

RECEIVED

By Brandy Zierott at 5:08 pm, Mar 03, 2025

Seward County Broadband Task Force
529 Seward St.
Seward, NE 68434
mahmic@sewardcountyne.gov
(402) 641-1695



February 28, 2025

RE: Comments on NUSF-143: Enhancing Wireless Telecommunications Support for Rural Nebraska

Nebraska Public Service Commission,

The Seward County Broadband Task Force submits these comments in response to the Commission's request for input under NUSF-143. We thank you for the opportunity to provide our feedback. Below are our responses to select questions posed by the Commission.

-
- 1) *Should the Commission have an automatic designation process for wireless carrier eligibility premised on the commitments previously imposed for the wireless fund program such as,*
- a. The offering of roaming and co-location agreements at market-based rates;*
 - b. Adherence to state and federal regulations; and*
 - c. Access to enhanced/next generation emergency service.*

Are there any other commitments the Commission should consider?

Answer: No, the Commission should not have an automatic designation process for wireless carrier eligibility premised on the commitments previously imposed for the wireless fund program. The Commission should consider requiring additional commitments such as evidence of demonstrated efforts to co-locate on existing towers. This evidence may include maps of nearby towers, communication with tower owners, or justification for why an existing structure is unsuitable for their project. The Commission may consider designating a portion of NUSF for co-location grants.

-
- 2) *Should the Commission consider additional criteria? Should the Commission modify the weight or score for any of these factors?*

Answer: As evidenced by the cancelation, return, or site relocation of four awarded towers since May 2024, adjustments to project scoring and eligibility may improve the effectiveness of the NUSF-92 Dedicated Wireless Program. Soliciting and awarding applications for tower sites without requiring applicants to perform due diligence regarding the viability of proposed sites with respect to municipal and/or county regulations generates friction between the awardees and the relevant political subdivisions and incurs unnecessary delays in the deployment of improved mobile connectivity in rural Nebraska. Since April 2021, awardees have sought and received at least seven project deadline extensions for eleven sites due to issues with site acquisition, including for projects that were eventually canceled, returned, or relocated.¹ Awarded towers were canceled in Adams, Gage County;² Beaver Crossing, Seward County;³ Diller, Jefferson County;⁴ and Filley, Gage County.⁵ In each instance of project cancelation, the awarded carriers were unable to secure authorization from county or municipal permitting entities or were unable to identify a suitable tower site. As a result, over \$2.6 million intended to improve cellular coverage across southeast Nebraska was not deployed as the Commission intended.

Rather than constraining local zoning and permitting authority, which is expressly preserved by Section 332(c)(7) of the Telecommunications Act of 1996, NUSF-92 and/or its successor programs would be best served by incorporating pre-application requirements for carriers to directly assess the feasibility of proposed sites, clearly identify any and all necessary permits for tower construction, and demonstrate engagement of relevant permitting authorities. In order to minimize the possibility of foreseeable delays associated with site acquisition and permitting and best ensure funded projects are successfully deployed in a timely fashion, it may be prudent for the Commission to assign substantial weight to this requirement in the scoring process.

The Seward County Broadband Task Force is in support of Legislative Bill 176, which addresses the Commission's question regarding consideration of additional criteria. Introduced on January 13, 2025, LB176 proposes an amendment to state

statute that would require applicants for grants through the Commission to provide resolutions of project support from political subdivisions. The bill states, “As part of the application, the applicant shall provide a resolution of project support adopted by each county, city, and village in which the proposed project will be located. The resolution of project support shall include, at a minimum, the following:

- (a) A map of the proposed project area;
- (b) Acknowledgement that the applicant will be applying for appropriate permits; and
- (c) A proposed timeline for the proposed project.”

3) Should the Commission consider awarding NUSF support to companies working in partnership with the wireless carriers such as companies that construct or own cell towers?

Answer: No, the Commission should not award NUSF support to companies partnering with wireless carriers. The purpose of this financial support is to ultimately expand and strengthen cell service, not merely to fund infrastructure development. Partner companies, such as tower constructors or owners, are primarily focused on building towers rather than ensuring service availability. If they receive funding, their incentive would be to construct towers without guaranteeing improved coverage. The Commission's financial support should be directed toward the expansion of actual cell service, not just the erection of towers. For instance, the Commission should consider offering NUSF support for co-location expenses. The current program makes co-location undesirable, as carriers can own their own tower at 1/10th of the cost while also having the potential to collect fees from other entities. As a result, there is little incentive to co-locate.

4) Should the Commission consider making NUSF support available to wireless carriers for ongoing maintenance costs? If so, how would those costs be calculated? What information should be considered when determining the need for ongoing NUSF support?

Answer: No, the Commission should not make NUSF support available to wireless carriers for ongoing maintenance costs. Maintenance costs are an inherent component of any project and should already be incorporated into wireless carriers' business strategy. Public dollars would be better maximized through other means, such as co-location grants as previously mentioned.

Additional Comments: As mentioned in the Commission's Footnote 3, confusion arises in NUSF-92 through applicants' misuse of the term, “internet.” We disagree that the confusion is on the public's part; rather, it lies with the applicant. The Commission should not approve applications to NUSF-92 that misrepresent projects as an internet-focused initiative. References to “internet” are not appropriate, as NUSF-92 is exclusively for cellular service.

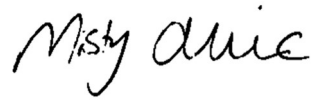
Cellular fixed wireless home internet plans have become increasingly common offerings across the telecommunications industry. Although this can make available additional lower-cost plans to rural markets, carriers offering such plans rarely deploy separate infrastructure and instead rely on excess cellular network capacity. One NUSF-92 participating carrier recently stated the following in FCC GN Docket No. 24-286: “At this time, the FWA business case is about using extra capacity in the current mobile network, because it is not economically viable to build extra capacity for FWA alone. FWA customers are only profitable if we can rely on the economics of the core wireless network to pay for the required infrastructure (spectrum, towers, radios, backhaul), with FWA only covering the increase in costs to market, distribute, and develop the FWA product... Because of our FWA business case, we offer FWA where there is extra capacity and regardless of whether we support that offering with 4G or 5G—i.e., we do not have a speed ‘floor’ in our FWA offering.”⁶

As such, there is no easy way for the Commission or communities across Nebraska to conceptually separate infrastructure funded through NUSF-92 from claimed fixed wireless coverage reported through the FCC Broadband Data Collection system. The two most recent participating carriers in the NUSF-92 Dedicated Wireless Program report nearly 175,000 instances of licensed fixed wireless coverage at or above 25/3 Mbps in the June 30, 2024 FCC BDC release and received nearly one million cumulative availability challenges to other instances of reported coverage.

Communities should be able to have open dialog with applicants seeking approval for NUSF-funded cellular towers regarding the potential impacts on broadband grant eligibility and market competitiveness. This would be accomplished through our suggested pre-application engagement requirements and our suggestion that the Commission consider applicants' representations of offering home internet services in areas receiving mobile deployment support.

The Seward County Broadband Task Force appreciates the opportunity to provide input on the NUSF wireless program. We believe that the suggestions outlined above will help ensure that the NUSF continues to meet the needs of rural Nebraskans. We encourage the Commission to consider these recommendations and look forward to further progress in improving wireless coverage in Nebraska. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Misty Ahmic". The signature is written in a cursive, flowing style.

Misty Ahmic

Seward County Broadband Task Force

References

¹ See <https://www.nebraska.gov/psc/orders/telecom/2021-04-27%20USF-92.53%20Order%20Granting%20Relocation%20Request.pdf>,
<https://www.nebraska.gov/psc/orders/telecom/2021-11-02%20USF-92.56%20Order%20Granting%20Relocation%20Request.pdf>,
<https://www.nebraska.gov/psc/orders/telecom/2022-04-12%20USF-92.56%20Order%20Granting%20Motion%20for%20Extension%20of%20Time.pdf>,
<https://www.nebraska.gov/psc/orders/telecom/2022-09-27%20USF-92.58%20Order%20Granting%20Motion%20for%20Extension%20of%20Time.pdf>,
<https://www.nebraska.gov/psc/orders/telecom/2023-07-11%20USF-92.59%20Order%20Granting%20Extension%20of%20Deadline.pdf>,
<https://www.nebraska.gov/psc/orders/telecom/2024-03-19%20USF-92.62%20Order%20Granting%20Extension%20of%20Time.pdf>,
<https://www.nebraska.gov/psc/orders/telecom/2024-11-19%20USF-92.59%20Order%20Granting%20Second%20Extension%20of%20Deadline.pdf>

² <https://www.nebraska.gov/psc/orders/telecom/2024-05-14%20USF-92.61%20Order%20Granting%20Request%20to%20Cancel%20Awarded%20Project.pdf>

³ <https://www.nebraska.gov/psc/orders/telecom/2024-09-24%20USF-92.63%20Order%20Granting%20Request%20to%20Cancel%20Awarded%20Project%20and%20Return%20Funding.pdf>

⁴ <https://www.nebraska.gov/psc/orders/telecom/2024-06-25%20USF-92.62%20Order%20Granting%20Request%20to%20Cancel%20Awarded%20Project.pdf>

⁵ <https://www.nebraska.gov/psc/orders/telecom/2025-01-07%20USF-92.62%20Order%20Granting%20Request%20to%20Cancel%20Awarded%20Project.pdf>

⁶ Appendix C: Declaration of Laurent Therivel. September 16, 2024. FCC GN 24-286.
<https://www.fcc.gov/ecfs/document/109132166915081/5>