

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its Own Motion, to Implement Standards for Verification of Broadband Service Provider Coverage and Speed Data

**Application No. NUSF-133
Progression Order No. 1**

ORDER SEEKING COMMENT
AND
NOTICE OF HEARING

Entered: June 25, 2024

**COMMENTS OF QWEST CORPORATION d/b/a/ CENTURYLINK QC
AND
UNITED TELEPHONE COMPANY OF THE WEST d/b/a CENTURYLINK**

Pursuant to Commission Order dated June 25, 2024 (“P.O. No. 1”) in the above-referenced docket, Qwest Corporation d/b/a CenturyLink QC and United Telephone Company of the West d/b/a CenturyLink (collectively, “CenturyLink”) hereby respectfully provide the following Comments to the Commission’s inquiries in P.O. No. 1 regarding standards for the verification of broadband service provider coverage and speed data pursuant to Neb. Rev. Stat. § 86-324.02, adopted by the Commission on November 8, 2022, for recipients of ongoing high-cost support from the Nebraska Telecommunications Universal Service Fund (“NUSF”) and other Commission grant programs.

I. Overview of Requirements

The speed and latency requirements vary by grant. For grant projects that are three (3) or more years since completion of construction, CenturyLink respectfully submits the Commission should no longer require speed tests, or alternately, allow fewer tests during specific time intervals when the lowest number of users are online.

When speed test results are acceptable upon grant completion and during the initial 3 years thereafter, the history of compliance justifies the Commission eliminating testing for that particular area. Since fiber networks offer speeds much faster than 100/20Mbps or 100/100Mbps, CenturyLink also proposes that once a fiber-to-the-premise network testing confirms that the network exceeds the speed threshold for the grant, the Commission should find that further testing is not necessary.

Constant testing affects the quality of the service CenturyLink provides to its customers. When CenturyLink conducts hourly tests, the customers may experience a slower connection or completely lose their connection to the network. This mostly occurs when hourly tests are conducted in the evening, when there is an increment of customers online, which can lead to notably slower speeds, especially for streaming and gaming. CenturyLink respectfully proposes that the Commission allows tests to be conducted in times other than during the what we know as “internet peak hours”. Another important issue that affects the accuracy of constant testing is when customers unplug their modems when they don’t need the service for prolonged periods of time such as during vacation, disabling the provider’s ability to test. In these instances, the Commission should either allow replacement testing for those customers or allow testing for that customer to be completed when the customer reactivates their modem.

II. Minimum Number of Subscribers

The primary factor influencing the take rate is that the Commission requires the providers to complete speed testing within 30 days of grant project completion. Completing a project and identifying customers at basically the same time is not the correct timing for identifying customer take rates. This short timeline does not allow the provider time to advertise and connect all customers that may want service, which impacts the take rate. Residents may want to review their

budget prior to signing up for a new service. Another factor to consider would be the other options available in the area, such as satellite, fixed wireless and mobile wireless networks. Many of these providers offer services with minimum term lengths, which will at least delay the new network's take rates.

Further, there will always be some issue with broadband rates, especially in tough economic times. Providers attempt to price services to appeal to the broadest range of potential customers, but not all residents will be able to immediately make space in their budget to subscribe to wireline broadband. The FCC's ACP plan helped bridge this gap for many residents, and hopefully the federal government will decide to re-open and re-fund this program.

It is CenturyLink's position that additional requirements or other measures regarding minimum subscribers and take rates are unnecessary. Providers receiving grant funds have a financial incentive to connect as many residents as possible, and mass advertising methods do not work well for limited area network construction projects. To incentivize the open market and promote competition, for consumers to reap the benefits of having different options, the Commission should provide exceptions when there are competing providers in the area. The competing providers should include at least wireline, fixed wireless and satellite competitors.

III. Minimum Adequate Threshold

CenturyLink respectfully submits the Commission's proposal to change the speed requirement to 80% (80/100 adjusted framework) is a reasonable change. The issue CenturyLink has found is that customers sometimes turn off power to their equipment when leaving for extended periods, leaving testing unavailable. In these situations, the carrier should be able to request either a change to the randomly selected customer, or a delay in testing for that customer.

With respect to latency requirements, CenturyLink believes that for a fiber-to-the-premises network, latency testing is unnecessary. The FCC is no longer testing latency, and CenturyLink recommends the Commission join the FCC in eliminating this testing.

IV. Speed Testing for Past Projects

CenturyLink believes that testing networks that were completed 3 years ago or longer is not necessary. In terms of the older grants with lower speed requirements, the Commission should no longer be testing those areas. In many of those areas, customers have moved to competitive providers like satellite that offer higher speeds, leaving an insufficient number of customers to complete speed testing.

V. Reimbursement and Ongoing Support

The Commission is already conducting annual speed testing and should not perform testing separately for ongoing high-cost NUSF support. As noted in the comments in Section I above, CenturyLink believes that fiber-to-the-home networks provide speeds much faster than the required 100/20Mbps, and that speed testing for those areas served by a fiber network should not be subject to testing once the network has been tested and has exceeded the speed requirement.

VI. Department Discretion

CenturyLink believes the Commission should allow the NUSF Department Staff the discretion to waive tests or provide additional flexibility during testing. Discretion should apply when small grants are given, for areas with low take rates (see Section I above for reasons why there could be a low take rate), and for areas with a fiber-to-the-premise network. Deference should be afforded to Staff in making decisions to waive or provide flexibility related to speed testing. CenturyLink respectfully submits that this deference makes formal guidelines or criteria

unnecessary. CenturyLink respectfully suggests that carriers be allowed the ability to work with Staff where flexibility is needed and can be justified.

Dated this 23rd day of July 2024.

Respectfully Submitted,


QWEST CORPORATION d/b/a CENTURYLINK
QC and UNITED TELEPHONE COMPANY OF
THE WEST, d/b/a CENTURYLINK

By: 
Katherine A. McNamara, #25142
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, Nebraska 68102
(402) 341-3070
kmcnamara@mcgrathnorth.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of July 2024, a true and correct copy of the foregoing was served via U.S. Mail and electronic mail to:

Nebraska Public Service Commission
ATTN: NUSF
300 The Atrium Building
1200 N Street
Lincoln, Nebraska 68509
psc.nusf@nebraska.gov

By: 
Katherine A. McNamara, #25142