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 2024 program year.	)	Application No. C-5561 ORDER GRANTING MOTION TO MODIFY GRANT PROJECT Entered: October 27, 2026

BY THE COMMISSION:

On February 6, 2024, the Nebraska Public Service Commission ("Commission") initiated this proceeding on its own motion to administer the 2024 program year of the Nebraska Broadband Bridge Program ("NBBP"). On May 14, 2024, the Commission released an order adopting the 2024 grant application procedural schedule and application materials ("May 14 Order"). The Program Guide was then adjusted via Commission order dated June 25, 2024.

Awards in the 2024 NBBP program year were issued by order of the Commission on January 14, 2025 ("Jan. 14 Order"). This order further required that awardees must submit to the Commission a completed Grantee Acknowledgement and Attestation Form by January 28, 2025. Also pursuant to that order, Allo Communications LLC ("Allo") was awarded seven grant projects. Those projects include $128,328 to provide service to 118 locations in the Northwest Kearney Project and $496,697 for 81 locations in the Fremont to Schuyler Project.

On June 12, 2026, Allo filed a request for a six-month extension of deadline for two of its awarded projects, the Fremont to Schuyler and the West Lake Maloney projects, and to modify the Fremont to Schuyler Project. The extension request was granted for these two projects by order of the Commission dated June 30, 2026, and the completion deadline for these two projects was extended until January 14, 2027. The Commission did not rule on Allo's request to modify the Fremont to Schuyler Project. This matter was then scheduled for hearing by order of the Hearing Officer dated August 11, 2026.[1]

[1] Allo also filed a motion to cancel the Northwest Kearney Project. These matters were addressed in consecutive, but separate hearings, as set by the August 11 Hearing Officer Order. An order ruling on Allo's motion to modify the Northwest Kearney Project will be issued separately.

E V I D E N C E

A hearing in this matter was held on September 3, 2026. Sallie Dietrich appeared on behalf of the Telecommunications and NUSF Department of the Commission ("Department"). Andrew Vinton and Loel Brooks appeared on behalf of Allo. Exhibits numbered 1 through 12 were offered and accepted.

Nate Buhrman, Chief Financial Officer, offered testimony on behalf of Allo. Mr. Buhrman noted that he submitted pre-filed testimony with exhibits in this proceeding.[2] He stated that he was involved in the preparation of the grant application for the Fremont to Schuyler Project, and his role was primarily to review the budget.[3] He stated that a bill of materials for the project would be prepared by a different team and then submitted to his team.[4]

Mr. Buhrman stated that the process to prepare a construction timeline for the Fremont to Schuyler Project would be similar as had been performed for the Northwest Kearney Project.[5] Mr. Buhrman stated that Allo first physically reviewed the project locations in August of 2025, although the project was awarded in January of 2025.[6] He was unable to speak to whether Allo performed a review of Google Maps data in the design process.[7] However, Mr. Buhrman stated that Allo believed there would be a path to serving the serviceable locations for this project under the budget submitted with the application.[8]

Mr. Buhrman reviewed Exhibit 11, which reflected the project polygon and project locations submitted with the Fremont to Schuyler Project application.[9] He noted that there are three geographic areas with locations, in Fremont, Rogers, and Schuyler respectively.[10] Mr. Buhrman explained that Allo's motion is to remove the

[2] Exhibit 12.

[3] Transcript at 13.

[4] *Id.*

[5] *Id.* at 14.

[6] *Id.* at 15.

[7] *Id.* at 15-16.

[8] *Id.* at 14-15.

[9] Exhibit 11; Transcript at 16-17.

[10] Transcript at 17.

six locations in and around Rogers, as well as two rural locations between Rogers and Schuyler, from the project.[11] He stated that Allo is making this request because when its field engineers went on site, they determined that some buildings had been demolished, and in other locations the building appeared to be abandoned or unserviceable.[12] However, he noted that one of these locations appeared to be a garage attached to a house, and the house was not listed as not receiving service.[13] Mr. Buhrman stated that some of these locations are on a property with multiple buildings.[14] He stated that his understanding was that although the project locations may be on a property with multiple buildings, none of the locations were serviceable.[15] He was unaware as to whether there were any competing providers in the area.[16]

With regard to the Schuyler locations, Mr. Buhrman stated that these locations consist of a cluster of fourteen locations near Schuyler, excluding the two locations between Schuyler and Rogers.[17] He explained that Allo is proposing to build a connection to another provider, Vyve Broadband ("Vyve"),[18] who would then serve those locations.[19] Allo would turn its plant near the Schuyler locations over to Vyve pursuant to a Memorandum of Understanding ("MOU").[20] Mr. Buhrman stated that the MOU provides that Allo would interconnect to Vyve's existing plant in or near Schuyler, and would turn its assets over to Vyve in order to install and activate

[11] *Id.* at 17-18.

[12] *Id.* at 18.

[13] *Id.* at 19.

[14] *Id.* at 19-20.

[15] *Id.* at 20-21.

[16] *Id.* at 21.

[17] *Id.* at 21-22.

[18] Eagle Broadband Investment, LLC d/b/a Eagle Broadband, LLC d/b/a Vyve Broadband, LLC is registered as a VoIP provider in Nebraska. Its affiliate, Vyve Business Services, LLC holds authority as a competitive local exchange carrier ("CLEC") and interexchange carrier ("IXC").

[19] Transcript at 22.

[20] *Id.* at 22-23.

customers.[21] He stated that he does not believe Vyve can currently serve any of the Schuyler locations.[22]

Mr. Buhrman testified that under the MOU, Vyve would be responsible for ensuring the Schuyler locations receive 100/100 Mbps service by the project deadline.[23] However, he stated that Allo would be prepared to ensure these obligations were met, in the event that Vyve failed to meet those requirements.[24] Mr. Buhrman added that Vyve would be responsible for conducting speed testing, as well as handling customer service issues, customer installs, service requests, and billing.[25] He stated that Vyve has committed to meeting all of those obligations.[26]

Mr. Buhrman stated that Vyve has committed to providing service at the rate reflected in Allo's application for the Fremont to Schuyler project.[27] He noted that the stated rate would be $69 per month.[28] While no Vyve representative was available to testify, Mr. Buhrman anticipated that Vyve would be able and willing to sign an acknowledgement and attestation form for this portion of the Fremont to Schuyler project.[29]

Mr. Buhrman was unsure when Allo could begin construction on its portion of the Fremont to Schuyler build.[30] However, he stated that the necessary materials are on hand, and that construction crews were prepared to work.[31] He further stated that if Allo's motion to modify the project were denied, Allo would be unable to complete a build out to the entire Fremont to Schuyler project.[32] Mr. Buhrman stated that Allo

[21] *Id.* at 23.

[22] *Id.* at 24.

[23] *Id.*

[24] *Id.*

[25] *Id.* at 25.

[26] *Id.*

[27] *Id.*

[28] *Id.* at 25-26; Exhibit 3, page 16.

[29] Transcript at 26.

[30] *Id.* at 27.

[31] *Id.*

[32] *Id.* at 27-28.

has completed buildout to 59 out of the 81 locations near Fremont.[33] The Rogers and Schuyler locations are still awaiting service.[34] Mr. Buhrman was not sure whether Vyve might be able to serve the Rogers locations.[35]

Mr. Buhrman confirmed that Allo is not seeking any additional money to complete the Fremont to Schuyler project.[36] He stated that Allo has not given any financial incentive to Vyve to secure the MOU, and stated that Vyve will not reimburse Allo for the build to those locations.[37] He expected that building to the 14 Schuyler locations would cost approximately $150,000.[38] Mr. Buhrman stated that he expected Allo would not spend the full grant award and would return some funding for the project to the Commission.[39]

On questioning, Mr. Buhrman acknowledged that one property in the Rogers area includes a business, which may be a serviceable location.[40] Mr. Buhrman stated that the location at 1155 First Street appears to be non-serviceable because it appears to be unoccupied, but did not know whether Allo had tried to reach the property owner.[41] He acknowledged that another property appeared to contain a house which may be serviceable.[42] He noted that one location had been torn down since 2020 satellite imagery was taken, but there were still some buildings on the north side of the road by that location.[43] On redirect, Mr. Buhrman acknowledged that certain of these buildings may not be unserved or underserved, and thus not eligible for NBBP funding.[44]

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[33] *Id.* at 28.

[34] *Id.*

[35] *Id.* at 29.

[36] *Id.* at 30.

[37] *Id.* at 31.

[38] *Id.*

[39] *Id.* at 33.

[40] *Id.* at 39-41.

[41] *Id.* at 42-43.

[42] *Id.* at 43-44.

[43] *Id.* at 44-45.

[44] *Id.* at 45-46.

Following Mr. Buhrman's testimony, Cullen Robbins, Director, testified on behalf of the Department. Mr. Robbins stated that in his role, he oversees the NBBP program, and reviews each application and challenge that is submitted.[45] He stated that NBBP applicants were required to submit substantial information, and that applications were competitively scored against one another.[46] Mr. Robbins stated that Allo's Fremont to Schuyler Project was approved as part of the 2024 NBBP grant cycle.[47] He stated that the project sought to serve 65 unserved and 16 underserved locations, with a grant amount of $496,697, and a 50% match provided by Allo.[48]

Mr. Robbins explained that the project application had been challenged by Vyve.[49] He stated that Vyve's challenge was denied because it did not include speed testing information, and because the Federal Communications Commission's broadband map ("BDC") did not reflect that service was available from Vyve at that time.[50]

Mr. Robbins stated that in January of 2026, Allo contacted Department staff asking to discuss some issues with the Fremont to Schuyler Project.[51] He stated that at that time, Allo identified an issue that there were locations originally submitted as part of the project that Allo felt were not serviceable, and that they were not comfortable having an ongoing obligation to serve those locations should they eventually become serviceable.[52] Mr. Robbins stated that in June, Allo provided additional information, and sought to remove eight non-serviceable locations from its project, and assign fourteen locations in Schuyler to Vyve.[53]

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[45] *Id.* at 48.

[46] *Id.* at 48-49.

[47] *Id.* at 49.

[48] *Id.*

[49] *Id.* at 50.

[50] *Id.*

[51] *Id.*

[52] *Id.*

[53] *Id.* at 50-51.

Mr. Robbins testified that Allo provided confidential information regarding the MOU between Allo and Vyve.[54] He noted that the agreement states that the enforceable commitment of this portion of the grant award would ultimately be transferred to Vyve.[55] Mr. Robbins stated that Vyve has committed to fulfilling the terms of the award and has successfully completed bridge projects in the fast, including speed testing.[56] Mr. Robbins stated that while Allo's proposed arrangement with Vyve is unusual and unprecedented, it would have the benefit of providing quality service to the Schuyler locations in the application.[57] Mr. Robbins therefore recommended its approval.[58]

On questioning, Mr. Robbins noted that Vyve does not hold eligible telecommunications carrier ("ETC") designation in Nebraska.[59] He was unsure whether Vyve provides a voice service.[60] He further noted that NBBP projects are paid on a reimbursement basis tied to the work completed, and that if Allo removes locations from the project area, expenses related to those locations would not be reimbursable.[61] Mr. Robbins suggested that a condition of granting Allo's request to modify the project award could be a requirement that Vyve sign its own acknowledgement and attestation document.[62] Mr. Robbins noted that an NBBP awardee cannot assign or transfer the grant award without prior written approval of the Commission.[63]

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

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[54] *Id.* at 51.

[55] *Id. See also* Ex. 12 at 56 – 60 (Memorandum of Understanding, submitted as a confidential exhibit).

[56] *Id.*

[57] *Id.*

[58] *Id.*

[59] *Id.* at 52.

[60] *Id.* at 55.

[61] *Id.* at 52.

[62] *Id.* at 53.

[63] *Id.* at 59-60.

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."[64] The Commission has awarded grants in four program years, each governed by its own program materials. The 2024 NBBP program year is governed by the program materials issued by the Commission in the May 14 Order, as modified by the June 25 Order.[65] Grant funding was awarded in the Jan. 14 Order, where additional terms of completion were set forth for awardees.[66] The Commission expects that once an NBBP project is completed, any request for service submitted within the project area, as defined in Attachment A to the NBBP project application, will be met.[67] In order to modify a project area or assign any or all of the project to another provider, a provider must obtain the written approval of the Commission.[68]

Allo submitted an application for grant funding for the Fremont to Schuyler Project, seeking to serve 81 locations by using $496,697.00 of NBBP grant funds, with a total project cost of $993,393.99.[69] This grant was approved and awarded to Allo in the Jan. 14 Order.[70] Under the terms of the Jan. 14 Order, Allo was required to complete the Fremont to Schuyler Project by July 14, 2026.[71] Allo was granted a six-month extension of the project deadline by order of the Commission dated June 30, 2026.[72] Allo now seeks to modify this project to remove eight locations from the project near the Rogers area, and to assign fourteen locations near Schuyler to Eagle Broadband Investments, LLC d/b/a Vyve Broadband.

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[64] Neb. Rev. Stat. § 86-1303.

[65] Exhibit 1, Exhibit 2.

[66] Exhibit 3.

[67] Commission Docket No. C-5484, *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*, Order Granting Motion to Modify Project Area (May 19, 2026), at 7.

[68] Exhibit 3 at 16 (Attachment D: Grantee Acknowledgment and Attestation Form).

[69] Exhibit 7 at 1-2.

[70] Exhibit 3 at 15 (Attachment C: Grant Awards).

[71] Exhibit 3 at 9.

[72] Exhibit 5.

Based on the evidence presented, it appears that Allo failed to adequately review its project budget and the locations it sought to serve prior to submitting an application for grant funding. Broadband funding is limited, and in a competitively scored program, it is essential that all projects are properly vetted and can be completed. However, the Commission finds that it is in the public interest to grant this motion in order to provide service to as many locations as possible. Allo will be permitted to remove the eight Rogers locations from the Fremont to Schuyler project, and to assign the Schuyler locations to Vyve as contemplated in the MOU entered into the record in this proceeding. A map portraying the revised project area is attached hereto as Attachment A. The Commission's online broadband map will be updated following the entry of this order to reflect the revised, noncontiguous project area as well.

Allo may assign the fourteen Schuyler locations identified in its motion to Eagle Broadband Investments, LLC d/b/a Vyve Broadband on a conditional basis. Allo must complete construction to the Schuyler locations, prior to assigning that infrastructure to Vyve. Before the locations may be assigned, Vyve must submit to the Commission an NBBP Grantee Acknowledgement and Attestation form. A copy of that form is attached to this order as Attachment B. Additionally, Vyve must provide a written statement that it will provide service to the Schuyler locations for a minimum of fifteen years following project completion and affirming its commitment to providing 100/100 Mbps service for no more than $69/month to those locations for at least five years following project completion. The signed form and documentation must be returned to the Commission at psc.broadband@nebraska.gov. If the required documentation is not returned prior to **December 4, 2026, at 5:00 p.m.,** Allo will remain responsible for providing service to the Schuyler locations pursuant to the terms of the NBBP award.

Speed testing information for the Schuyler portion of the project shall be provided by Vyve upon connection of the locations to Vyve's existing infrastructure. The Fremont and Schuyler geographic areas will be reviewed separately for purposes of speed testing. Each provider will be expected to provide service to all serviceable locations within the originally submitted project polygon, as shown in Attachment A.[73] Both portions of the project must meet speed testing requirements before the final project reimbursement may be disbursed.

[73] The Commission notes that the BDC appears to reflect new locations within the original project polygon since the time the application was submitted. As with all NBBP projects, the grant awardee is

With regard to the remaining Fremont locations to be served by Allo, Allo 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. Allo 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.[74] The Commission further reserves the right to adjust its review of Allo's financial, legal, and technical capability to complete future NBBP projects.[75] The additional review may include, but is not limited to, requiring additional documentation to support project applications and budgets. These limitations on applications for funds shall apply to all state or federally funded grant programs administered by the Commission for a period of ten years after the date of this order.

While the Commission will approve Allo's request to modify this project in this instance, the Commission emphasizes that this request is highly unusual and should not be considered the routine course of business. Because the modified project area will not include the eight Rogers locations, the Commission finds that the grant award issued to Allo for the Fremont to Schuyler Project should be reduced in proportion to the reduced number of serviceable locations. As Allo will no longer be serving eight of its originally planned eighty-one locations, the award should be reduced by 9.88%. Allo's match amount of 50% will remain in place. The maximum reimbursable amount Allo may receive for construction of locations in this project is therefore reduced to $447,624 with Allo required to match costs up to a total $895,247.[76]

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expected to serve all locations within a project polygon, even if those locations were not constructed or identified at the time the application was submitted.

[74] Neb. Rev. Stat. § 86-1308(2).

[75] *See also* Commission Docket No. C-5484, *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*, 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).

[76] Because NBBP payments are disbursed in installments, Allo has already received two disbursements totaling 50% of the previously awarded total. In January 2025 and in September 2025, the Commission disbursed $124,174.25 to Allo, for a combined total of $248,348.50. Because the reduced award total is $447,624, the amount of the grant already disbursed to Allo equals 55.5%. The final disbursement, pending review of allowable expenses, will therefore be no more than $199,275.50.

Before Allo may be reimbursed for construction costs, it must provide a plant map showing all new plant constructed by Allo for this project with NBBP funding, as well as where the new construction interconnects with any existing plant owned by Allo, Vyve, or other entities. Additionally, Allo must affirmatively demonstrate that all Schuyler locations served by this project are in fact serviceable.[77] The Commission will only reimburse Allo for serviceable locations.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Allo Communications, LLC's motion to modify the Fremont to Schuyler Project is granted on a conditional basis, as set forth above.

IT IS FURTHER ORDERED that upon completion of construction to the fourteen locations near Schuyler identified in Attachment A, Allo Communications, LLC shall provide to the Commission a plant map showing all new plant constructed by Allo Communications, LLC for this project with NBBP funding, as well as all interconnections of said new construction with existing plant.

IT IS FURTHER ORDERED that upon completion of construction to the fourteen locations near Schuyler identified in Attachment A, Allo Communications, LLC may assign those locations to Eagle Broadband Investments, LLC d/b/a Vyve Broadband in order to fulfill the terms of the original Nebraska Broadband Bridge Program grant.

IT IS FURTHER ORDERED that no later than **December 4, 2026, at 5:00 p.m. Central Time,** Eagle Broadband Investments, LLC d/b/a Vyve Broadband must submit to the Commission a Grantee Acknowledgement and Attestation Form, along with a written statement demonstrating the commitments to the project outlined above.

IT IS FURTHER ORDERED that the Nebraska Broadband Bridge Program grant award previously issued to Allo Communications, LLC shall be reduced to a maximum

[77] Although this issue was not discussed at hearing, the Commission notes that some BSLs in the current BDC fabric in the Schuyler portion of this project appear to be non-serviceable campground locations. The Commission encourages Allo to perform site visits and consult with Commission staff before expending construction resources in this area.

of $447,624, representing a fifty percent match towards a total project cost of $895,247.

IT IS FURTHER ORDERED that Allo Communications, LLC may not resubmit the portions of the Fremont to Schuyler Project which have been removed, or any geographic portion thereof, in future state or federally funded grant application cycles unless it provides at least fifty percent of the funding required to complete the project.

IT IS FINALLY ORDERED that should Allo Communications, LLC wish to seek funding for future federally or state-funded programs administered by the Commission, the application and any accompanying budget documentation shall be subject to additional scrutiny in accordance with the terms of this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 27th day of October, 2026.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chair

ATTEST:

Executive Director