

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-133
Public Service Commission, on)
its own motion, to implement) PROTECTIVE ORDER
standards for the verification)
of broadband service provider)
coverage and speed data.) Entered: November 8, 2022

BY THE HEARING OFFICER:

On March 15, 2022, the Nebraska Public Service Commission ("Commission") opened this proceeding on its own motion to implement standards for the verification of broadband service provider coverage and speed data in accordance with Neb. Rev. Stat. § 86-324.02. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 22, 2022. Comments were invited from interested parties, and a hearing in this matter was held on July 26, 2022. An order setting forth speed testing requirements was entered on November 8, 2022.

Upon review of the information required to be submitted to the Commission in this docket, I hereby find that certain items, set forth below, are of a sensitive nature and merit protection under the terms of this Protective Order.

Protective Order

1. This Protective Order shall govern the use of all confidential information and documents submitted to the Commission pursuant to Commission Docket No. NUSF-133. Notwithstanding any order terminating this proceeding, this Protective Order shall remain in effect until specifically modified or terminated by the Nebraska Public Service Commission.
2. Definitions. For purposes of this Protective Order:
 - a. The term "Commission" shall mean the Nebraska Public Service Commission.
 - b. The term "carrier" shall mean an entity subject to speed testing requirements under Commission Docket No. NUSF-133, including entities receiving ongoing high-cost support from the Nebraska Telecommunications Universal Service Fund and entities receiving grant funding from the Commission for the deployment of broadband internet.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-133

Page 2

- c. The term "subscriber" shall mean a person or entity who pays to receive or access telecommunications or broadband internet service from a carrier subject to speed testing requirements under Commission Docket No. NUSF-133.
 - d. The term "subscriber information" shall mean information which identifies an individual subscriber to a carrier's service(s), including but not limited to customer name and address information.
 - e. The term "speed testing" shall mean the requirements set forth within Commission Docket No. NUSF-133.
 - f. The term "Confidential Materials" shall mean:
 - (1) Materials provided by a carrier to the Commission pursuant to Commission Docket No. NUSF-133 which contain subscriber information.
 - (2) Confidential Materials shall not include any information or document contained in the files of the Commission, or any other federal or state agency, or any federal or state court, unless the information or document has been determined to be protected by such agency or court.
 - (3) Confidential Materials shall not include information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Protective Order.
3. Except as set forth below, Confidential Materials shall be made available under the terms of this Protective Order only to the Commission and Commission staff and counsel. Confidential Materials shall be treated as proprietary and confidential once submitted. Confidential Materials shall not be made available to the public or published on the Commission website.
4. Should Confidential Materials be inadvertently disclosed, any person who identifies the disclosure must immediately notify the Commission of the disclosure and destroy any copies of the Confidential Materials in their possession or control. No

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-133

Page 3

additional copies of Confidential Materials shall be made. Any further disclosure or use of Confidential Materials is strictly prohibited and shall constitute a violation of an order of the Commission.

5. All Confidential Materials shall be submitted to the Commission through secure transmission. Such materials shall be marked as set forth in paragraph 2(d)(3) of this Order. Carriers shall take all reasonable precautions necessary to ensure that Confidential Materials are not distributed to unauthorized persons. The use of such precautions does not, however, alter or extend any filing deadlines previously set in this matter. It is the carrier's responsibility to ensure that all materials, including Confidential Materials, are filed in a timely manner.
6. The Commission or the Hearing Officer may alter or amend this Protective Order as circumstances warrant at any time during the course of this proceeding.
7. This Protective Order governs only Confidential Materials filed pursuant to Commission Docket No. NUSF-133. Materials submitted in other Commission proceedings are not included in the scope of this Protective Order.
8. Nothing in this Protective Order shall be deemed to preclude any party from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this Protective Order.
9. Nothing in this Protective Order shall preclude the Commission from using speed testing data to develop or supplement maps demonstrating broadband availability in Nebraska. The Commission and its staff may submit speed testing data, including location data, to other agencies or entities, including the Federal Communications Commission, for the purpose of developing a national broadband map.
10. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-133

Page 4

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this Protective Order shall be entered in the above-captioned proceeding.

MADE AND ENTERED at Lincoln, Nebraska this 8th day of November, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

BY:



Commissioner Dan Watermeier
Hearing Officer