

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. C-5368
Public Service Commission, on)	
its own motion, to administer)	
the Nebraska Broadband Bridge)	ORDER DENYING MOTION FOR
Program in the 2022 program)	PROTECTIVE ORDER
year.)	
)	
)	Entered: July 12, 2022

BY THE HEARING OFFICER:

The Nebraska Public Service Commission ("Commission") initiated this proceeding on February 1, 2022 in order to administer the 2022 program year of the Nebraska Broadband Bridge Program ("NBBP"). On May 10, 2022, the Commission entered an order issuing required application criteria and a procedural schedule for the 2022 NBBP program year. Applications were due on or before July 1, 2022 at 5:00 p.m. Central Time. On May 12, 2022, the Hearing Officer in this docket entered a Protective Order, which provided that certain materials submitted as part of an application would receive confidential treatment.

Windstream Nebraska, Inc. ("Windstream") timely filed five NBBP applications for projects in or near Adams, Eagle, Sterling, Syracuse, and Yutan (the "Windstream applications"). On July 6, 2022, Windstream submitted a motion to the Commission seeking confidential treatment of materials submitted as part of each of the five Windstream applications. Specifically, Windstream seeks confidential treatment of the Attachment G submitted with the Windstream applications, stating that the attachment contains "information which may reflect Windstream's negotiated pricing with equipment vendors and Windstream's own internal financial modeling assumptions." Additionally, Windstream seeks confidential treatment of a document submitted as part of the Windstream applications and titled "Data Terms and Conditions," consisting of a Non-Disclosure Agreement between Windstream and its vendor. Windstream states that the document provides other applicants and challengers "no value for purposes of the grant program but does reveal proprietary information about Windstream's vendor agreements."

This motion is denied with regard to both Attachment G and the Data Terms and Conditions documents. The information contained in Attachment G is not of an unusually sensitive nature and is consistent with information submitted publicly by other applicants

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5368

Page 2

in the 2022 NBBP program year, as well as with information submitted by Windstream in the 2021 NBBP program year. Additionally, while the Commission required specific information be included regarding terms and conditions within attachments F and J, the Data Terms and Conditions document is not required to be submitted as part of a 2022 NBBP application and will not be considered as part of the Windstream applications' scoring. Neither Attachment G nor the Data Terms and Conditions document merit extension of the Protective Order beyond its current terms.

I find that denying these motions will not cause an undue burden to Windstream. Windstream will be granted one week from today's date to modify and resubmit Attachment G and the Data Terms and Conditions document, or to withdraw these items from the Windstream applications. However, if Windstream chooses to withdraw Attachment G, the applications will be considered incomplete and will not be eligible for scoring. Submission of the modified attachment will be due on or before **Tuesday, July 19, 2022, at 5:00 p.m. Central Time**. If Windstream does not resubmit or withdraw these items before this deadline, the Commission will proceed with publishing and scoring the application as originally submitted.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the Motion for Protective Order submitted by Windstream Nebraska, Inc., is hereby denied.

IT IS FURTHER ORDERED that Windstream Nebraska, Inc. may modify and resubmit the items referenced in its Motion for Protective Order, or withdraw these items, on or before **Tuesday, July 19, 2022, at 5:00 p.m. Central Time** by emailing the Commission at psc.broadband@nebraska.gov.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 12th day of July, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

BY:



Tim Schram
Hearing Officer