

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## 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 )            ORDER SUSPENDING  
the Nebraska Broadband Bridge )            GRANT PAYMENTS  
Program in the 2023 program )  
year. )            Entered: August 6, 2024

BY THE HEARING OFFICER:

On March 7, 2023, the Nebraska Public Service Commission ("Commission") opened the above-captioned docket to administer the 2023 program year of the Nebraska Broadband Bridge Program ("NBBP"). On May 16, 2023, the Commission entered an order adopting the 2023 grant application schedule and issuing program materials, including the 2023 NBBP Program Guide ("Program Guide").<sup>1</sup> The Commission then entered an order in this proceeding issuing grant awards and the results of challenges ("Jan. 9 Order"). Pursuant to this order, Cox Nebraska Telecom, LLC ("Cox") was awarded \$1,004,336 to provide broadband service in the Cass and Sarpy County, Nebraska area ("Cass-Sarpy Project").<sup>2</sup>

On July 24, 2024, Cox filed a motion seeking to return the grant awarded to Cox to build the Cass-Sarpy Project. Pursuant to the Program Guide entered in this matter, the Hearing Officer entered an order on July 29, 2024 setting the motion for hearing to be held on September 17, 2024 at 10:00 a.m. Central Time in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln Nebraska, and via webconference.<sup>3</sup>

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<sup>1</sup> A copy of the Program Guide is available on the Commission's website at [https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/2023%20NBBP%20Program%20Guide Revised.pdf](https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/2023%20NBBP%20Program%20Guide%20Revised.pdf).

<sup>2</sup> The Hearing Officer Order entered on July 29, 2024 in this matter incorrectly identified the amount awarded to Cox in the Cass-Sarpy project. The correct amount of the award, as stated above and as listed in the Jan. 9 Order, is \$1,004,336.

<sup>3</sup> Remote access to the hearing will be available through the Commission's website, available at <http://psc.nebraska.gov/stream> (case sensitive).

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NBBP grants are distributed through installment payments, pursuant to the following schedule:

- 1/4 of the funds awarded will be distributed upon award of the grant,
- 1/4 of the funds awarded will be distributed in the ninth month following the grant award,
- 1/2 of the funds awarded will be distributed upon completion of the project, successful speed testing results, and receipt of invoice submittals to justify allowable expenses.<sup>4</sup>

Pursuant to this schedule, Cox has already received its first grant payment, in the amount of \$251,084. The second grant payment for the Cass-Sarpy project, also in the amount of \$251,084, is scheduled to be distributed to Cox in September, 2024. As described above, Cox has requested leave to return the Cass-Sarpy project award in its entirety. The motion will be heard on September 17, 2024. The Commission will not be able to enter an order on the motion until it has received the transcript of the hearing.<sup>5</sup>

Based on the foregoing information, I find that good cause exists for any further grant payments for the Cass-Sarpy project to be suspended until the Commission has entered an order on Cox's motion. Cox may continue to receive scheduled grant payments for its other awarded projects. No payments for the Cass-Sarpy project shall be issued to Cox unless otherwise ordered by the Commission.

## O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that any further payments to Cox Nebraska Telecom, LLC for the Cass-Sarpy project shall be suspended until otherwise ordered by the Commission.

IT IS FURTHER ORDERED that a hearing in this matter shall proceed as previously ordered on **Tuesday, September 17, 2024 at 10:00 a.m. Central Time** in the Commission Hearing Room, 1200 N

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<sup>4</sup> 2023 NBBP Program Guide, at 18.

<sup>5</sup> See Neb. Rev. Stat. § 75-128. Current transcript turnaround times range between two and four weeks.

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Street, Suite 300, Lincoln, Nebraska and via videoconference as previously set forth.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of August, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

BY:



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Dan Watermeier  
Hearing Officer