

SECRETARY’S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Nebraska Broadband Bridge Program in the 2023 program year.) Application No. C-5484) ORDER GRANTING MOTION TO MODIFY PROJECT AREA) Entered: May 19, 2026

BY THE COMMISSION:

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”). An order issuing the 2023 grant application schedule and application materials was issued by the Commission on May 16, 2023 (“May 16 Order”).¹ On January 9, 2024, the Commission entered an Order in this docket issuing grant awards (“Jan. 9 Order”).² Pursuant to this Order, Cox Nebraska Telecom, LLC (“Cox”) was awarded \$1,004,336 to provide service in the Douglas and Washington, Nebraska area (“Douglas Washington Project”). Awardees were required to complete approved project(s) by July 9, 2025.³

On February 9, 2026, Cox filed a motion seeking to modify the project area for the Douglas Washington Project (“Motion”).⁴ In support of its motion, Cox stated that Cox had filed a Project Completion Report with the Commission on July 8, 2025, indicating that construction of the project was finished. Subsequently, a question arose indicating the scope of the project area and the locations to be served by the Douglas Washington Project. Cox then filed a Motion to modify the project area for the Douglas Washington Project.⁵ By order of the Hearing Officer, this matter was set for hearing.⁶

¹ Exhibit 1.
² Exhibit 2.
³ *Id.*
⁴ Exhibit 3.
⁵ *Id.*; Exhibit 4.
⁶ Exhibit 6.

E V I D E N C E

A hearing was held in this matter on March 31, 2026. Deonne Bruning appeared on behalf of Cox. Sallie Dietrich appeared on behalf of the Telecommunications and NUSF Department of the Commission. Exhibits numbered 1-14 were offered and accepted.

Julie Moran, Project Manager, testified on behalf of Cox.⁷ Ms. Moran presented her pre-filed testimony and then responded to questions.⁸ Ms. Moran stated that in submitting its application, Cox originally intended to serve 112 locations.⁹ Ms. Moran stated that the motion filed by Cox represents a compromise which would revise the Douglas-Washington project area.¹⁰ Ms. Moran testified that Cox has built service to 109 locations through Bridge funding.¹¹ She stated that if the motion is approved, Cox would provide service to a total of 714 locations in the project area.¹² This total would include 25 locations not currently receiving service from Cox, which Cox would build through its own funding.¹³ Ms. Moran stated that all locations other than these 25 locations are currently receiving service.¹⁴

Ms. Moran discussed Cox's application for the Douglas-Washington Project.¹⁵ She testified that Exhibit 10 accurately reflects Attachment A to the application.¹⁶ She stated that Exhibit 11 accurately reflects Attachment B to the application.¹⁷ Ms. Moran explained that Attachment A showed the full polygon map for the project, whereas Attachment B showed mapped location pins within the project.¹⁸ Ms. Moran stated

⁷ Transcript at 10.

⁸ Ex. 14.

⁹ Transcript at 34.

¹⁰ Transcript at 14-15.

¹¹ *Id.* at 15-16.

¹² *Id.*

¹³ *Id.* at 16-18.

¹⁴ *Id.*

¹⁵ *Id.* at 18-19; Ex. 8.

¹⁶ Transcript at 19; Ex. 10.

¹⁷ Transcript at 20; Ex. 11.

¹⁸ Transcript at 20.

that to create the maps, Cox identified location pins which were unserved, and then drew a polygon around those pins.¹⁹

Ms. Moran testified that Exhibit 12 reflected a map with all broadband serviceable locations (“BSL”s) within the polygon.²⁰ She stated that Exhibit 13 accurately reflected Cox’s proposed modification to the project area.²¹ Ms. Moran testified that if the motion is approved, Cox would be able to serve all locations within the area identified in Exhibit 13 with 100/100 Mbps speeds.²² She testified that she wasn’t sure whether all of these locations could currently receive service at 100/100 Mbps.²³

Ms. Moran stated that Cox plans to build 25 additional locations without Bridge funding.²⁴ She stated that early in 2026, Cox had received a request for service in that area.²⁵ Ms. Moran stated that after discussions with Commission staff, Cox agreed to serve that customer and locations leading up to that location.²⁶ She stated that those 25 locations would receive fiber internet at speeds of 100/100 Mbps.²⁷ Ms. Moran was unsure as to whether Cox would build out additional locations in the project polygon.²⁸

Ms. Moran was initially not sure when Cox would be able to report all locations in the project polygon to the Federal Communication Commission’s Broadband Data Collection (“BDC”) as served at 100/100 Mbps.²⁹ She did expect that those locations would be included in the June reporting cycle, however.³⁰

¹⁹ *Id.*

²⁰ *Id.* at 21.

²¹ *Id.* at 21-22.

²² *Id.* at 22.

²³ *Id.*

²⁴ *Id.* at 22-23; Ex. 4.

²⁵ Transcript at 23.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 23-24.

²⁹ *Id.* at 24.

³⁰ *Id.*

Ms. Moran testified that Cox would not be able to build service to all BSLs within the polygon depicted in Attachment A to its original project application.³¹ She testified that Cox had originally planned the build to serve only unserved and high-cost locations, rather than the incremental locations.³² She stated that Cox had used all of its awarded Bridge funding, and that the build would be time-consuming as well.³³ Ms. Moran stated that if this motion is granted, Cox would not be seeking any additional funding for this project.³⁴

Ms. Moran then discussed Exhibit 5, which she identified as a letter to the Commission from Adam Falk on behalf of Charter.³⁵ Ms. Moran noted that the letter was submitted in regard to a merger application between Cox and Charter, which has now been approved by the Nebraska Commission.³⁶ Ms. Moran was unsure when the merger would receive its final approval, but estimated that may occur in August of this year.³⁷ Ms. Moran stated that the merger would not affect Cox's ability to complete the revised Douglas-Washington project.³⁸

Following Ms. Moran's testimony, Cullen Robbins, Director, testified on behalf of the Telecommunications and NUSF Department. Mr. Robbins presented his prefiled testimony and then responded to questions.³⁹ Mr. Robbins stated that the motion presented represents a compromise reached between Cox and Commission

³¹ *Id.* at 25.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 26.

³⁶ *Id.* See *In the Matter of the Joint Application of Charter Communications, Inc., Stamford, Connecticut, and Cox Enterprises, Inc., Cox Communications, Inc., Cox Nebraska Telcom, LLC, and Unite Private networks, LLC, Atlanta, Georgia, seeking approval of an indirect transfer of control and seeking to transfer control of previously awarded Capital Projects Fund awards*, Commission Docket No. C-5666/CPF-1, Order Granting Application (Feb. 24, 2026).

³⁷ Transcript at 28.

³⁸ *Id.*

³⁹ *Id.* at 36; Ex. 9.

staff.⁴⁰ He explained that the revision to the project area would be a middle ground between two parties with different understandings of what was originally expected.⁴¹

Mr. Robbins stated that if the motion were approved, staff would then focus on the reimbursement process.⁴² He stated that staff would also update its public-facing mapping to depict the revised project area, as it currently reflects the originally filed project area as shown in Exhibit 10.⁴³ Mr. Robbins stated that the Broadband Office likely would have relied on the original project area, and the Commission would also have relied on that mapping during the 2024 Bridge cycle.⁴⁴ Mr. Robbins stated that Commission staff's expectation would have been that all locations within the original project area were to receive 100/100 Mbps service.⁴⁵

Mr. Robbins stated that Cox has not yet received its final fifty percent reimbursement for completion of the project.⁴⁶ He stated that Cox would need to submit documentation and invoices for the project, along with speed testing for the project area.⁴⁷ He stated that speed testing would be based on the revised project area, and the locations to be tested would be randomly disbursed through the project area.⁴⁸ Mr. Robbins clarified that the testing would not include the 25 locations Cox would build without Bridge funding.⁴⁹

Mr. Robbins explained that Exhibit 10 depicts what was submitted with the application's Attachment A, and Exhibit 11 depicts Attachment B.⁵⁰ Mr. Robbins stated that it was necessary to create these attachments, as shapefile format files are digital and difficult to share at hearing.⁵¹ Mr. Robbins stated that Exhibit 12 reflects all BSLs

⁴⁰ Transcript at 37.

⁴¹ *Id.*

⁴² *Id.* at 37-38.

⁴³ *Id.* at 38.

⁴⁴ *Id.* at 38-39.

⁴⁵ *Id.* at 39.

⁴⁶ *Id.* at 40.

⁴⁷ *Id.*

⁴⁸ *Id.* at 41.

⁴⁹ *Id.*

⁵⁰ *Id.* at 41-42.

⁵¹ *Id.* at 42.

within the originally submitted project polygon, current to June 30, 2025.⁵² Mr. Robbins stated that Exhibit 13 corresponds to Exhibit 4, the revised project map submitted by Cox.⁵³

Mr. Robbins testified that if Cox's motion were not granted, the Commission may have several options, including requiring Cox to repay the grant, or building out the entire project area.⁵⁴ Mr. Robbins stated that he was unsure if these options were feasible.⁵⁵

Following Mr. Robbins' testimony, no further evidence was adduced, and the hearing was adjourned.

O P I N I O N A N D F I N D I N G S

The Nebraska Broadband Bridge Program is governed by the Nebraska Broadband Bridge Act, Neb. Rev. Stat. §§ 86-1301 - 86-1313 (the "Act"). The purpose of the NBBP, pursuant to the Act, is "to facilitate and fund the development of broadband networks in unserved and underserved areas."⁵⁶ The Commission has awarded grants in four program years, each governed by its own program materials. The 2023 NBBP program year is governed by the program materials issued by the Commission in the May 16 Order.⁵⁷

This motion arose as a result of questions as to what constitutes a "project area" under the NBBP. In submitting its application for the Douglas-Washington Project, Cox intended to only serve 112 point locations identified in its Attachment B to the project.⁵⁸ However, this interpretation does not comport with the language or purpose of the Act. Neb. Rev. Stat. § 86-1302(8) provides that the term "project area" means "the geographical area in which a broadband network is to be developed pursuant to a grant." By referring to a "geographical area" rather than "locations," the statutory language necessarily includes more than single point locations. Since the

⁵² *Id.* at 43.

⁵³ *Id.* at 43-44.

⁵⁴ *Id.* at 45.

⁵⁵ *Id.*

⁵⁶ Neb. Rev. Stat. § 86-1303.

⁵⁷ Exhibit 1.

⁵⁸ Transcript at 20, 34.

purpose of the Act is to develop broadband networks in unserved and underserved “areas,” it would not make logical sense for the language of the statute to encourage providers to pick only selected locations to receive service, rather than serving a full geographical area.

Applicants for NBBP funding must include Attachments A and B with their applications. Attachment A should depict “[a] polygon shapefile polygon (.shp) reflecting the project area.” Attachment B should depict “[a] point shapefile which identifies serviceable locations in the project area.”⁵⁹ While applicants are asked to define serviceable locations within the project area, these individual locations are not intended to be the extent of the project area. It is the expectation of the Commission that any request for service submitted within an NBBP project area as defined in Attachment A will be met. The full geographic area must be able to receive service, and cherry-picking the most attractive locations runs counter to the purpose of the NBBP.⁶⁰ The Commission therefore reiterates that NBBP project areas are determined by Attachment A to each application.

The geographic area identified in Attachment A to Cox’s application for the Douglas-Washington Project contains 1,476 BSLs.⁶¹ Cox now seeks to reduce the geographic area to be served by the Douglas-Washington Project in order to capture the 109⁶² geographic locations it originally intended to serve, along with additional locations capable today of receiving 100/100 Mbps service within the original area identified in Attachment A.⁶³ The revised project area would include 662 broadband serviceable locations.⁶⁴ Cox states that the locations identified in its motion will

⁵⁹ Notably, this requirement seeks “serviceable locations in the project area,” rather than “locations to be served in the project area.”

⁶⁰ See *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Nebraska Broadband Bridge Act*, Commission Docket No. C-5272, Order Issuing 2021-2022 Grant Application Schedule and Application Materials (Aug. 10, 2021), at 4 (stating in the initial NBBP program year that applications will be closely reviewed to prevent “cherry-picking” of preferable service locations).

⁶¹ Exhibit 12.

⁶² While the original application referred to 112 locations, Cox later determined that three of these locations were sheds which were not serviceable locations. Transcript at 34.

⁶³ Exhibit 13. While Cox states it will also build new service to 25 additional locations, it is not seeking NBBP support for those locations, and they will therefore not be considered part of the Douglas-Washington Project. Transcript at 16, 41.

⁶⁴ Ex. 13.

receive 100/100 Mbps service as required by the NBBP.⁶⁵ Cox further states that due to construction timelines and costs, it would not be feasible for it to build out to all 1,476 BSLs as contemplated by the original application.⁶⁶ Cox does not seek any additional grant funding as part of this motion.⁶⁷

Based upon the evidence presented, the Commission finds that Cox's motion is reasonable and should be granted. The Commission hereby adopts the revised project area, attached hereto as Attachment A, as the official project boundaries for the Douglas-Washington Project. Cox must meet all terms of the original NBBP grant, including speed testing requirements, for the revised project area before final reimbursement for the project may be issued. Cox is expected to serve all locations within the project area depicted in Attachment A with a minimum of 100/100 Mbps service as required by the Nebraska Broadband Bridge Act.⁶⁸ The Commission further reserves the right to adjust its review of Cox's financial, legal, and technical capability to complete future NBBP projects.⁶⁹

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion filed by Cox Nebraska Telcom, LLC to modify its Douglas-Washington project area shall be, and is hereby, approved.

IT IS FURTHER ORDERED that the boundaries of the Douglas-Washington project area shall be modified as depicted in Attachment A.

⁶⁵ Charter Communications, Inc., as the future controlling interest in Cox, also submitted a letter in support of the motion, and affirming its commitment to the requirements of the Douglas-Washington Project. Exhibit 5. See also *In the Matter of the Joint Application of Charter Communications, Inc., Stamford, Connecticut, and Cox Enterprises, Inc., Cox Communications, Inc., Cox Nebraska Telcom, LLC, and Unite Private networks, LLC, Atlanta, Georgia, seeking approval of an indirect transfer of control and seeking to transfer control of previously awarded Capital Projects Fund awards*, Commission Docket No. C-5666/CPF-1, Order Granting Application (Feb. 24, 2026), at 9.

⁶⁶ Transcript at 25.

⁶⁷ *Id.*

⁶⁸ Neb. Rev. Stat. § 86-1308(2).

⁶⁹ See also *In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Nebraska Broadband Bridge Program in the 2023 program year*, Commission Docket No. C-5484, Order Granting Motion to Return Grant Funding (Oct. 8, 2024) at 7 (Commission reserving the right to adjust review of Cox's capability to complete projects based on its return of funding for the Cass-Sarpy NBBP project).

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IT IS FINALLY ORDERED that Cox Nebraska Telcom, LLC shall remain subject to all other terms and conditions previously set forth in this docket and as described above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19th day of May, 2026.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler
[Signature]
Kevin Stocker
[Signature]

Tim Schram

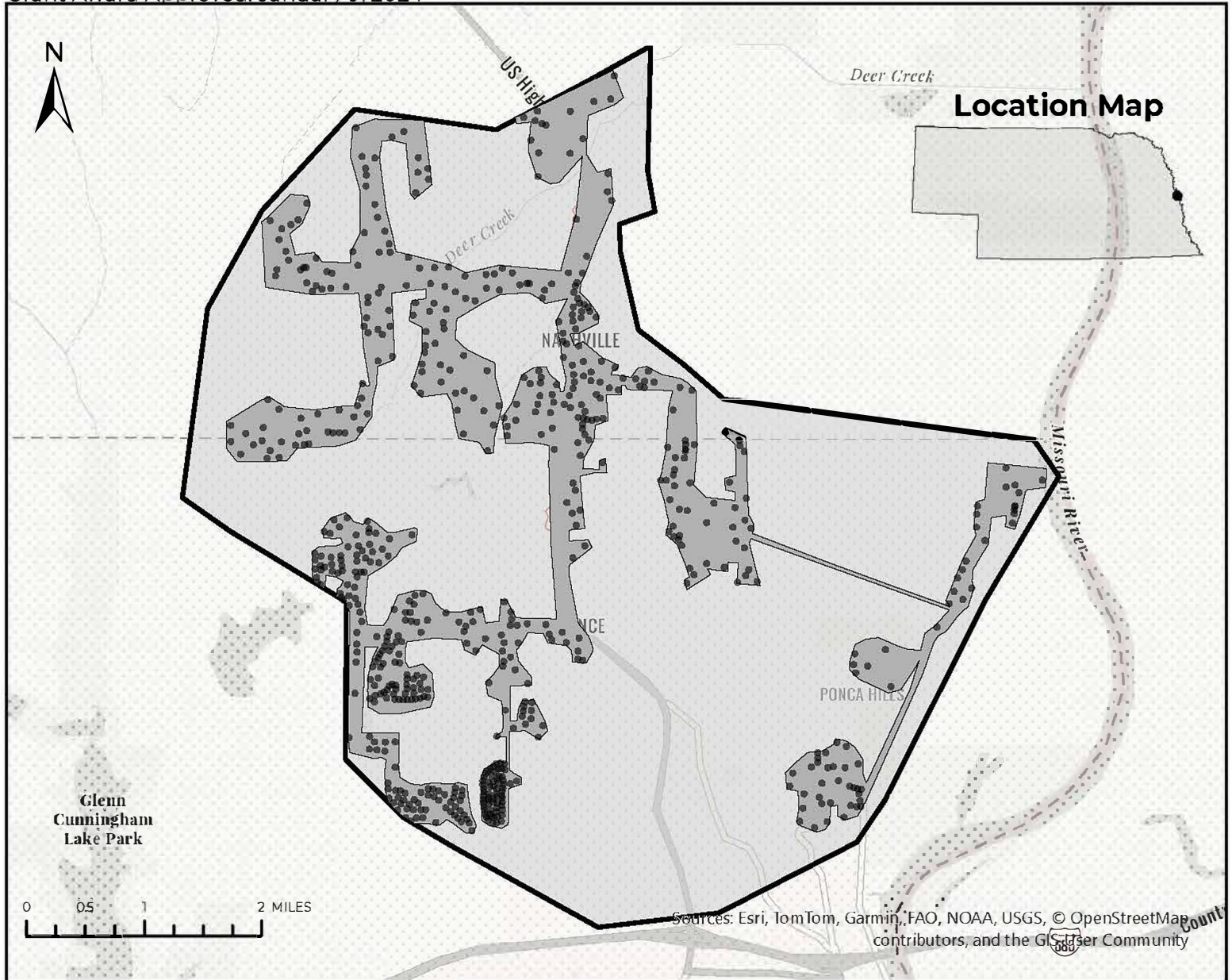
Chair

ATTEST:

[Signature]
Executive Director

**Docket: C-5484, Nebraska Broadband Bridge Program (NBBP)
Project Area, Modified Project Area, and Broadband Serviceable Locations**

NBBP Recipient: Cox Nebraska Telecom, LLC | Project Area: Douglas-Washington Version 2
Grant Award Approved: January 9, 2024



Legend

- Broadband Serviceable Locations (BSL)
- Modified Project Area
- NBBP 2023 Original Project Area

Location Counts

NBBP Locations at Award: 109

Broadband Serviceable Locations (BSL): 662

Cox-Reported Fiber Locations: 662

REFERENCES:

Cox Datasets: CoxData_ModifiedProjectBoundary_20260211
BSL locations - FCC_Active_BSL_06302025_rel7
Cox Version 2 Application Data: 2023-10-04 Revised Locations and Project Area (Nebraska Broadband Bridge Program Projects - <https://gis.ne.gov/portal/home/item.html?id=2870a6654f8346e5b49a33e8d7672a00>)

