

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. 3
its own motion, to establish )
reverse auction procedures and ) ORDER RELEASING FINAL AUCTION
requirements. ) AWARDS, IN PART
)
) Entered: November 19, 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 (2018). Following the receipt of comments from interested parties and a hearing in this matter, the Commission entered an order setting forth the procedures for an upcoming auction ("Second 2024 Auction"), announcing qualified bidders, and adopting a procedural schedule ("June 25 Order"). The Commission then held the Second 2024 Auction, which commenced on July 29, 2024.

1. Auction Awards

Pursuant to the June 25 Order, the Commission entered an order on September 24, 2024, issuing initial auction results for the Second 2024 Auction ("September 24 Order"). The Commission then entered an order nunc pro tunc on October 8, 2024, correcting the issuance of the initial auction results. In the September 24 Order, the following entities were issued preliminary awards in the Second 2024 Auction:

- Consolidated Telephone Company ("Consolidated")
Glenwood Telecommunications, Inc. ("Glenwood")
Great Plains Communications, LLC ("Great Plains")
Hamilton Long Distance Company, Hamilton Telephone Company, and Nebraska Central Telephone Company ("Hamilton Consortium")
Northeast Nebraska Telephone Company ("NNTC")
Pinpoint Communications, Inc. ("Pinpoint")
Windstream Nebraska, Inc. ("Windstream")

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Each of the winning bidders was required to submit a Post-Auction Commitment Form for each project they will complete pursuant to the Second 2024 Auction. As part of the Post-Auction Commitment Form, winning bidders were required to submit documentation including a business plan for the proposed network, a detailed description of the project funding, and attestations as to the carrier's compliance with eligible telecommunications carrier requirements and ability to serve all customers within the project area at the speeds required by the auction. The Post-Auction Commitment Form was required to be submitted on or before Friday, October 25, 2024. Auction participants who did not submit audited financial statements in the Pre-Auction Application were required to submit audited financial statements and an opinion letter with the Post-Auction Commitment Form.<sup>1</sup>

The Commission has reviewed all Post-Auction Commitment Forms and attachments submitted and has determined that all but one of the awardees have met the requirements for the issuance of awards in the Second 2024 Auction. The initial awards set forth in the September 24 Order in this docket, as corrected by the October 8, 2024, nunc pro tunc order, may therefore be issued to the listed bidders.

## *2. Submission of Audited Financial Statements*

One participant receiving initial reverse auction awards, Consolidated, did not submit audited financial statements in its Pre-Auction Application. Consolidated has communicated with the Commission that it is in the process of obtaining audited financial statements, but was unable to provide them by October 25. Consolidated has further communicated to the Commission that it has engaged an auditing firm, which estimates that it will be able to provide audited financials to Consolidated by the end of January 2025.

The Commission finds that good cause exists to allow Consolidated additional time to submit audited financial statements in order to receive awards in the Second 2024 Auction. Consolidated will therefore be granted until **February 28, 2025, at 5:00 p.m. Central Time** to submit its audited financial statements to the Commission. If Consolidated's audited financial statements are not received, the Commission reserves the right to withdraw

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<sup>1</sup> See June 25 Order at 11.

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its initial auction awards to Consolidated and to redirect the funding for those awards to a future reverse auction or rural-based plan.

### 3. *Speed Testing*

The Commission further notes that since the procedures for the Second 2024 Auction were set forth, in the June 25 Order in this matter, the Commission has revised the speed testing requirements generally applicable to the Commission's projects, including Reverse Auction projects.<sup>2</sup> The revised speed testing requirements were adopted on a prospective basis, such that projects completed pursuant to the Second 2024 Auction must meet the revised requirements. The Commission therefore finds that the Speed Test Certification Form previously issued in this docket should be revised. A revised version Speed Test Certification Form is attached hereto as Attachment A. The Commission encourages winning bidders in the Second 2024 Auction to review the revised speed testing requirements set forth in Commission Docket No. NUSF-133, Progression Order No. 1, and to contact the Commission with any questions or issues that arise during speed testing.<sup>3</sup>

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the awards previously set forth in this docket for Glenwood Telecommunications, Inc.; Great Plains Communications, LLC; Hamilton Long Distance Company, Hamilton Telephone Company, and Nebraska Central Telephone Company; Northeast Nebraska Telephone Company; Pinpoint Communications, Inc.; and Windstream Nebraska, Inc. in the Second 2024 Auction shall be issued.

IT IS FURTHER ORDERED that Consolidated Telephone Company shall submit its audited financial statements to the Commission on or before **February 28, 2025, at 5:00 p.m. Central Time.**

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<sup>2</sup> See Commission Docket No. NUSF-133, Progression Order No. 1, *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement standards for the verification of broadband service provider coverage and speed data*, Order Revising Speed Test Requirements (Oct. 8, 2024).

<sup>3</sup> *Id.*

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IT IS FURTHER ORDERED that the Revised Speed Test Certification form attached hereto as Attachment A be adopted, and shall replace the Speed Test Certification form previously issued in this matter. Awardees will be required to use this form to report required speed testing.

IT IS FINALLY ORDERED that that each winning bidder shall continue to comply with the requirements of the Second 2024 Auction, including project completion and speed testing requirements, as set forth in previous orders in this docket.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 19th day of November, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Eric M. Hamler*

*[Signature]*

*Kevin Stocker*

*[Signature]*

Chair

ATTEST:

*Thomas W. Golden*  
Executive Director



## NUSF-131 Second 2024 Reverse Auction Speed Test Certification

*Revised per Docket NUSF-133, P.O. #1*

As required by order of the Nebraska Public Service Commission in Docket NUSF-131, Progression Order #3, winning bidders in the Second 2024 NUSF-131 Reverse Auction must conduct speed testing and submit results of speed tests within thirty (30) days of project completion.

**Prior to completing this form, grantees must first submit the [NPSC Subscriber Upload Template](#) to [psc.nusf@nebraska.gov](mailto:psc.nusf@nebraska.gov), listing all subscriber locations within the project area.** The Commission will then provide the grantee with a list of locations from which they may select to meet the minimum required number of test locations.

Testing may be performed for any six consecutive hours between 7:00 a.m. and 12:00 a.m. local time each day. Carriers may select the six-hour period to be tested, but must begin and conclude the testing during the allowable testing window. For speed testing, at least 1 download and 1 upload test per hour of a 10-second duration is required. File-based testing can be used as alternative to the duration-based testing. For file-based testing, the volume of data that is transferred within 10 seconds should meet or exceed the volume of data transferred at the required speed in 10 seconds. If performing latency testing, one test per minute at each location for the duration of the testing window is required.

This form should be completed with the most accurate information available. When describing locations currently served, each location included in the totals below must be part of the project area and must be able to be served at the speeds required by Reverse Auction rules (a minimum of 100/100 Mbps or 1Gig/500 Mbps) as of the date of this report.

Date of Report:	
Participating Entity Name:	
Participating Entity NE Code:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Project Name:	
Required Speeds: <i>100/100 Mbps (baseline) or 1G/500 Mbps (Gigabit)</i>	
Project Completion Date:	
Total number of locations to be served:	
Number of locations currently capable of being served at required speed tier:	
Number of customers currently subscribing to service at required speed tier:	
Number of locations at which speed testing was performed:	
Percentage of total locations at which speed testing was performed:	

**NUSF-131 Second 2024 Reverse Auction  
Speed Test Certification**

*Revised per Docket NUSF-133, P.O. #1*

The following table reflects the total number of locations to be tested based on the number of locations in the application.

Number of Locations in Funded Area	Number of Test Locations
5 or Fewer	All locations in project area
6-50	5
51-500	10 or 10% of total number of locations, whichever is greater
Over 500	50*

Please attach documentation supporting speed testing information for the project listed above using the [NPSC Speed Testing Template](#) and [NPSC Latency Testing Template](#) forms. Documentation attached should demonstrate that the tests reflect actual download and upload speeds experienced by household users, that the tests were performed using a random sample of locations of consumers who subscribe to the network, including testing performed during times of peak usage. At least one test per hour must be conducted during the test window, with one week of testing for each project. Relevant documentation and supporting information should be attached as needed.

Should an awardee’s testing fail to reflect that the entire project area is capable of being served at the required speeds, the awardee must submit along with speed test results a written proposal to remedy the deficiencies. This proposal must include the date upon which speed testing will be conducted a second time. The Commission may seek additional testing or other measures if needed.

*Please select one of the following:*

- I hereby certify that the attached speed test results reflect that the entire project area is capable of being served at or above the speeds required by Reverse Auction rules.
- The attached speed testing does not reflect that the entire project area is capable of being served at or above the speeds required by Reverse Auction rules. A plan for remediation is attached.

*Thank you for your participation in the Reverse Auction Program.  
The Commission may contact you with follow-up questions as needed.*

**ATTESTATION:** By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

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Printed Name of Officer or Agent

Date

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Title of Officer or Agent

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Signature of Officer or Agent