

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) ORDER ISSUING PARTIAL
the Nebraska Broadband Bridge) CHALLENGE DETERMINATIONS
Program in the 2022 program) AND RECLASSIFICATION OF
year.) APPLICATIONS
)
) Entered: October 25, 2022

BY THE COMMISSION:

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, following a comment period and hearing in this matter, the Commission released an order adopting the 2022 grant application schedule and application materials ("May 10 Order").

Pursuant to the procedural schedule released in the May 10 Order, applicants were required to submit applications on or before July 1, 2022. Applicants were given an opportunity to modify applications, correct defects in applications, and provide responses to challenges submitted until September 22, 2022.

Withdrawn and Incomplete Applications

Upon review of applications submitted, the Commission has determined that the following applications were either withdrawn or incomplete and are therefore not eligible for grant funding:

Applicant	Project Name
CenturyLink QC	Chadron
Pinpoint Communications, Inc.	Beaver Lake North
Spectrum Mid-America, LLC (Managed by Charter Communications)	Kimball County
	Cheyenne County East
	Cheyenne County North
	Cheyenne County West
	Scotts Bluff County
Windstream Nebraska, Inc.	Syracuse

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Reclassified Applications

Upon review of applications submitted, the Commission has determined that the following applications should be reclassified as follows:

Applicant Name	Project Name	Reclassified Priority Tier
Cox Nebraska Telcom, LLC	Springfield RDOF	3
Eagle Broadband Investments, LLC dba Vyve Broadband	Bellwood West Expansion	3
Northeast Nebraska Telephone Company	Dakota County east of Jackson	3
Pinpoint Communications, Inc.	Rural South Unadilla Syracuse	3
Pinpoint Communications, Inc.	Beaver Lake South	3

Applicants whose applications were reclassified to Priority Tier 3 must submit a Digital Inclusion Plan if one was not submitted with the original application. Digital Inclusion Plans will be due to the Commission on or before **Monday, November 14, 2022, at 5:00 p.m. Central Time**. If a Digital Inclusion Plan is not submitted for projects reclassified to Tier 3 prior to the deadline, the project will not be eligible for grant funding.

Partial Challenge Determinations

Upon review of the challenges to applications submitted, the Commission finds that the challenges listed in Attachment A to this order are partial challenges.¹ The Commission has reviewed the partial challenges listed in Attachment A and made determinations as to whether each listed challenge is credible pursuant to Neb. Rev. Stat. § 86-1307. Challenges listed in

¹ The determination of which challenges were partial challenges was made through reviewing location and mapping data for each application and the challenges submitted. Challenges which did not cover all locations in the application project area were determined to be partial challenges.

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Attachment A will therefore be upheld or denied as set forth in the Attachment.²

Both applicants and challenging parties should be advised that determinations on challenges are made independently of other factors regarding the viability of the original application. Therefore, determinations on challenges should not be considered an endorsement of the original application for funding. Determinations on the funding of applications will be released in December.

The applications listed in Attachment A received partial challenges rather than challenges to the entire project area. Those applications therefore may still be eligible for funding if the applicant submits a revised application removing the successfully challenged portion of the application. Revised applications will be accepted until **Monday, November 14, at 5:00 p.m. Central Time**. Applications not revised before that date will be considered withdrawn.

Successful Type 1 challengers must submit to the Commission an attestation that they will continue to provide 100/20 Mbps service in the entire challenged area on or before **November 1, 2022 at 5:00 p.m. Central Time**. These challengers will also be required to notify Commission should the challenger's service offerings in the area change.

Successful Type 2 challengers must submit to the Commission an attestation that they will proceed with the deployments identified in the respective challenge. This required attestation must be received on or before **November 1, 2022 at 5:00 p.m. Central Time**.

Successful challenges that were submitted as both Type 1 and Type 2 challenges must submit documentation as described above for each portion of the challenge. Those challengers must submit both the required attestation for the Type 1 portion of the challenge and the required attestation for the Type 2 portion of the challenge. Challengers are encouraged to reach out to

² Determinations as to the credibility of challenges determined to be "full" challenges, i.e., those covering all locations in the application project area, will be released on December 6, 2022.

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psc.broadband@nebraska.gov if assistance in meeting these requirements is needed.³

If a challenger does not submit the required attestation(s) by the deadline specified in this order, the Commission will deem the challenge incomplete and will inform impacted applicants of the revised challenge determination. Should a challenge be determined incomplete, the application will be considered without modification.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above findings be adopted.

IT IS FURTHER ORDERED that reclassified Tier 3 applications listed above must submit a Digital Inclusion Plan to the Commission by **November 14, 2022, at 5:00 p.m. Central Time** in order for the application to receive further consideration.

IT IS FURTHER ORDERED that successful Type 1 challengers must submit to the Commission an attestation that they will continue to provide 100/20 Mbps service in the entire challenged area on or before **November 1, 2022 at 5:00 p.m. Central Time**.

IT IS FURTHER ORDERED that successful Type 2 challengers must submit to the Commission an attestation that they will proceed with the deployments identified in the respective challenge on or before **November 1, 2022 at 5:00 p.m. Central Time, and** quarterly progress reports regarding the construction of service in the project area as described above.

IT IS FINALLY ORDERED that applicants who were successfully challenged in part may submit a modified application removing the challenged locations on or before **Monday, November 14, at 5:00 p.m. Central Time** in order to receive further consideration of the application.

³ Challengers submitting Type 2 challenges which result in an application, or portion of an application, not receiving funding will be required to submit quarterly progress reports demonstrating successful build-out to the service area. Additional instructions will be included in the Commission's forthcoming Order issuing grant awards and the remaining challenge determinations.

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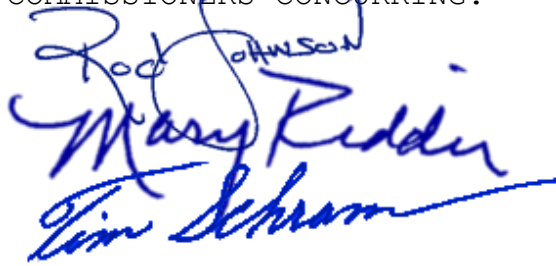
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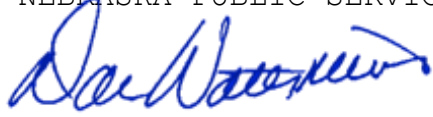
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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25th day of October, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Rod Johnson
Mary Kidder
Tim Schram


Chair

ATTEST:


Executive Director

COMMISSIONERS DISSENTING:


Commissioner Crystal Rhoades

Commission Docket No. C-5368
 Nebraska Broadband Bridge Program – 2022 Grant Cycle
Attachment A: Partial Challenge Results

Applicant Name	Project Name	Name of Challenger(s)	Challenge Type	Challenge Disposition
ALLO Communications LLC	Lincoln East O Street	Windstream	1	Denied
ALLO Communications LLC	Village of Davey	Windstream	1	Denied
ALLO Communications LLC	Village of Panama	Windstream	1	Denied
ALLO Communications LLC	Village of Princeton	Windstream	1	Denied
ALLO Communications LLC	Village of Roca	Windstream	1	Denied
ALLO Communications LLC	Walton	Windstream	1	Denied
AMG Technology Investment Group, LLC dba Nextlink Internet	AMG Technology_Project_South	Glenwood	1 & 2	Upheld
		Windstream	1	Denied
AMG Technology Investment Group, LLC dba Nextlink Internet	AMG Technology_Project_West	Mobius Communications	2	Upheld
CenturyLink QC	Gretna	AMG	2	Denied
Citizens Telecommunications Company of Nebraska ("Frontier")	Kearney	Allo	2	Upheld
Cox Nebraska Telcom, LLC	Capehart Rd	AMG	2	Denied
Cox Nebraska Telcom, LLC	County Rd 33-1	Blair Telephone	2	Denied
Cox Nebraska Telcom, LLC	County Rd 33-2	Blair Telephone	2	Denied

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 Nebraska Broadband Bridge Program – 2022 Grant Cycle
Attachment A: Partial Challenge Results

Applicant Name	Project Name	Name of Challenger(s)	Challenge Type	Challenge Disposition
Cox Nebraska Telcom, LLC	La Platte	AMG	1	Denied
Cox Nebraska Telcom, LLC	Springfield RDOF	AMG	2	Denied
Diller Telephone/Diode Cable Company	West Ellis	AMG	2	Denied
Eagle Broadband Investments, LLC dba Vyve Broadband	Bellwood West Expansion	AMG	1	Denied
Glenwood Telecommunications, Inc.	Fillmore County Phase 2	AMG	1 & 2	Denied
Glenwood Telecommunications, Inc.	Lewellen Rural	AMG	2	Denied
Glenwood Telecommunications, Inc.	Thayer County	AMG	2	Denied
Great Plains Communications	CR P 10	Cox	2	Denied
Great Plains Communications	Heller	Cox	2	Denied
		Blair Telephone	2	Denied
Inventive Wireless of Nebraska, LLC dba Vistabeam	Henry Fiber Project	CenturyLink	2	Upheld

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 Nebraska Broadband Bridge Program – 2022 Grant Cycle
Attachment A: Partial Challenge Results

Applicant Name	Project Name	Name of Challenger(s)	Challenge Type	Challenge Disposition
Midstates Data Transport, LLC d.b.a Stealth Broadband	Fremont to Omaha Rural	AMG	2	Denied
		Blair Telephone	2	Denied
Midstates Data Transport, LLC., d/b/a Stealth Broadband	Meadow Grove	Eastern Nebraska Telephone Company	2	Denied
NE Colorado Cellular, Inc., d/b/a Viaero Wireless	Franklin to Red Cloud	Glenwood Communications	1	Upheld
		AMG	2	Denied
		Eagle Broadband dba Vyve	1	Denied
Northeast Nebraska Telephone Company	Antelope County	AMG	1 & 2	Denied
Northeast Nebraska Telephone Company	Dakota County south of Hubbard	AMG	1 & 2	Type 1 challenge denied; Type 2 challenge upheld
Pinpoint Communications, Inc.	Rural Central Otoe County	AMG	1 & 2	Denied
Pinpoint Communications, Inc.	Rural South Nebraska City	AMG	1	Denied
Pinpoint Communications, Inc.	Rural South Unadilla Syracuse	AMG	2	Denied
Spectrum Mid-America, LLC (Managed by Charter Communications)	Cheyenne County East	Dalton	1	Application incomplete;

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 Nebraska Broadband Bridge Program – 2022 Grant Cycle
Attachment A: Partial Challenge Results

Applicant Name	Project Name	Name of Challenger(s)	Challenge Type	Challenge Disposition
				challenge not reviewed
Spectrum Mid-America, LLC (Managed by Charter Communications)	Cheyenne County North	Dalton	1 & 2	Application incomplete; challenge not reviewed
Spectrum Mid-America, LLC (Managed by Charter Communications)	Cheyenne County West	Dalton	2	Application incomplete; challenge not reviewed
Spectrum Mid-America, LLC (Managed by Charter Communications)	Kimball County	Dalton	1	Application incomplete; challenge not reviewed
Windstream Nebraska, Inc.	Adams_NEBRIDGE2022	AMG	2	Denied