

# 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-5484  
Public Service Commission, on )  
its own motion, to administer )  
the Nebraska Broadband Bridge )            ORDER SCHEDULING HEARING  
Program in the 2023 program )  
year. )  
   )            Entered: July 29, 2024

BY THE HEARING OFFICER:

On March 7, 2023, the Nebraska Public Service Commission ("Commission") opened the above-captioned docket to administer the 2023 program year of the Nebraska Broadband Bridge Program ("NBBP"). On May 16, 2023, the Commission entered an order adopting the 2023 grant application schedule and issuing program materials, including the 2023 NBBP Program Guide ("Program Guide").<sup>1</sup>

Also in this docket, on January 9, 2024, the Commission entered an order issuing grant awards and the results of challenges ("Jan. 9 Order"). Pursuant to this order, Cox Nebraska Telecom, LLC ("Cox") was awarded \$1,381,744.00 to provide broadband service in the Cass and Sarpy County, Nebraska area ("Cass-Sarpy Project").

On July 24, 2024, Cox filed a motion seeking to return the grant awarded to Cox to build the Cass-Sarpy Project. In support of its motion, Cox states that after the grant was awarded, Cox's inspection of the site by its construction, administrative, and engineering teams revealed substantial discrepancies between the actual serviceable locations and those identified in Cox's application for the project. Cox states that a total of 93 of the 145 locations listed in the Cass-Sarpy Project were not in fact serviceable locations. As a result, Cox seeks to return the grant funds it has received for the Cass-Sarpy Project to the Commission.

Pursuant to the Program Guide issued in this matter, the Commission may allow grant recipients to return grant funds awarded prior to the project completion deadline. A motion to return grant funds requires that a hearing be held. If the motion is granted, the grant recipient will be barred from submitting NBBP applications for a period of one calendar year after the funds are returned. The Commission may also levy additional penalties in its

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<sup>1</sup> A copy of the Program Guide is available on the Commission's website at <https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/2023%20NBBP%20Program%20Guide%20Revised.pdf>.

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discretion, including but not limited to monetary penalties pursuant to Neb. Rev. Stat. § 75-156, and/or a bar on participation in other related Commission grant programs.

Upon consideration of the circumstances, I find that a hearing in this matter should be held to gather additional testimony and evidence regarding Cox's request before a decision can be issued on Cox's motion. At hearing, the Commission will determine whether the motion should be granted, and if so, what penalties will apply. Therefore, a hearing shall be held on **Tuesday, September 17, 2024 at 10:00 a.m. Central Time** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln Nebraska. Remote access to the hearing will be available through the Commission's website, available at <http://psc.nebraska.gov/stream> (case sensitive).

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, 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 days is needed when requesting an interpreter.

### O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that a hearing in the above-captioned matter be held on **Tuesday, September 17, 2024 at 10:00 a.m. Central Time** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska and via videoconference as set forth above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 29th day of July, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

BY:



Dan Watermeier  
Hearing Officer