



**Title 291 NAC, Chapter 15  
911 Services Rules and Regulations**

NEBRASKA ADMINISTRATIVE CODE

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TITLE 291 NEBRASKA PUBLIC SERVICE COMMISSION

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001 GENERAL.

001.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires, the following definitions apply.

001.01(A). Advisory Committee means the 911 Service System Advisory Committee.

001.01(B). Commission means the Nebraska Public Service Commission.

001.01(C). 911 service has the same meaning as Neb. Rev. Stat. § 86-1046.

001.01(D). Fund means the 911 Service System Fund.

001.01(E). Funding year means the year for which funding is awarded under Next Generation 911 (NG911) funding model from July 1 through June 30.

001.01(F). Governing body has the same meaning as Neb. Rev. Stat. § 86-1042.

001.01(G). Home service provider has the same meaning as Neb. Rev. Stat. § 86-1039.

001.01(H). Next Generation 911 has the same meaning as Neb. Rev. Stat. § 86-1044.

001.01(I). Prepaid wireless telecommunications service has the same meaning as Neb. Rev. Stat. § 86-902.

001.01(J). Primary place of use has the same meaning as Neb. Rev. Stat. § 86-1050.

001.01(K). Primary PSAP means Public Safety Answering Points receiving funding from the 911 Service System fund and are the primary 911 answering point for a county. The commission is not required to fund more than one primary PSAP per county.

001.01(L). Public safety agency has the same meaning as Neb. Rev. Stat. § 86-1051.

001.01(M). Public Safety Answering Point (PSAP) has the same meaning as Neb. Rev. Stat. § 86-1052.

001.01(N). Surcharge means the 911 Surcharge collected pursuant to 86-1070 and used for the purposes of the 911 Service System Act.

001.01(O). Secondary Communication Center means a communication center permitted to connect to the Nebraska Next Generation 911 system but does not have primary responsibility to answer 911 calls for any geographic area and meets all of the requirements of section 010.

001.01(P). Wireless carrier has the same meaning as Neb. Rev. Stat. § 86-1058.

001.01(Q). Wireless service has the same meaning as Neb. Rev. Stat. § 86-1059.

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001.03 IMMUNITY. The Commission, governing bodies, and public safety agencies may provide 911 service. In contracting for and providing such service, except for failure to use reasonable care or for intentional acts, the Commission, each governing body, each public safety agency, each wireless carrier, and their employees and agents shall be immune from liability or the payment of damages in the performance of installing, maintaining, or providing 911 service.

001.04 CIVIL PENALTY. The Commission may assess a civil penalty pursuant to section 75156 for each violation of any provision of the 911 Services System Act or any rule, regulation, or order of the Commission issued under authority delegated to the Commission pursuant to the Act.

002 911 SURCHARGE.

002.01 WIRELESS CARRIERS.

002.01(A). Each wireless carrier shall collect a surcharge from all active telephone numbers or functional equivalents every month from users of wireless service and shall be collected and remitted in accordance with the Neb. Rev. Stat. § 86-1070, Commission order, and section 003.

002.01(B) LIABILITY. The wireless carrier is not liable for any surcharge not paid by a customer.

002.01(C) BILLING STATEMENTS. The wireless carrier shall add the surcharge to each user's billing statement. The surcharge shall appear as a separate line item charge on the user's billing statement and shall be labeled as "Wireless 911 Surcharge" or a reasonable abbreviation of such phrase.

002.01(D) RESELLERS. If a wireless carrier resells its service through other entities, each reseller shall collect the surcharge from its customers and shall remit the surcharge in accordance with section 003.02.

002.01(E) EXEMPTION.

002.01(E)(i). The surcharges authorized by this section shall not apply to prepaid wireless telecommunications service as defined in section 001.01K.

002.01(E)(ii). This section does not apply to users who are receiving services through the Nebraska Lifeline program and who do not receive a regular monthly bill for wireless services.

002.02 SETTING SURCHARGE. The Commission shall hold a public hearing annually to determine the amount of revenue necessary to carry out the 911 Service System Act. After the hearing, the Commission shall set the surcharge subject to the limitations set forth in Neb. Rev. Stat. § 86-1070.

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003 WIRELESS CARRIER REMITTANCE AND REPORTING.

003.01 SCOPE. Each wireless carrier shall comply with all Commission rules and regulations regarding 911 service. Wireless carriers failing to comply with this section may be administratively fined by the Commission pursuant to section Neb. Rev. Stat. § 75-156.

003.02 REMITTANCES. Each wireless carrier, except with respect to prepaid wireless telecommunications service, shall remit monthly to the Commission amounts collected pursuant to sections 002.01 and 002.02 together with any forms required by the Commission no later than sixty days (60) from the last day of the month. The Commission shall remit the funds to the State Treasurer for credit to the Fund.

003.03 QUARTERLY REPORTS. Each wireless carrier, except a wireless carrier whose users have no 911 service, shall report to the Commission on a quarterly basis for each county in a manner prescribed by the Commission.

003.03(A). Each wireless carrier shall provide the following information.

003.03(A)(i). The number of telephone numbers or functional equivalents served;

003.03(A)(ii). The number of telephone numbers or functional equivalents from which it has collected surcharge revenue; and

003.03(A)(iii). The number of wireless towers by county;

003.03(B). The Commission will make available forms to be used for the filing of quarterly reports.

003.03(C). Quarterly reports shall be filed by the 15<sup>th</sup> of the month following the close of the quarter. Any wireless carrier failing to timely file its quarterly report may be subject to administrative fines.

003.04 RECORDS. Wireless carriers shall maintain all records required by this section, records of the amounts collected pursuant to sections 002.01 and 002.02 and remittance records for a period of five (5) years after the date of remittance to the fund.

003.05 AUDITS. The Commission may require an audit of any wireless carrier's books and records concerning the collection and remittance of any amounts collected pursuant to sections 002.01 and 002.02.

003.05(A). The costs of any audit required by the Commission shall, at the Commission's discretion, be paid by the audited wireless carrier.

003.05(B). A wireless carrier shall not be required to pay for more than one remittance audit or more than one collection audit per year, unless the Commission orders subsequent audits for good cause.

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004 911 SERVICE SYSTEM ADVISORY COMMITTEE.

004.01 PURPOSE. The 911 Service System Advisory Committee (Committee) is created to advise the Commission regarding the implementation, development, administration, coordination, evaluation, and maintenance of 911 service system.

004.02 MEMBERSHIP. The Committee shall be composed of the following individuals appointed by the Commission, including.

004.02(A). Two managers of Public Safety Answering Points, one of whom is employed by a county sheriff and one of whom is not employed by a county sheriff;

004.02(B). Two county officials or employees;

004.02(C). Two municipal officials or employees;

004.02(D). Two representatives from the telecommunications industry;

004.02(E). One representative of the Nebraska Association of County Officials (NACO);

004.02(F). One representative of the League of Nebraska Municipalities; and

004.02(G). Four representatives of public safety agencies within the state, including an emergency manager, a member of a law enforcement agency, a member of a fire department, and a member of an emergency medical service as defined in section 38-1207;

004.03 EX OFFICIO MEMBERS. The State 911 Director and the Chief Information Officer or their designees shall serve as ex officio members on the Committee.

004.04. Members of the Committee, except for the two ex officio members, shall be appointed for staggered three year terms. Each succeeding members of the Committee shall be appointed for a term of three years.

004.04(A). The following positions will expire on July 1, 2027, and every third year thereafter; both telecommunications representatives, the law enforcement public safety representative, and the representative for the League of Municipalities.

004.04(B). The following positions will expire on July 1, 2028, and every third year thereafter; the emergency management public safety representative, both county officials or employee representatives and both PSAP managers.

004.04(C). The following positions will expire on July 1, 2029, and every third year thereafter; fire department public safety representative, emergency medical service public safety representative, both municipal officials or employee representatives, and the NACO representative.

004.05 MEETINGS. The Committee shall meet as often as necessary to carry out its duties.

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004.06 EXPENSES. Members of the Committee shall be reimbursed for their actual and necessary expenses as provided in Neb. Rev. Stat. §§ 81-1174 to 81-1177.

004.07 DUTIES. The Committee may make any recommendations to the commission regarding the exercise of the commission's duties administering the 911 service system pursuant to section Neb. Rev. Stat § 86-1025, including recommending the adoption and promulgation of any rules and regulations necessary to carry out the purposes of the 911 Service System Act or the introduction of any legislation.

004.08. The Commission may approve and implement any recommendations of the Committee.

005 911 SERVICE SYSTEM FUND.

005.01. The Fund shall consist of the surcharges credited to the Fund, any money appropriated by the Legislature, any federal funds received for emergency communication, and any other funds designated for credit to the Fund.

005.02 PERMITTED USES. Money in the Fund shall be used for the following purposes. The Commission, in consultation with the Committee, shall determine which costs are eligible for funding pursuant to the funding mechanism.

005.02(A). Costs of administering the 911 Service System.

005.02(B). Costs incurred, or to be incurred, by or on behalf of governing bodies or Public Safety Answering Points to provide 911 service that are determined by the commission to be eligible for funding. The commission is not required to provide funding from the 911 Service System Fund to more than one Public Safety Answering Point in any county. Each entity that receives disbursements from the fund under this subsection shall make a full accounting of the money in a manner and form prescribed by the commission.

005.02(B)(i). The portion of the costs for new equipment and services used for providing Next Generation 911 service;

005.02(B)(ii). Costs to lease another vendor's equipment or services to provide Next Generation 911 service;

005.02(B)(iii). Costs to create or maintain any data base or data base elements used for Next Generation 911 service; and

005.02(B)(iv). Other costs of establishing Next Generation 911 service.

005.02(B)(v). Costs of upgrades, modification and personnel training used solely to process the data elements of Next Generation 911 service;

005.02(B)(vi). Maintenance costs and license fees for new equipment used for the provision of Next Generation 911 service; and

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005.02(C). Costs incurred, or to be incurred, for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications services required for the provision of Next Generation 911 service.

005.02(D). Expenses incurred by members of the Committee while performing duties required by the Act.

005.03 PROHIBITED USES. Money in the Fund shall not be used for the following purposes.

005.03(A). Costs incurred to purchase, install or maintain street signs;

005.03(B). Any costs not directly in support of the implementation or provision of Next Generation 911 service.

006 PSAP FUNDING PROCESS.

006.01. PSAP funding is determined by the NG 911 funding model established by the Commission. The NG911 funding model may be modified by Commission order at the discretion of the Commission.

006.01(A) PREREQUISITES FOR PSAP FUNDING.

006.01(A)(ii). PSAPs must maintain funds received in a separate account or fund and provide all necessary account information to the Commission;

006.01(A)(iii). PSAPs must be connected to the Next Generation 911 System; Secondary Communication centers are not eligible for funding;

006.01(A)(iv). PSAPs must make arrangements for the maintenance of all equipment and software necessary for the provision of Next Generation 911 service;

006.01(A)(v). PSAPs must have made arrangement or retained trained personnel to ensure all GIS data necessary for the mapping of 911 calls is current and accurate;

006.01(A)(vi). PSAPs must provide all GIS data and updates to the statewide GIS repository; and

006.01(A)(vii). PSAPs must certify and are responsible for complying with all applicable state and local bidding requirements for the purchase of goods or services related to the provision of 911 services.

006.01(A)(viii). PSAPs must adhere to, and certify compliance with the Training Requirements of section 009.

006.01(A)(ix). PSAPs must utilize the state's approved data analytics provider and report requested data.

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006.01(A)(x). PSAPs must permit cybersecurity assessments and testing provided by the State 911 Department to ensure the integrity of the state’s 911 system.

006.01B ELIGIBLE PSAP COSTS. PSAPs may use 911 Service System funds to pay the following costs. The Commission may approve additional costs by Commission order consistent with the limitations set forth in section 005.02.

006.01(B)(i). The purchase and installation of equipment and software necessary for the provision of Next Generation 911 service;

006.01(B)(ii). Costs of upgrades to equipment and software necessary for the provision of Next Generation 911 service;

006.01(B)(iii). Maintenance costs for eligible equipment and software;

006.01(B)(iv). Costs related to GIS data necessary for the provision of Next Generation 911 service. Upon order of the Commission, a PSAP employing inhouse personnel to maintain GIS data may be permitted to utilize funds for these personnel costs.

006.01(B)(v). Training related to the provision of Next Generation 911 service;

006.01(B)(vi). Costs of translation services provided through service contracts necessary for the process of 911 calls.

006.01(B)(vii). Reasonable Personnel expenses for dispatchers who receive and process wireless enhanced 911 calls. Personnel expenses may include a dispatcher’s actual salary and fringe benefits. Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions, and unemployment benefits. Fringe benefits also include employer contributions or expenses for social security; employee life, health, unemployment, and worker's compensation insurance; pension plan costs, provided such benefits are reasonable, required by law or permitted under established written policies.

Should a dispatcher have duties beyond the receipt and processing of 911 calls, the personnel costs of the dispatcher should be prorated based upon the time spent on other duties. 911 Service System funds may not be used for costs associated with general administrative support or any person not directly responsible for receiving and processing wireless 911 calls; and

006.01(B)(viii). Any other costs deemed eligible by Commission order.

006.01(C) INELIGIBLE PSAP COSTS. Funds may not be used for the following costs.

006.01(C)(i). Any costs not associated with the provision of 911 service;

006.01(C)(ii). The purchase, installation, or maintenance of street signs;

006.01(C)(iii). The purchase, installation, or maintenance of radio equipment outside the PSAP;

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006.01(C)(iv). Any other costs deemed ineligible by Commission order.

006.0(D). The Commission is not required to provide compensation for costs to more than one PSAP in any county.

007 PSAP FUNDING APPLICATION PROCESS.

007.01 PSAP APPLICATIONS FOR GENERAL FUNDING.

007.01(A) INITIAL APPLICATIONS FOR FUNDING. Initial applications for general funding shall be filed no later than March 31st prior to the beginning of the funding year for which funds are requested.

007.01(A)(i) CONTENTS OF THE APPLICATION. An application filed by a PSAP for general funding shall contain the following minimum information. The Commission or department may request additional information as needed.

007.01(A)(i)(a). Certification that the PSAP has met all of the prerequisites to funding outlined in section 006.01A including a description of the means by which the PSAP has satisfied each of the requirements;

007.01(A)(i)(b). Detailed contact information for the person who shall be responsible for communicating with the Commission regarding the application and funding issues. Contact information should include, name, title, mailing address, telephone number, fax number and email address.

007.01(A)(i)(c). For first time applicants, specifications of the PSAP's current equipment and software, including the type and model or version, the number of call taker positions, software version and a statement as to whether the equipment is IP compatible and meets NENA standards. The PSAP should also include the date of installation and the date of the last upgrade or update. For renewal applications, provide any change in any of the information previously provided and the last date of software update.

007.01(A)(i)(d). Specifications regarding the PSAP's mapping software, including the date of installation and the last upgrade.

007.01(A)(i)(e). A description of other funding sources available to the PSAP including local, state and federal funds.

007.01(A)(i)(f). A description of what specific costs for which the PSAP intends 911 Service System funds.

007.01(A)(i)(g). For first time applicants, attach copies of all equipment, software, and GIS data maintenance contracts and any interlocal agreements regarding 911 service. For renewal applications, attach any new or renewed contracts or agreements.

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007.01B ANNUAL UPDATES TO APPLICATIONS FOR FUNDING. Any PSAP receiving funding for the prior funding year shall submit an update to the information set forth in its previous application and, as required in section 007.01A, no later than March 31st prior to the beginning of the funding year for which funds are requested. The Commission or the department may request additional information.

007.01C. All applications to utilize funding for equipment and software purchases and upgrades are subject to review by the Commission.

007.01D. Any PSAP failing to timely file an initial application for funding or an update to an application for funding by the March 31st deadline may lose funding for the following funding year.

008 ANNUAL VERIFICATION REGARDING USE OF FUNDS.

008.01. PSAPs shall submit all invoices and other supporting documentation to the Commission to demonstrate that all funds for the previous funding year were used for eligible costs including an accounting by PSAPs of all funds set aside for future equipment and software purchases and upgrades.

008.01(A). Such verification shall be filed with the Commission no later than October 15<sup>th</sup> following the close of the funding year.

008.01(B). Failure to submit the required verification may result in a suspension of funding for the current funding year and/or a loss of funding for the following funding year.

008.03. If the Commission determines that any funds were not used in compliance with statute, regulation or Commission order, the PSAP must repay the funds to the Commission or the Commission may elect to adjust the following year's allocation.

008.04. All PSAPs and wireless carriers receiving funding are subject to audit.

009 TRAINING STANDARDS

009.01. All PSAPs and Secondary Communications centers must adhere to the training standards adopted by the Commission and attached hereto as "Attachment A" and incorporated by reference.

010 REQUIREMENTS FOR SECONDARY COMMUNICATIONS CENTERS

010.01 REQUIREMENTS.

010.01(A). In order for a secondary communication center to connect to Nebraska's Next Generation 911 System the secondary communication center must comply with the following requirements:

010.01(A)(i). Complete an initial application and submit it to the State 911 Department. Initial applications will include;

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010.01(A)(ii). Obtaining sponsorship from a PSAP who will has agreed to transfer calls to the secondary communications center and join that PSAPs region.

010.01(A)(iii). Signature and certification of compliance with applicable Public Service Commission regulations and the training standards found in section 009.

010.01(A)(iv). Each application must receive a majority vote by the Committee recommending a PSAP be allowed to connect to the state 911 system,

010.01(B). The Secondary Communications center must have call handling equipment approved by their respective region.

010.01(C). Purchase the necessary licensing for the state data analytics software vendor.

010.01(D). Each secondary communication center must report annually on March 15th verification of continued compliance with all applicable state law, regulations and Commission orders. Such annual certification must also include certification from the sponsoring PSAP that interoperability between the secondary communication center and the PSAP has been tested as needed and determined by the sponsoring PSAP and is working appropriately and that the secondary communication's center's call handling equipment meets regional requirements.

010.01(E). Approval by the Commission.

010.02. Secondary Communication Centers are ineligible to receive 911 Service System Funds.