

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-5272
Public Service Commission, on)
its own motion, to implement)
the Nebraska Broadband Bridge) PROTECTIVE ORDER
Act.)
)
) Entered: September 9, 2021

BY THE HEARING OFFICER:

On June 8, 2021, the Nebraska Public Service Commission ("Commission") initiated this proceeding on its own motion to implement the Nebraska Broadband Bridge Act ("NBBA" or "the Act"). On August 10, 2021, the Commission approved an order issuing the 2021 Nebraska Broadband Bridge Program ("NBBP") application schedule and application materials. As part of this order, the Commission found that it will be necessary for parties submitting NBBP applications or challenges to NBBP applications during the 2021 program year to provide certain information which may be confidential and/or proprietary in nature. The Commission further found that such information may be submitted pursuant to a Protective Order to be issued in this docket.

I therefore find that the following Protective Order shall apply to information included in applications and challenges submitted in the Nebraska Broadband Bridge Program during the 2021 program year.

Protective Order

1. This Protective Order shall govern the use of all confidential information and documents submitted to the Commission by, or on behalf of, any Applicant or Challenger. Notwithstanding any order terminating this proceeding, this Protective Order shall remain in effect until specifically modified or terminated by the Nebraska Public Service Commission.
2. Definitions. For purposes of this Protective Order:
 - a. The term "Applicant" shall mean a party submitting an application for funding within the 2021 Nebraska Broadband Bridge Program.

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- b. The term "Challenger" shall mean a party submitting a challenge to an application for funding submitted in the 2021 Nebraska Broadband Bridge Program.
- c. The term "Participant" shall mean Applicants and Challengers. Participant does not include Commission staff.
- d. The term "Confidential Materials" shall mean:
 - (1) Materials provided by an Applicant or Challenger in the 2021 Nebraska Broadband Bridge Program which are of a sensitive financial, confidential, and/or proprietary nature, including:
 - (a) maps of currently existing facilities;
 - (b) identifying information, including address information, relating to an Applicant's or Challenger's currently existing customers; and
 - (c) an Applicant's audited financial statements submitted as Attachment "I" to an application.
 - (2) Materials and submissions not specifically listed above shall not be considered Confidential Materials unless so designated by further Order of the Hearing Officer or the Commission.
 - (3) The Participant producing the Confidential Materials shall include in the digital file name the following: "CONFIDENTIAL MATERIALS - 2021 NEBRASKA BROADBAND BRIDGE PROGRAM." Materials formatted in pages or sheets (including but not limited to Word documents, Excel files, and PDF documents) must also be marked with the same language on each page or sheet in not less than 10 point font. Materials which are not so marked will not be considered Confidential Materials.
 - (4) Confidential Materials shall not include any information or document contained in the files of the Commission, or any other federal or state agency, or any federal or state court, unless the

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information or document has been determined to be protected by such agency or court.

- (5) Confidential Materials shall not include information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Protective Order.
3. Confidential Materials shall be made available under the terms of this Protective Order only to the Commission and Commission staff and counsel. Confidential Materials shall be treated as proprietary and confidential once submitted, and shall not be made available to Participants in this docket. Confidential Materials shall not be made available to the public or published on the Commission website.
4. Should Confidential Materials be inadvertently disclosed, any Participant who identifies the disclosure must immediately notify the Commission of the disclosure and destroy any copies of the Confidential Materials in their possession or control. No additional copies of Confidential Materials shall be made. Any further disclosure or use of Confidential Materials is strictly prohibited and shall constitute a violation of an order of the Commission.
5. All Confidential Materials shall be submitted to the Commission through secure transmission. Such materials shall be marked as set forth in paragraph 2(d)(3) of this Order. Participants shall take all reasonable precautions necessary to ensure that Confidential Materials are not distributed to unauthorized persons. The use of such precautions does not, however, alter or extend any filing deadlines previously set in this matter. It is the Participant's responsibility to ensure that all materials, including Confidential Materials, are filed in a timely manner.
6. The Commission or the Hearing Officer may alter or amend this Protective Order as circumstances warrant at any time during the course of this proceeding.
7. This Protective Order governs only Confidential Materials filed in the course of the 2021 Nebraska Broadband Bridge Program grant application period. Materials submitted in future NBBP program years are not included in the scope of this Protective Order.

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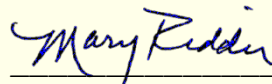
8. Nothing in this Protective Order shall be deemed to preclude any Participant from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this Protective Order.
9. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this Protective Order shall be entered in the above-captioned proceeding.

MADE AND ENTERED at Lincoln, Nebraska this 9th day of September, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION



Commissioner Mary Ridder
Hearing Officer