

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-131
Public Service Commission, on) Progression Order No. 2
its own motion, to establish)
reverse auction procedures and) ORDER ISSUING INITIAL
requirements.) AUCTION RESULTS
)
) Entered: March 26, 2024

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") initiated this proceeding on June 29, 2021, to establish reverse auction procedures and requirements in order to carry out Neb. Rev. Stat. § 86-330. The Commission held its first reverse auction beginning on August 8, 2022 ("2022 Auction"). Results of the 2022 Auction were released on August 30, 2022. On March 14, 2023, the Commission entered an order seeking comment on various aspects of the reverse auction process. Following comments and a hearing in this matter, on November 7, 2023, the Commission entered an order ("Nov. 7 Order") revising the reverse auction procedures and issuing a procedural schedule for the 2024 reverse auction ("2024 Auction"). The Commission then entered an order on January 9, 2024, listing bidders qualified to participate in the 2024 Auction.

Auction Procedure and Bids Received

Pursuant to the Nov. 7 Order, the support available was divided between eligible areas within the Windstream Nebraska, Inc. ("Windstream") and Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska ("Frontier") service territories. The eligible areas within the Frontier service territory were allocated a total budget of \$15,996,054.50, and the eligible areas within the Windstream service territory were allocated \$5,845,893.00. Reserve prices for each minimum bidding unit ("MBU") were set at two and a half times the modeled cost to serve all locations within the MBU as determined by the State Broadband Cost Model. Bidders were able to bid in two speed tiers, the Baseline tier (100/100 Mbps) and the Gigabit tier (1G/500 Mbps).

Nine entities were designated as eligible to participate in the 2024 Auction:

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Allo Communications, LLC ("Allo")
Cox Nebraska Telcom, LLC ("Cox")
Citizens Telecommunications Company of Nebraska LLC
("Citizens")
Great Plains Communications ("Great Plains")
Hamilton Long Distance Company, Hamilton Telephone
Company, and Nebraska Central Telephone Company
("Hamilton Consortium")
Henderson Cooperative Telephone Company d/b/a
Mainstay Communications ("Henderson")
Midstates Data Transport, LLC d/b/a Stealth Broadband
("Midstates")
Northeast Nebraska Telephone Company ("NNTC")
Pinpoint Communications, Inc. ("Pinpoint")
Windstream Nebraska, Inc. ("Windstream")

Bidding began on January 22, 2024. Bidding rounds were conducted every other business day, and continued through the eighteenth and final round on March 11th, 2024.

Upon review of the bids submitted, the Commission makes an initial determination that bids should be awarded as set forth in Attachments A and B to this order.

Awarded MBUs, Project Areas, and Speed Testing

In the Nov. 7 Order, the Commission required that successful bidders must complete a Post-Auction Commitment Form and be approved by the Commission to receive funding.¹ The Commission also required that successful bidders submit a description of how the construction will be funded and must certify that they will have available funds for all project costs that exceed the amount of NUSF reverse auction support within the two-year term of support.²

¹ Nov. 7 Order at 9.

² *Id.*

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Winning bidders must submit a Post-Auction Commitment Form for each project they will complete pursuant to the 2024 Auction. The Commission finds that winning bidders are permitted to combine multiple awarded MBUs into a single project, provided that they explicitly identify the included MBUs in the Post-Auction Commitment Form and attached business plan. All MBUs awarded to a bidder must be accounted for by a Post-Auction Commitment Form. All MBUs within a single project must originate from the same service territory; Windstream and Frontier service territory MBUs may not be combined into the same project. Consortiums may distribute awarded MBUs among members of the consortium as they choose, but must clearly delineate which entity is assuming responsibility for each MBU.

The Commission further finds that the Post-Auction Commitment Form should be revised to include a field noting which MBUs will be included in each project. A revised Post-Auction Commitment Form is attached to this order as Attachment C, and available on the Commission website. Completed Post-Auction Commitment Forms should be submitted on or before **Friday, April 19, 2024 at 5:00 p.m.** by email to psc.nusf@nebraska.gov.

Upon deployment of the completed network, winning bidders will be subject to all speed testing requirements as set forth in the Nov. 7 Order. Speed testing for each project will be based upon the total number of locations within a project area. However, winning bidders must make every attempt to provide speed test results from each awarded MBU.

Quiet Period

The Commission further finds that the Quiet Period previously put in place in the 2024 Auction by order of the Commission should hereby end. Participants in the 2024 Auction may communicate with one another and the Commission regarding bids, bid strategy, eligible bid areas, and other related matters.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the bids submitted and listed in Attachments A and B to this order hereby shall receive initial approval.

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IT IS FURTHER ORDERED that the revised Post-Auction Commitment Form attached to this order as Attachment C shall be adopted, and shall replace the form previously issued in this proceeding.

IT IS FURTHER ORDERED that in order to receive final approval and the distribution of support, the companies listed on Attachments A and B must submit completed a Post-Auction Commitment Form for each 2024 Reverse Auction project assumed by the company to psc.nusf@nebraska.gov on or before **Friday, April 19, 2024 at 5:00 p.m. Central Time.**

IT IS FURTHER ORDERED that the companies listed on Attachments A and B must identify, through the Post-Auction Commitment Form, all MBUs awarded to that company and the project to which each MBU will belong.

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that upon final approval, winning bidders shall be required to complete the project by **Thursday, March 26, 2026 at 5:00 p.m. Central Time**, unless granted an extension by order of the Commission.

IT IS FURTHER ORDERED that each winning bidder receiving final approval must submit to the Commission, by email service to psc.nusf@nebraska.gov, on or before **Thursday, March 26, 2026, at 5:00 p.m. Central Time**, a certification that the broadband network described in the approved Post-Auction Commitment Form has been completed.

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that following a winning bidder's completion of the project, the winning bidder shall conduct speed testing as required by Commission Docket No. NUSF-133 within thirty days of project completion.

IT IS FINALLY ORDERED that the Quiet Period put in place for the course of the 2024 Reverse Auction shall hereby cease, and participants in the Auction may converse with one another regarding the auction.

*

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 26th day of March, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden

Executive Director

NUSF-131 – Attachment A
Frontier Auction Awards

MBU ID	Bidder Name	Winning Round	Winning Date	Award Amount
14071	Great Plains	11	2/20/24	\$ 525,303.04
14361	Great Plains	11	2/20/24	\$ 40,345.28
14371	Great Plains	11	2/20/24	\$ 17,659.83
14431	Great Plains	11	2/20/24	\$ 139,376.21
14451	Great Plains	11	2/20/24	\$ 8,343.30
14461	Great Plains	11	2/20/24	\$ 13,652.39
14741	Great Plains	11	2/20/24	\$ 213,227.84
14761	Great Plains	11	2/20/24	\$ 44,290.77
4611	Great Plains	11	2/20/24	\$ 7,698.55
8271	Great Plains	11	2/20/24	\$ 348,241.45
8351	Great Plains	11	2/20/24	\$ 193,215.27
8371	Great Plains	11	2/20/24	\$ 82,518.61
8411	Great Plains	11	2/20/24	\$ 103,955.84
8641	Great Plains	11	2/20/24	\$ 456,062.67
9951	Great Plains	11	2/20/24	\$ 66,971.31
14921	Hamilton Consortium	11	2/20/24	\$ 226,106.34
14991	Hamilton Consortium	11	2/20/24	\$ 473,927.91
15151	Hamilton Consortium	11	2/20/24	\$ 164,300.86
15281	Midstates	11	2/20/24	\$ 316,293.77
15631	Midstates	11	2/20/24	\$ 10,561.23
15641	Midstates	11	2/20/24	\$ 37,897.87
1571	Midstates	11	2/20/24	\$ 38,017.71
15721	Midstates	11	2/20/24	\$ 11,706.31
15741	Midstates	11	2/20/24	\$ 10,865.45
2861	Midstates	11	2/20/24	\$ 15,246.31
2881	Midstates	11	2/20/24	\$ 44,259.33
2921	Midstates	11	2/20/24	\$ 5,069.04
4211	Midstates	11	2/20/24	\$ 16,642.41
4221	Midstates	11	2/20/24	\$ 92,617.83
4241	Midstates	11	2/20/24	\$ 77,247.21
4401	Midstates	11	2/20/24	\$ 519,860.12
4521	Midstates	11	2/20/24	\$ 30,462.90
4581	Midstates	18	3/11/24	\$ 66,562.24
4591	Midstates	11	2/20/24	\$ 11,791.18
4601	Midstates	18	3/11/24	\$ 9,909.64
4651	Midstates	11	2/20/24	\$ 20,766.85
7694	Midstates	11	2/20/24	\$ 24,666.21
7695	Midstates	11	2/20/24	\$ 306,510.14
7696	Midstates	11	2/20/24	\$ 101,899.42
7701	Midstates	11	2/20/24	\$ 368,916.35

NUSF-131 – Attachment A
 Frontier Auction Awards

7703	Midstates	11	2/20/24	\$ 19,614.70
7731	Midstates	11	2/20/24	\$ 933,584.15
7732	Midstates	11	2/20/24	\$ 187,602.45
7742	Midstates	11	2/20/24	\$ 217,382.74
7743	Midstates	11	2/20/24	\$ 66,154.05
7744	Midstates	11	2/20/24	\$ 61,287.86
7745	Midstates	11	2/20/24	\$ 207,684.38
7746	Midstates	11	2/20/24	\$ 127,167.49
7771	Midstates	11	2/20/24	\$ 158,286.75
7772	Midstates	11	2/20/24	\$ 114,800.11
8051	Midstates	11	2/20/24	\$ 24,773.67
8063	Midstates	11	2/20/24	\$ 273,587.56
8064	Midstates	11	2/20/24	\$ 162,594.62
8111	Midstates	11	2/20/24	\$ 40,737.03
8152	Midstates	11	2/20/24	\$ 965,672.25
8171	Midstates	11	2/20/24	\$ 65,917.58
8192	Midstates	11	2/20/24	\$ 610,173.65
8211	Midstates	11	2/20/24	\$ 20,891.76
8212	Midstates	11	2/20/24	\$ 11,079.62
8213	Midstates	11	2/20/24	\$ 46,073.01
8222	Midstates	11	2/20/24	\$ 215,693.59
8341	Midstates	11	2/20/24	\$ 222,752.05
8342	Midstates	11	2/20/24	\$ 139,390.52
8401	Midstates	11	2/20/24	\$ 5,735.19
6051	Pinpoint	11	2/20/24	\$ 190,886.53
6101	Pinpoint	11	2/20/24	\$ 130,015.12
6111	Pinpoint	11	2/20/24	\$ 122,884.98
6121	Pinpoint	11	2/20/24	\$ 103,786.18
6131	Pinpoint	11	2/20/24	\$ 464,188.30
6141	Pinpoint	11	2/20/24	\$ 134,929.41
6201	Pinpoint	11	2/20/24	\$ 1,649,868.47
6261	Pinpoint	11	2/20/24	\$ 1,182,568.62
6262	Pinpoint	11	2/20/24	\$ 351,092.37
6291	Pinpoint	11	2/20/24	\$ 52,794.91
6301	Pinpoint	11	2/20/24	\$ 23,564.30
6321	Pinpoint	11	2/20/24	\$ 11,568.20
6371	Pinpoint	11	2/20/24	\$ 430,496.96
6381	Pinpoint	11	2/20/24	\$ 21,853.14
6391	Pinpoint	11	2/20/24	\$ 10,857.23
6471	Pinpoint	11	2/20/24	\$ 15,292.79
7311	Pinpoint	11	2/20/24	\$ 177,115.37

NUSF-131 – Attachment B
Windstream Auction Awards

MBU ID	Bidder Name	Winning Round	Winning Date	Award Amount
11331	Great Plains	13	2/26/24	\$ 7,280.60
1174	Great Plains	13	2/26/24	\$ 832,827.70
12951	Great Plains	13	2/26/24	\$ 130,738.10
2671	Great Plains	13	2/26/24	\$ 16,793.72
2681	Great Plains	13	2/26/24	\$ 5,919.64
3241	Great Plains	13	2/26/24	\$ 14,204.76
5651	Great Plains	13	2/26/24	\$ 40,462.76
5801	Great Plains	13	2/26/24	\$ 238,715.06
10271	Hamilton Consortium	13	2/26/24	\$ 153,317.97
11	Hamilton Consortium	13	2/26/24	\$ 85,295.49
14321	Hamilton Consortium	13	2/26/24	\$ 9,308.94
14691	Hamilton Consortium	13	2/26/24	\$ 51,189.55
1731	Hamilton Consortium	13	2/26/24	\$ 100,071.25
21	Hamilton Consortium	13	2/26/24	\$ 35,257.71
8461	Hamilton Consortium	13	2/26/24	\$ 163,980.18
10301	Pinpoint	13	2/26/24	\$ 62,212.90
10341	Pinpoint	13	2/26/24	\$ 6,027.32
10432	Pinpoint	13	2/26/24	\$ 656,435.00
10491	Pinpoint	13	2/26/24	\$ 123,066.15
10541	Pinpoint	13	2/26/24	\$ 10,573.94
10561	Pinpoint	13	2/26/24	\$ 88,859.68
10721	Pinpoint	13	2/26/24	\$ 19,799.42
10741	Pinpoint	13	2/26/24	\$ 108,656.58
10761	Pinpoint	13	2/26/24	\$ 98,233.00
10771	Pinpoint	13	2/26/24	\$ 743,066.45
10781	Pinpoint	13	2/26/24	\$ 11,540.65
10861	Pinpoint	13	2/26/24	\$ 114,343.80
11321	Pinpoint	13	2/26/24	\$ 142,401.16
11451	Pinpoint	13	2/26/24	\$ 44,355.44
11462	Pinpoint	13	2/26/24	\$ 114,224.43
11463	Pinpoint	13	2/26/24	\$ 265,207.41
11471	Pinpoint	13	2/26/24	\$ 71,851.76
11851	Pinpoint	13	2/26/24	\$ 74,778.66
11881	Pinpoint	13	2/26/24	\$ 52,867.80
12601	Pinpoint	13	2/26/24	\$ 25,397.11
12611	Pinpoint	13	2/26/24	\$ 133,050.97
12621	Pinpoint	13	2/26/24	\$ 143,910.97
12681	Pinpoint	13	2/26/24	\$ 88,430.42
12702	Pinpoint	13	2/26/24	\$ 596,210.37
7601	Pinpoint	13	2/26/24	\$ 35,933.80
7971	Pinpoint	13	2/26/24	\$ 10,081.86

NUSF-131 2024 Reverse Auction Post-Auction Commitment Form

Section I: Applicant Details

1. Applicant/Entity name:	Click to enter text.		
2. Applicant NE Code:	Click to enter text.		
3. Applicant's Nebraska ETC status:	Choose an item.		
4. Applicant address:	Click to enter text.		
4a. Applicant city:	Click to enter text.		
4b. Applicant state:	Click to enter text.		
4c. Applicant zip code:	Click to enter text.		
5. Applicant contact (first and last name):	Click to enter text.		
6. Applicant e-mail:	Click to enter text.		
7. Applicant phone number:	Click to enter text.		
8. Legal representative name (must be an attorney licensed to practice law in Nebraska):	Click to enter text.		
9. Legal representative e-mail:	Click to enter text.		
10. Legal representative phone number:	Click to enter text.		
11. Does the applicant currently report through the FCC the speeds they are committing to provide through this deployment?	Choose an item.	11a. If yes, does the applicant clearly offer the minimum speeds required on their public-facing website:	Choose an item.
11b. Provide the service provider's public-facing website URL that reflects the currently available speeds:	Click to enter text.		
12. Project Name:	Click to enter text.		
13. Estimated project completion date:	Click to enter text.		
14. Total number of locations to be served:	Click to enter text.		
15. List of all MBUs included in project (attach a separate page if necessary):	Click to enter text.		

Attach/Include:

Please label attachments as follows: “[Applicant Name]_[Attachment Letter].” If it is necessary to submit multiple attachments under one attachment letter category, label the attachments to identify the separate attachments. Ex. “[Applicant Name]_[Attachment Letter]_1”, “[Applicant Name]_[Attachment Letter]_2”, etc.

- A business plan for the proposed network that includes details of the project including a description of the network design, how the service area will be maintained throughout the useful life of the facilities, a description of any legal challenges that must be addressed prior to or during the project in question, such as local zoning, right of way, and permitting processes, and demonstrates capability to maintain the network over the long run. The plan should also include deployment timelines, financial analysis for the project, including a description of how project costs and expected revenue will result in financial viability of the project over the expected useful life of the facilities. (Attachment Letter: A)
- A funding breakdown must be attached in Excel format. This should include a proposed budget reflecting a clear and detailed breakdown of cost elements based on total project costs. This should also include the winning bid amount for the project area. (Attachment Letter: B)
- Auction participants are required to offer Lifeline service and participate in the FCC’s Affordable Connectivity Program (ACP). Attach documentation reflecting the Lifeline service plan and ACP offerings that will be made available to customers in the project area. (Attachment Letter: C)
- A statement from the applicant attesting that they will comply with all ETC certification requirements. (Attachment Letter: D)
- A statement from the applicant attesting that they will offer service to customers within the project area at the proposed speeds and at affordable rates as compared to the FCC’s national rate survey? (Attachment Letter: E)
- A statement from the applicant describing how the construction will be funded. (Attachment Letter: F)
- A statement from the applicant attesting that they will have available funds for all project costs that exceed the amount of NUSF reverse auction support within the two-year term of support. (Attachment Letter: G)
- If not provided with short-form application, a winning bidder must provide audited financial statements and opinion letter from the prior fiscal year. (Attachment Letter: H)

APPLICANT CERTIFICATION: By signing this statement, the applicant certifies that the information submitted on this form and all supporting documents are true and correct. The applicant agrees to perform and adhere to all requirements for funding, and to comply with all state and federal regulations and requirements pertaining to this program. In addition, the applicant agrees not to use equipment prohibited by the FCC within the network, to offer rates in the project area that are comparable to the rates offered by the applicant in urban areas outside the project area and as compared to the FCC’s national rate survey, to submit network performance testing information as prescribed by the Commission, and to complete the project build within two (2) years following the grant award unless granted an extension. The applicant acknowledges that failure to comply with the requirements of the Auction may result in penalties as determined by the Commission, including but not limited to civil penalties pursuant to Neb. Rev. Stat. § 75-156.

[Click to enter text.](#)

Printed Name of Authorized Person

[Click or tap to enter a date.](#)

Date

[Click to enter text.](#)

Title of Authorized Person

Signature of Authorized Person