

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5272
Public Service Commission, on)
its own motion, to implement)
the Nebraska Broadband Bridge) ORDER ISSUING GRANT AWARDS
Act.) AND RESULTS OF CHALLENGES
)
)
) Entered: January 4, 2022

BY THE COMMISSION:

On June 8, 2021, the Nebraska Public Service Commission ("Commission") initiated this proceeding on its own motion to implement the Nebraska Broadband Bridge Act ("the Act") by issuing an order setting out a proposed structure for the Nebraska Broadband Bridge Program ("NBBP"). Comments on the Commission's proposed structure for the program were received from interested parties, and a hearing was held on July 13, 2021. Following the hearing, on August 10, 2021, the Nebraska Public Service Commission ("Commission") entered an order in this matter issuing the 2021-2022 grant application schedule and application materials. These application materials included a scoring sheet for applications, as well as a program guide setting forth detailed instructions for applications.

Applications Received

Applications for grant awards were due to the Commission by October 1, 2021. The Commission received seventy-six applications for awards, as listed in Attachment A to this order. Applications were published on the Commission website. Commission staff reviewed applications for completeness and contacted applicants in the case of any missing information or other defects in the applications. Applications were reviewed in accordance with the weighted scoring system set forth in the Commission's August 10th order in this docket.

Challenge Review Process

Pursuant to Neb. Rev. Stat. § 86-1307, providers were given the opportunity to submit a challenge to an application if the challenger provides broadband service in the proposed project area, has begun construction to provide broadband service in the proposed project area, or provides broadband service in an area proximate to the project area and intends to provide service within

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the project area within eighteen months. Challenges were due to the Commission on or before November 5, 2021.

Challengers were required to designate their challenge in correspondence with the requirements of § 86-1307(2)(a) ("Type 1") and § 86-1307 (2)(b) ("Type 2"). Providers submitting a Type 1 challenge attested that they currently provide service at the minimum 100/20 Mbps speed threshold to all serviceable locations within the challenged portion of the project area. Providers submitting a Type 2 challenge attested that they were either currently constructing broadband infrastructure in the project area, or provide service proximate to the project area and anticipated completion of broadband infrastructure providing a minimum 100/20 Mbps speed threshold to all serviceable locations within the challenged portion of the project area within 18 months.

In the process of reviewing submitted challenges, the Commission noted that several challenges addressed only portions of a project area, rather than the entire project area (also referred to as a "partial challenge"). The Nebraska Broadband Bridge Act is clear that the Commission may not award a grant if the information submitted in support of a challenge is credible.¹ In instances where a challenger submitted a credible challenge to only part (or parts) of a project area, and the applicant did not modify the application to remove the challenged portions of the application, the Commission hereby denies those applications as initially submitted. Applicants whose grant proposals are denied as initially submitted will be allowed an opportunity to modify their applications, as set forth below, to utilize grant support that has not been awarded in the current grant cycle. Alternatively, unsuccessful applicants are encouraged to reapply in the 2022 grant cycle.

Additionally, the Commission found upon review of submitted challenges that the deployment obligations for Type 1 challengers submitting a challenge to only part of a project area are ambiguous. Specifically, challengers submitting a Type 2 challenge are clearly obligated to serve the entire project area as defined by the applicant;² however, it is not clear that a Type 1 challenger would be required to serve the entire project area, rather than

¹ Neb. Rev. Stat. § 86-1307(4) ("The Commission . . . shall not award a grant if the information submitted under subsection (2) of this section is credible" (emphasis added)).

² Neb. Rev. Stat. § 86-1307(2)(b); § 86-1307(5).

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only the challenged portion.³ The Commission anticipates revisiting this topic for upcoming program years. However, for purposes of the 2021 grant cycle, the Commission will uphold partial challenges if they are credible, and will not require Type 1 challengers who submitted a challenge to only part of a project area to serve the entire project area.

It is the intent of the Commission to revisit the challenge process prior to the opening of the 2022 grant award cycle in order to maximize the distribution of all available funds. All participants in the 2021 grant award cycle are encouraged to participate in comments and at hearing in the 2022 NBBP docket.

Challenges Received

The Commission received challenges to twenty-three of the applications, with some applications receiving multiple challenges. The challenges are listed in Attachment A to this order. Applicants were notified of any challenges received, and the non-confidential portions of challenges were published on the Commission website. Applicants were given the opportunity to supplement, modify, or withdraw their application if desired. If an application was subsequently withdrawn by the applicant or modified to remove the challenged portion of the project area, the challenge was considered moot, and those challengers will not be required to meet the obligations for successful challengers.

Following review of the applications and challenges submitted, the Commission determined that certain challenges, attached hereto in Attachment B, were credible and should be upheld.⁴ Attachment B also lists two applications which were withdrawn during the challenge process. The challenged projects listed in Attachment B therefore may not be funded.

Type 2 challengers whose challenges have been upheld must provide service to the entire project area in question. Any Type 2 challenger listed in Attachment B who does not successfully provide broadband Internet service to the entire project area

³ Compare Neb. Rev. Stat. § 86-1307(2)(b) with Neb. Rev. Stat. § 86-1307(2)(a).

⁴ With some applications receiving multiple challenges, each challenge to an application was considered on its own merits. Some challenges were not upheld due to the success of another challenge to an application. Those unsuccessful challenges are listed as "Not credible" in Attachment B, and those challengers will not be held to requirements listed below.

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within eighteen months will not be able to challenge any grant until the 2024 NBBP grant cycle.

Type 2 challengers must submit documentation to the Commission no later than **5:00 p.m. Central Time on July 5, 2023**, demonstrating that the challenger has fulfilled its commitment to deploy broadband Internet service with access to the Internet at the stated speeds in the entire project area. Type 2 challengers are also required to submit to the Commission quarterly progress reports regarding their construction of service in the project area by the fifteenth day of the first month following each quarter, beginning in the second quarter of 2022. The first progress report from Type 2 challengers will therefore be due to the Commission no later than **5:00 p.m. Central Time on April 15, 2022**. A sample progress report form is attached to this order as Attachment C.

Review of Remaining Applications

Following review of the challenges to be upheld and evaluation of overlapping applications, the Commission determined that sixty-one applications remained for consideration for funding. The Commission identified two remaining applications that significantly overlapped. In accordance with the August 10 order issued in this proceeding, only the higher-ranked project was funded. The total dollar amount required to fund the remaining applications would be \$17,771,964.39. These applications are set forth in Attachment D.

Pursuant to the Nebraska Broadband Bridge Act, Neb. Rev. Stat. § 86-1301 *et seq.*, \$20 million has been allocated for distribution by the Commission in NBBP grant funding and allowable administrative costs for the 2021 grant cycle.⁵ Any funds undistributed following the 2021 grant cycle will be carried over and added to the funds available for the 2022 NBBP grant cycle.

The Commission finds that, upon review of the submitted applications and challenges, each of the applications listed in Attachment D to this order should be fully funded. As previously set forth in this docket, 1/4 of the funds awarded will be

⁵ Due to administrative costs, the total amount to be awarded in the 2021 program year is approximately \$19,792,318.

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processed for distribution upon award of the grant.⁶ 1/4 of the funds will be processed for distribution in September of 2022. Following project completion, applicants shall submit all invoices justifying project expenses within ninety (90) days of project completion. Upon successful completion of the project, the required speed testing, and invoice submittals to justify expenses, the remaining 1/2 of awarded funds will be processed for distribution. Final payments may be adjusted based on actual eligible project costs and match percentage.

Each applicant shall be held to all requirements of the Nebraska Broadband Bridge Program, as listed in the Act and by order of this Commission. Generally, each applicant listed in Attachment D must provide to its designated service area broadband Internet service scalable to one hundred megabits per second for downloading and one hundred megabits per second for uploading, or greater. All completion deadlines and repayment requirements set forth in Neb. Rev. Stat. § 86-1304 shall apply to each project listed in Attachment D.

The first payment of grant awards will be processed within thirty (30) days of this order. Successful applicants must immediately contact the Commission via e-mail sent to psc.broadband@nebraska.gov to verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission. Initial disbursements may be delayed if an applicant fails to verify this information.

Reconsideration of Partially Challenged Applications

The Nebraska Broadband Bridge Act sets out \$20 million annually for the Commission to distribute in NBBP grant funding. Following the award of grants as set forth in this order and administrative costs, \$2,020,353.61 remains to be awarded. While these funds will carry over to the 2022 program year if not awarded, the Commission wishes to make every effort to distribute the full amount set aside by the Legislature for this program year. Therefore, the Commission will allow those applicants whose applications were denied due to a partial challenge to resubmit their application, with modifications, to remove the successfully challenged portion(s). Applications eligible for modification are noted on Attachment B to this order.

⁶ NBBP grant payments will be distributed within the Commission's monthly telecommunications payment process. Processing time for distributions may be up to thirty (30) days.

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Modified applications are due to the Commission on or before **January 28, 2022, at 5:00 p.m. Central Time**. Applications resubmitted should contain all attachments and forms originally required in this grant cycle, modified to reflect revised project costs and other necessary changes. Modified applications must remain within the geographic boundaries of the originally submitted application, as modified applications will be reviewed administratively and a challenge process will not be available for the modified applications.

Applications exceeding the remaining grant funds available will not be considered. Applicants are instructed to revise their projects appropriately with the consideration that \$2,020,353.61 remains available for grants. Applicants submitting a modified application may reduce the geographic size of the application and/or increase the applicant's percentage of matching funds as needed given the constraints of available remaining funds. Should the total amount requested in modified applications exceed the funding available, applications will be reviewed in accordance with the scoring system previously set out in this docket. Funds not distributed in this second round of consideration will be added to the amount available in the 2022 grant award cycle.

Project Completion and Testing

The deadline for completion of each of the projects listed in Attachment D shall be July 5, 2023. Each applicant must submit to the Commission on or before **July 5, 2023, at 5:00 p.m. Central Time** a certification that the broadband network described in the application has been completed. A template certification is attached to this order in Attachment E.

If an applicant is unable to complete the project by July 5, 2023, one extension of the deadline of up to six months may be available pursuant to Neb. Rev. Stat. § 86-1304(2)(a). Applicants seeking an extension must submit a request for extension to the Commission by **June 1, 2023, at 5:00 p.m. Central Time**. Applicants seeking an extension must include a detailed explanation of the circumstances and reasons surrounding the request, along with any and all relevant documentation for the Commission's review. Applicants who may need an extension are encouraged to submit a request for extension as soon as possible.

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Following an applicant's completion of the project, the applicant shall conduct speed testing.⁷ The number of locations to be tested is as follows:

Number of Locations in Application	Number of Test Locations
50 or fewer	5
51-500	10% of Total Number of Locations
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. Locations to be tested must be selected at random, and tests must be performed during times of peak usage. The results of these speed tests must be submitted to the Commission within thirty (30) days of project completion. Speed test results shall be submitted in both a summary and detailed format. A speed test certification form is included as Attachment F to this order.

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.

Following successful completion of the project and required speed testing, the final 50% of grant funding will be made available to applicants. Final payments may be adjusted based on actual eligible project costs and match percentage. Applicants must submit to the Commission documentation and invoices necessary to support the project costs no later than ninety (90) days following project completion. A cover sheet for submitting invoicing and documentation is included in Attachment G.

⁷ Neb. Rev. Stat. § 86-1304(3).

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the applications listed in Attachment D shall be funded. Each of the applicants awarded shall be required to complete the project by July 5, 2023, unless granted an extension by order of the Commission. All successful applicants listed in Attachment D shall be subject to speed testing requirements as required by Neb. Rev. Stat. § 86-1304 and as set forth above.

IT IS FURTHER ORDERED that each applicant must submit to the Commission on or before **July 5, 2023, at 5:00 p.m. Central Time** a certification that the broadband network described in the application has been completed. Applicants seeking an extension of this deadline must submit a request for extension to the Commission by **June 1, 2023, at 5:00 p.m. Central Time**.

IT IS FURTHER ORDERED THAT disbursement of the grant award shall be conducted as described above. The final disbursement of grant awards shall be conducted following review of submitted documentation of allowable costs, and the amount distributed to each applicant shall not exceed the grant award set forth in Attachment D to this order.

IT IS FURTHER ORDERED that successful applicants must immediately verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission.

IT IS FURTHER ORDERED that the challenges listed in Attachment B shall be upheld. Each of the Type 1 challengers listed in Attachment B must submit a letter of acknowledgement to the Commission by **February 5, 2022, at 5:00 p.m. Central Time**.

IT IS FURTHER ORDERED that each of the Type 2 challengers listed in Attachment B must submit to the Commission quarterly progress reports regarding their construction of service in the project area by the fifteenth day of the first month following each quarter, beginning in the second quarter of 2022, with the first progress report due to the Commission no later than **5:00 p.m. Central Time on April 15, 2022**.

IT IS FURTHER ORDERED that the Challengers listed in Attachment B must submit documentation to the Commission no later than **5:00 p.m. Central Time on July 5, 2023**, demonstrating that the challenger has fulfilled its commitment to deploy broadband

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Internet service with access to the Internet at the stated speeds in the proposed project area.

IT IS FURTHER ORDERED that applicants whose applications were denied as the result of a partial challenge shall be afforded an opportunity to submit a modified application for funding, excluding successfully challenged portions of the original application, to utilize the \$2,020,353.61 still remaining. Modified applications are due to the Commission on or before **January 28, 2022, at 5:00 p.m. Central Time.**

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 4th day of January, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Mary Keddin
Tim Schram

Don Watson

Chair

ATTEST:

Thomas W. Golden
Executive Director

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Commissioner Ridder, concurring:

This vote funding the first round of Nebraska Broadband Bridge ("Bridge") projects has some unique aspects to it. Beyond getting high speed broadband out in underserved and some unserved areas of the state, this is an opportunity to help fund two Public Private Partnerships ("PPP"), with the backdrop of the ongoing Legislative discussion concerning rural power's role in broadband buildout.

While these two projects are not unique in Nebraska, broadband PPP projects are desirable on so many levels: bigger pool of funding, more households built to, more buy-in on importance and uses of high-speed broadband, more entities working to solve funding difficulties of broadband builds, less government money needed when more participants funding builds, anchor build-outs, etc. No doubt this is why the Commissioners have been lobbied so heavily on an outcome when a vote has not yet taken place.

As with every new program at the Commission, we know that the Broadband Bridge Program in docket C-5272 will need adjustments. This is despite the efforts of our Commissioners and staff, as well as the comments at our public hearing, as we crafted our original order setting the guidelines for the program. After applications and challenges were received, it became apparent that the challenge process would need further adjustment prior to the next round of grants, similar to how Senators improve on bills they pass. That's the regulatory process of continually pointing the regulated industries towards the public good.

Seven Bridge project applications had overlap challenges where some locations were already being served by fiber, or had a fiber project underway or would soon have one underway per the rules of the program, and thus had approved challenges. Two of the seven projects withdrew their applications, three modified their applications, and two would not modify and wanted their projects to proceed as is.

Our rules are clear: a challenge is successful if locations in the project are already being served by fiber capable of speeds of 100/20 Mbps. Here is the rub. Not all areas in those two projects are receiving 100/20 Mbps. Unfortunately, the applicants did not know where the challenger had indicated locations where customers could and could not receive 100/20 Mbps speeds. Had the two PPP applicants decided to amend their applications, we would have provided them with the shapefiles of areas needing to be removed from their applications. This is how we would prevent overbuild

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with public money. We need to look at this again before the next grant round begins.

Furthermore, there was no prejudice against these two applications. The opposite is the case. Their applications were not originally complete and, as with other incomplete applications in this cycle, they were given the opportunity to amend the application so it could be considered for funding. This is no different than what the Commission has done many times in the past: we want carriers to build out, so we work with them to true their applications. The Commission wants Bridge dollars to go out the door and to bring high speed broadband to many communities and rural landscapes.

Included in this order is one more chance for those two applicants to amend. They are excellent projects with future looking opportunities and have the support of towns and counties as well as State Senators and organizations. Nearly \$2 million is no little thing and though it will not fully fund both applications, it can spur on builds to a substantial number of households and help complete the carrier's fiber ring which will be the springboard to even more rural household builds.

I sincerely appreciate the Nebraska Broadband Bridge Program conceived by Governor Ricketts and sponsored by Senators Friesen and Hilgers, and I am excited by the prospects of this year's projects and what next year's applicant pool will bring.



Commissioner Mary Ridder

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D I S S E N T

By Commissioner Rhoades:

As much as I wish I could support this order, I cannot. I do not believe the applications and challenges were given a full and fair review in accordance with the policies and procedures previously set forth by the Commission in our August 10 order or in the NBBP Program Guide we released at the same time. Because of this, the grant awards recommended for approval and denial may not be the best use of this program's funds. I am therefore voting against this order.

The Program Guide requires that a challenge to an application contain several specific items. Among these required items are customer lists of individuals subscribing to service located within the project area, evidence demonstrating that the 100/20 Mbps speed thresholds can be met by the challenger, and advertisement showing that speed is available for each of the project areas. Unfortunately, it does not appear that all challengers were held to this simple standard. Because of this, more challenges were upheld than should have been, meaning that applications which should have been approved were not. Nebraskans who could have obtained broadband through this program therefore will not be able to.

Additionally, some challenges submitted and upheld simply were not credible. In many cases the challenger just did not submit the information required for a successful challenge.

In our previous order the Commission stated:

"The Commission recognizes the concerns outlined by participants in this proceeding [about relying on 477 data]. However, the position of the Commission is that applications should be reviewed using the best available data. The Commission also does not wish to discourage applicants who may not have the means to conduct extensive speed testing from submitting an application for funding. Therefore, the Commission will initially review applications based upon Form 477 data, but will also consider any speed test data submitted by the applicant to supplement that information."

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Further, the Commission said that we wanted and set up a process that would "allow both the applicant and the challenging party to provide information and argument to support their respective positions." In our Program Guide the process is presented in detail.

Simply put, the Commission did not follow our own process. We failed to consider the speed data submitted by the applicants, and information provided by customers and elected officials who live in the area. As a result, service will not be provided to many locations which should have been able to receive it. Instead, the Commission accepted plant maps provided by carriers and their attestation that they were providing adequate service, despite strong evidence provided by others to the contrary. The plant maps submitted often showed limited fiber deployment and a heavy reliance of distribution of broadband over antique copper plant. It is well known and documented that copper cannot produce speeds of 100/20 Mbps over any substantial distance and it is unlikely these towns would provide an exception.

I am also particularly frustrated that carriers refused to provide individual customer information due to customer proprietary network information ("CPNI") confidentiality concerns. As the carriers are fully aware, CPNI would not apply to customer subscriptions to a broadband service or to government agencies. Furthermore, the Commission put in place a Protective Order in this docket to protect customer information. The Commission should not be upholding challenges from providers who are not forthcoming with required information.

Additionally, I am deeply troubled by the majority decision to hold Type 1 challengers to a different standard than Type 2 challengers with regard to serving the entire project area. Both Type 1 and Type 2 challengers should be required to serve the entire project area. Allowing Type 1 challengers to cherry pick who to serve while denying those customers an opportunity to be served by another carrier who is willing to serve all customers is counterproductive to the goals of the program. Embracing such thinking guarantees that certain customers will not be served by the incumbent carrier and that no competitor will be permitted access the funding necessary to provide them service either, which is the exact opposite of what the Commission has been tasked with accomplishing.

More generally, I am unimpressed with most of the applicants' digital inclusion plans. Many of the carriers failed to meet

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expectations with regard to explaining how they were going to improve affordability to disadvantaged customers on the heavily subsidized network. They are using government money to build these networks and they have a duty to provide service to disadvantaged populations in these communities at a lower cost than market rate because the public has paid for the network. They made a mockery of the digital inclusion plans in this round of applications. I advise them not to do that in subsequent rounds. Applicants should include plans with reduced pricing to low-income customers without reducing service quality or quantity - in other words, data caps. The plan should show the Commission what discount will be applied to the market rate price a provider intends to offer low-income customers, in addition to the Lifeline subsidy, to make broadband more affordable to those customers. That is what the statute and the public require of them.

I also have serious concern about the lack of transparency of this process. First, the Commission is too quick to accommodate protective orders. One of the major challenges to successful broadband deployment has been that the carriers assert that they should not have to disclose where they are deployed. That attitude is precisely why we have incomplete and insufficient data on what service is available to which customers. These networks are largely built with public money and the public has a right to know that these carriers used the money for its intended purpose. This is a competitive grant process. The Commission cannot facilitate the process properly if the applicants and challengers are not permitted to review the documents in their entirety and submit additional information to the Commission to rebut or affirm the contested facts. There is information under the protective order that further substantiates speed tests and letters of support submitted to the Commission by the applicant. It was improper for the Commission to conceal this information from the applicant, when it was one of the limited documents of the challenge that the challenger actually submitted and, in many cases, did more to support the applicant than the challenger.

While I understand the sensitivity of protecting customer information, we are not asking for information that most unserved and underserved customers would object to providing the Commission or the carriers. Name, address, level of service subscribed to, and availability and pricing are not things customers would object to providing the Commission if it results in them obtaining broadband services. Customers submitting data and sending letters of support have an expectation that this information will be

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public. Customers know the Commission is a public agency allocating public money, and they understand the need for accountability.

I also see a need for improvement to the procedural schedule. Going forward the Commission should set a date for applications, a date for notice of challenge, challenge deadline, response to challenge deadline, Commission finding on challenge with details on each challenge area, and then a date for project modification.

The Commission should also reconsider holding hearings on challenged applications. There is significant money being distributed and the Commission has a duty to the public to hold hearings to ensure that the record is complete and transparent.

I believe that instead of issuing these awards today, the Commission should instead re-review all challenges submitted, and discard any challenges which do not provide each required piece of information. If this review were performed, the Commission would be able to distribute the full \$20 million available in funding this year. While I support the construction of broadband infrastructure in Nebraska, the manner in which this year's grant awards are being distributed is in conflict with the Commission's own orders and directives adopted by the Nebraska Legislature in statute.

Accordingly, I dissent.


Commissioner Crystal Rhoades

Commission Docket No. C-5272
Nebraska Broadband Bridge Program – 2021 Grant Cycle
Attachment A: Applications and Challenges Received

Applicant Name	Project Name	Grant Request	Challenge 1	Challenge 2
ALLO Communications LLC	City of Schuyler	\$1,229,431.00	Vyve Broadband	
	City of Syracuse	\$787,958.00	Pinpoint	Windstream
	Community of Holland	\$450,461.00		
	Community of Martell***	\$376,467.00		
	Village of Davey	\$555,115.00	Windstream	
	Village of Panama	\$794,591.00	Windstream	
	Village of Roca	\$548,793.00	Windstream	
	Village of Sprague	\$570,115.00		
	Whitetail Lake, Columbus	\$265,885.00	Charter Communications	
ATC Communications	North Arapahoe Holbrook	\$327,673.00		
ATC Communications/ATCJet.net	Big Springs	\$259,775.00		
Consolidated Telco, Inc.	Madrid Town FTTH	\$93,585.00		
	Maywood Town FTTH	\$101,798.00		
	Wallace Town FTTH	\$139,101.00		
Consolidated Telecom, Inc.	Eustis Town FTTH	\$140,799.00		
Consolidated Telephone Company	Hyannis Town FTTH	\$129,667.00		
	Mullen Town FTTH	\$253,069.00		
	Theford Town FTTH	\$111,439.00		
Dalton Telephone Company	Dalton Broadband Infrastructure Improvements	\$471,261.00		
	Potter Broadband Infrastructure Improvements	\$504,922.00		
Diller Telephone/Diode Cable Company	North Ellis*	\$326,475.00		
Elsie Communications, Inc.	Elsie and Grinton Broadband Infrastructure Improvements	\$255,827.00		

Applicant Name	Project Name	Grant Request	Challenge 1	Challenge 2
Glenwood Telecommunications, Inc.	Fillmore County	\$909,376.00	Windstream**	
Glenwood Telecommunications, Inc. and South Central Public Power District	Glenwood & SCPPD	\$3,942,047.00	Windstream**	
Great Plains Communications	Bloomfield, Nebraska	\$1,708,787.00		
Hartington Telecommunications Co., Inc. dba Hartelco	North Star Project	\$788,411.00		
HunTel CableVision Inc., a Nebraska corporation	Leshara Extended*	\$776,000.00	Windstream**	Charter Communications
Inventive Wireless of Nebraska, LLC d/b/a Vistabeam	Chappell Fiber Project	\$392,380.00	CenturyLink	
Midstates Data Transport, LLC d/b/a Stealth Broadband	Duncan Lakes	\$177,425.05		
	Duncan	\$143,829.62		
	Elgin	\$492,866.86	Great Plains Communications	
	Lake Oconee	\$66,962.24		
	North Antelope County*	\$569,622.00	Nyecom/Plainview**	
	Oakdale	\$171,699.12	Great Plains Communications	
	Platte Center	\$160,874.35	Vyve Broadband	
Mobius Communications Company	Box Butte	\$249,240.00		
	Dawes County	\$987,607.00		

Applicant Name	Project Name	Grant Request	Challenge 1	Challenge 2
Nebraska Central Telephone Company (NCTC)	Ansley Village Limits Underserved	\$131,673.00		
	Arcadia Village Limits Underserved	\$82,209.00		
	Burwell City Limits Underserved	\$245,970.00		
	Dannebrog Village Limits Underserved	\$70,124.00		
	Rural Gibbon Underserved	\$23,125.00		
	Rural Ravenna Underserved	\$218,606.00		
	Rural Unserved With Federal Support	\$1,561,663.00		
	Rural Unserved With No Federal Support	\$1,134,284.00		
	Sargent City Limits Underserved	\$143,012.00		
Northeast Nebraska Telephone Company	Bringing Fiber Fast Internet to Emerson	\$750,000.00	HunTel	
Pinpoint Communications, Inc.	Gothenburg East	\$222,159.00		
	Harlan Naponee	\$363,024.00		
	McCook North East	\$181,141.25		
	McCook South	\$93,046.25	Great Plains Communications	
	Nemaha County*	\$870,400.00		
	North Omaha 24th Street	\$1,707,288.50	Cox Communications	CenturyLink
	Orleans	\$242,607.50		
	Peru*	\$150,596.50	Windstream**	
	Stamford	\$111,301.25		
	Wilsonville	\$76,700.00		
Skywave Wireless, Inc.	Bancroft Village	\$120,352.00	Great Plains Communications	
	Dodge Village	\$177,156.00	Great Plains Communications	
	Snyder Village	\$118,179.00	Great Plains Communications	

Applicant Name	Project Name	Grant Request	Challenge 1	Challenge 2
Stanton Telecom, Inc.	CrownRd Project	\$83,825.00		
Windstream Nebraska, Inc	Windstream - Ashland	\$82,293.00	Allo	
	Windstream - De Witt	\$31,747.00		
	Windstream - Eagle	\$35,637.00		
	Windstream - Edgar	\$28,497.00		
	Windstream - Fairbury	\$15,112.00		
	Windstream - Harvard	\$109,272.00		
	Windstream - Martell***	\$44,476.00		
	Windstream - Murray	\$27,731.00		
	Windstream - Nelson	\$13,582.00		
	Windstream - Plattsmouth NEBB1&2	\$122,648.00		
	Windstream - Plattsmouth NEBB29	\$36,698.00		
	Windstream - Syracuse	\$49,774.00	Pinpoint	
	Windstream - Union	\$61,114.00		
	Windstream - Weeping Water	\$97,780.00		
Windstream - Wymore	\$219,155.00			
TOTALS		\$30,085,292.49		

** denotes application that was modified after filing in response to a challenge*

*** denotes partial challenge*

**** denotes applications with significant overlap*

Commission Docket No. C-5272
Nebraska Broadband Bridge Program – 2021 Grant Cycle
Attachment B: Successful Challenges

Applicant Name	Project Name	Challenge 1	Challenge 1 Type	Challenge 1 Disposition	Challenge 2	Challenge 2 Type	Challenge 2 Disposition
ALLO Communications LLC	City of Schuyler	Vyve Broadband	1	Upheld			
ALLO Communications LLC	City of Syracuse	Pinpoint	2	Upheld	Windstream	1	Not credible
ALLO Communications LLC	Village of Davey	Windstream	1	Upheld			
ALLO Communications LLC	Village of Panama	Windstream	1	Upheld			
ALLO Communications LLC	Village of Roca	Windstream	1	Upheld			
ALLO Communications LLC	Whitetail Lake, Columbus	Charter Communications	1	Upheld			
Glenwood Telecommunications, Inc.	Fillmore County	Windstream	1	Upheld*			
Glenwood Telecommunications, Inc. and South Central Public Power District	Glenwood & SCPPD	Windstream	1	Upheld*			
Inventive Wireless of Nebraska, LLC dba Vistabeam	Chappell Fiber Project	CenturyLink	2	Upheld			
Midstates Data Transport, LLC d/b/a Stealth Broadband	Platte Center	Vyve Broadband	1	Upheld			
Northeast Nebraska Telephone Company	Bringing Fiber Fast Internet to Emerson	HunTel	1	Upheld			
Pinpoint Communications, Inc.	McCook South	GPC	1	Upheld			

Pinpoint Communications, Inc.	North Omaha 24th Street	Cox Communications	1	Upheld	CenturyLink	2	Duplicate; challenge moot
Windstream Nebraska, Inc	Windstream - Ashland	Allo	1	Application withdrawn; challenge moot			
Windstream Nebraska, Inc	Windstream - Syracuse	Pinpoint	2	Application withdrawn; challenge moot			

** denotes partial challenge. Applicant may modify application to remove challenged area*



Nebraska Broadband Bridge Program Challenge Progress Report

2021-2022 Program Year
Service Completion Deadline: July 5, 2023

Date of Report:

Challenger Name:

Challenged NBBP Application Project Name:

As required by order of the Nebraska Public Service Commission in Docket No. C-5272, providers who submitted a successful challenge in the 2021-2022 NBBP grant cycle must submit quarterly reports to the Commission documenting what steps were taken towards providing broadband service in the challenged area. Progress reports will be due on the fifteenth day of each quarter, or first business day thereafter, beginning on April 15, 2022.

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 able to be served at a minimum of 100/20 Mbps speed as of the date of this report.

Challenger Name:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Challenged NBBP Application Project Name:	
Description of the challenged area:	
Total number of locations in the challenged area:	
Number of locations in the challenged area served by challenger in October 2021:	
Number of locations in the challenged area currently served by challenger:	
Number of locations in the challenged area awaiting service:	
Estimated date of completion:	

Nebraska Broadband Bridge Program Challenge Progress Report

Narrative: Please provide a narrative account of steps taken by the challenger, since the filing of the previous challenge progress report, to fulfill its obligations to provide service to the challenged area. Please include a detailed description of any and all construction work in process, permits sought and obtained, speed tests conducted, and advertising undertaken within the challenged area. Relevant documentation and supporting information should be attached as needed.

Thank you for your participation in the Nebraska Broadband Bridge 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.

Click or tap to enter a date.

Printed Name of Officer or Agent

Date

Title of Officer or Agent

Signature of Officer or Agent

Commission Docket No. C-5272
Nebraska Broadband Bridge Program – 2021 Grant Cycle
Attachment D: Grant Awards

Applicant Name	Project Name	Locations Served	Disposition	Grant Award
ALLO Communications LLC	Community of Holland	88	Approve	\$450,461.00
	Community of Martell	60	Approve	\$376,467.00
	Village of Sprague	184	Approve	\$570,115.00
ATC Communications	NorthArapahoeHolbrook	30	Approve	\$327,673.00
ATC Communications/ATCJet.net	Big Springs	291	Approve	\$259,775.00
Consolidated Telco, Inc.	Madrid Town FTTH	158	Approve	\$93,585.00
	Maywood Town FTTH	190	Approve	\$101,798.00
	Wallace Town FTTH	202	Approve	\$139,101.00
Consolidated Telecom, Inc.	Eustis Town FTTH	274	Approve	\$140,799.00
Consolidated Telephone Company	Hyannis Town FTTH	198	Approve	\$129,667.00
	Mullen Town FTTH	420	Approve	\$253,069.00
	Theford Town FTTH	179	Approve	\$111,439.00
Dalton Telephone Company	Dalton Broadband Infrastructure Improvements	208	Approve	\$471,261.00
	Potter Broadband Infrastructure Improvements	225	Approve	\$504,922.00
Diller Telephone/Diode Cable Company	North Ellis	67	Approve as modified	\$326,475.00
Elsie Communications, Inc.	Elsie and Grinton Broadband Infrastructure Improvements	99	Approve	\$255,827.00
Great Plains Communications	Bloomfield, Nebraska	603	Approve	\$1,708,787.00
Hartington Telecommunications Co., Inc. dba Hartelco	North Star Project	118	Approve	\$788,411.00
HunTel CableVision Inc., a Nebraska corporation	Leshara Extended	847	Approve as modified	\$776,000.00

Applicant Name	Project Name	Locations Served	Disposition	Grant Award
Midstates Data Transport, LLC d/b/a Stealth Broadband	Duncan Lakes	143	Approve	\$177,425.05
	Duncan	183	Approve	\$143,829.62
	Elgin	495	Approve; Deny Challenge	\$492,866.86
	Lake Oconee	91	Approve	\$66,962.24
	North Antelope County	333	Approve as modified	\$569,622.00
	Oakdale	206	Approve; Deny Challenge	\$171,699.12
Mobius Communications Company	Mobius Box Butte	35	Approve	\$249,240.00
	Mobius Dawes County	106	Approve	\$987,607.00
Nebraska Central Telephone Company (NCTC)	Ansley Village Limits Underserved	274	Approve	\$131,673.00
	Arcadia Village Limits Underserved	197	Approve	\$82,209.00
	Burwell City Limits Underserved	414	Approve	\$245,970.00
	Dannebrog Village Limits Underserved	172	Approve	\$70,124.00
	Rural Gibbon Underserved	6	Approve	\$23,125.00
	Rural Ravenna Underserved	29	Approve	\$218,606.00
	Rural Unserved With Federal Support	218	Approve	\$1,561,663.00
	Rural Unserved With No Federal Support	126	Approve	\$1,134,284.00
	Sargent City Limits Underserved	295	Approve	\$143,012.00
Pinpoint Communications, Inc.	Gothenburg East	35	Approve	\$222,159.00
	Harlan Naponee	224	Approve	\$363,024.00
	McCook North East	56	Approve	\$181,141.25
	Nemaha County	98	Approve as modified	\$870,400.00
	Orleans	328	Approve	\$242,607.50
	Peru	88	Approve as modified	\$150,596.50
	Stamford	133	Approve	\$111,301.25
	Wilsonville	81	Approve	\$76,700.00
Skywave Wireless, Inc.	Bancroft Village	268	Approve; Deny Challenge	\$120,352.00

Applicant Name	Project Name	Locations Served	Disposition	Grant Award
	Dodge Village	320	Approve; Deny Challenge	\$177,156.00
	Snyder Village	176	Approve; Deny Challenge	\$118,179.00
Stanton Telecom, Inc.	CrownRd Project	18	Approve	\$83,825.00
Windstream Nebraska, Inc.	Windstream - De Witt	131	Approve	\$31,747.00
	Windstream - Eagle	179	Approve	\$35,637.00
	Windstream - Edgar	69	Approve	\$28,497.00
	Windstream - Fairbury	49	Approve	\$15,112.00
	Windstream - Harvard	368	Approve	\$109,272.00
	Windstream - Murray	70	Approve	\$27,731.00
	Windstream - Nelson	57	Approve	\$13,582.00
	Windstream - Plattsmouth NEBB1&2 - NE BBP	378	Approve	\$122,648.00
	Windstream - Plattsmouth NEBB29	60	Approve	\$36,698.00
	Windstream - Union	205	Approve	\$61,114.00
	Windstream - Weeping Water	380	Approve	\$97,780.00
	Windstream - Wymore	857	Approve	\$219,155.00
	Total:	12,392		\$17,771,964.39



Nebraska Broadband Bridge Program Certification of Project Completion

2021-2022 Program Year

As required by order of the Nebraska Public Service Commission in Docket No. C-5272, providers who submitted a successful application in the 2021-2022 NBBP grant cycle must submit a certification that the broadband network described in the application has been completed.

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 able to be served at a minimum of 100/100 Mbps speed as of the date of this report.

Date of Report:	
Applicant Name:	
Project Name:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Project Completion Date:	
Total number of locations to be served:	
Dates upon which speed testing will be performed:	
Number of locations at which speed testing will be performed:	

Thank you for your participation in the Nebraska Broadband Bridge 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 as a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

Click or tap to enter a date.

Printed Name of Officer or Agent _____ Date _____

Title of Officer or Agent _____

Signature of Officer or Agent _____



Nebraska Broadband Bridge Program Speed Test Certification

2021-2022 Program Year

As required by order of the Nebraska Public Service Commission in Docket No. C-5272, providers who submitted a successful application in the 2021-2022 NBBP grant cycle 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:	
Applicant Name:	
Project Name:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

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	5
51-500	10% of Total Number of Locations
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.

Nebraska Broadband Bridge Program Speed Test Certification

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, between 5 pm and 11 pm local time. At least one test per hour must be conducted during the test window, with one week of testing for each project approved. 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 Nebraska Broadband Bridge 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.

Click or tap to enter a date.

Printed Name of Officer or Agent

Date

Title of Officer or Agent

Signature of Officer or Agent



Nebraska Broadband Bridge Program Reimbursement Request

2021-2022 Program Year

As required by order of the Nebraska Public Service Commission in Docket No. C-5272, following project completion, providers who submitted a successful application in the 2021-2022 NBBP grant cycle shall submit all invoices justifying project expenses within ninety (90) days of project completion.

Please attach documentation supporting actual allowable costs incurred in the completion of this project. Final reimbursement requests will be reviewed by the Commission staff, and final payments may be adjusted based on actual allowable project costs and match percentage.

Date of Request:	
Applicant Name:	
Project Name:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Project Completion Date:	
Total Grant Award Amount:	
Total Eligible Project Costs Incurred:	
Agreed Upon Match Percentage:	
Total Reimbursement Received to Date:	
Final Reimbursement Amount Requested:	

Final Reimbursement Request Requirements:

The final reimbursement requests for projects under the Nebraska Broadband Bridge Program should include a cost summary detailing the following information:

- Date (i.e. date of the invoice)
- Amount (should only include allowable, project related amounts)
- Supporting documentation description (i.e. vendor name on the invoice, invoice number, and/or clearly label the documentation that is attached to the request)
- Description of the cost

Cost Summary Example:

Date	Amount	Documentation Description	Cost Description
2/1/2022	\$4,000	Invoice 123ABC	Site Inspection
3/15/2022	\$30,000	Invoice A	Fiber
4/1/2022	\$25,000	Invoice 5782	Contract Labor

Nebraska Broadband Bridge Program Reimbursement Request

The request must also include all supporting documentation (invoices, cost accounting documents, etc.). Examples of allowed and disallowed costs are available on the Commission website at: <https://psc.nebraska.gov/telecommunications/nebraska-broadband-bridge-program-nbbp>

If your company has an agreement with vendors regarding paperless billing, you must notify the Commission in a cover letter submitted with this reimbursement request. In the case of paperless billing, internal accounting system printouts that state the date, amount, invoice/PO number, vendor and description of the cost must be included.

Thank you for your participation in the Nebraska Broadband Bridge 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 as a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

[Click to enter text.](#)

[Click or tap to enter a date.](#)

Printed Name of Officer or Agent

Date

[Click to enter text.](#)

Title of Officer or Agent

Signature of Officer or Agent