

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the Nebraska Public	)	Application No. NUSF-133
Service Commission, on its own motion,	)	Progression Order No. 3
to implement standards for the	)	
verification of broadband service	)	COMMENTS OF LUMEN
provider coverage and speed data.	)	TECHNOLOGIES, INC. IN
	)	RESPONSE TO ORDER
	)	ENTERED OCTOBER 7, 2025
	)	

COMES NOW Lumen Technologies, Inc., by and through undersigned counsel, on behalf of its incumbent local exchange (“ILEC”) carriers Qwest Corporation, d/b/a CenturyLink QC, and United Telephone Company of the West, d/b/a CenturyLink (collectively herein, “Lumen”), and hereby respectfully submits these comments in response to the Nebraska Public Service Commission (the “Commission”) Order entered October 7, 2025, in the above-captioned docket seeking comments on the review and revision of the speed testing framework for Nebraska Telecommunications Universal Service Fund (“NUSF”) high-cost recipients and other Commission grant programs.

1. Testing Requirements Framework

Lumen appreciates the Commission’s efforts to revisit the speed testing framework and welcomes the opportunity to provide input. We believe the current FCC performance measures testing framework is outdated and imposes unnecessary administrative burdens on providers. Lumen recommends the Commission consider alternative approaches that streamline compliance while maintaining robust verification standards.

A promising example for an alternative is the Minnesota Broadband Office’s process, where a non-profit third-party (Connected Nation) conducts field verification and on-site speed

tests post-project completion. This method reduces the burden on grant recipients by eliminating the need for repeated, multi-day testing cycles and instead relies on targeted, third-party validation. We urge the Commission to consider adopting a similar approach, which would be less disruptive and more efficient for providers. Lumen is happy to provide more information on this alternative approach if the Commission is inclined to consider it.

If a new framework is adopted, requirements should avoid excessive repetition and allow for flexibility in testing protocols. The Commission should prioritize methods that confirm network buildout and service quality without imposing unnecessary operational strain.

2. Frequency and Timing of Tests

The current requirement, six consecutive hours per day for seven days, is overly burdensome. In practice, a single on-site test by a qualified third party is sufficient for many grant programs. Lumen recommends the Commission consider reducing the frequency and duration of required tests, especially where alternative verification methods are available.

Additionally, the timing restrictions should be revisited. Testing during peak congestion hours (e.g., 6pm to midnight) may not accurately reflect network capabilities, as results are skewed by heavy usage; doing so is akin to seeking to measure a car's top speed during rush hour traffic. We suggest removing rigid timing requirements and allowing tests to be conducted during periods that better represent typical network performance.

Regarding latency testing, Lumen believes it is unnecessary for fiber-to-the-premises networks. The FCC has discontinued latency testing, and we recommend the Commission follow suit. Because fiber networks naturally deliver low and stable latency, and because regulatory bodies like the FCC have acknowledged this by dropping latency testing requirements, such testing

is generally unnecessary for residential users. The focus for fiber should remain on verifying speed and service availability.

3. Alternative Testing

The current alternative testing approach is not effective for sparsely populated areas or locations with low subscriber counts. Lumen proposes testing up to 10% of active subscribers, capped at 30 customers, rather than the current maximum of 50. This adjustment would reduce network strain and improve the reliability of results.

Flexibility for late requests should be allowed, particularly when unforeseen circumstances prevent timely completion. Furthermore, alternative testing should be available for both new deployments and existing networks, ensuring equitable treatment for all providers facing unique challenges.

4. Submission of Test Results

Providers should be permitted to submit evidence of infrastructure challenges or anomalies that affect test results. For example, during the COVID-19 pandemic, Lumen deployed alternative modems due to chip shortages, which cannot be speed tested using standard protocols. The Commission should allow for the submission of supporting documentation and specify the level of detail required to evaluate such cases.

5. Equipment Limitations and Customer Participation

In cases where customers decline installation of testing equipment, substitute test locations should be permitted. Lumen recommends that comparable customers served by the same Optical

Line Terminal (“OLT”), even if outside the designated project boundaries, be eligible for testing. This approach ensures sufficient sample sizes while maintaining the integrity of the testing process.

6. Purpose of Testing

Lumen believes that testing requirements should be relaxed when adequate service is demonstrably provided, even if not all criteria are met. The primary purpose of testing should be to confirm that networks are built and delivering quality service, not to impose unnecessary burdens on providers. Requirements should be tailored to the type of support received and the realities of network deployment.

7. Additional Comments

Lumen respectfully requests the Commission consider permitting the submission of partial test results when communication with one or a few modems is temporarily lost. Requiring the entire seven-day testing window to restart for all modems due to a single unreachable device is unduly burdensome and causes significant delays. Allowing partial submissions, with missing results provided later, would streamline compliance and minimize disruption.

Additionally, for new grants, providers should be allowed a reasonable window post-construction for new subscribers to sign up. After this period, a list of active subscribers should be submitted for random sampling, with a minimum of 10 customers selected for speed testing. Immediate 10% take rate requirements are impractical, as market share builds gradually over several months.

Lumen appreciates the Commission's consideration of these recommendations and stands ready to assist in developing a more efficient and equitable speed testing framework for Nebraska's broadband programs.

Dated this 14th day of November 2025.

Respectfully Submitted,

LUMEN TECHNOLOGIES, INC.,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of November 2025, a true and correct copy of the foregoing was served via electronic mail to:

Nebraska Public Service Commission
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By: 
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