

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Mobius Communications) Application No.
Company, seeking transition of ongoing)
high-cost Nebraska Universal Service) **VERIFIED APPLICATION**
Support for eligible served locations in)
Qwest Corporation or United Telephone)
Company of the West territory.)

Mobius Communications Company ("Applicant") files this application with the Public Service Commission ("Commission"), pursuant to the Commission's Rules of Procedure, seeking receipt of ongoing high-cost Nebraska Universal Service Fund ("NUSF") for locations for which Qwest Corporation or United Telephone Company of the West (each DBA Lumen), the incumbent local exchange carrier ("ILEC") has carrier of last resort ("COLR") responsibilities ("Transition Support Area," as further defined). Applicant is currently offering fiber-based voice and broadband services to all locations in the Transition Support Area. As the Application will set forth, the action sought is consistent with existing law, the Commission's NUSF Rules and Regulations, as well as orders entered in NUSF-139.

In support of its Application, Applicant provides the following:

1. A description of the Applicant's organizational structure (Exhibit A), including a certificate of good standing from the Nebraska Secretary of State (Exhibit B).
2. A demonstration that the Applicant is an Nebraska Eligible Telecommunications Carrier (Exhibit C).
3. A commitment verified by the Affidavit below to comply with all provisions of NEB. ADMIN. CODE, tit. 291, ch. 10, § 004.02(G).
4. A commitment verified by the Affidavit below to fulfill to the Commission's satisfaction the following COLR obligations for so long as the Applicant receives NUSF support:

- a. Offer Voice Services to all locations in the Transition Support Area in compliance with the Commission's rules and regulations.
 - b. Offer reliable Broadband Services to all locations in the Transition Support Area at speeds required by Nebraska statute.
 - c. Offer affordable and reasonably comparable Voice Services and Broadband Services to all locations in the Transition Support Area.
 - i. Rates for Voice Services will be no higher than the Voice Benchmark Rate established by the Commission.
 - ii. Rates for Broadband Services will comply with the Broadband Benchmark Rate established by the Commission.
 - d. Offer 911 and Telecommunications Relay services.
 - e. Participate in the Nebraska Telephone Assistant Program.
5. A description of the Transition Support Area, showing by shapefile all Serviceable Locations for which support is sought is attached to the electronic filing of this Application as Exhibit D. Exhibit D includes locations in town for which Applicant is not seeking high-cost support.
6. A commitment to file the NUSF EARN Form, or any replacement filing, annually.
7. A commitment to file Commission-prescribed NETC certification reports annually.
8. A commitment to provide interconnection with any requesting carrier on a reasonable and nondiscriminatory basis.
9. A commitment to filing speed test data and meeting speed testing metrics consistent with the Commission's Orders in. NUSF-133.
10. A commitment that NUSF support received will be used in a manner consistent with the requirements of the NUSF Act (NEB. REV. STAT. 86-316 – 86-239),

Commission Rules and Regulations, and any order or policy of the Commission relevant to the use of NUSF support.

11. An affirmation verified by the Affidavit below that Applicant is not using or deploying communications equipment or service deemed to pose a threat to national security which is identified on the FCC's *List of Equipment and Services Covered by Section 2 of the Secure Networks Act* anywhere on its network.

12. Information responsive to the Commission's NUSF Rules and Regulations (NEB. ADMIN. CODE, tit. 291, ch. 10, § 004.02(G)(i)):

- a. **The cost of providing the supported services.** Applicant requests support for all Serviceable Locations in the Support Transition Area based on modelling approved by the Commission in NUSF-139.
- b. **An estimate of the amount of NUSF high-cost program support needed in the area.** Applicant defers to the modelling approved by the Commission in NUSF-139.
- c. **Benefits to consumers.** Consumers already have access to Applicant's fiber-based telecommunications and broadband services at locations where the ILEC was not offering comparable services.
- d. **The supported services provided in unserved areas.** Applicant will comply with its COLR obligations as stated above.
- e. **A demonstration that the quality of service provided would equal the existing service or be better than service provided.** Such information is publicly available as part of Broadband Data Collection ("BDC") program administered by Federal Communications Commission ("FCC").

- f. **Applicant will adopt existing interconnection agreements for the Transition Support Area as needed to provide services, consistent with the requirements of NUSF-139.**
- g. **Specific demonstration and documentation of the ability of the Applicant to offer service to everyone on its own network. Such information is publicly available as part of the FCC's BDC program.**

Having complied with all statutes, rules, regulations, and orders of the Commission, Applicant respectfully requests the Commission enter an Order:

- 1. Allocating ongoing high-cost support consistent with modelling under NUSF-139 to Applicant for all locations in the Transition Support Area that are eligible for such support;
- 2. Subjecting Applicant to the following COLR duties for so long as it receives NUSF ongoing support:
 - a. Offer Voice Services to all locations in the Transition Support Area in compliance with the Commission's rules and regulations.
 - b. Offer reliable Broadband Services to all locations in the Transition Support Area at speeds required by Nebraska statute.
 - c. Offer affordable and reasonably comparable Voice Services and Broadband Services to all locations in the Transition Support Area.
 - d. Rates for Voice Services will be no higher than the Voice Benchmark Rate established by the Commission.
 - e. Rates for Broadband Services will comply with the Broadband Benchmark Rate established by the Commission.
 - f. Offer 911 and Telecommunications Relay services.
 - g. Participate in the Nebraska Telephone Assistant Program.

3. Holding Applicant to the other commitments it has made in its Application.
4. Relieving ILEC of its COLR duties for all locations in the Transition Support Area.

DATED: October 2, 2025

MOBIUS COMMUNICATIONS COMPANY,
APPLICANT

By: REMBOLT LUDTKE LLP
3 Landmark Centre
1128 Lincoln Mall, Suite 300
Lincoln, NE 68508
(402) 475-5100

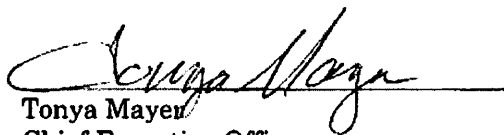
By: /s/ Andrew S. Pollock
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By: /s/ Jeffrey Owusu-Ansah
Jeffrey Owusu-Ansah (#28033)
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VERIFICATION

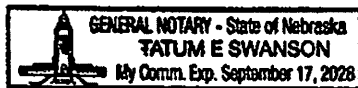
STATE OF NEBRASKA)
) ss.
COUNTY OF Box Butte)


Tonya Mayer, being first duly sworn on oath, deposes and states that he has read the foregoing Verified Application and that the information set forth therein is true to the best of his knowledge and belief and verifies the commitments made in the Verified Application on behalf of the Applicant.


Tonya Mayer
Chief Executive Officer

SUBSCRIBED AND SWORN to before me by TONYA MAYER on this 2 day of October 2025.

(SEAL)




Notary Public

DEC 30 1997

STATE OF NEBRASKA
SECRETARY'S OFFICE
Received filed and recorded on

film roll no. 97-31

at page 752

Secretary of State

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ARTICLES OF INCORPORATION OF
MOBIUS COMMUNICATIONS CO.

The undersigned individual or entity, acting as incorporator of a corporation under the Business Corporation Act of Nebraska, adopt the following Articles of Incorporation for such corporation.

ARTICLE I. NAME.

The name of the corporation is Mobius Communications Co.

ARTICLE II. DURATION.

The period of duration of the corporation is perpetual.

ARTICLE III. PURPOSE.

The purposes for which this corporation is organized are:

1. To engage in the transaction of any or all lawful business for which corporations may be incorporated under the provisions of the Business Corporation Act as now constituted or as may be hereafter altered or amended;
2. In general, to do all things, or any other acts, at any place wheresoever, which any natural person may do and which are not forbidden by the Business Corporation Act or by any other law of the State of Nebraska or by these Articles of Incorporation.

Except where expressly noted, the terms of any other clause in these Articles of Incorporation, shall not limit or restrict by reference to, or inference from, the business and purposes specified in this Article.

ARTICLE IV. POWERS.

The corporation shall have and exercise all powers and rights conferred upon corporations by the Business Corporation Act and any enlargements of such powers and rights conferred by subsequent legislative acts or acts of the voters of the State of Nebraska; the corporation shall have and exercise all powers and rights, not otherwise denied corporations by the laws of the State of Nebraska or by these Articles of Incorporation, as are necessary, suitable, proper, convenient or expedient to the attainment of the purposes set forth in Article III.

EXHIBIT
A

ARTICLE V. AUTHORIZED SHARES.

The aggregate number of shares which the corporation shall have the authority to issue is ten thousand (10,000) shares of common stock of One Dollar (\$1) par value per share.

ARTICLE VI. DENIAL OF PREEMPTIVE RIGHTS.

The holders of the common shares of the corporation shall not have preemptive rights to purchase any shares of the corporation hereafter issued, or any securities exchangeable for or convertible into such shares, or any warrants, or other instruments evidencing rights or options to subscribe for, purchase or otherwise acquire such shares of the corporation.

ARTICLE VII. REGISTERED OFFICE AND REGISTERED AGENT.

The street address of the initial registered office of the corporation is 1201 Lincoln Mall, Suite 102, City of Lincoln, County of Lancaster, State of Nebraska 68508, and the name of the initial registered agent at such address is Timothy F. Clare.

ARTICLE VIII. INCORPORATOR.

The street address of the incorporator is 1201 Lincoln Mall, Suite 102, City of Lincoln, State of Nebraska 68508, and the name of the incorporator at such address is Deborah Reichert.

ARTICLE IX. INTERESTS OF DIRECTORS IN TRANSACTIONS.

A director's conflicting interest transaction, as defined in section 21-20,112 of the Business Corporation Act, may not be enjoined or set aside or give rise to an award of damages or other sanction in a proceeding by a shareholder or by or in the right of the corporation because the director or any person with whom or which he or she has a personal economic, or other association has an interest in the transaction, if:

- (1) Directors' action respecting the transaction was at any time taken in compliance with section 21-20,114 of the Business Corporation Act;
- (2) Shareholders' action respecting the transaction was at any time taken in compliance with section 21,20,115 of the Business Corporation Act; or
- (3) The transaction, judged according to the circumstances at the time of the commitment, is established to have been fair to the corporation.


ARTICLE X. RESTRICTIONS ON SALE, ASSIGNMENT OR OTHER TRANSFER OF SHARES.

The shareholders of the corporation may, by the adoption of appropriate by-laws or by separate agreement, restrict the sale, assignment or other transfer of the shares of the corporation.

ARTICLE XI. INDEMNIFICATION

The corporation shall indemnify directors, officers, employees and agents of the corporation to the full extent permitted under Sections 21-20,102 to 21-20,111 of the Business Corporation Act of Nebraska.

DATED December 30, 1997.


Deborah Reichert, Incorporator

dsr/incorp/mobius.art

STATE OF NEBRASKA

United States of America, } ss.
State of Nebraska }

Secretary of State
State Capitol
Lincoln, Nebraska

I, Robert B. Evnen, Secretary of State of the
State of Nebraska, do hereby certify that

MOBIUS COMMUNICATIONS CO.

**incorporated on December 30, 1997 and is duly incorporated under the law of
Nebraska;**

**that no occupation taxes due from and assessable against the Corporation are
unpaid and have become delinquent;**

**that no annual or biennial report required to be forwarded by the
Corporation to the Secretary of State has become delinquent;**

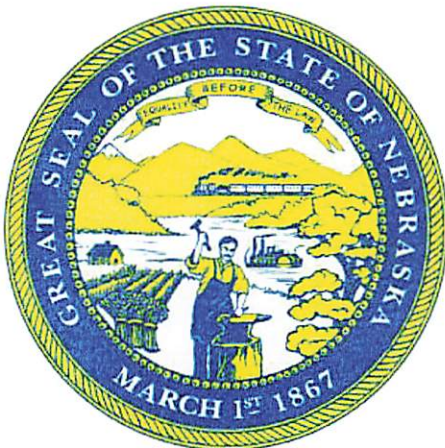
that Articles of Dissolution have not been filed.

*This certificate is not to be construed as an endorsement,
recommendation, or notice of approval of the entity's financial
condition or business activities and practices.*

In Testimony Whereof,

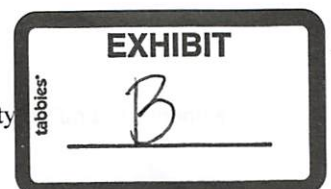
I have hereunto set my hand and
affixed the Great Seal of the
State of Nebraska on this date of

August 26, 2025



A handwritten signature in black ink, reading "Robert B. Evnen".

Secretary of State



BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. C-3480/NUSF-49
Application of Mobius)
Communications Company,) ORDER GRANTING DESIGNATION AS AN
Hemingford, seeking designation) ELIGIBLE TELECOMMUNICATIONS
as an eligible) CARRIER
telecommunications carrier that)
may receive federal and) Entered: March 7, 2006
universal service support.

APPEARANCES:

For the Applicant:
Mark A. Fahleson
Rembolt, Ludtke & Berger, LLP
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Lincoln, NE 68508

For the Interveners:
James A. Overcash
Woods & Aitken, LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508

For the Commission:
Shana Knutson
Staff Attorney
300 The Atrium
1200 N Street
Lincoln, Nebraska 68508

BY THE COMMISSION:

By application filed September 9, 2005, and amended December 30, 2005, Mobius Communications Company (Mobius or Applicant,) Hemingford, Nebraska, seeks designation as an eligible telecommunications carrier (ETC) so that it may receive state and federal universal service support. Notice of this application was published in The Daily Record, Omaha, Nebraska, on September 13, 2005. On October 12, 2005, the Commission received a Petition for Formal Intervention filed by the Rural Independent Companies¹ (Intervenors). A public hearing on the

1 The "Rural Independent Companies" include Arlington Telephone Company, Blair
Telephone Company, Cambridge Telephone Company, Clarks Telecommunications
Co., Consolidated Telephone Company, Consolidated Telco Inc., Consolidated
Telcom, Inc., Eastern Nebraska Telecommunications Co. Inc., Great Plains
Communications, Inc., Hartington Telephone Company, Hershey Cooperative
Telephone Company Inc., K & M Telephone Company, Inc., Nebraska Central
Telephone Company, Inc., Omaha Telephone Company, Inc., and Western
Nebraska Telephone Company, Inc.

EXHIBIT
C

application was held on January 11, 2006, in the Commission Hearing Room, Lincoln. Notice of the public hearing was mailed to interested parties. Appearances at the hearing were entered as indicated above.

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

Mobius was granted a Certificate of Public Convenience and Necessity to provide competitive facilities-based local exchange telecommunications services in Application No. C-2551, on August 7, 2001. According to its application, Mobius seeks federal and state ETC status for the area in which it has been certificated as a local exchange carrier. Accordingly, Mobius seeks federal and state ETC designation only in areas served by Qwest Corporation. Mobius seeks Nebraska eligible telecommunication carrier designation so that it can provide NTAP assistance to its qualifying customers and so that it may receive high cost support for customers served via unbundled network elements leased from Qwest Corporation.

Federal ETC Designation

Mobius offers voice-grade access to the public switched network, local usage for both data and voice, dual tone multi-frequency signaling or its functional equivalent, single party service, access to emergency service, access to operator service, access to interexchange service, access to directory assistance and toll limitation for qualifying low-income consumers.

Theron Jensen, General Manager for Mobius, testified on behalf of Mobius. Mr. Jensen testified that Mobius brings competitive services to residential customers in the Panhandle of Nebraska. Currently, it offers Internet services and it intends to offer voice services in the Qwest territories. Furthermore, Mobius has provided documentation of its planned advertisements in a publication of general circulation, as well as other media. Finally, Mobius indicated that in its opinion certification of Mobius as an ETC would be consistent with the public interest, convenience and necessity.

Section 214(e) of the Act sets forth the standards and processes for a state commission to grant carriers the designation of a federal eligible telecommunications carrier. The three general requirements listed in Section 214(e) are that: (1) the carrier must be a common carrier; (2) the carrier must

offer the "services" that are supported by the federal fund; and (3) the carrier must advertise the availability of those services. In addition, the carrier must fulfill these criteria throughout the service area for which the designation is received.

The "services" supported by the federal fund as provided by 47 C.F.R. § 54.101(a) are as follows:

- a. Voice-grade access to the public switched telephone network;
- b. Local usage;
- c. Dual tone multi-frequency signaling or its functional equivalent;
- d. Single-party service or its functional equivalent;
- e. Access to emergency services;
- f. Access to operator services;
- g. Access to interexchange service;
- h. Access to directory assistance;
- i. Toll limitation for qualifying low-income consumers.

Mobius provided documentation that it fulfills the requirements of 47 C.F.R. § 54.101(a) and confirms that it will provide all of the above-referenced services.

Mobius also provided adequate evidence that it will advertise the availability of the supported services. Mobius agrees with the Commission that, in the event ETC status is granted, it will advertise its universal service offerings and the charges therefore using media of general distribution pursuant to federal and Commission requirements.

Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e) and applicable federal law for the designation of eligible telecommunications carriers in the proposed geographic area.

On June 28, 2005, in Docket C-3415, this Commission adopted guidelines which were designed to provide clarity for carriers seeking ETC designation in Nebraska. The Interim Guidelines were intended to mirror the guidelines established by the FCC in its March 17, 2005, *FCC ETC Order*, concerning ETC applications (the "FCC Guidelines"). In our Order adopting the Interim Guidelines (the "Guideline Order"), the Commission incorporated a provision that a common carrier seeking to be designated an ETC in Nebraska must submit a five-year plan describing with specificity proposed improvements or upgrades to the Applicant's network on a wire center-by-wire center basis throughout its proposed designated service area.

Mobius filed a five-year plan and requested confidential treatment of its five-year plan. At the hearing on the Application, Mr. Jensen testified that Mobius would be willing to file additional information with respect to the five-year plan, if requested by the Commission. The Commission believes that Mobius' five-year plan is sufficient and is satisfied with Mobius' affirmation to provide additional information in the future as needed.

Mr. Jensen confirmed Mobius does and will continue to meet the Commission's ETC guidelines as established in the Guideline Order and will file the required certified statements with the Commission on an annual basis.

Finally, the Commission has jurisdiction and authority to ensure that Mobius continues to meet the ETC criteria set forth in Section 214(e) of the Act. Nothing prevents the Commission from, on its own motion, modifying, suspending or revoking Mobius's ETC designation if it does not continue to meet those obligations. We find Mobius' application for federal ETC designation should be granted.

Nebraska ETC Designation

The Applicant also sought designation as a Nebraska Eligible Telecommunications Carrier (NETC) in order to be eligible for NUSF support. In support of Mobius' application for NETC designation, Mr. Jensen testified that Mobius' application is limited to support for UNE loops pursuant to the Commission's decision in NUSF-26. In addition to the federal ETC designation requirements, Mr. Jensen testified the Applicant meets the state requirements for designation as an NETC. Mobius intends to offer Lifeline-Linkup or NTAP services, and it is committed to doing so in compliance with the Commission's orders. Mobius provides equal access to interexchange services. Mobius also provides customer access to a white page directory listing.

In summary, upon review of the application and evidence presented at the hearing, we find Mobius' application for state ETC designation should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Mobius, Inc., to be designated an Eligible Telecommunications Carrier shall be, and it is hereby, granted.

IT IS FURTHER ORDERED that Mobius, Inc., is hereby declared to be an Eligible Telecommunications Carrier for federal support in the areas served by Qwest Corporation.

IT IS FURTHER ORDERED that Mobius, Inc., is hereby declared to be a Nebraska Eligible Telecommunications Carrier for state universal service support.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of March, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

Exhibit D

See attached Transition Support file