

# 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 ON OBJECTIONS  
Program in the 2022 program )            TO CHALLENGES  
year. )  
)  
)            Entered: October 25, 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, 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. Challenges to applications were required to be submitted by September 2, 2022. Upon request by an Applicant, and in accordance with the Protective Order entered in this proceeding on May 12, 2022, Challengers were required to provide confidential challenge materials to Applicants who had completed a Nondisclosure Agreement within three business days of receipt of a request for materials.

On September 22, 2022, applicants Pinpoint Communications Inc., Diller Telephone Company, Glenwood Telecommunications Inc., and Midstates Data Transport, LLC d/b/a Stealth Broadband (collectively "Movants") jointly submitted an Objection to the Commission in this proceeding. The Movants stated that AMG Technology Investment Group, LLC d/b/a Nextlink Internet ("AMG") had failed to provide the Movants with certain challenge materials and attachments within the timeframe set forth in the Procedural Schedule and Protective Order. The Movants stated that this delay caused the Movants undue prejudice in responding to the challenges submitted to the Movants' applications. The Movants requested a hearing on this matter.

Upon review of the results of challenges and responses submitted, I find that each of the Movants did submit a response to the challenges, and that the information received in the challenges and in the responses to challenges was sufficient for

## SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Application No. C-5368

Page 2

Commission staff to make a determination on all of the challenges in question. As such, I find that a hearing on the Objection is not necessary and would impede the Commission's ability to award grants in this funding cycle in a timely fashion.

In making this determination, I note that the Commission expects good faith participation from all participants in the Nebraska Broadband Bridge Program. Actions that unfairly disadvantage other participants are strongly disfavored. While specific remedies for failure to exchange materials in a timely fashion were not set forth in the Protective Order for this docket, parties can expect that such remedies to become a part of the NBBP in future grant cycles. The provision of high-quality broadband service to all Nebraskans depends upon cooperation between all parties and the free exchange of accurate information. Participants in the NBBP are expected to adhere to that standard in all funding cycles.

### O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that a hearing on the Objection filed in this matter by Pinpoint Communications Inc., Diller Telephone Company, Glenwood Telecommunications Inc., and Midstates Data Transport LLC d/b/a Stealth Broadband is not necessary at this time.

IT IS FURTHER ORDERED that the Procedural Schedule previously set forth in this docket proceed without alteration.

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

NEBRASKA PUBLIC SERVICE COMMISSION

BY:



\_\_\_\_\_  
Tim Schram  
Hearing Officer