

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	)	Application No. NUSF-131
Public Service Commission, on	)	Progression Order No. 3
its own motion, to establish	)	
reverse auction procedures and	)	ORDER ISSUING PROCEDURES FOR
requirements.	)	SECOND 2024 REVERSE AUCTION
	)	AND ANNOUNCING QUALIFIED
	)	BIDDERS
	)	
	)	Entered: June 25, 2024

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") initiated this proceeding on June 29, 2021, to establish reverse auction procedures and requirements in order to carry out Neb. Rev. Stat. § 86-330. On April 16, 2024, the Commission entered an order ("April 16 Order") seeking comment on a proposal to conduct a second auction in 2024 ("Second 2024 Auction") and setting a hearing in this matter for May 15, 2024. The Commission then entered an order on April 30, 2024 ("April 30 Order") revising the proposed procedural schedule and clarifying the deadline by which interested parties may submit rural-based plans pursuant to 291 Neb. Admin. Code, Ch. 16.

## E V I D E N C E

Pursuant to the April 16 and April 30 Orders, comments were received from Lumen Technologies Inc. on behalf of Qwest Corporation d/b/a CenturyLink QC and United Telephone of the West d/b/a CenturyLink ("CenturyLink"), the Nebraska Rural Broadband Association ("NRBA"), and Windstream Nebraska, Inc.

A hearing in this matter was held on May 15, 2024. Sallie Dietrich appeared for the Telecommunications and NUSF Department of the Commission ("Department"). Andy Pollock appeared on behalf of the NRBA. Exhibits numbered 1 through 6 were offered and accepted.

Cullen Robbins, Director of the Telecommunications and NUSF Department, provided testimony. Mr. Robbins described the previous reverse auctions, noting that participation was low in the first reverse auction.<sup>1</sup> Mr. Robbins stated that the Commission learned valuable lessons from the first auction, primarily that the starting prices for minimum bidding units ("MBU"s) would need to

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<sup>1</sup> Transcript at 10.

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be much higher than the modeled total investment.<sup>2</sup> Mr. Robbins also stated that MBUs should be revised so that geographically separate areas were not included in the same MBU.<sup>3</sup>

Mr. Robbins stated that the reverse auction held in January 2024 ("First 2024 Auction") was much more successful.<sup>4</sup> He noted that the starting MBU price was set at two and a half times the modeled cost, and stated that as a result, the bids awarded utilized approximately ninety-six percent of the total support available.<sup>5</sup> Mr. Robbins stated that he felt the auction was successful in achieving the goals of getting service to areas that need it, allowing interested parties to participate, and distributing NUSF dollars.<sup>6</sup>

Mr. Robbins therefore recommended that several aspects remain the same in the Second 2024 Auction. He recommended price cap carriers continue to be allowed to participate in the reverse auction, noting that with the increased MBU in the reverse auction, the carriers may be able to make a business case to provide service to regions when they may not previously have been able to with offered NUSF support.<sup>7</sup> Mr. Robbins stated that generally, increased participation in the auction would lead to better outcomes.<sup>8</sup> On questioning, Mr. Robbins also indicated that the cost modeling used in NUSF-99 may not reflect current costs and likely needs to be updated, and that this may be a reason price cap carriers have turned back funds.<sup>9</sup> Mr. Robbins noted that the final bid awards in the First 2024 Auction were generally between 30 and 50 percent higher than the modeled cost.<sup>10</sup>

Mr. Robbins also recommended that the proposed procedural schedule be adopted.<sup>11</sup> While some commenters recommended adjusting

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 11.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 12.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 16.

<sup>10</sup> *Id.* at 17.

<sup>11</sup> *Id.* at 12.

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the schedule to accommodate the Nebraska Broadband Bridge Program, Mr. Robbins advocated for the proposed schedule in order to complete the option before other funding programs, including BEAD,<sup>12</sup> begin providing support for broadband construction.<sup>13</sup> Mr. Robbins advocated for adopting an efficient schedule in order to prevent overlap with work performed by the Broadband Office.<sup>14</sup>

Mr. Robbins then discussed the proposal to speed up the bidding round process. He stated that in the First 2024 Auction, it became clear during later rounds that there was no need for two business days in between auction rounds.<sup>15</sup> Mr. Robbins proposed that Auction rounds be conducted every other business day for at least the first ten rounds, and that the Department would communicate to bidders the schedule for any further rounds once incoming bids and demand have been evaluated.<sup>16</sup> He stated that the upcoming schedule would be communicated a few days in advance to allow participants to plan for the increased frequency of cycles.<sup>17</sup>

Mr. Robbins then discussed the previous auction's MBUs. He stated that he had received feedback that the MBUs varied widely in size and price, and stated that the Department would adjust MBUs for the upcoming auction so that some discrepancies in size and price would be minimized.<sup>18</sup>

Following Mr. Robbins' testimony, Andy Pollock testified on behalf of the NRBA. Mr. Pollock stated that the previous reverse auction was successful and is serving Nebraskans.<sup>19</sup> Mr. Pollock supported the adjustments made in the First 2024 Auction, and agreed that adjustments should be made to the MBU sizes and allocations to make them more uniform.<sup>20</sup> Mr. Pollock stated that

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<sup>12</sup> "BEAD" refers to the federal Broadband Equity Access and Deployment Program administered by the National Telecommunications and Information Administration and the Nebraska Broadband Office. Mr. Robbins stated that he understands BEAD awards may be made in early 2025. Transcript at 20-21.

<sup>13</sup> Transcript at 12-13.

<sup>14</sup> *Id.* at 21.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 13-14.

<sup>19</sup> *Id.* at 22-23.

<sup>20</sup> *Id.* at 23.

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geographically large MBUs are infeasible for bids, and that a move towards uniformity and a smaller size would be a step in the right direction.<sup>21</sup> Mr. Pollock also stated that he supported adopting the procedural schedule and speeding up later rounds of the auction to a daily basis.<sup>22</sup>

Mr. Pollock spoke against allowing price cap carriers to participate in the auction.<sup>23</sup> He stated that these carriers have previously been offered funding and were given an opportunity to build networks in these areas, but chose not to.<sup>24</sup> Mr. Pollock stated that accountability has been an issue with regard to the price cap carriers.<sup>25</sup> He therefore advocated for price cap carriers not being allowed to participate in the auction.<sup>26</sup>

Following Mr. Pollock's testimony, no further evidence was adduced, and the hearing was adjourned.

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<sup>21</sup> Id.

<sup>22</sup> Id. at 23-24.

<sup>23</sup> Id. at 24.

<sup>24</sup> Id. Mr. Pollock also stated that these carriers have had an obligation to build broadband networks since 1997. Transcript at 24, 30-31. However, while the NUSF Act was passed in 1997 and provided that NUSF may be used for "information services," NUSF was not used for broadband deployment until 2011. Commission Docket No. NUSF-77, Progression Order No. 4, *In the Matter of the Petition of the Nebraska Telecommunications Association for Investigation and Review of Processes and Procedures Regarding the NUSF*, Order Issuing Findings, Seeking Further Comments, and Setting Hearing (Sep. 27, 2011) (setting aside \$4 million annually for broadband deployment). The Commission also notes that acceptable broadband speeds nationwide have increased dramatically since 1997, as described in the FCC's 2010 Omnibus Broadband Initiative Technical Paper Series: "In 1997, a consumer could typically purchase advertised cable speeds of up to 1 Mbps; by 2006, this was 5 Mbps, and [in 2010], it is close to 10 Mbps – a roughly 20% compound annual growth rate. The pattern is similar across other technologies: as dial-up modems grew from 14 kbps to 56 kbps, DSL speeds have increased from 384 kbps to several megabits per second and fiber offerings have continually increased speeds." Federal Communications Commission, Broadband Performance, OBI Technical Paper No. 4 (Aug. 13, 2010), available at <https://transition.fcc.gov/national-broadband-plan/broadband-performance-paper.pdf>, at 11. In Nebraska, the NUSF Act was amended in 2021 to require that NUSF funding for broadband infrastructure support construction of networks capable of delivering 100/100 Mbps service. See Neb. Rev. Stat § 86-324.01.

<sup>25</sup> Transcript at 31-32.

<sup>26</sup> Id. at 25-26.

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## O P I N I O N   A N D   F I N D I N G S

Based upon the comments submitted in this docket and at hearing, the Commission finds that the process used in the previous 2024 reverse auction should continue for the Second 2024 Auction with minor modifications. The Second 2024 Auction process and requirements are set forth below.

### 1.     **Reverse Auction Budget**

The Commission has determined that the final budget for the Second 2024 Auction will be \$19,284,933. This amount represents NUSF support which was allocated for 2024 for from Qwest Corporation d/b/a CenturyLink QC, United Telephone Company of the West d/b/a CenturyLink, Windstream Nebraska, Inc., and Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska (collectively, "the price cap carriers"), with the addition of support which was unused in the first 2024 reverse auction. For purposes of this auction, this budget will be divided between the four price cap carriers' service territory as follows:

<u>Carrier Service Territory</u>	<u>Amount Available</u>
Qwest Corporation d/b/a CenturyLink QC	\$7,584,331
United Telephone Company of the West d/b/a CenturyLink	\$2,252,405
Windstream Nebraska, Inc.	\$5,828,955
Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska	\$3,619,242

Should any amount of this budget remain following the Auction, or if additional amounts become available in the future, the Commission may hold a separate reverse auction. Funds allocated for each price cap carrier's service territory will remain allocated for that territory in any future reverse auctions.

## **2. Minimum Bidding Units**

The Commission released Minimum Bidding Units ("MBUs") on May 22, 2024. However, broadband grant funding for Capital Projects Fund projects was then released by the Commission in a separate proceeding. The Commission therefore finds that the MBUs released on May 22, 2024 should be modified to remove service areas receiving funding from Capital Projects Fund projects. The updated MBUs are now available on the Commission website.

Based upon the input received in comments and at hearing, the Commission finds that the pricing for MBUs should remain at two and a half times the modeled cost to serve all locations within the MBU as determined by the State Broadband Cost Model. The MBUs will be assigned unique identifiers, which must be used by bidders when bids are submitted.

## **3. Bidding Tiers and Speed Testing**

Two bidding tiers will be available: the Baseline tier and the Gigabit tier. The Baseline tier will require service to be delivered at speeds of 100/100 megabits per second (Mbps) (Down/Up) to all eligible locations in the MBU. The Gigabit tier will require service to be provided at speeds of 1 gigabit per second (Gbps)/500 Mbps (Down/Up) to all eligible locations in the MBU. Latency measurements for both tiers will be required to be at or below 100 milliseconds. Participants will not be able to change the bid tier they submit for any given MBU from one bidding round to another.

Winning bidders in the 2024 Auction will be subject to post-buildout speed testing requirements. Following deployment of the completed network as outlined in the Post-Auction Commitment Form, participants must submit speed test information to the Commission. Speed testing should be performed in accordance with requirements as set out in Commission Docket No. NUSF-133.<sup>27</sup> Speed test results must meet the standards for the speed tier listed in the winning bid. Winning bidders should be prepared to perform speed tests which meet the standards set forth in NUSF-133, including the

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<sup>27</sup> See Commission Docket No. NUSF-133, *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement standards for the verification of broadband service provider coverage and speed data*, Order Setting Speed Test Requirements (Nov. 8, 2022). In the case that the speed testing requirements set forth in this order are updated or modified in future orders, winning bidders in the Second 2024 Auction will be required to meet speed testing requirements as they exist at the time buildout is completed.

testing intervals, number of locations tested, and testing end points. Among other requirements, tests should be collected for one calendar week on an hourly basis between the hours of 6:00 pm and 12:00 am local time each day.

If the winning bidder is unable to demonstrate speed tests meeting the required performance thresholds, the Commission may request additional testing. If the Commission finds that the additional testing does not meet the standards of the speed tier listed in the winning bid, the Commission may in its discretion impose penalties as described below.

#### **4. Eligible Participants**

Based upon the comments submitted in this proceeding, the testimony adduced at hearing, and the Commission's review of the results of the First 2024 Auction, the Commission finds that price cap carriers should be deemed eligible to participate in the Second 2024 Auction. The Commission adopts this approach to encourage competing bids to serve unserved areas and thereby maximize the funding currently available to serve rural areas, in accordance with statutory intent.<sup>28</sup>

In the April 16 Order, the Commission sought Pre-Auction Application forms from interested parties to be due by May 31, 2024, in order to expedite the auction process. The Commission received applications from fourteen entities seeking to participate in the Second 2024 Auction. Upon review of the submitted applications, the Commission finds that the following entities should be approved to participate in the Second 2024 Auction, in the following bidding tiers:

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<sup>28</sup> See Neb. Rev. Stat. § 86-1101 (stating the legislative intent of LB 994 (2018), the bill which created the reverse auction process, and finding that broadband service is lacking in areas of rural Nebraska and that state resources should be utilized to support rural residents of the state).

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<b>Participant</b>	<b>Baseline (100/100 Mbps)</b>	<b>Gigabit (1G/500 Mbps)</b>
ALLO Communications, LLC	YES	YES
Consolidated Telephone Company	YES	YES
Diller Telephone Company	YES	<b>NO</b>
Glenwood Telecommunications, Inc.	YES	YES
Great Plains Communications, LLC	YES	YES
Hamilton Long Distance Company	YES	YES
Hamilton Telephone Company	YES	YES
Midstates Data Transport, LLC d/b/a Stealth Broadband	<b>NO</b>	YES
Nebraska Central Telephone Company	YES	YES
Northeast Nebraska Telephone Company	YES	YES
Pinpoint Communications, Inc.	YES	YES
Qwest Corporation	YES	<b>NO</b>
United Telephone Company of the West	YES	<b>NO</b>
Windstream Nebraska, Inc.	YES	YES

### 5. Bidding Tiers and Speed Testing

As in previous reverse auctions, two bidding tiers will be available: the Baseline tier and the Gigabit tier. The Baseline tier will require service to be delivered at speeds of 100/100 megabits per second (Mbps) (Down/Up) to all eligible locations in the MBU. The Gigabit tier will require service to be provided at speeds of 1 gigabit per second (Gbps)/500 Mbps (Down/Up) to all eligible locations in the MBU. Latency measurements for both tiers will be required to be at or below 100 milliseconds. Participants will not be able to change the bid tier they submit for any given MBU from one bidding round to another.



Winning bidders in the Second 2024 Auction will be subject to post-buildout speed testing requirements. Following deployment of the completed network as outlined in the Post-Auction Commitment Form, participants must submit speed test information to the Commission. Speed testing should be performed in accordance with requirements as set out in Commission Docket No. NUSF-133.<sup>29</sup> Speed test results must meet the standards for the speed tier listed in the winning bid. Winning bidders should be prepared to perform speed tests which meet the standards set forth in NUSF-133, including the testing intervals, number of locations tested, and testing end points.

If the winning bidder is unable to demonstrate speed tests meeting the required performance thresholds, the Commission may request additional testing. If the Commission finds that the additional testing does not meet the standards of the speed tier listed in the winning bid, the Commission may in its discretion impose penalties as described below.

## 6. Bidding Process and Schedule of Proceedings

The bidding process for the Second 2024 Auction will follow the process used in previous auctions. Bidders will be provided a list of the census block groups available for bid, with online resources available for reference containing the MBU identification number and the bid dollar amount. Geographic Information System ("GIS") shapefiles of the MBUs will also be available upon request. Bidding will begin at the reserve price, calculated as described above.

Bidding will begin on Monday, July 29, 2024. Each bidding window will be open from 8:00 a.m. - 3:00 p.m. Central Time on each bidding day. During that time, bidders wishing to participate must submit a bid sheet to the Commission via email to [psc.nusf@nebraska.gov](mailto:psc.nusf@nebraska.gov) for that round. **Bids for each round must be submitted by 3:00 p.m. Central Time.** Bids submitted after 3:00 p.m. will not be considered. The initial bid sheet participants must use is available on the Commission website. A sample initial

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<sup>29</sup> See Commission Docket No. NUSF-133, In the Matter of the Nebraska Public Service Commission, on its own motion, to implement standards for the verification of broadband service provider coverage and speed data, Order Setting Speed Test Requirements (Nov. 8, 2022). In the case that the speed testing requirements set forth in this order are updated or modified in future orders, winning bidders in the Second 2024 Auction will be required to meet speed testing requirements as they exist at the time buildout is completed.

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bid sheet is attached to this order as Attachment B.<sup>30</sup> Following the initial round of bids, Commission staff will issue an individual bid sheet to each participant for use in subsequent rounds.

Bidders must indicate on the bid sheet all MBUs on which they wish to bid and the bid tier in which they are bidding. Bid tiers cannot change for any given MBU from round to round. A new bidding round will commence every other business day, as follows:

Bidding Round	Date
Round 1	Monday, July 29
Round 2	Wednesday, July 31
Round 3	Friday, August 2
Round 4	Tuesday, August 6
Round 5	Thursday, August 8
Round 6	Monday, August 12
Round 7	Wednesday, August 14
Round 8	Friday, August 16
Round 9	Tuesday, August 20
Round 10	Thursday, August 22

Should additional bidding rounds become necessary, the additional round dates will be communicated to bidders in advance, and may occur more frequently as determined by Commission staff.

### **7. Review of Bids; Bid Process**

Following the first round of bids, the Commission will review the bids received and assess the overall demand. The Commission will then determine whether the demand for funding is above or

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<sup>30</sup> The initial bid sheet released on the Commission website in Excel format also includes an overview of each bidding unit.

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below the each of the four established Auction budgets. The Commission will then follow procedures as described below:

Over Budget. If the demand for funding is above the Auction budget, the funding for all MBUs receiving bids will be reduced by five percent (5%), and all MBUs not receiving bids will be removed from consideration. The remaining MBUs for which there are still bids will proceed to the next Auction round. Any entity that submitted a bid for an MBU in the first round will be eligible to re-bid on that MBU in the second round, at the lowered support amount. Only entities that bid on an MBU will be eligible to bid on that same MBU in successive rounds. This process will be repeated after each round.

Under Budget. If the demand for funding is below the Auction budget, MBUs that received only one bid will be removed from further bidding and considered complete. Any MBUs that received multiple bids, but a single bid in the Gigabit tier, will be awarded to the bidder in the higher tier and considered complete. MBUs that received multiple bids in the same tier will continue to the next round. Only entities that bid on an MBU will be eligible to bid on that same MBU in successive rounds. The available support amount for eligible areas will be reduced by 5% until all MBUs have either been reduced to a single winning bid or otherwise eliminated.

Once all bidding is complete, the Commission will release a list of the successful bidders and the MBUs that were awarded successful bids. The Commission will also set forth a deadline for the submission of the Post-Auction Commitment Form at this time. The successful bidders must then complete the Post-Auction Commitment Form, attached hereto as Attachment C. On this form, successful bidders will be required to provide information specific to their successful bid, including a business plan, a detailed description of how funding will be used, and an explanation of how the project will be constructed. Applicants must submit a description of how the construction will be funded and must certify that they will have available funds for all project costs that exceed the amount of NUSF reverse auction support within the term of support. Successful bidders must also certify that they will provide Lifeline and Affordable Connectivity Plan eligible service and comply with ETC requirements and speed testing requirements. Audited financial statements with an opinion letter must also be provided by this date.

After reviewing the Post-Auction Commitment Forms, the Commission will issue the final award of bids and begin distributing support. Support will not be distributed to winning bidders until all required compliance measures have been completed.

## **8. Term of Support**

Winning bidders will be awarded support for a term of two years. Extensions of that term may be available if approved by the Commission. 50% of the awarded support will be distributed to winning bidders upon the approval of the bidders' Post-Auction Commitment Forms. The remainder of support will be distributed once the bidder has completed its build of service to the bid area and met all applicable speed testing requirements.

## **9. Quiet Period**

The Commission finds that beginning on the date this order is entered and continuing until ended by order of the Commission, a Quiet Period shall be in place in the Auction. During the Quiet Period, participants in the reverse auction shall not discuss the reverse auction with one another.<sup>31</sup> Participants shall not directly or indirectly communicate information regarding bids or bid strategies to one another. Barred topics of conversation include, but are not limited to, the following:

1. Discussion of eligible areas
2. Bids
3. Bidding strategy
4. Agreements to bid on or not bid on bid areas

Members of consortiums approved to bid in the auction may discuss these topics with other members of the consortium, but are prohibited from discussing with other participants.

Should a violation of the Quiet Period occur, any participant who receives or who makes or knowingly causes to be made the violation must immediately file with the Commission all such written communications, memoranda stating the substance of all such oral communications, and all written responses and memoranda

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<sup>31</sup> For purposes of the Second 2024 Auction, the term "participant" refers to all persons, entities, or consortiums submitting applications to participate in the Second 2024 Auction, as well as their agents, employees, and representatives.

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stating the substance of all oral responses to the communications. The filing must be made within two business days of the receipt or making of the communication. Failure to disclose a violation of the quiet period will constitute a violation of the order of the Commission and may result in penalties as described below.

## 10. Penalties

The Commission finds that integrity in the Auction is of the utmost importance. Therefore, any person or entity who violates the Quiet Period, or who makes or causes to be made a false record, statement, or claim during the Second 2024 Auction shall be subject to penalties as determined by the Commission. Penalties may include but are not limited to repayment of support distributed, prohibition from participation in future Commission funding opportunities, withholding of ongoing support, and civil penalties pursuant to Neb. Rev. Stat. § 75-156.

## 11. Procedural Schedule

The Commission finds that the Procedural Schedule attached hereto as Attachment A should be adopted. The deadline to submit bids in all rounds is 3:00 p.m. Central Time. All other deadlines listed are at 5:00 p.m. Central Time. Forms submitted after that time will not be considered.

Submissions of applications, bids, or other filings in this docket should be made via email to [psc.nusf@nebraska.gov](mailto:psc.nusf@nebraska.gov).

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that rural-based plans must be submitted by **July 15, 2024 at 5:00 p.m. Central Time** in order to be considered.

IT IS FURTHER ORDERED that if no rural-based plan is submitted prior to July 15, 2024, the Second 2024 Reverse Auction shall proceed as set forth above, beginning on **Monday, July 29, 2024**.

IT IS FURTHER ORDERED that the initial Bid Sheet attached hereto as Attachment B and released on the Commission website be adopted. Bidders must submit a new Bid Sheet for each round of the Reverse Auction in which they wish to participate.

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IT IS FURTHER ORDERED that the Post-Auction Commitment Form attached hereto as Attachment C be adopted. Successful bidders must submit this form and receive final approval from the Commission to receive support.

IT IS FURTHER ORDERED that the Speed Test Certification form attached hereto as Attachment D be adopted. Successful bidders will be required to use this form to report required Reverse Auction speed testing.

IT IS FURTHER ORDERED that a Quiet Period shall hereby commence and shall continue until ended by further order of the Commission, and any Participant who directly or indirectly communicates information regarding bids or bid strategies to one another shall be subject to penalties as described above.

IT IS FURTHER ORDERED that any person or entity who makes or causes to be made a false record, statement, or claim during the Second 2024 Reverse Auction shall be subject to penalties as determined by the Commission.

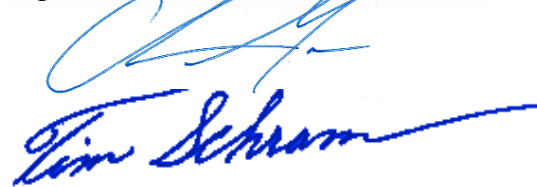
IT IS FINALLY ORDERED that the Procedural Schedule attached hereto as Attachment A be adopted.


ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 25th day of June, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

Tim Schram

  
Chair

ATTEST:

  
Thomas W. Golden  
Executive Director



## PROCEDURAL SCHEDULE SECOND 2024 REVERSE AUCTION

<u>Event</u>	<u>Date</u>
Eligible bidding areas released	Wednesday, May 22, 2024
Pre-Auction Application Forms due	Friday, May 31, 2024
Qualified bidders released Quiet Period begins	Tuesday, June 25, 2024
Deadline to submit rural-based plans	Monday, July 15, 2024
Bidding begins (if no rural-based plan is submitted) <i>Auction rounds will proceed every other business day during the first ten rounds. Additional round dates will be communicated to bidders in advance and may occur more frequently as determined by Commission staff.</i>	Monday, July 29, 2024
List of successful bidders released Quiet Period ends	<i>Approximately two weeks following close of Auction</i>
Post-Auction Application Forms due	<i>Date will be announced in a future Commission Order</i>
Final award of bids released	<i>Following review of Post-Auction Commitment Forms</i>

### **NUSF - 131 Bid Sheet Overview**

**Reminder - Bid Sheets must be submitted each round by 3:00 CDT to be considered**

**To Bid:**

1. Fill in Bidder ID in cell "C4" on the "Bid Sheet" Tab
2. Insert the Bid Unit ID in Column B on the Bid Sheet for ALL MBUs that you want to bid on. MBUs can also be viewed at <https://broadbandmap.nebraska.gov>
3. Select the service tier for each MBU that you're bidding on. The service tier options consist of: Baseline Tier 100Mbps/100Mbps or Gigabit Tier 1Gbps/500Mbps. Latency measurements for both tiers must be at or below 100 milliseconds.
4. The bid sheet must be emailed to: [psc.nusf@nebraska.gov](mailto:psc.nusf@nebraska.gov) by **3:00 CDT** to be considered
5. For each successive round, you may re-bid on an MBU you bid on in the previous round at the lowered support amount. If you do not re-affirm your bid on an MBU in the current round, your interest in the MBU will be considered withdrawn.
6. Once the budget clears, applicants with winning bids will be notified of those MBUs that they have won. No further bidding is required for those MBUs.
7. MBUs with competing bids will still proceed into successive rounds until there is a winning bidder.



## NUSF-131 Bid Sheet

**Reminder - Bid Sheets must be submitted each round by 3:00 CDT to be considered**

Bidding Round Number:	
Bidding Round Date:	
Bidder ID:	

	Minimum Bidding Unit (MBU) ID	Service Tier (select from list)
	Ex.: North_Platte_1000	
1		
2		
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4		
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**NUSF-131 2024 Reverse Auction  
Post-Auction Commitment Form**

**Section I: Applicant Details**

1. Applicant/Entity name:			
2. Applicant NE Code:			
3. Applicant's Nebraska ETC status:			
4. Applicant address:			
4a. Applicant city:			
4b. Applicant state:			
4c. Applicant zip code:			
5. Applicant contact (first and last name):			
6. Applicant e-mail:			
7. Applicant phone number:			
8. Legal representative name (must be an attorney licensed to practice law in Nebraska):			
9. Legal representative e-mail:			
10. Legal representative phone number:			
11. Does the applicant currently report through the FCC the speeds they are committing to provide through this deployment?		11a. If yes, does the applicant clearly offer the minimum speeds required on their public-facing website:	
11b. Provide the service provider's public-facing website URL that reflects the currently available speeds:			
12. Project Name:			
13. Estimated project completion date:			
14. Total number of locations to be served:			
15. List of all MBUs included in project (attach a separate page if necessary):			

## Attach/Include:

Please label attachments as follows: “[Applicant Name]\_[Attachment Letter].” If it is necessary to submit multiple attachments under one attachment letter category, label the attachments to identify the separate attachments. Ex. “[Applicant Name]\_[Attachment Letter]\_1”, “[Applicant Name]\_[Attachment Letter]\_2”, etc.

- ☐ A business plan for the proposed network that includes details of the project including a description of the network design, how the service area will be maintained throughout the useful life of the facilities, a description of any legal challenges that must be addressed prior to or during the project in question, such as local zoning, right of way, and permitting processes, and demonstrates capability to maintain the network over the long run. The plan should also include deployment timelines, financial analysis for the project, including a description of how project costs and expected revenue will result in financial viability of the project over the expected useful life of the facilities. (Attachment Letter: A)
- ☐ A funding breakdown must be attached in Excel format. This should include a proposed budget reflecting a clear and detailed breakdown of cost elements based on total project costs. This should also include the winning bid amount for the project area. (Attachment Letter: B)
- ☐ Auction participants are required to offer Lifeline service and participate in the FCC’s Affordable Connectivity Program (ACP). Attach documentation reflecting the Lifeline service plan and ACP offerings that will be made available to customers in the project area. (Attachment Letter: C)
- ☐ A statement from the applicant attesting that they will comply with all ETC certification requirements. (Attachment Letter: D)
- ☐ A statement from the applicant attesting that they will offer service to customers within the project area at the proposed speeds and at affordable rates as compared to the FCC’s national rate survey? (Attachment Letter: E)
- ☐ A statement from the applicant describing how the construction will be funded. (Attachment Letter: F)
- ☐ A statement from the applicant attesting that they will have available funds for all project costs that exceed the amount of NUSF reverse auction support within the two-year term of support. (Attachment Letter: G)
- ☐ If not provided with short-form application, a winning bidder must provide audited financial statements and opinion letter from the prior fiscal year. (Attachment Letter: H)

**APPLICANT CERTIFICATION:** By signing this statement, the applicant certifies that the information submitted on this form and all supporting documents are true and correct. The applicant agrees to perform and adhere to all requirements for funding, and to comply with all state and federal regulations and requirements pertaining to this program. In addition, the applicant agrees not to use equipment prohibited by the FCC within the network, to offer rates in the project area that are comparable to the rates offered by the applicant in urban areas outside the project area and as compared to the FCC’s national rate survey, to submit network performance testing information as prescribed by the Commission, and to complete the project build within two (2) years following the grant award unless granted an extension. The applicant acknowledges that failure to comply with the requirements of the Auction may result in penalties as determined by the Commission, including but not limited to civil penalties pursuant to Neb. Rev. Stat. § 75-156.

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Printed Name of Authorized Person

Date

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Title of Authorized Person

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Signature of Authorized Person



**NUSF-131 2024 Reverse Auction**  
**Speed Test Certification**

As required by order of the Nebraska Public Service Commission in Docket NUSF-131, Progression Order #3, winning bidders in the 2024 NUSF-131 Reverse Auction must conduct speed testing and submit results of speed tests within thirty (30) days of project completion.

The questions below should be filled out with the most accurate information currently available. When describing locations currently served, each location included in the totals below must be part of the project area and must be able to be served at a minimum of 100/100 Mbps speed as of the date of this report.

Date of Report:	
Participating Entity Name:	
Participating Entity NE Code:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Project Name:	
Project Completion Date:	
Total number of locations to be served:	
Number of locations currently capable of being served at 100/100 Mbps:	
Number of customers currently subscribing to 100/100 Mbps service:	
Number of locations at which speed testing was performed:	
Percentage of total locations at which speed testing was performed:	

The following table reflects the total number of locations to be tested based on the number of locations in the application.

Number of Locations in Application	Number of Test Locations
50 or Fewer	10
51-500	10 or 10% of total number of locations, whichever is greater
Over 500	50*

\*To the extent possible, grant recipients serving more than 500 locations in a project area should attempt to test at least 10% of served locations.

## NUSF-131 Reverse Auction Program Speed Test Certification

Participating Entity Name:	[Will auto-populate from the prior page]
Project Name:	[Will auto-populate from the prior page]

Please attach documentation supporting speed testing information for the project listed above. Documentation attached should demonstrate that the tests reflect actual download and upload speeds experienced by household users, that the tests were performed using a random sample of locations of consumers who subscribe to the network, including testing performed during times of peak usage. At least one test per hour must be conducted during the test window, with one week of testing for each project. Relevant documentation and supporting information should be attached as needed.

Speed test results should be summarized in tabular format and attached to this certification. The table must include service address, test start (date/time), test end (date/time), download speed result, and upload speed result. In addition to the summary table, supporting documentation must be provided to support the speed test results for individual locations.

*Speed Test Summary Example:*

Service Address	Test Start (date/time)	Test End (date/time)	Download Speed Result	Upload Speed Result
123 Main St, Hometown NE 68000	7/10/2023; 5:33:00 PM	7/10/2023; 5:34:00 PM	124.33 Mbps	112.46 Mbps
890 Mockstreet, Hometown NE 68000	7/10/2023; 6:35:00 PM	7/10/2023; 6:36:00 PM	120.45 Mbps	110.76 Mbps

Should an applicant's testing fail to reflect that the entire project area is capable of being served at the required speeds, the applicant must submit along with speed test results a written proposal to remedy the deficiencies. This proposal must include the date upon which speed testing will be conducted a second time, which must be no later than sixty (60) days following the initial speed testing.

*Please select one of the following:*

- ☐ I hereby certify that the attached speed test results reflect that the entire project area is capable of being served with a minimum of 100/100 Mbps service.
- ☐ The attached speed testing does not reflect that the entire project area is capable of being served with a minimum of 100/100 Mbps service. A plan for remediation is attached.

Thank you for your participation in the 2024 NUSF-131 PO#3 Reverse Auction Program. The Commission may contact you with follow-up questions as needed.

**ATTESTATION:** By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

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Printed Name of Officer or Agent

Date

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Title of Officer or Agent

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Signature of Officer or Agent