



City of Grand Island

Tuesday, January 22, 2008

Council Session

Item G18

#2008-30 - Approving Response to the Nebraska Public Service Commission Regarding Wireless Cost Recovery to Carriers for Phase II E911 Service

Staff Contact: Jon Rosenlund

Council Agenda Memo

From: Jon Rosenlund, Emergency Management Director

Meeting: January 22, 2008

Subject: Response to Public Safety Commission Request for
Comment on Cost Recovery for Phase II Enhanced 911

Item #'s: G-18

Presenter(s): Jon Rosenlund, Emergency Management Director

Background

The Public Safety Commission has requested public safety answering points (PSAPs) to comment regarding cost recovery to wireless carriers for the implementation of Phase II Enhanced 911 service. Phase II Enhanced 911 is the ability to identify the location of a 911 caller, transmit that location to a PSAP, and the PSAP's ability to map it.

Nebraska's Enhanced Wireless 911 Fund consists of surcharges collected from wireless carriers to be used by the state for costs incurred or to be incurred for the implementation of Phase II capabilities. It is this fund that has purchased the technological upgrades for the Grand Island Emergency Communications (GIEC) to prepare itself for receiving Phase II data from wireless carriers. Recently, following these upgrades, the GIEC sent a formal request to wireless carriers to implement Phase II. Carriers have 6 months to comply.

PSAPs have expressed concern to the Commission that wireless carriers may invoice PSAPs directly for certain costs necessary to implement Phase II 911 service. The Commission is seeking comment on the following issues:

1. Whether the Commission has jurisdiction with respect to cost recovery for wireless carriers for implementation of enhanced wireless 911 service in Nebraska.
2. Whether cost recovery by wireless carriers directly from PSAPs, municipalities or counties requesting Phase II service is permissible under federal and state law.
3. Whether receipt for funding by wireless carriers from the state's Enhanced Wireless 911 Fund should preclude cost recovery directly from PSAPs if it is determined that such cost recovery is permissible.
4. Whether receipt of cost recovery by wireless carriers from sources other than the Fund, including but not limited to wireless users, municipalities, counties, other state or

federal funds, should be a factor used in determining the level of funding received by wireless carriers from the Fund.

Comments are due to the PSC by January 31, 2008

Discussion

As you may know, PSAPs may collect surcharges from landline phone companies to fund 911 services. In Hall County, surcharges on landlines are collected and managed by the County exclusively for the provision of 911 services in this county through the E911 Special Revenue Fund located in the City of Grand Island budget.

However, in the State of Nebraska, the Public Service Commission collects all surcharges from wireless carriers into the aforementioned Enhanced Wireless 911 Fund. In turn, this money is used by the State to make purchases of software and equipment, and even pay certain maintenance costs on behalf of PSAPs with regards to providing wireless 911 services.

Following discussions with both the City and County, we have drafted a letter that expresses the following:

We agree that the Public Service Commission (PSC) has jurisdiction regarding issues of wireless cost recovery.

We agree that wireless carriers must not turn to local PSAPs, municipalities or counties for wireless cost recovery because the method of funding such recovery is not collected at the local level.

We recommend that any request for cost recovery by wireless carriers be issued to the PSC for their deliberation and possible funding through the Enhanced Wireless 911 Fund, according to all applicable laws and FCC rules and regulations.

We recognize that cost recovery is intended to upgrade older equipment and resources to appropriate capabilities and recommend that if any cost recovery is provided by the PSC to wireless carriers, it should fund upgrades only to pre-existing resources, and not to resources constructed, expanded, or purchased after a formal request for Phase II service by the PSAP. Following the update of this pre-existing equipment, cost recovery should cease and these funds should not be applied to future resources due to normal replacement, expansion, etc.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council adopt this resolution and forward these comments to the Public Safety Commission.

Sample Motion

Move to approve Resolution #2008-30 and forward to the Public Safety Commission.

RESOLUTION 2008-30

WHEREAS, the Public Service Commission for the State of Nebraska collects all surcharges from wireless carriers into an Enhanced Wireless 911 Fund; and

WHEREAS, wireless surcharges collected are used by the State of Nebraska to purchase software and equipment and to pay certain costs of behalf of Public Safety Answering Points (PSAPs) to provide wireless 911 services; and

WHEREAS, the Public Service Commission has jurisdiction regarding cost recovery to wireless carriers for the implementation of Phase II Enhanced 911 service; and

WHEREAS, the City of Grand Island is recommending to the Public Service Commission that all FCC Rules and Nebraska Revised Statutes be taken into account in defining and limiting the amount of cost recovery; and

WHEREAS, the City of Grand Island recommends that any costs recovered should only apply to equipment and software that was in place before the Phase II Enhanced 911 service was requested by the PSAP and that any cost recovery that is allowed only be allowed from the funds collected by the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that this Resolution be adopted by the City Council and the Mayor of Grand Island, Nebraska, and that the Resolution be forwarded to the Public Safety Commission.

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Adopted by the City Council of the City of Grand Island, Nebraska, January 22, 2008.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 17, 2008	☐ City Attorney