

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska )            Application No. CPF-1  
Public Service Commission, on )  
its own motion, to administer )  
federal Capital Projects Funds )            ORDER OPENING DOCKET  
for broadband development in )            AND RELEASING  
Nebraska. )            PROCEDURAL SCHEDULE  
)  
)  
)  
)            Entered: December 13, 2022

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") hereby initiates this proceeding on its own motion to administer federal Coronavirus Capital Projects Fund ("CPF") funding for broadband development in Nebraska pursuant to Neb. Rev. Stat. § 81-12,245 and in accordance with the Nebraska Broadband Bridge Act, Neb. Rev. Stat. §§ 86-1301 - 1312. Pursuant to statute, and in cooperation with the Department of Economic Development, the Commission will distribute CPF funding through the Nebraska Broadband Bridge Program ("NBBP") in grants for the purpose of facilitating and funding the development of broadband networks in unserved and underserved areas in Nebraska.<sup>1</sup>

Pursuant to Neb. Rev. Stat. § 81-12,245, at least \$40 million must be allocated to broadband infrastructure projects located within Nebraska's first congressional district ("District 1"), and at least \$40 million must be allocated to broadband infrastructure projects located within Nebraska's third congressional district ("District 3"). Projects located within District 3 must be awarded to projects in cities of the second class and villages.<sup>2</sup>

CPF funding is required to be spent by December 31, 2026.<sup>3</sup> Given that NBBP projects are given a minimum of eighteen months for completion, with extensions available,<sup>4</sup> the Commission intends

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<sup>1</sup> Neb. Rev. Stat. § 86-1303.

<sup>2</sup> It is the Commission's interpretation of Neb. Rev. Stat. § 81-12,245 that District 3 projects must be entirely located within the geographical boundaries of cities of the second class and villages.

<sup>3</sup> *Guidance for the Coronavirus Capital Projects Fund for States, Territories & Freely Associated States*, U.S. Department of the Treasury (September 2021), available at <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf>.

<sup>4</sup> Neb. Rev. Stat. § 86-1304(2)(b). Notably, the Nebraska Legislature modified this section in 2022, removing the restriction on extensions to only one six-

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to complete all funding awards in CPF-funded NBBP cycles by December 31, 2024, at the latest. The Commission further intends to allot time to conduct at least two CPF-funded grant cycles in order to ensure that all available funding can be awarded. Because CPF-funded NBBP cycles do not require a project match from applicants, the Commission finds that CPF-funded NBBP cycles should not be conducted concurrently with state-funded NBBP cycles which do require a project match. Finally, the Commission recognizes the pressing need for broadband deployment funding in Nebraska and wishes to expedite the grant award process to the greatest extent possible.

For the above-listed reasons, the Commission finds that the first CPF-funded NBBP grant cycle should be conducted in the first half of the calendar year 2023. Application materials, including application forms and detailed instructions, will be made public on **Tuesday, January 10, 2023**. Applications will be due to the Commission on **Friday, February 24, 2023**. Grant awards will be issued on **Tuesday, June 20, 2023**. A complete procedural schedule is included with this order as Attachment A.

The Commission recognizes that the procedural schedule set forth below does not allow for a formal comment and hearing period. However, interested parties are encouraged to reach out to the Commission via [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov) with any relevant questions or input.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and it is hereby, opened.

IT IS FURTHER ORDERED that the procedural schedule set forth in Attachment A to this order be hereby adopted, and the deadlines set forth within be adhered to.

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month extension. The statute as currently written allows for additional, and/or longer, extensions of time for project completion.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 13th day of December, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Swader*  
*Mary Keddin*  
*Tim Schram*

*David W. Johnson*

Chair

ATTEST:

*Thomas W. Golden*  
Executive Director

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### Attachment A: Procedural Schedule

<u>Event</u>	<u>Date</u>
Commission enters order setting out application materials	Tuesday, January 10, 2023
Application period begins	Thursday, February 9, 2023
Deadline to submit applications	Friday, February 24, 2023
Applications posted to Commission website	Wednesday, March 1, 2023
Notices of intent to challenge due to Commission and to Applicant	Wednesday, March 8, 2023
Challenges due	Friday, April 7, 2023
Commission to notify applicants of defects that must be cured and of areas of overlap with other applications	Wednesday, April 12, 2023
Commission to notify applicants of challenges received	Wednesday, April 12, 2023
Deadline for applicants to supplement or modify application defects and/or areas of overlap with other applications	Monday, April 24, 2023
Deadline for applicants to supplement challenged applications	Monday, April 24, 2023
Grant awards released; results of challenges released	Tuesday, May 23, 2023
State of Nebraska W-9 and ACH enrollment form due from successful applicants	Friday, June 9, 2023