

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. C-5640
Public Service Commission, on)	
its own motion, to administer)	
the Nebraska Broadband Bridge)	ORDER HOLDING 2025 GRANT
Program in the 2025 program)	PROGRAM IN ABEYANCE
year.)	
)	
)	Entered: May 13, 2025

BY THE COMMISSION:

On March 4, 2025, the Nebraska Public Service Commission ("Commission") initiated this proceeding on its own motion to administer the 2025 program year of the Nebraska Broadband Bridge Program ("NBBP"). In the order opening this docket ("Mar. 4 Order"), the Commission set forth a draft procedural schedule, as well as several issues for comment relating to the administration of the program.

E V I D E N C E

Comments were due to the Commission by March 25, 2025. Comments were received from one party, Windstream Nebraska, Inc. ("Windstream"). No other comments were received.

A hearing in this matter was held on April 7, 2025. Sallie Dietrich appeared on behalf of the Telecommunications and NUSF Department of the Commission ("Department"). Exhibits numbered 1 through 4 were offered and accepted, including Windstream's above-described comments submitted in this matter.

Cullen Robbins, director of the Telecommunications and NUSF Department, testified on behalf of the Department. Mr. Robbins noted that since the program's inception in 2021, NBBP grants have reached nearly 18,000 households, about 6,100 of which were unserved.¹ Mr. Robbins stated that he considers this a very successful program which is achieving its purpose of developing broadband networks in unserved and underserved areas of Nebraska.²

¹ Transcript at 7.

² *Id.*

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5640

Page 2

Mr. Robbins noted that appropriations for the program for the next biennium were uncertain, and that the Nebraska Broadband Office ("NBO") would be deploying Broadband Equity, Access, and Deployment ("BEAD") funds to reach the remaining unserved locations in Nebraska.³ He also noted that only one comment was received this year, which suggested pausing the program.⁴ However, Mr. Robbins stated that the Commission has an ongoing statutory obligation to administer the program, and to lay out a potential path forward which would not conflict with BEAD Designated Project Areas ("DPAs").⁵ Mr. Robbins therefore recommended that application areas should be restricted to areas which are not part of a BEAD DPA.⁶ Project applications which overlap a DPA would need to be modified to remove the overlap in order to be considered.⁷

Mr. Robbins then testified that pursuant to ongoing oversight and review processes with the State Auditor's office, he recommended that the term "broadband network" be defined for purposes of NBBP.⁸ He noted that pursuant to the Nebraska Broadband Bridge Act, grants are prioritized into tiers, and tier one projects must not have received public assistance for the development of a broadband network.⁹ Mr. Robbins stated that while the Commission has never explicitly defined the term "broadband network," staff has used an informal working definition for the purposes of NBBP.¹⁰ Mr. Robbins stated that the working definition is a wireline network which provides at least 100 by 20 megabits per second.¹¹ Mr. Robbins recommended that this definition be formally incorporated into program guidance moving forward.¹²

³ *Id.* at 7-8.

⁴ *Id.* at 8; Exhibit 3 (Comments of Windstream).

⁵ Transcript at 8.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 9.

⁹ *Id.* at 9-10. See generally Neb. Rev. Stat. §§ 86-1301 - 86-1312 (repeatedly using the term "broadband network" but without providing a definition).

¹⁰ Transcript at 10.

¹¹ *Id.*

¹² *Id.*

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5640

Page 3

Mr. Robbins then discussed other items put forth in the Mar. 4 Order. First, he recommended that applicants no longer be required to participate in the Affordable Connectivity Program ("ACP"), as funding for ACP is no longer available.¹³ However, he noted that applicants should still commit to participating in any subsequent program if one is initiated.¹⁴

Mr. Robbins then discussed customer drop costs. In the Mar. 4 Order, the Commission asked whether customer drop costs should be required to be covered by the awardee following the completion and close-out of a project. Mr. Robbins noted that currently, NBBP awardees can be reimbursed for customer drops that are completed within the period of performance.¹⁵ However, after the date of completion, drop costs are not reimbursable.¹⁶ Mr. Robbins recommended that going forward, all drop costs within the project area should be the responsibility of the company once the project is complete.¹⁷

Mr. Robbins also recommended providing additional time for staff to review an applicant's financial capability due to the complexity of the review.¹⁸ He stated that providing additional time to work with applicants on this topic would be helpful.¹⁹

Mr. Robbins further testified that some NBBP and Capital Projects Fund projects have come in significantly under budget.²⁰ He noted that some costs in project applications may be estimates and some latitude may be needed due to fluctuating costs.²¹ However, Mr. Robbins recommended that the Commission have the ability to work with applicants if costs seem unreasonable or unrealistic.²² This additional review would be based on materials provided in the

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 11.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 11-12.

¹⁹ *Id.* at 12.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5640

Page 4

application, as well as the Commission's understanding and knowledge of market prices, labor, and materials.²³

Finally, Mr. Robbins recommended that the procedural schedule, challenge process, and updated benchmark rates should be adopted as outlined in the Mar. 4 Order.²⁴

Following Mr. Robbins' testimony, no further testimony or evidence was offered, and the hearing was adjourned.

O P I N I O N A N D F I N D I N G S

The Commission appreciates the continued discussion and input offered by participants in the Nebraska Broadband Bridge Program. Upon consideration of submitted comments and testimony, as well as ongoing discussion at the Nebraska Legislature, the Commission finds that the 2025 Nebraska Broadband Bridge Program should be held in abeyance, pending determination of funding to be made available for the program. At present, it is the understanding of the Commission that funding is unlikely to be made available for the issuance of new grants.²⁵ Therefore, the Commission finds that this docket should be held in abeyance until the Legislature is able to finalize its budget for the 2025-2026 biennium.

The procedural schedule proposed previously in this docket is hereby rescinded. No further action shall take place in this docket until the close of the 2025 legislative session. Following that date, the Commission may issue further orders in this docket seeking additional comment and/or taking further action.

²³ *Id.*

²⁴ *Id.* at 12-13.

²⁵ See generally LB 261 (2025) and adopted amendments, including AM 832, Section 67. Funding awarded to grants issued in previous program years but not yet issued to carriers continues to be allocated to the program, as of the date of this order.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5640

Page 5

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the 2025 Nebraska Broadband Bridge Program shall be held in abeyance until June 10, 2025, or later.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 13th day of May, 2025.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler
[Signature]
Kevin Stacker
Don Watson

Tim Schram

Chair

ATTEST:

Thomas W. Golden
Executive Director