NEBRASKA
PUBLIC SERVICE COMMISSION

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MEMORANDUM

TO: All recipients of NBBP, CPF, NUSF-131, NUSF-99, and NUSF-108 program support

RE: Application of speed testing requirements and alternative speed testing

All recipients of NBBP, CPF, NUSF-131 Reverse Auction, NUSF-99, and NUSF-108 program support are subject to speed testing requirements. The Commission revised its speed testing requirements in the NUSF-133 PO 1 order, entered on October 8, 2024. This order created a unified speed testing framework which may be utilized by support recipients instead of the original speed-testing requirements of the applicable programs. Additionally, alternative testing is now available to grant recipients in the event a support recipient cannot obtain sufficient locations for speed testing by the applicable deadline. This memorandum explains the new speed testing framework and the use of alternative testing. Please note that ongoing NUSF high-cost (HC) recipients are required to comply with the unified speed testing framework, and alternative testing does not apply to ongoing HC testing.

Unified speed testing framework

Carriers with outstanding NBBP, CPF, NUSF-131, NUSF-99 and NUSF-109 grants may choose to utilize the unified speed-testing framework instead of the requirements of the individual programs. However, when a carrier chooses to utilize the unified framework, it must utilize it in its entirety; carriers may not pick and choose between program requirements.

The unified speed testing framework is, generally, more permissive than previous program requirements, with a few notable exceptions:

- Sampling:
  - NBBP-2021 and NBBP-2022 recipients can select their own random sample of customers. **To use the unified framework, sampling must be done by the Commission.**

- Number of locations for testing:
  - NBBP and CPF programs require 10% of locations to be tested when the total count of locations is in the range of 51 to 500 locations. **To use the unified framework, for projects with 51-500 locations at least 10 locations should be sampled and tested.**

- Test duration:
  - NBBP-2021 and NBBP-2022 programs do not have a specific duration requirement for individual tests.

> **To use the unified frameworks, speed tests should either be at least 10 seconds in duration, or they should be "file-based".**

- Definition of a passed test:
  - o For NBBP-2021 and NBBP-2022 a speed test must demonstrate that the entire project area is capable of being served at the required speed.
  - o Programs for which the original NUSF-133 order entered November 8, 2022 applies must meet 80% of the required speeds in 80% of the tests.
    To use the unified framework, 80% of the test should meet 80% of the speed testing requirement AND there must be at least one test per tested locations that meets or exceeds the minimum speed requirements of the program.

- Latency testing:
  - o In the NUSF-133 PO 1 order, latency testing is generally not required for FTTP projects, unless requested by the Department. If required, at least 95% of test results must demonstrate 100 milliseconds latency or less.
  - o Latency testing remains a requirement for all CPF projects as it's a data point required in reporting to the Department of Treasury.

If you choose to use the unified speed testing framework, please notify the Commission staff when submitting the speed testing results.

<u>Alternative Speed Testing</u>

The NUSF-133 PO 1 order created an alternative speed testing option for projects where a carrier is unable to obtain sufficient subscribed locations within the time required, or a carrier is otherwise unable to meet the applicable program's speed testing requirements. Alternative speed testing allows carriers to present alternative forms of evidence to demonstrate that the project has been completed and is capable of serving the entire project area at the required speeds. Here are some examples of ways to demonstrate the completion of the project:

- Speed tests performed at active subscriber locations in the project area.
- Speed tests performed at unsubscribed/proxy locations within the project area.
- Speed tests for nearby locations in the vicinity of the project area (generally, within 2 miles, and within the same geographic area; for example, locations across a river from the project area should not be used).
- Plant maps of the network infrastructure in the project area demonstrating service capability.
- Customer bills for locations in the project area showing subscriptions at the required speeds.

Requests to use alternative testing must be communicated to the Department <u>in writing</u> as soon as possible and before the speed testing deadline. Additionally, carriers must submit a written proposal outlining their alternative testing approach. Generally, the proposal should combine actual speed testing performed and alternative forms of evidence. The Commission staff will evaluate each request on a case-by-case basis to determine whether the proposed alternative testing is appropriate. Actual requirements of the alternative speed testing will be determined by the Commission staff for each

individual request. It's important to note that alternative testing may not be approved in every circumstance.

Each of the following conditions must be met for a carrier to use alternative testing:

- Timely submission of the request to use the alternative speed testing.
- Use of the unified speed testing framework.
- Annual repeat speed testing in the project area.
- Staff determination that alternative testing is appropriate for the project in question.

Carriers using alternative speed testing must repeat speed testing for the project area on an annual basis until the carrier is able to meet the program's performance requirements using the standard speed testing framework. For repeat speed testing, Commission staff will annually request a list of all active subscribers in the project area for sampling and speed testing.

Frequently Asked Questions

Q: My project has a sampling requirement, but it has only one subscriber. Do I need to submit it for sampling?

A: Yes, submitting even one location for sampling is required. This allows Commission staff to identify potential issues before the testing occurs.

Q: My testing vendor cannot set test duration. How can I utilize file-based speed testing and how to determine the size of the file?

A: File size should match the amount of information that would be transmitted in 10 seconds at the required speed tier. For example, for a test that should meet 100 Mbps speed requirement the file size would be calculated as: 100 Mbps * 10 seconds * 80% of the requirement to pass = 800 Mbps (100 MB)

Q: If I want to use alternative speed testing, is it sufficient to submit the speed testing for any of the current subscribers in the project area?

A: Commission staff will determine whether any specific evidence of project completion or their combination is sufficient on individual basis.

Q: I am using alternative testing, and my project requires tests of five locations. I already submitted tests for four locations. Do I need to repeat the tests of the same locations every year?

A: Yes, repeat testing will apply to all the current locations in the area, until sufficient unique locations in the area have been tested through repeat testing.

Q: In the past I could submit locations outside the project area to meet the required count of locations to test. Is this still possible or do I have to request alternative testing?

A: This is still possible. However, the locations outside of the project area must be in the immediate vicinity of the project area. Staff will determine whether the locations submitted are close enough to the project area to be used.