

**BEFORE THE  
NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Commission, 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.

Application No. 911-060/PI-191

---

**FURTHER COMMENTS OF CTIA – THE WIRELESS ASSOCIATION® IN  
RESPONSE TO THE COMMISSION’S PROGRESSION ORDER NO. 2 AND  
ACCOMPANYING STAFF REPORT**

**I. INTRODUCTION AND OVERVIEW**

On September 9, 2014, this Commission issued Progression Order No. 2 in this proceeding, as well as a Staff Report proposing a path forward with regard to funding for Text-to-911 in Nebraska. CTIA-The Wireless Association® (“CTIA”) generally supports the Staff Proposal and the Commission’s Order, which adopts a two-track system to move forward on specific public safety answering point (“PSAP”) applications for funding while continuing to develop a more comprehensive statewide approach to Text-to-911 using the knowledge gained from the individual applications already filed.

CTIA also commends the Commission’s decision to hold a workshop on public education, which will be vital to implementation of Text-to-911. It is critical that Nebraska’s Text-to-911 stakeholders, including the public, the public safety community, and the Commission have consistent and accurate expectations for Text-to-911 and that the public understands both its benefits and its limitations.

In reviewing Progression Order No. 2 and attachments, CTIA identified a small number of issues where further clarification or action from the Commission may help achieve the Commission's goal of a successful Text-to-911 implementation in Nebraska. These issues are: (1) clarifying that a PSAP may deploy Text-to-911 from its own existing budget or existing support funds; (2) encouraging multiple PSAPs to jointly apply for a single upgrade; (3) clarifying whether or not software is an eligible cost for funding; (4) requesting that information provided to the Commission by PSAPs should use aggregate rather than carrier-specific data; and (5) accounting for the interplay between the timing of state applications and the timing requirements of federal Text-to-911 rules.

**II. WHILE PROGRESSION ORDER NO. 2 IS A FURTHER STEP IN THE RIGHT DIRECTION, THE COMMISSION CAN BETTER FACILITATE TEXT-TO-911 DEPLOYMENT BY ADDING OR CLARIFYING SEVERAL IMPLEMENTATION DETAILS**

CTIA appreciates the opportunity to provide further input and to assist the Commission in moving forward with the implementation of Text-to-911 in Nebraska. CTIA believes these minor changes and clarifications will benefit the Commission's implementation of Text-to-911 in Nebraska.

A. The Commission Should Clarify That PSAPs Can Implement Text-to-911 Without Seeking Additional Support Funds

While there has been discussion of how different approaches to the provision of support funding by the Commission may impact the rollout of Text-to-911 services in Nebraska, the Commission should make clear that PSAPs are permitted to implement Text-to-911 without applying for funds from the Enhanced Wireless 911 Fund. For PSAPs able to fund deployment out of their current budget or existing support funds, deployment may be accelerated by declining these funds, thus foregoing the application process. In this proceeding, CTIA has

stressed both the need to ensure that adequate funding exists for timely and effective deployment of Text-to-911, and the simultaneous need to ensure funds are spent with consideration of the customers who ultimately pay for the support funding. Allowing PSAPs to implement Text-to-911 without applying for funds from the Enhanced Wireless 911 Fund would help to achieve both these goals. Therefore, the Commission should explicitly authorize, and further, should encourage those PSAPs who can deploy Text-to-911 without additional funding support from the Commission to do so.

B. The Commission Should Encourage Multiple PSAPs, Where Feasible, to Coordinate and Join in a Single Application.

For similar reasons, the Commission should encourage multiple PSAPs to join in adopting a solution to Text-to-911 implementation and file a single application for funding, where feasible. CTIA is aware that a state-wide approach to implementation has been used in both Maine and Vermont (where one or two PSAPs are taking texts for the entire state<sup>1</sup>), and joint implementations can allow for efficiencies of scale and can reduce redundancy while improving coordination.

C. The Commission Should Clarify Whether Software is an Eligible Cost for Support.

The Staff Proposal attached to the Commission's September 9, 2014 Order as Appendix A appears to have an inadvertent discrepancy regarding the eligibility of software for Commission funding. At the bottom of page 1, software is listed as an ineligible cost that should be paid for out of the annual set-aside under the PSAP's annual allocation from the Commission's equipment program. At page 2, however, the Proposal says that "PSAPs may request payment for hardware, software, and telecommunications services necessary. . ."

---

<sup>1</sup> See the Federal Communications Commission's ("FCC's") Table of Text-to-911 Deployments at [http://transition.fcc.gov/pshs/911/Text\\_911\\_Deployments.pdf](http://transition.fcc.gov/pshs/911/Text_911_Deployments.pdf) (last visited Sept. 30, 2014).

(Emphasis added.) While CTIA takes no position on whether software should or should not be eligible for funding from the Enhanced Wireless 911 Fund, CTIA believes it is important to resolve this ambiguity to avoid funding disputes that may delay implementation.

D. The Commission Should Instruct PSAPs to Provide Only Aggregated Call Volume Data and Not Identify any Specific Carrier.

Appendix B to the Commission's September 9, 2014 Order requires PSAPs to provide annual 9-1-1 call volumes and incoming lines serving the PSAP broken down by modality (i.e. wireline, wireless, VoIP). The Commission should provide additional instruction to PSAPs that they are only to provide aggregate data by modality, and should not break the information down to a carrier-specific level. The Commission's needs are served by modality-level data, and carrier-specific volume information would be both proprietary and competitively-sensitive. For those reasons, PSAPs should be instructed to avoid transmitting any data that would be identifiable to any specific carrier.

E. The Commission Should Take Steps to Coordinate the Timing of Funding Processes in Nebraska with the Timing Required by the FCC.

As it moves forward with requests from PSAPs for funding, the Commission should be mindful of and account for the interplay between the Commission's funding processes and the FCC's recently-adopted requirements for Text-to-911 implementation. Should a Nebraska PSAP's funding application raise questions or concerns and be delayed or denied by the Commission, the delay or denial may impact the "text-readiness" of the PSAP in the context of a "Valid PSAP Request" (terms defined by the FCC) to a service provider under the FCC's August 13, 2014 Text-to-911 Order.<sup>2</sup> The delay or denial of a PSAPs' funding application by the Commission could impact the federal obligations of carriers who have received a request for service from a PSAP. This is an issue the Commission should consider expressly addressing as

---

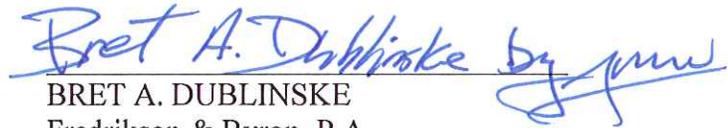
<sup>2</sup> Available at: [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-14-118A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-118A1.pdf) (see paras. 47-56).

the Commission contemplates a comprehensive statewide approach to Text-to-911. As one component of addressing this interplay, CTIA suggests that even if statewide guidelines are adopted, each individual PSAP funding request (or application from a group of PSAPs) should be docketed as its own proceeding, so that carriers, the public, and ultimately the FCC can easily determine the status of a PSAP funding request. Such transparency will facilitate beneficial coordination among stakeholders and regulators.

### III. CONCLUSION

CTIA appreciates the opportunity to provide further input and to assist the Commission in moving forward with the implementation of Text-to-911 in Nebraska.

Respectfully submitted this 3rd day of October, 2014.

A handwritten signature in blue ink that reads "Bret A. Dublinske by pmw". The signature is written in a cursive style and is positioned above the typed name and contact information.

BRET A. DUBLINSKE  
Fredrikson & Byron, P.A.  
309 East 5th Street, Suite 202A  
Des Moines, IA 50309  
(515) 242-8904 (telephone)  
(515) 242-8950 (facsimile)  
bdublinske@fredlaw.com

ATTORNEY FOR CTIA