

# 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-108  
Public Service Commission, on )  
its own Motion, to make )  
adjustments to its high-cost ) ORDER AUTHORIZING PAYMENTS  
distribution mechanism and )  
make revisions to its )  
reporting requirements. ) Entered: January 12, 2021

BY THE COMMISSION:

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

On November 19, 2018, the Nebraska Public Service Commission (Commission) entered Findings and Conclusions Order in Progression Order No. 3, which set forth an annual challenge process. In addition, among its findings in Progression Order No. 4, entered on October 29, 2019, the Commission found that rate-of-return (ROR) carriers should have the opportunity to use the Commission's challenge process to provide locations that have been built to over the preceding year, but not yet reported through the HUBB data portal. The Commission stated that such locations would be subsequently verified once the HUBB data for the past year is made publicly available.

In accordance with those findings, on November 4, 2020, the Commission entered an order initiating the challenge process, releasing a preliminary list of census blocks used to base high-cost program allocations for ROR carriers, releasing the eligible support amounts, and authorizing the overall level of support in the high-cost distribution model for the 2021 calendar year. Challenges to the Commission's preliminary census block list were due on or before December 1, 2020.

In this Order, the Commission concludes the challenge process and makes a determination regarding authorized high-cost support for calendar year 2021. In total, the Commission received challenges from six entities. The challenges submitted were generally categorized as 1) incumbent provider corrections to their own service coverage; 2) carrier challenges to the certified Form 477 data filed by another provider; 3) carriers claiming to serve an area with 25/3 where it had not been previously reported; and 4) Carriers that elected A-CAM support reporting locations that were built to through the end of 2020.

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Relative to ROR carrier census blocks, the Commission staff reviewed four challenges to 208 census blocks. The Commission staff recommended approval of 198 requests and denial of ten requests. Relative to price cap carrier challenges, the Commission received challenges from two entities for 1,266 blocks. All of the price cap carrier challenges were approved. The staff's recommended disposition of the census block challenges is posted on the Commission's website at <https://psc.nebraska.gov>. We adopt the Commission staff's recommendations. In accordance therewith, the Commission hereby modifies its census block data for the purpose of determining ongoing and broadband deployment support in the model consistent with the findings made herein. We further find for approved challenges that involved updating information relative to FCC Form 477 deployment data, that we would expect this to be reflected in the next FCC Form 477 submission made by the carrier.

For the calendar year of 2021, the Commission hereby authorizes its staff to pay up to \$40,015,000.00<sup>1</sup> in high-cost wireline support pursuant to the model adopted by the Commission in NUSF-26 as modified by subsequent orders issued in NUSF-50 on December 19, 2006, in NUSF-99, PO No. 2 on November 4, 2020 and in NUSF-108. The 2021 high-cost support distribution mechanism is available on the Commission's website at <https://psc.nebraska.gov>.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the challenges received by the Commission by on or before December 1, 2020 in this matter be, and they are hereby, determined as reflected in the census block challenge results posted on the Commission's website.

IT IS FURTHER ORDERED that the Commission staff be authorized to make revised high-cost program disbursements for calendar year 2021 as described above.

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<sup>1</sup>The slight increase in the amount authorized accounts for unused support of rate-of-return carriers and put back into the rate-of-return budget.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 12<sup>th</sup> day of January, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Mary Kadden*  
*Tim Schram*

*Don Watson*

Chair

ATTEST:

*Michael S. Hyatt*  
Executive Director

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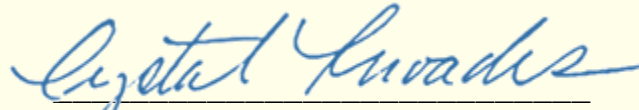
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Commissioner Crystal Rhoades dissenting:

I respectfully dissent. The Commission has determined it will not fund partially funded census blocks with broadband deployment support. I believe this to be a barrier to further capital investment in the network. Many carriers cannot make investments in partially funded census blocks because the amount they are being granted in federal support only covers a fraction of the total cost to build the network. Absent additional state support to supplement the building of the network to those locations means that there is no business case for deployment and therefore those areas will continue to be underserved. The Commission should supplement federal funding to support customers who live in high cost and difficult to serve areas. I do not believe this will facilitate the proliferation of ubiquitous broadband for all Nebraskans and as such I dissent.



Commissioner Crystal Rhoades