

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-5561  
Public Service Commission, on )  
its own motion, to administer ) ORDER ISSUING PARTIAL  
the Nebraska Broadband Bridge ) CHALLENGE DETERMINATIONS  
Program in the 2024 program ) AND RECLASSIFICATION OF  
year. ) APPLICATIONS  
)  
) Entered: December 3, 2024

BY THE COMMISSION:

On February 6, 2024, the Nebraska Public Service Commission ("Commission") initiated this proceeding on its own motion to administer the 2024 program year of the Nebraska Broadband Bridge Program ("NBBP"). On May 14, 2024, the Commission released an order adopting the 2024 grant application procedural schedule and application materials ("May 14 Order"). The Program Guide was then adjusted via Commission order dated June 25, 2024.

Pursuant to the procedural schedule issued in the May 14 Order, applicants were required to submit applications on or before July 8, 2024. Applicants were given an opportunity to modify applications, correct defects in applications, and provide responses to challenges submitted until September 27, 2024.

**Withdrawn Applications; Reclassified Applications**

Since the original filing of applications, ATC Communications withdrew its application for the Canyon Lakes project. That project is therefore considered withdrawn and is not eligible for grant funding.

Additionally, upon review of applications submitted, the Commission determined that no applications should be reclassified to a different priority tier based on the information submitted. Each application filed will therefore be considered under the priority tier listed in the application materials.

**Partial Challenge Determinations**

Upon review of the challenges to applications submitted, the Commission finds that all of the challenges submitted in this

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proceeding are partial challenges.<sup>1</sup> The Commission has reviewed the partial challenges received and has made determinations as to whether each challenge is credible pursuant to Neb. Rev. Stat. § 86-1307. Each challenge will be upheld or denied as set forth below.

Applicant Name	Project Name	Name of Challenger	Challenge Type	Challenge Disposition
Allo Communications LLC	112th and Holdrege	Windstream Nebraska, Inc.	2	Upheld
Allo Communications LLC	Fremont to Schuyler	Eagle Broadband Investments, LLC d/b/a Vyve Broadband	1	Denied
Allo Communications LLC	Northwest Kearney	Great Plains Communications	2	Denied
ATC Communications	Canyon Lakes	Spectrum Mid-America, LLC	1	N/A – Application withdrawn

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. No additional challenges were submitted in this proceeding or remain for determination by the Commission.

The applications listed above 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

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<sup>1</sup> The determination as to whether a challenge was a partial challenge was made through reviewing location and mapping data for each application and the challenges submitted. Challenges which did not cover all locations in the challenged application project area were determined to be partial challenges.

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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, December 17, 2024, at 5:00 p.m. Central Time**. Applications not revised before that date will be considered withdrawn.

Successful Type 2 challengers must submit to the Commission an attestation that they will proceed with the deployments identified in the respective challenge.<sup>2</sup> This required attestation must be received on or before **Friday, December 13, 2024, at 5:00 p.m. Central Time**. If the attestation is not received by this deadline, the challenge will be considered unsuccessful, and the project challenged may be funded without modification.

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 2 challengers must submit to the Commission an attestation that they will proceed with the deployments identified in the respective challenge on or

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<sup>2</sup> No Type 1 challenges were received in this proceeding.

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before **Friday, December 13, 2024, 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 **December 17, 2024, at 5:00 p.m. Central Time** in order to receive further consideration of the application.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 3rd day of December, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Eric M. Hamler*

*[Signature]*

*Tim Schram*

*Kevin Stocker*

*[Signature]*

Chair

ATTEST:

*Thomas W. Golden*  
Executive Director