

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public
Service Commission, on its Own
Motion, to Implement Standards for the
Verification of Broadband Service
Provider Coverage and Speed Data.

Application No. NUSF-133
Progression Order No. 3

**COMMENTS OF CHARTER FIBERLINK - NEBRASKA, LLC AND TIME WARNER
CABLE INFORMATION SERVICES (NEBRASKA), LLC**

Charter Fiberlink - Nebraska, LLC and Time Warner Cable Information Services (Nebraska), LLC (collectively “Charter”) submit these comments in response to the Commission’s October 7, 2025 Progression Order No. 3 seeking comment on issues relating to speed testing requirements for the Nebraska Telecommunications Universal Service Fund (“NUSF”) and other Commission grant programs.

As the Commission noted in its Progression Order No. 3, “the speed testing requirements in place continue to present significant difficulty.” In previous filings, Charter has advocated for simplified testing requirements and reiterates that position here. Charter continues to support streamlined guidelines -- particularly for fiber installations -- because where fiber has been deployed, the Commission can be assured that the required speeds can be delivered to consumers regardless of the specifics of any testing protocol. For ease of reference, Charter re-submits below recommendations it offered in comments to Progression Order No. 1 filed in 2024 and continues to support:

1. ***At least one week of speed and latency testing data performed on active subscriber locations within an area subject to a testing requirement must be submitted.*** Speed test data and methodologies used should be consistent with the Performance Measures Testing standards set by the FCC with regard to the HUBB portal.¹
 - a. Consistent with the criteria described by the FCC, providers can choose from among three options for speed and latency testing:²
 - i. A carrier may leverage existing Measuring Broadband America (MBA) testing infrastructure by using entities that manage and perform testing for the FCC MBA program to conduct network performance testing. The carrier is responsible for all costs required to implement network testing.
 - ii. A carrier may use existing network management systems and tools, ping tests and other commonly available performance measurement and network management tools to implement performance testing.
 - iii. A carrier may develop its own self-testing configuration using software installed on subscriber gateways or in equipment attached to subscriber gateways to conduct speed and latency tests.
 - b. Providers are only required to test active subscribers to broadband service at 100/20 Mbps or better who have a modem or router that is capable of measuring both speed and latency.
2. ***Speed test data must support the availability and access to 100Mbps/20Mbps speed service the active subscriber locations in the area subject to a testing requirement (or a lower speed threshold if the locations are part of a grant or other support mechanism with lower speed threshold requirements).*** The data provided must include the location where the speed test was run, the date and time of the test(s). The testing must have been completed within six months of its submission to the Commission and must reflect that at least 80% of the speed measurements reflect speeds at 80% or more of the 100/20 Mbps standard.
3. ***Providers subject to speed testing requirements must demonstrate that the locations chosen to be tested were randomly selected. If the provider cannot test the required number of locations specified in paragraph 4 below, the provider must present:***
 - a. *an explanation as to why the required speed testing thresholds cannot be met,*
 - b. *an attestation regarding the speeds available in the challenged area, and*

¹ A helpful summary of this testing approach is located at <https://www.usac.org/high-cost/annual-requirements/performance-measures-testing/>

² <https://www.usac.org/high-cost/annual-requirements/performance-measures-testing/> (bullet points in original, hyperlinks removed)

- c. speed testing at the maximum number of locations possible, together with other, sufficient evidence to prove that the claimed speeds are available to each of the challenged locations.
4. ***The Commission shall determine whether the information submitted for paragraph 3.a- 3.c above is sufficient to prove that broadband service exists or has been deployed as claimed. The number of speed test locations presumptively required is based on the number of subscribers in the challenged area, as follows:***

<i>Number of Subscribers in Area</i>	<i>Number of Test Locations</i>
<i>300 or fewer</i>	<i>3</i>
<i>300-1000</i>	<i>1% of Total Subscribers</i>
<i>Over 1000</i>	<i>10</i>

Dated: November 14, 2025

Charter Fiberlink – Nebraska, LLC and Time
Warner Cable Information Services (Nebraska),
LLC

By: /s/ Kevin M. Saltzman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of November, 2025, the above Comments of Charter Fiberlink – Nebraska, LLC, and Time Warner Cable Information Services (Nebraska), LLC in response to Application No. NUSF-133 Progression Order No. 3 were delivered via electronic mail to the **Nebraska Public Service Commission** at psc.nusf@nebraska.gov and to interested parties via email service.

/s/ Kevin M. Saltzman