

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5484
Public Service Commission, on)
its own motion, to administer)
the Nebraska Broadband Bridge) ORDER ISSUING PARTIAL
Program in the 2023 program) CHALLENGE DETERMINATIONS
year.) AND RECLASSIFICATION OF
) APPLICATIONS
)
)
)
) Entered: November 7, 2023

BY THE COMMISSION:

On March 7, 2023, the Nebraska Public Service Commission ("Commission") initiated this proceeding on its own motion to administer the 2023 program year of the Nebraska Broadband Bridge Program ("NBBP"). On May 16, 2023, following a comment period and hearing in this matter, the Commission released an order adopting the 2023 grant application schedule and application materials ("May 16 Order"). On June 13, 2023, the Commission entered an order revising the procedural schedule for this docket ("June 13 Order").

Pursuant to the procedural schedule released in the June 13 Order, applicants were required to submit applications on or before July 11, 2023. Applicants were given an opportunity to modify applications, correct defects in applications, and provide responses to challenges submitted until October 5, 2023.

Withdrawn Applications

Upon review of applications submitted, the Commission has determined that the following applications were withdrawn and are therefore not eligible for grant funding:

Applicant	Project Name
Consolidated Telco, Inc.	Paxton South Unserved
Consolidated Telecom, Inc.	Brady S. and Maxwell Unserved
Consolidated Telephone Company	Anselmo Unserved
Consolidated Telephone Company	Hyannis Unserved
Consolidated Telephone Company	Purdum Unserved
Eagle Broadband Investments, LLC dba Vyve Broadband	South Platte River Expansion

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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
Eastern Nebraska Telephone Company dba Fastwyre Broadband	Eastern Nebraska Telephone Company - Winnebago	Three
Great Plains Communications	Crofton Lakes	Three
Great Plains Communications	Rural Deshler	Three
Great Plains Communications	Scottsbluff North	Three
Mobius Communications Company	MOBIUS 23_NBBP DAWES COUNTY	Three
MOBIUS COMMUNICATIONS COMPANY	MOBIUS 23-NBBP_BBC	Three
Pinpoint Communications, Inc.	Beaver Lake South	Three
Pinpoint Communications, Inc.	Rural Beatrice1	Three

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 determinations made with regard to 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 a future Commission order.

The applications listed in Attachment A received partial challenges rather than challenges to the entire project area. Those applications which were successfully challenged therefore may still be eligible for funding if the applicant submits a revised application removing the successfully challenged portion of the application. The modified application should contain all attachments and forms originally required in this grant cycle, modified to reflect revised project costs and other necessary changes and documentation as to any other items that would differ once the successfully challenged portion is excluded from the grant award. The modified application should use the same technologies as originally proposed and should not extend beyond the original geographic boundaries of the application. Applicants may increase the amount they wish to contribute towards a proposed match percentage but cannot increase the amount of grant support being requested. Revised applications will be accepted until **Tuesday, November 28, 2023, 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 17, 2023 at 5:00 p.m. Central Time**. These challengers will also be required to notify the Commission should the challenger's service offerings in the area change.

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 in conjunction with grant awards.

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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 17, 2023 at 5:00 p.m. Central Time**. 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. Failure to submit progress reports may result in action by the Commission against the challenger.

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 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 17, 2023 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 17, 2023 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 **Tuesday, November 28, 2023 at 5:00 p.m. Central Time** in order to receive further consideration of the application.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 7th day of November, 2023.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

Tim Schram

Kevin Stocker

David W. ...

Chair

ATTEST:

Thomas W. Golden
Executive Director

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 2023 Nebraska Broadband Bridge Program
Attachment A: Partial Challenge Results

Applicant Name	Project Name	Name of Challenger(s)	Challenge Type	Challenge Disposition
ALLO Communications, LLC	Fremont-Dodge Municipal Inland Port Authority	Charter Communications	1	Denied ¹
AMG Technology Investment Group, LLC dba Nextlink Internet	AMG Technologyt_Adams2 Project_ NBBP 2023	Windstream	1	Denied ¹
Cox Nebraska Telcom, LLC	Cass-Sarpy	Charter Communications	1	Denied ¹
Cox Nebraska Telcom, LLC	Douglas-Washington	United Telephone of the West dba CenturyLink	1	Denied ⁴
Cox Nebraska Telcom, LLC	Douglas-Washington	United Telephone of the West dba CenturyLink	2	Denied ⁴
Eagle Broadband Investments, LLC dba Vyve Broadband	South Platte River Expansion	Windstream	1	N/A ³
Great Plains Communications	Scottsbluff North	Charter Communications	1	Denied ¹
Great Plains Communications	Scottsbluff North	United Telephone of the West dba CenturyLink	2	Denied ⁴
Hartington Telecommunications Co., Inc. (dba Hartelco)	Project A1	Great Plains Communication	2	N/A ²
Hartington Telecommunications Co., Inc. (dba Hartelco)	Project A2	Great Plains Communication	2	N/A ²
Hartington Telecommunications Co., Inc. (dba Hartelco)	Project B	Great Plains Communication	2	N/A ²
Hartington Telecommunications Co., Inc. (dba Hartelco)	Project C	Great Plains Communication	2	Approve
Hartington Telecommunications Co., Inc. (dba Hartelco)	Project D	Great Plains Communication	2	Approve

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Attachment A: Partial Challenge Results

Applicant Name	Project Name	Name of Challenger(s)	Challenge Type	Challenge Disposition
Inventive Wireless of Nebraska, LL dba Vistabeam	McGrew Fiber Project	Charter Communications	1	Denied ¹
Inventive Wireless of Nebraska, LL dba Vistabeam	Lodgepole Fiber Project	Dalton	1	Denied ¹
Inventive Wireless of Nebraska, LL dba Vistabeam	McGrew Fiber Project	United Telephone of the West dba CenturyLink	2	Denied ⁴
Mobius Communications Company	MOBIUS 23-NBBP_BBC	Charter Communications	1	Denied ¹
Spectrum Mid-America, LLC	Charter Communications - Mead & Yutan	Windstream	1	Denied ¹

¹Challenges are denied because the documentation submitted with the challenge does not meet the requirements. See Nebraska Broadband Bridge Program (NBBP) Guide Program Year 2023, Section 3.2 at pg. 11.

²Applications were revised to remove challenged area.

³Application was withdrawn.

⁴Challenger is disqualified from submitting challenges in the 2023 and 2024 Nebraska Broadband Bridge Program grant cycles pursuant to Commission Docket No. C-5272, Order Disqualifying CenturyLink Entities from Challenge Process, entered November 7, 2023.