

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. NUSF-99.03
Nebraska Public Service)	
Commission, on its own)	
Motion, to administer the)	
Universal Service Fund High-)	GRANTED, IN PART
Cost Program: Windstream)	
Nebraska Inc., Broadband)	
Grant Requests 2016.)	Entered: November 28, 2017

BY THE COMMISSION:

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

By Application filed January 19, 2017, Windstream Nebraska Inc., ("Windstream") seeks high-cost support from the Nebraska Universal Service Fund (NUSF). Notice of the application appeared in The Daily Record, Omaha, Nebraska on January 24, 2017 and in the following publications: Blue Hill Leader, Doniphan Herald, Fairbury Journal News, Nebraska City New Press, Nelson Nuckolls County Locomotive, Tecumseh Chieftain and the Wahoo Newspaper. On March 1, 2017 a Petition of informal intervention was filed by Diller Telephone Company and its affiliates, Diode Cable Company d/b/a Diode Communications, and Diode Telecom, Inc.

On May 8, 2017, Windstream supplemented its application by increasing the number of census blocks impacted by its application. Notice of the supplemental information appeared in The Daily Record, Omaha, Nebraska on May 11, 2017 and in the following publications: Blue Hill Leader, Doniphan Herald, Fairbury Journal News, Nebraska City New Press, Nelson Nuckolls County Locomotive, Tecumseh Chieftain and the Wahoo Newspaper.

Applicant sought support in the amount of two million three hundred ninety-two thousand seven hundred and twenty-eight dollars and sixty cents (\$2,392,728.60) for the construction of facilities in Hardy, Filley, Burr/Cook, Swedeburg/Wahoo, and West Hastings. On November 17, 2017, Applicant filed a request to withdraw the Swedeburg/Wahoo and Hastings projects from consideration.

According to the Application, network upgrades will enable a network capable of a minimum of 4 mbps download

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and 1 mbps upload, and depending on the distance from the central office, much faster speeds (up to 100 mbps) will be available. Windstream estimates the project will be completed within 180 days of application approval. If the project is approved, Windstream will commit to providing broadband service to all households in the project area for a minimum of five years.

The Commission staff conducted an analysis of the census blocks submitted and compared the information against the Connect America Fund Phase II eligible areas. The Commission staff also reviewed the census block information and compared it to its wireline Broadband Mapping data, which uses FCC Form 477 deployment data collected by the FCC biannually. Taking the CAF II and wireline competition information into account, the Commission finds it should make an adjustment to the support approved for Windstream. Total approved support is adjusted as follows:

Project	Percentage CAF II Eligible/ Wireline Competitive	Adjusted Support
Hardy	25%	\$333,475.89
Filley	0%	\$638,433.00
Burr/Cook	23%	\$463,255.31
Total Approved Support		\$1,435,164.20

Windstream shall notify the Commission within ninety (90) days of its intent to move forward with any proposed projects for which partial support is granted herein. Funding for any declined projects will be returned to the allocation available to Windstream for future projects.

Requests for Reimbursement:

Windstream must first make the investment and then may file a request for reimbursement with the NTIPS Department. Windstream does not need to complete the construction process prior to seeking reimbursement; rather, it may work with the NTIPS Department to develop intervals at which reimbursement can be sought. The NTIPS Department will

reimburse Windstream for capital improvement costs made relative to and as included in the application filed by the company for the projects approved in this Order. Once the investment is made, Windstream shall file a request for support, provide the NTIPS Department with copies of the invoices and shall certify to the Department that it had made the described investment for the provision, maintenance and upgrading of facilities and services in the described rural areas.

Windstream is permitted to utilize its remaining allocated 2016 support for other projects. In addition or in the alternative, Windstream may renew its request for broadband funding not approved herein by providing specific evidence to support a revised adjustment.

Reporting Requirements:

Windstream shall file, on an annual basis, consistent with federally designated eligible telecommunications carriers (ETCs), the information required by the Commission's Telecommunications Rules pertaining to ETCs and the investment information required by the Commission's Order in Docket NUSF-66. The report should make clear to the Commission that Windstream will not request reimbursement for equipment where grant money was also received from another source. Windstream shall file its annual report on or before June 1 of each year.

In addition, the Applicant shall be required to complete the approved projects within two (2) years from the date of this Order unless good cause is shown for a later completion date.

Broadband Commitments:

The Commission maintains broadband availability data and updates that information on at least an annual basis. As a condition of this support, Windstream must report broadband availability to the Commission upon request. Windstream must also confirm that it will not seek duplicative support through the Federal Communication Commission's (FCC's) Remote Areas Fund for the areas supported herein.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned application submitted by Windstream be and it is hereby granted in part, as described herein.

IT IS FURTHER ORDERED that Windstream shall be subject to all terms and conditions adopted in this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 28th day of November, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Frank E. Landis
//s//Tim Schram


Chairman

ATTEST:



Deputy Director