053/PI-180 were delivered to:

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A handwritten signature in black ink, appearing to read "Loel P. Brooks", is written over a horizontal line.

Loel P. Brooks