

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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) ORDER MODIFYING GUIDANCE ON
federal Capital Projects Funds) ELIGIBLE AREAS
for broadband development in)
Nebraska.) Entered: January 24, 2023

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") initiated this proceeding on December 13, 2022 to administer federal Coronavirus Capital Projects Fund ("CPF")¹ 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. On January 10, 2023, the Commission released its Order Issuing 2023 Grant Application Schedule and Application Materials ("January 10th Order").

In the Commission's January 10th Order, the Commission discussed the statutory allocation for disbursement of CPF grants, and specifically cited Neb. Rev. Stat. § 81-12,245(1)(c), which provides that,

[n]o less than forty million dollars to eligible projects that are located within a congressional district which does not contain a city of the metropolitan class or a city of the primary class. Grants under this subdivision shall be awarded to eligible projects in cities of the second class and villages.

The Commission then referenced Neb. Rev. Stat. § 17-201 which contains a statutory definition for the term "village."

After a recent stakeholder meeting, the Commission was asked to provide guidance on the eligibility of villages with fewer than 100 residents. Upon further consideration of the issue, and because the Legislature did not specifically define "village" in § 81-12,245(1)(c) as those existing under § 17-201, the Commission hereby finds it is reasonable to infer that the legislation provides the Commission with the latitude to define the term "village" on its own as long as that interpretation is otherwise consistent with how such term is commonly used. Accordingly, to the extent that there are incorporated villages with fewer than 100 residents, these areas should be considered eligible project

¹ U.S. Department of Treasury ("Treasury"), Notice of Award, Coronavirus Capital Projects Fund, Federal Award Identification Number (FAIN) CPFFN0183.

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areas for the purpose of the CPF program in Congressional District Three.² The findings in the Commission's January 10th Order, and the Program Guide, which was attached thereto as Attachment D, shall be modified as provided herein.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that our January 10, 2023 Order Issuing 2023 Grant Application Schedule and Application Materials be, and it is hereby, modified as provided herein.

IT IS FURTHER ORDERED that the Program Guide which was attached thereto as Attachment D be modified accordingly.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 24th day of January, 2023.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:






Chair

ATTEST:


Executive Director

² For further reference, please see the State of Nebraska's website at <https://www.nebraska.gov/attractions/city-county/#gsc.tab=0> which contains a list of Nebraska villages, some of which have fewer than 100 residents.