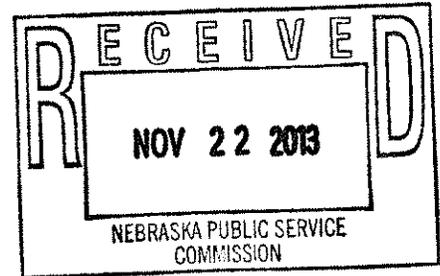


BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its)
own motion, seeking to investigate and)
revise wireless tower testing standards and)
procedures pursuant to the Enhanced)
Wireless Services Act, Neb. Rev. Stat. §)
86-442 et seq.)

Application No. 911-055/PI-182



**JOINT COMMENTS
OF
N.E. COLORADO CELLULAR, INC.
d/b/a VIAERO WIRELESS
AND
SPRINT SPECTRUM L.P. AND VIRGIN MOBILE USA L.P.**

N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless (“Viaero”) and Sprint Spectrum L.P. (“Sprint PCS”) and Virgin Mobile USA L.P. (“Virgin Mobile”) (collectively, “Sprint”), by and through their counsel and pursuant to the Nebraska Public Service Commission’s (the “Commission’s”) Order Releasing Proposal for Comments and Setting Hearing, dated October 22, 2013 (the “Order”) in the above-referenced docket, are 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.

Sprint PCS is a wireless carrier under Neb. Rev. Stat. § 86-456 and provides interstate telecommunications services in the State of Nebraska. Virgin Mobile is a prepaid wireless service provider regulated in the State of Nebraska and is a subsidiary of Sprint Communications Company, L.P.

II. VIAERO AND SPRINT GENERALLY SUPPORT THE PROPOSED AMENDMENTS TO THE ENHANCED WIRELESS 911 TOWER TESTING POLICY.

Viaero and Sprint generally support the proposed amendments to the Enhanced Wireless 911 Tower Testing Policy (the “Policy”). Specifically, Viaero and Sprint support the Commission’s proposal to use the current National Emergency Number Association (“NENA”) guidelines as a uniform, consistent standard for enhanced wireless 911 (“E-911”) testing. NENA is a national leader in 911 policy, technology, operations, and education issues. The NENA testing standard will permit Wireless Service Providers (“WSPs”) and Public Safety Answering Points (“PSAPs”) to verify that calls are routed properly and that the delivery of location data is functioning properly between the 911 network components. Adopting the NENA testing standard ensures that WSPs and PSAPs have clearly defined roles to ensure that testing is done in a comprehensive and organized manner.

III. VIAERO AND SPRINT DO NOT SUPPORT THE COMMISSION’S PROPOSAL TO PLACE SOLE RESPONSIBILITY ON WSPs FOR COMPLETION AND FILING OF VALIDATION WORKSHEETS.

While Viaero and Sprint support the Commission’s proposal requiring PSAPs and WSPs to each approve the test plan once testing has been successfully completed (“Sign-Off Requirements”), Viaero and Sprint do not believe that the obligation for filing the completed test validation worksheet (“TVW”) should be placed solely on the WSPs. Viaero and Sprint agree that it is necessary for the Commission and the Nebraska Telecommunications Infrastructure and Public Safety Department (“Department”) to be informed of the status of E-911 testing, however, E-911 testing requires significant coordination and resources to complete. This is especially true in rural Nebraska where many PSAPs are limited in both budget and personnel, often resulting in

a lengthy process of scheduling and coordinating essential personnel and frequently training PSAP personnel in testing protocol and procedures so that E-911 testing can actually be completed. Although PSAPs and the WSPs must work together to complete the testing, placing the entire responsibility on the WSPs to ensure that the TVW is timely completed, signed and filed by both parties is both administratively burdensome and legally unenforceable.

WSPs do not have any legal authority over the PSAPs. Thus, there is no effective way for the WSPs to compel the PSAPs to timely execute the TVW. However, even without legal authority to compel PSAPs to cooperate, the Policy would immediately impose solely on the WSP, both penalties and possible disqualification from Commission funding for failing to file the TVW in a timely fashion. Under the Commission's proposed procedure, the WSPs and PSAPs would have joint responsibility for E-911 testing, but penalties would be levied only against the WSPs. Since the NENA testing standards speak in terms of a coordinated effort, it does not seem appropriate to impose administrative and funding penalties only on the WSPs if testing is not completed and test validation documents are not filed in a timely manner.

Viaero and Sprint therefore propose that the PSAPs and the WSPs be independently responsible for submitting their respective portions of the TVW to the Department. This procedure would ensure that the E-911 testing is completed using a national standard that gives credibility and uniformity to testing procedures, but does not penalize only the WSPs, who have no legal or practical authority to ensure cooperation from the PSAPs. Penalizing only the WSPs appears unrealistic given that the WSPs have no authority over the PSAPs and cannot require the PSAPs to execute the TVW.

Such a procedure would also be consistent with the terms of Section 3.6.1.11 of the OID (Document 57-502), which assigns to the WSPs the responsibility of "documenting the

completion of testing with a letter to the PSAP”, and Section 3.2.1.5 of the Standard (Document 57-002) which directs the WSP to notify the 911 Governing Authority and the PSAP of the completion of testing, including a copy of the actual test results. While the Commission’s proposed Policy establishes a separate, state-specific validation procedure, the administrative structure of the NENA notification procedure provides for the singular and independent obligation of the WSP to notify the 911 governing authority and the PSAP of testing completion, without enforcement responsibility over any independent obligation of the PSAP to cooperate in the validation of the testing documentation, including the TVW.

Further, the separate notice requirements established under the NENA standard and the OID seem to be largely duplicative of the Sign-Off Requirements established under the Commission’s proposed Policy, which raises the question of whether the Policy simply adds unnecessary administrative requirements already effectively provided for under the NENA standard and OID.

IV. THE COMMISSION’S POLICY NEEDS A MORE SPECIFIC PROCEDURE FOR OBTAINING PSAP APPROVAL ON THE SIGN-OFF REQUIREMENTS.

Viaero and Sprint believe that a more specific procedure needs to be developed for obtaining PSAP approval on the Sign-Off Requirement. The proposed Policy does not identify who at the PSAP has authority to sign-off on the testing plan or execute the TVW, nor does the Policy indicate what recourse the Commission has if, for whatever reason, testing was performed in a satisfactory manner, but the PSAP fails to complete the Sign-Off Requirement and/or fails to complete and execute the TVW. Would the PSAP be subject to administrative fines or funding disqualification, as would the WSPs? Further, is the TVW referred to in the Policy the same as the “Call Routing/TVW Spreadsheet” identified in NENA Document 57-002, Exhibit A?

Finally, the Policy does not indicate whether the Department will assist either the PSAPs or the WSPs in coordinating a timely testing schedule. The NENA testing standards speak in terms of a "Project Manager" who can assist the PSAPs and the WSP in preparing, coordinating and executing E-911 testing. Does the Commission envision the Department taking on that proactive coordination role? While Viaero and Sprint support adopting the NENA standards for E-911 testing, additional consideration may need to be given to how the Commission will implement the proposed Policy in light of the fact that Nebraska lacks a statewide 911 coordinator to oversee the process.

III. CONCLUSION

Viaero and Sprint support the adoption of the NENA standardized procedure for E-911 testing. The NENA guidelines require coordinated notification and communication mechanics among PSAPs, WSPs and LECs in order to achieve successful testing outcomes and service implementation. However, in light of the coordinated effort required for E-911 testing, penalizing only the WSPs for the failure to timely file the TVW seems inappropriate given that the WSPs have no authority over the PSAPs and cannot require or compel the PSAPs to execute the TVW.

Respectfully submitted this 22nd day of November, 2013.

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

AND

**SPRINT SPECTRUM L.P. AND VIRGIN MOBILE
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By



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of November, 2013, an original, five copies and an electronic copy of the Joint Comments of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless and Sprint Spectrum L.P. and Virgin Mobile USA L.P., in Application No. 911-055/PI-182 were delivered to:

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