

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-131
Public Service Commission, on)
its own motion, to establish) ORDER ISSUING REVERSE
reverse auction procedures and) AUCTION SCHEDULE AND
requirements.) PROCEDURES
)
) Entered: June 28, 2022

BY THE COMMISSION:

Background

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 (2018). On May 7, 2021, the Governor approved the Commission's Reverse Auction Rules and Regulations, which are now codified in 291 Neb. Admin. Code, Ch. 16. In its prior orders developing the reverse auction rules and regulations, the Commission committed to providing more detail to the reverse auction framework through general guidance documents such as progression orders.

In its June 29, 2021 Order, the Commission sought comment on several issues including a pre-auction vetting process, the term of support, developing the budget, deployment obligations, service obligations and reasonable comparability, areas eligible for support, reserve prices, the application process, the authorization and release of support, and noncompliance measures. Comments were received from Qwest Corporation d/b/a CenturyLink QC ("CenturyLink"), Cox Nebraska Telcom, LLC ("Cox"), the Nebraska Rural Broadband Association ("NRBA"), the Rural Independent Companies ("RIC"), Skywave Wireless, Inc. ("Skywave"), and USTelecom-the Broadband Association ("USTelecom").

A hearing was held on August 31, 2021 in Lincoln, Nebraska. Following that hearing, the Commission issued an order on February 1, 2022 setting forth certain procedures and processes for the 2022 reverse auction.¹ The Commission then held a workshop on March 29, 2022 for the purpose of setting out these procedures and inviting further comment. Pursuant to the workshop, the Commission

¹ Commission Docket No. NUSF-131, In the Matter of the Nebraska Public Service Commission, on its own motion, to establish reverse auction procedures and requirements, Order Establishing Reverse Auction Procedures and Scheduling Workshop (Feb. 1, 2022) ("Feb. 1 Order").

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 2

hereby issues the following schedule and procedures for the 2022 reverse auction.

Reverse Auction Budget

The Commission has determined that the budget for the 2022 Reverse Auction ("Auction") will be \$13,092,254. 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.

Eligible Areas and Bidding Tiers

The areas eligible for bids, also known as minimum bidding units (MBUs), will consist of census block groups. If there is significant overlap of census block groups across two or more of the exchanges included in the auction, the census block groups will be further subdivided. The MBUs will be assigned unique identifiers, which must be used by bidders when bids are submitted. The eligible areas will be released on the Commission website on or before Tuesday, June 28, 2022.

Bidding tiers will include two tiers. 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.

Application Forms and Requirements

Prior to the March 29 workshop, the Commission set out a draft Pre-Auction Application Form for the Auction. Upon review, the Commission finds that this form should be adopted, with modification. A copy of the modified form is attached hereto as Attachment A.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 3

Applicants will be required to provide the following in the Pre-Auction Application Form:

1. Documents showing a demonstrated history of at least two (2) years of service at speeds that meet the minimum requirements for the service tiers in which the Applicant would propose bidding, and experience with the technology to be used to complete the proposed deployment;
2. Subscribership information to demonstrate the Applicant's ability to run a successful broadband operation and serve its customers; and
3. Financial information documentation showing the Applicant's financial capability to bid on the proposed service areas.

Additionally, Applicants proposing to use technology other than fiber, or a combination of fiber and other technologies, must include an attestation from a qualified engineer describing the speed capabilities of the proposed technology.

Participants in the reverse auction must offer a standalone voice plan, as well as Lifeline and Affordable Connectivity Plan eligible service. Carriers who have previously returned NUSF support for the census blocks to be bid on in this reverse auction are not eligible to participate in the auction.

Approval of the Pre-Auction Application form and eligibility to participate in the Auction is not a guarantee that an entity will ultimately receive funding. Successful bidders must complete a Post-Auction Commitment Form and be approved by the Commission to receive funding. Successful bidders must also 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 two-year term of support. The Commission may revoke an entity's eligibility to participate in the Auction or receive funding at any time.

Financial Requirements

If an Applicant is audited in the ordinary course of business, an Applicant will be required to submit with the Pre-Auction Application its (or its parent company's) audited financial statements from the prior fiscal year, including net

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 4

income, cash flow, balance sheets, an opinion letter, and accompanying notes if such statements are available. If audited statements are not available, the Applicant must submit its (or its parent company's) unaudited financial statements in the pre-auction phase. If unaudited financial statements are provided with the Pre-Auction Application, the Applicant must also provide a statement certifying that if it is identified as a winning bidder, the audited financial statements will be provided with the Post-Auction Commitment Form.

In an effort to streamline the Commission's review of applications, an Applicant that submits audited financial statements with an auditor's clean opinion letter will be considered financially qualified to participate in the Auction.² Applicants that present audited financial statements that do not contain a clean opinion letter, as well as any Applicants that submit unaudited financial statements, will be subject to additional review of all financial statements provided with the Pre-Auction Application. In situations where the audited financial statements do not contain a clean opinion letter, Commission staff will determine whether the issue is material to participation in the auction. Applicants that submitted unaudited financials in pre-auction stage and later submit the required audited financial statements during the post-auction stage will be subject to additional review of financial capability at that time.

As the circumstances for each Applicant may differ, establishing specific parameters for the review of an Applicant's financials is impractical. Therefore, we will tailor the financial review based on the individual circumstances of each Applicant to determine whether concerns exist that are material to participation in the auction, or whether it is reasonable to expect

² An opinion letter is considered clean if it includes an unmodified opinion and does not contain an emphasis-of-matter paragraph relating to an entity's ability to continue operating as a going concern. An unmodified opinion is one where "the auditor concludes that the [audited] financial statements are presented fairly, in all material respects, in accordance with the applicable financial reporting framework." American Institute of Certified Professional Accountants, Clarified Statements on Auditing Standards ("AICPA Clarified Statements"), *Forming an Opinion and Reporting on Financial Statements*, AU-C §§ 700.18 - 700.20, "Form of Opinion." See also AICPA Clarified Statements, *Modifications to the Opinion in the Independents Auditor's Report*, AU-C §§ 705.08 - 705.10, "Determining the Type of Modification to the Auditor's Opinion;" AICPA Clarified Statements, *The Auditor's Consideration of an Entity's Ability to Continue as a Going Concern*, AU-C §§ 570.19 - 570.22, "Auditor Conclusions."

that the Applicant is financially capable of fulfilling NUSF reverse auction obligations.

Consortiums of Bidders

The Commission finds that Auction bidders may, under certain circumstances, participate as a consortium of bidders in order to facilitate the bidding process. Participants in a consortium must file an application to the Commission on or before Friday, July 15, 2022. The application for consortium must include a list of all consortium members, the consortium representative (or representatives) responsible for submitting bids, and the service history, subscribership, and financial information for each consortium member. If approved by the Commission prior to the start of the reverse auction, members of the consortium will only be able to submit bids through the consortium. Consortium members, including subsidiaries or business affiliates of members, will not be allowed to submit bids independent of the consortium.

Bidding Process

The Commission hereby adopts the bidding process outlined at the workshop in this docket for the 2022 Reverse Auction. Potential bidders must pre-qualify for the Auction, both as an entity and for the tier they wish to bid in. Bidders must pre-qualify by submitting the Pre-Auction Application form to the Commission by Friday, July 15, 2022. Applications will be reviewed by the Commission, and a list of qualified bidders will be issued on Tuesday, July 26, 2022.

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, which is the State Broadband Cost Model ("SBCM") modeled total investment for all of the eligible census blocks in the census block group.

Bidding will begin on Monday, August 8, 2022. 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 for that round. **Bids for each round must be**

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 6

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 bid sheet is attached to this order as Attachment B.³ 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 MBU(s) 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, August 8
Round 2	Wednesday, August 10
Round 3	Friday, August 12
Round 4	Tuesday, August 16
Round 5	Thursday, August 18
Round 6	Monday, August 22
Round 7	Wednesday, August 24
Round 8	Friday, August 26
Round 9	Tuesday, August 30
Round 10	Thursday, September 1

Should additional bidding rounds become necessary, each additional round will continue to occur every other business day, beginning on Tuesday, September 6, 2022.

Following the first round of bids, the Commission will review the bids received and assess the overall demand. The Commission

³ The initial bid sheet released on the Commission website in Excel format also includes an overview of each bidding unit.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 7

will then determine whether the demand for funding is above or below the Auction budget. 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. Additionally, successful bidders must certify that they will provide Lifeline and Affordable Connectivity Plan eligible service, comply with eligible telecommunications company 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.

Quiet Period

The Commission finds that beginning on Friday, July 15 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.⁴ 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:

1. All such written communications;
2. All memoranda stating the substance of all such oral communications; and
3. All written responses and memoranda stating the substance of all oral responses to the communication.

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.

Requirements of Winning Bidders; Speed Testing

Winning bidders will be subject to all requirements for buildout and post-buildout testing once the final award is

⁴ For purposes of the 2022 Reverse Auction, the term "participant" refers to all persons, entities, or consortiums submitting applications to participate in the 2022 Reverse Auction, as well as their agents, employees, and representatives.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 9

announced. Additionally, during the post-auction commitment form review stage, 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.

Following deployment of the completed network as outlined in the Post-Auction Commitment Form, participants must submit speed test information to the Commission. In the 2022 Reverse Auction, speed test data submitted to the Commission should follow the Performance Measures Testing standards set by the FCC with regard to its High Cost Universal Broadband ("HUBB") portal to the fullest extent possible.

The NUSF-131 Reverse Auction Speed Test Certification form should be used when reporting speed test information to the Commission. A copy of this form is attached to this order as Attachment D. The form can be accessed on the Commission's NUSF High Cost website and includes additional detail pertaining to this requirement. The speed tests should reflect actual download and upload speeds that are experienced by users, using a random sample of locations of subscribing consumers. The tests should occur during peak times of usage. A minimum of one test per hour should be conducted during the test window, with one week of testing for each project. The number of locations required to be tested will depend upon the number of locations within the project area, as outlined below:

Number of locations in application	Number of test locations
50 or fewer	10
51-500	10, or 10% of the total number of locations, whichever is greater
Over 500	50

To the extent possible, participants 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.

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.

If the network does not provide service at the speeds required pursuant to the second set of speed tests, the participant will be subject to penalties as described below.

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.

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 2022 Reverse 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, and civil penalties pursuant to Neb. Rev. Stat. § 75-156.

Procedural Schedule

The Commission finds that the Procedural Schedule attached hereto as Attachment E 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.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 11

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that opinions and findings set forth herein shall be, and they are hereby, adopted.

IT IS FURTHER ORDERED that the 2022 Reverse Auction shall proceed as set forth herein, beginning on Monday, August 8, 2022.

IT IS FURTHER ORDERED that the Pre-Auction Application Form attached hereto as Attachment A be adopted. Interested parties must submit this form to the Commission on or before Friday, July 15 to participate in the 2022 Reverse Auction.

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.

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 FINALLY ORDERED that the Procedural Schedule attached hereto as Attachment E be adopted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 28th day of June, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:



SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Page 12

Executive Director

COMMISSIONERS DISSENTING:



Commissioner Crystal Rhoades

NUSF-131 2022 Reverse Auction Pre-Auction Application Form

Section I: Applicant Details

1. Applicant/Entity name:	Click to enter text.
2. Applicant NE Code:	Click to enter text.
3. NETC Status: NOTE: Post auction, winning bidders must pursue any ETC application/amendment process that may need to be completed prior to support authorization.	Choose an item.
4. Applicant address:	Click to enter text.
4a. Applicant city:	Click to enter text.
4b. Applicant state:	Click to enter text.
4c. Applicant zip code:	Click to enter text.
5. Applicant contact (first and last name):	Click to enter text.
6. Applicant e-mail:	Click to enter text.
7. Applicant phone number:	Click to enter text.
8. Legal representative name (must be an attorney licensed to practice law in Nebraska):	Click to enter text.
9. Legal representative e-mail:	Click to enter text.
10. Legal representative phone number:	Click to enter text.

Section II: Bidding Details

11. Indicate the speed tier or tiers in which applicant intends to bid, and the proposed technology for the respective speed tier. Technologies other than fiber to the premise need to provide supporting documentation, including speed tests, proving that the technology can meet the required speed thresholds:

A. Baseline: $\geq 100/100$ Mbps; - Low Latency (≤ 100 ms)	Yes/No
Technology for Baseline tier	Click to enter text.
B. Gigabit ≥ 1 Gbps/500 Mbps; - Low Latency (≤ 100 ms)	Yes/No
Technology for Gigabit tier	Click to enter text.

12. Please provide the names and email addresses of the bidders authorized to bid (up to 3 bidders per applicant/entity allowed):

	Name of Bidder (Last, First)	E-mail Address
Authorized Bidder 1:	Click to enter text.	
Authorized Bidder 2:	Click to enter text.	
Authorized Bidder 3:	Click to enter text.	

Commission Docket No. NUSF-131

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.

- Technical Capability: Attach a detailed network proposal in addition to documents showing a demonstrated history of at least two (2) years of service at the speeds for which the applicant proposes to bid and with the technology to be used to complete the proposed deployment. (Attachment Letter: A)
- Financial Capacity: Attach documentation of financial information showing the applicant’s financial capability to bid on the proposed service areas. This should include audited financial statements along with an opinion letter when the applicant or its parent company are audited in the ordinary course of business. If the company is not audited in the ordinary course of business, unaudited financial statements from the prior fiscal year must be provided. If unaudited financial statements are provided with the pre-auction application, the applicant must also provide a statement certifying that if it is identified as a winning bidder, the audited financial statements and opinion letter will be provided with the post-auction commitment form. (Attachment Letter: B)
- Operational Capacity: Provide subscribership information for an existing network that currently provides the speeds in which the applicant intends to bid are currently being offered to customers. This information is required to demonstrate the ability of the applicant to run a successful broadband operation and serve its customers. Applicant should identify existing services in Nebraska, and the number of customers that subscribe to their services, separated by exchange. (Attachment Letter: C)
- The proposed Lifeline service plans of the applicant. (Attachment Letter: D)
- Information relative to whether the applicant participates in the FCC’s Affordable Connectivity Program (formerly Emergency Broadband Benefit Program) and how that participation may impact proposed service offerings to subscribers in auctioned areas. (Attachment Letter: E)
- Applications proposing to use technology other than fiber or proposing to use a combination of fiber and other technologies, must include an attestation from a qualified engineer describing the speed capabilities of the proposed technology, as well as speed test data from existing deployments that support the capability claim. (Attachment Letter: F)
- Attach documentation with details of the standalone voice plan and service plan currently offered by the application that provides broadband at the relevant performance tier and latency requirements at rates that are reasonably comparable to rates offered in urban areas. (Attachment Letter: G)

APPLICANT CERTIFICATION: By signing this statement, the applicant certifies that the information submitted on the application and all supporting documents are true and correct. The applicant agrees to refrain from any discussion of eligible areas, bids, bidding strategies, or agreements to bid or not bid on eligible areas with other participants at any point during the auction. 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. 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 (speed and latency) 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 civil penalties pursuant to Neb. Rev. Stat. § 75-156.

[Click to enter text.](#)

Printed Name of Authorized Person

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

Date

[Click to enter text.](#)

Title of Authorized Person

Signature of Authorized Person

**Commission Docket No. NUSF-131
Attachment A: Pre-Auction Application**

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 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 <i>(select from list)</i>
	Ex.: North_Platte_1000	
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NUSF-131 2022 Reverse Auction Post-Auction Commitment Form

Section I: Applicant Details

1. Applicant/Entity name:	Click to enter text.		
2. Applicant NE Code:	Click to enter text.		
3. Applicant's Nebraska ETC status:	Choose an item.		
4. Applicant address:	Click to enter text.		
4a. Applicant city:	Click to enter text.		
4b. Applicant state:	Click to enter text.		
4c. Applicant zip code:	Click to enter text.		
5. Applicant contact (first and last name):	Click to enter text.		
6. Applicant e-mail:	Click to enter text.		
7. Applicant phone number:	Click to enter text.		
8. Legal representative name (must be an attorney licensed to practice law in Nebraska):	Click to enter text.		
9. Legal representative e-mail:	Click to enter text.		
10. Legal representative phone number:	Click to enter text.		
11. Does the applicant currently report through FCC Form 477 the speeds they are committing to provide through this deployment?	Choose an item.	11a. If yes, does the applicant clearly offer the minimum speeds required on their public-facing website:	Choose an item.
11b. Provide the service provider's public-facing website URL that reflects the currently available speeds:	Click to enter text.		
12. Project Name:	Click to enter text.		
13. Estimated project completion date:	Click to enter text.		
14. Total number of locations to be served:	Click to enter text.		

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 (speed and latency) 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 civil penalties pursuant to Neb. Rev. Stat. § 75-156.

[Click to enter text.](#)

Printed Name of Authorized Person

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

Date

[Click to enter text.](#)

Title of Authorized Person

Signature of Authorized Person



NUSF-131 2022 Reverse Auction Speed Test Certification

As required by order of the Nebraska Public Service Commission in Docket NUSF-131, winning bidders in the 2022 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 2022 NUSF-131 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.

Printed Name of Officer or Agent Date

Title of Officer or Agent

Signature of Officer or Agent

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131

Attachment E

2022 Reverse Auction Procedural Schedule

<u>Event</u>	<u>Date</u>
NUSF-131 order entered Eligible bidding areas released	Tuesday, June 28
Pre-Auction Application Forms due	Friday, July 15
Qualified bidders released	Tuesday, July 26
Bidding begins	Monday, August 8
List of successful bidders released; deadline for post-auction application forms due	<i>TBD; Approximately 2 weeks post 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 Applications</i>

**Commission Docket No. NUSF-131
Attachment E: Procedural Schedule**