

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-139
Public Service Commission, on)
its own Motion, to consider)
appropriate modifications to) ORDER IDENTIFYING ISSUES
the high-cost distribution and) FOR WORKSHOP NO. 1
reporting mechanisms in its)
Universal Service Fund program)
in light of federal and state)
infrastructure grants.) Entered: February 13, 2024

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") initiated this proceeding, on its own motion, on August 29, 2023 ("August 29, 2023 Order"), to consider appropriate modifications to the Nebraska Universal Service Fund ("NUSF") high-cost distribution mechanism and associated reporting requirements.

On January 9, 2024, a Hearing Officer Order scheduling a procedural conference in this proceeding was entered. On January 16, 2024, a procedural conference was held in the Commission Hearing Room and via WebEx.

Appearances were entered as follows: Mr. Paul Schudel, on behalf of the Rural Independent Companies ("RIC"); Mrs. Mary Vaggalis and Mr. Trent Fellers, on behalf of Windstream Nebraska, Inc. ("Windstream"); Mr. Kevin Saltzman and Mr. Tim Goodwin on behalf of Charter Fiberlink-Nebraska, LLC and Time Warner Cable Information Services (Nebraska) LLC ("Charter"); Mr. Russell Westerhold, on behalf of the Rural Telecommunications Coalition of Nebraska ("RTCN"); Mrs. Deonne Bruning on behalf of Cox Nebraska Telcom LLC ("Cox"); Mr. Matt DeTura on behalf of CTIA; Ms. Sarah Meier on behalf of the Nebraska Rural Broadband Alliance ("NRBA"); and Shana Knutson on behalf of the Commission.

As determined in the conference and set in the January 22, 2024 Order Establishing Procedural Schedule and Setting Hearing, the Commission will hold a workshop on **March 6, 2024 at 1:00 p.m. Central Time**. The parties attending the conference agreed upon a case progression schedule which included a February 2, 2024 filing to identify and prioritize issues for Commission consideration and to recommend issues for a workshop or series of workshops in this proceeding.

The Commission received recommendations from Windstream, RIC, RTCN, NRBA, CTIA, and Charter. Having reviewed the recommendations from these entities, I find the following list of issues are

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priority issues for the Commission to resolve and shall be included in the workshop to be held on March 6, 2024.

1. Should sustainability of broadband-capable networks be expressly adopted as a goal of the high-cost program?¹
2. Should the NUSF continue to provide BDS support?²
 - a. If so, under what parameters?³
 - b. Should BDS support continue to be available for locations that continue to lack broadband once the federal Broadband Equity, Access and Deployment ("BEAD"), American Rescue Plan Act ("ARPA"), Rural Digital Opportunity Fund ("RDOF") and Enhanced Alternative Connect America Cost Model ("Enhanced A-CAM") and the Nebraska Broadband Bridge Program ("NBBP")?⁴
 - c. If BDS support is discontinued, when and how should that transition occur? Is it prudent to take action at this time?⁵
 - d. How should such support be reallocated?⁶
3. What should be the process for retirement of copper-based outside plant and phase-out of ongoing support associated with such plant?⁷
4. What requirements should be imposed on carriers for the receipt of ongoing support, and when should such requirements be applied?⁸

¹ See RIC's Identification and Prioritization of Issues for Workshop and Hearing (February 2, 2024) at 2 ("RIC's Priority Issues Filing").

² See Identification and Prioritization of Issues of the Rural Telecommunications Coalition of Nebraska (February 2, 2024) at 1 ("RTCN's Priority Issues Filing").

³ *Id.*

⁴ See Charter's Identification and Prioritization of Proposed Issues for March 6, 2024 Workshop (February 2, 2024) at 2 ("Charter's Priority Issues Filing").

⁵ See Comments of the Nebraska Rural Broadband Alliance (February 2, 2024) at 3 ("NRBA Comments") and Windstream's Identification and Prioritization of Issues for Workshop and Hearing (February 2, 2024) at 1 ("Windstream's Priority Issues Filing").

⁶ See NRBA Comments at 3.

⁷ See *id.*; See also RIC's Priority Issues Filing at 3 and CTIA's Proposed Workshop Issues for Discussion (February 2, 2024) at 2 ("CTIA's Proposed Issues").

⁸ See RTCN Priority Issues Filing at 1.

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- a. What methodology should the Commission employ to determine the need for ongoing support? How should ongoing support be reallocated to ensure that limited financial resources are effectively and efficiently used to ensure broadband services are accessible in all regions and that services in rural areas are reasonably comparable to services provided in urban areas? When should this transition be put in place?⁹
- b. Should the State Broadband Cost Model ("SBCM") be updated to more accurately reflect ongoing expense costs that are consistent with current market realities? If so, what should be the basis for such updates?¹⁰

The issues included in the February 2, 2024 filings by interested parties which are not included above, may be considered at a second workshop held after the March 20, 2024 hearing. Issues considered at the second workshop will most likely include: transitioning of carrier of last resort obligations and the requirements of Neb. Rev. Stat. §§ 86-1501 through 86-1507, any actions needed to address the portability of support, revisions to the Commission's accountability and oversight mechanisms including revisions to any revenue-based reporting requirements, affordability including the need to potentially expand the Nebraska Telephone Assistance Program, and the implementation of operational cybersecurity/supply chain risk management plans.¹¹

As a reminder, first workshop will be held on **Wednesday, March 6, 2024 at 1:00 p.m., Central Time**, in the Commission Hearing Room, 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska 68508 and via WebEx at <https://sonvideo.webex.com/meet/PSCWebex>. Voice access will be available by dialing 469-210-7159, Access Code 146 153 5285. If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven (7) days is needed when requesting an

⁹ See Charter's Priority Issues Filing at 2; RIC's Priority Issues Filing at 2-3; RTCN's Priority Issues Filing at 1; and NRBA Comments at 3.

¹⁰ See RIC's Priority Issues Filing at 3; see also Windstream's Priority Issues Filing at 1-2, RTCN's Priority Issues Filing at 2, and NRBA Comments at 3.

¹¹ The Commission will reassess the list of issues for the second workshop after the March 20, 2024 hearing.

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interpreter. The workshop agenda with the issues described above will be released no later than 48 hours prior to the March 6, 2024 workshop.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the issues set forth above shall form the agenda for the first workshop to be held on March 6, 2024.

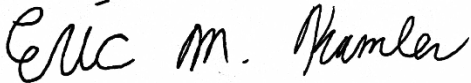
ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 13th day of February, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:






Vice Chair

ATTEST:


Executive Director