

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own Motion, to consider appropriate modifications to the high-cost distribution and reporting mechanisms in its Universal Service Fund program in light of federal and state infrastructure grants.)

Application No. NUSF-139

Nebraska Public Service Commission

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SECTION II.B COMMENTS OF THE NEBRASKA RURAL INDEPENDENT COMPANIES

The Nebraska Rural Independent Companies (“RIC”)¹ submit these Comments in response to the Order Opening Docket, Seeking Comment and Setting Hearing entered by the Nebraska Public Service Commission (the “Commission”) in this matter on August 29, 2023.² The responses set forth below are limited to the issues presented by the Commission in Section II.B of the *NUSF-139 Order*. In the below Comments, RIC will first set forth the topic or question in response to which comments are requested in the *NUSF-139 Order* followed by RIC’s responsive comments. RIC appreciates the opportunity to provide these Comments to the Commission.

¹ Consolidated Telephone Company, Consolidated Telco, Inc., Consolidated Telecom, Inc., The Curtis Telephone Company, Great Plains Communications, LLC, Hamilton Telephone Company, Hartington Telecommunications Co., Inc., Hershey Cooperative Telephone Company, Inc., K & M Telephone Company, Inc., The Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Sodtown Communications, Inc., and Three River Telco.

² *In the Matter of the Nebraska Public Service Commission, on its own motion, to consider appropriate modifications to the high-cost distribution and reporting mechanisms in its Universal Service Fund program in light of federal and state infrastructure grants, Application No. NUSF-139, Order Opening Docket, Seeking Comment and Setting Hearing (Aug.29, 2023) (the “NUSF-139 Order”).*

I. POLICY GUIDELINES

RIC supports the Commission’s initiative to review and potentially to revise and update its “strategic plan relative to broadband funding, maintenance of reliable and affordable voice and broadband services, and oversight”³ (the “Strategic Plan”) first announced in 2016.⁴ The RIC member companies respectfully submit that in conducting this review process the Commission should be guided by the following policy guidelines that have been and currently are fundamental to the Commission’s legislatively-delegated duties to oversee and administer the Nebraska Universal Service Fund (“NUSF”), and in particular, the NUSF High Cost Program (the “High Cost Program”):

- “[A]ccess to advanced telecommunications and information [broadband] services should be provided in all regions of the state.” (*Neb. Rev. Stat.* § 86-323(2))
- “Quality telecommunications and information [broadband] services should be available at just, reasonable, and affordable rates.” (*Neb. Rev. Stat.* § 86-323(1))
- To accomplish the foregoing, High Cost Program funding should be directed to support scalable fiber optic-based technology to minimize future investment costs and to maximize the capability to respond to consumer demands for increased broadband speeds. (*Neb. Rev. Stat.* § 86-324.01)
- The High Cost Program must continue to support ongoing expenses of the network and ensure that such support is used and available “. . . only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” (*Neb. Rev. Stat.* § 86-324(1))
- Consistent with the use of High Cost Program support requirements stated in *Neb. Rev. Stat.* § 86-324(1) noted above, recipients of High Cost Program support (as well as federal universal service support) should continue to be held accountable

³ *Id.* at 8.

⁴ See *In the Matter of the Nebraska Public Service Commission, on its own motion, to consider revisions to the universal service fund contribution methodology*, NUSF-100/PI-193, Order Seeking Further Comments at 5-6 (April 5, 2016), as further discussed in the Order and Order Seeking Further Comments and Setting Hearing at 18-19 (Feb. 22, 2017) (“2017 NUSF-100 Order”).

to use such support for its intended purposes which, in turn, will provide the foundation to ensure that deployed networks demonstrably produce broadband speeds and quality telecommunications services according to statutory and regulatory requirements. (*Neb. Rev. Stat.* § 86-324(2)(a)-(f))

- Consistent with federal policies, the importance of protecting communications networks and those who use them from domestic and international cybersecurity threats must be recognized and the costs to implement such protections should be supported by the High Cost Program. (*Neb. Rev. Stat.* § 86-324(2)(d))
- The public interest will be advanced by the coordination between the Commission and the Nebraska Broadband Office (“NBO”) to foster a unified strategic plan for the deployment and operation of scalable, future-proof broadband networks in Nebraska.⁵

Evaluation by the Commission of existing goals for the High Cost Program and the Strategic Plan through the lens of the foregoing policy guidelines will, in RIC’s view, enable the Commission to more effectively determine whether modifications of the goals or Strategic Plan are warranted at this time.

II. RIC’S RESPONSES TO THE COMMISSION’S SECTION II.B REQUESTS FOR COMMENTS

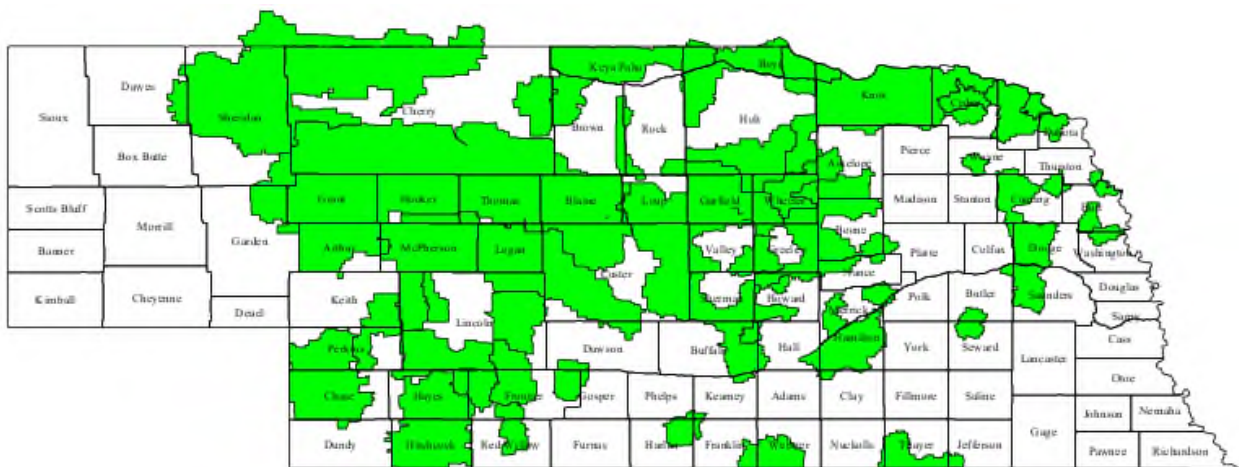
The Commission solicits general comments on appropriate revisions and updates to its strategic plan relative to broadband funding, maintenance of reliable and affordable voice and broadband services, and oversight.

A. The RIC member companies’ deployment and maintenance of telecommunications and broadband services to sparsely populated, high cost service areas of Nebraska uniquely qualify RIC to provide these Comments.

⁵ *Neb. Rev. Stat.* § 86-331(2)(b) which became law on May 27, 2023, directs the NBO to develop a strategic plan that maximizes the use of public and private resources and encourages innovative models for ownership of infrastructure that is used for both private and public purposes [to deploy broadband infrastructure and services]” Thus, although this suggested coordination with the NBO was not relevant when the Strategic Plan was announced in 2016 and has subsequently been implemented by the Commission, RIC believes that coordination between the Commission and the NBO is and will in the future continue to be an important aspect of broadband deployment and sustainability for all Nebraskans.

As a preliminary matter, the RIC members believe that they are uniquely situated to provide these Comments regarding the High Cost Program, its goals and the Strategic Plan based on their current and long-standing provision of telecommunications and broadband services to customers located in some of the least densely populated areas of Nebraska that involve the highest costs to deploy and maintain such services. To illustrate this point, in aggregate, the thirteen RIC member companies provide telecommunications and broadband services to 39% of Nebraska’s land area (29,950 of Nebraska’s 77,220 total square miles). Within this area the RIC members serve 38,868 access lines or an average of 1.3 access lines per square mile served.⁶

The following map depicts the study areas of the thirteen RIC members.



4The RIC member companies’ service areas contain 93 villages (municipalities with not less than 100 nor more than 800 inhabitants)⁷ and 22 cities of the second class (municipalities

⁶ See Nebraska Public Service Commission 2023 Annual Report to the Legislature at 38-41.

⁷ Definition of “villages” in *Neb. Rev. Stat.* § 17-201.

with more than 800 and not more than 5,000 inhabitants)⁸ based upon the 2020 Census. Given the rurality of these areas and the fact that such a large area of the State is served by the RIC members, the group’s policy positions deserve particular weight since provision of services to residents and businesses located in these areas is the reason that universal service principles and programs exist.

B. The Commission’s existing goals that underpin the Strategic Plan remain relevant and should continue.

The Commission’s current Strategic Plan identifies the following existing goals: Provision of ubiquitous broadband; preserve and advance affordable voice service; deploy fiber-based networks everywhere; require accountability for Program support; maintain stability of the Program; and establish a time frame for implementation. While the passage of seven years since the foregoing goals were identified may be cause for modifications to some of these goals, RIC believes that each goal remains relevant today.

As quoted by the Commission in its *2017 NUSF-100 Order*, *Neb. Rev. Stat. § 86-323(2)* of the Nebraska statutes provides that “access to advanced telecommunications and information services should be provided in *all* regions of the state.”⁹ (emphasis in original) Not only is the goal of providing ubiquitous broadband access consistent with Nebraska law, but further, it is consistent with federal law.¹⁰

⁸ Definition of “second class cities” in *Neb. Rev. Stat. § 17-101*.

⁹ *2017 NUSF-100 Order* at 19.

¹⁰ See, *In the Matter of Report on the Future of the Universal Service Fund*, WC Docket No. 21-476 at paras. 11-12 (Aug. 15, 2022) (the “*FCC USF Report*”).

Availability of affordable voice service continues to be a requirement of Nebraska law¹¹ and should continue to be a Commission goal. As further discussed below, this goal should be explicitly enlarged to include availability of affordable *broadband* service consistent with Nebraska and federal law.¹²

In the *2017 NUSF-100 Order* the Commission reaffirmed its conclusion in the Strategic Plan “to provide NUSF support for scalable broadband networks” based upon deployment of “resilient” technology in rural high-cost areas.¹³ Since 2016, Internet access speeds required to be supported by broadband networks have moved from 4/1 Mbps to 10/1 Mbps to 25/3 Mbps to 100/20 Mbps and currently in Nebraska to 100/100 Mbps.¹⁴ With regard to the provision of broadband services to the State’s libraries, the Legislature has specifically provided that Nebraska’s E-Rate Special Construction Matching Fund Program shall “provide incentives for fiber optic cable to be constructed to benefit public libraries”¹⁵ to support gigabit Internet access service. The past evolution of broadband speeds as well as the Legislature’s explicit policy favoring fiber-based broadband service to libraries support the Commission’s goal to provide fiber-based networks ubiquitously in the State.¹⁶

¹¹ See *Neb. Rev. Stat.* § 86-323(1).

¹² See *id.* and *FCC USF Report* at paras. 11 and 12.

¹³ See *2017 NUSF-100 Order* at 18.

¹⁴ *Neb. Rev. Stat.* § 86-324.01.

¹⁵ *Neb. Rev. Stat.* § 86-332(1).

¹⁶ Federal Communications Commission (“FCC”) policy also supports the use of federal universal service support to fund scalable, future-proof networks. See, *In the Matter of Connect America Fund, et al., Report and Order*, WC Docket No. 10-90, *et al.*, FCC 14-190, released December 18, 2014 at para. 18 (“We encourage recipients of funding to deploy to the extent possible future proof infrastructure that will be capable of meeting evolving broadband performance obligations over the longer term. That will ensure that our policies will continue to

Accountability for the use of Nebraska and federal support for broadband deployment and ongoing expenses of operating broadband-capable networks has become an increasingly complex task in light of the proliferation of support programs since the Commission’s original publication of its Strategic Plan goals.¹⁷ The Commission has responded by creation of a process by which a recipient of broadband deployment support submits a request to the Commission for support prior to project deployment and submits documentation of costs of deployment after project completion.¹⁸ In addition, the Commission has limited permitted expenses, monitors cost allocation and affiliate transactions and has reduced the prescribed rate of return for rate-of-return carriers.¹⁹ Further, the Commission has established detailed speed testing requirements to assure that completed broadband projects deliver speeds consistent with project specifications.²⁰

support an evolving level of universal service in the future.”). The NTIA’s Notice of Funding Opportunity clearly preferences fiber-optic technology and in fact defines “Priority Broadband Project” to mean “a project that will provision service via end-to-end fiber-optic facilities to each end-user premises.” *See* Department of Commerce, National Telecommunications and Information Administration, Broadband Equity, Access, and Deployment Program Notice of Funding Opportunity (“NOFO”) at 14 and fn. 9 (May 13, 2022), <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

¹⁷ Volume 1 of the NBO’s Initial Proposal to the National Telecommunications and Information Agency (“NTIA”) at 3-4 identifies 22 separate federal or state broadband funding programs providing total funding of slightly less than \$2 billion in the State of Nebraska. Some of these programs are administered by the Commission and others are administered by other state or federal departments or agencies.

¹⁸ *In the Matter of the Nebraska Public Service Commission, on its own Motion, to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements*, Application No. NUSF-108, Progression Order No. 3, Findings and Conclusions at 41 (Nov. 19, 2018). The Commission is investigating possible modifications to this process in the *NUSF-139 Order*, Section II.A.

¹⁹ *Id.* Application No. NUSF-108, Progression Order No. 5, Order at 12-14 (Feb. 23, 2021).

²⁰ *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, Order Setting Speed Test Requirements (Nov. 8, 2022).

Adoption of the foregoing measures confirms the Commission’s commitment to the accountability goal and the continuing relevance of this goal.²¹

RIC believes that since April 1, 2019, when the Commission implemented reform of the NUSF contribution mechanism to a connections-based assessment, the Commission has generally accomplished the goal of stabilizing the level of surcharge collections that support NUSF programs, in particular the High Cost Program.²² This stability of the NUSF stands in contrast to federal universal service programs for which the percentage applied to assessable revenues continues to climb and the assessment base continues to shrink,²³ with no realistic end to these trends in sight without action by Congress or the FCC to broaden the assessment base.

The foregoing review of the 2016 goals demonstrates the significant progress that the Commission has made toward accomplishment of these goals. Nonetheless, RIC believes that these goals remain relevant and require ongoing focus by the Commission. For example, the Commission should fully explore the adequacy of federal universal service support plus

²¹ The Commission and interested parties will more closely examine existing reporting and accountability requirements and possible revisions thereof in connection with Task 7, “Streamlining the Accountability Framework” of Section II.C of the *NUSF-139 Order*.

²² *In the Matter of the Nebraska Public Service Commission, on its own motion, to determine a rate design and address implementation issues with a connections-based contribution mechanism*, Application No. NUSF-111/PI-211, Order (Aug. 7, 2018). Assessment of residential connections was expanded to include business connections *In the Matter of the Nebraska Public Service Commission, on its own motion, to consider revisions to the contribution methodology and determine a rate design for services currently subject to a revenues-based surcharge*, Application No. NUSF-119/PI-233, Order (May 11, 2021).

²³ See *FCC USF Report* at para. 111 wherein the FCC states: “we recommend Congress provide the Commission with the legislative tools needed to make changes to the contributions methodology and base in order to reduce the financial burden on consumers, to provide additional certainty for entities that will be required to make contributions, and to sustain the Fund and its programs over the long term.”

customer revenues to offset the ongoing expense costs of provisioning, maintaining and upgrading networks providing telecommunications and broadband services.²⁴ The Commission should fully explore comparability of rates and services in rural areas of the State and urban areas of the State.²⁵ And the Commission should focus on affordability of telecommunications and broadband services.²⁶ As more fully discussed below, RIC believes that sustainability of the broadband networks and cybersecurity for such networks should be added as goals in connection with the Commission's updated Strategic Plan.²⁷

The Commission has previously considered a goal of affordability and standards by which that should be measured. Should the Commission revise its strategic plan relative to universal service funding to include a goal of affordable broadband service? Why or why not?

The Commission should collaborate with other State and Federal agencies in its efforts to promote affordable broadband services.

Affordability of telecommunications services has been the focus of several federal and state programs for many years. More recently, affordability of broadband services has become an additional focus of federal and state policymakers – and properly so. It is RIC's understanding that the Nebraska Office of the Chief Information Officer (the "OCIO") has been assigned the responsibility to develop a Nebraska State Digital Equity and Inclusion Plan (the "DEI Plan"). The OCIO's digital equity efforts are focusing on affordable access to service, access to internet-enabled devices, and digital literacy. The DEI Plan will support digital equity

²⁴ RIC will provide expanded analysis and comments on these subjects in its comments to be filed in response to the *NUSF-139 Order*, Section II.C, Tasks 1, 2 and 6.

²⁵ RIC will provide expanded analysis and comments on these subjects in its comments to be filed in response to the *NUSF-139 Order*, Section II.C, Tasks 4 and 5.

²⁶ RIC will provide expanded analysis and comments on this subject in its comments to be filed in response to the *NUSF-139 Order*, Section II.C, Task 5.

²⁷ Please refer to the discussion of these proposed goals at pages 12-15 *infra*.

strategies. In order to minimize duplication of efforts regarding DEI and broadband affordability, it seems reasonable that the Commission would coordinate its efforts in this area with those of the OCIO.

Activities that RIC proposes the Commission might consider to pursue such affordability goals include:

- Increase enrollment in the FCC’s Affordable Connectivity Program and Lifeline Program by increasing awareness and decreasing barriers.
- Encourage providers currently not participating in the Affordable Connectivity Program to participate.
- Partner with broadband providers to advance digital inclusion efforts targeting low-income households with training, device refurbishment programs or other programs included in the State Digital Equity Plan.
- Incentivize providers to offer low-cost and affordable service options as an evaluation criterion for broadband grant funding.
- Support continued funding for the Affordable Connectivity Program.
- Support legislation to amend the provisions of the Nebraska Telephone Assistance Program (“NTAP”) to expressly include broadband services.²⁸

Additionally, first among the universal service legislative policies in Neb. Rev. Stat. § 86-323 is the statement that quality telecommunications and information services should be available at just, reasonable, and affordable rates. (Emphasis added) (footnote omitted) Should the Commission update this goal in a manner to specifically ensure a certain level of quality access to broadband and telecommunications services is being provided? If so, please describe how this goal should be updated?

Actions by the Commission have in the past and continue to support and require the provision of quality telecommunications and broadband services in the State of Nebraska.

²⁸ *Neb. Rev. Stat. § 86-329(1)* currently provides that “[s]upport provided by the program shall be specifically targeted to maintain affordable rates for residential basic local exchange services supported by federal and state universal service mechanisms.” This limiting language casts doubt on the permissible use of NTAP support for broadband services affordability. Amending this statute to expressly include broadband services would facilitate the use of NTAP to support affordable broadband services.

Consistent with the requirements of Section 86-323, RIC supports efforts by the Commission to ensure access to quality broadband and telecommunications services. Commencing January 1, 2022, any High Cost Program support provided for new broadband infrastructure is required to support broadband service scalable to 100/100 Mbps.²⁹ As is well known, this speed standard exceeds the most recently adopted federal standard of 100/20 Mbps. The Commission has implemented the scalable 100/100 Mbps standard in its administration of the High Cost Program and thus, is *de facto* ensuring provision of quality access to broadband service in Nebraska. As discussed above in connection with the accountability goal of the Strategic Plan, not only has the Commission implemented the 100/100 Mbps standard, but it has also implemented a detailed testing plan to assure that broadband deployment projects in Nebraska actually deliver these speeds.³⁰

Regarding the provision of quality *telecommunications* services in Nebraska, the Commission's Telecommunications Rules and Regulations contain provisions establishing quality standards for local exchange and interexchange telecommunication services.³¹ RIC believes that the Commission's ongoing administration of the High Cost Program includes actions responsive to the policies set forth in section 86-323 that have evolved in response to continuing developments in the provision of broadband and telecommunications services to consumers in all regions of the State.

Even though the FCC did not adopt these goals [related to reliability, sustainability, adaptability and cybersecurity], are these goals the Commission should explicitly consider and adopt? (footnote omitted) For example, even though sustainability is not specifically listed among the Legislative goals above, this large infusion of federal grant funding for broadband

²⁹ *Neb. Rev. Stat.* § 86-324.01.

³⁰ *See* footnote 20 *supra*.

³¹ *See generally* Title 291 *Neb. Admin. Code*, Chap. 5, sections 002 and 003.

infrastructure was not a foreseeable event at the time the Legislation was enacted. Should the goal of sustainability be added among the Commission’s universal service fund goals? Why or why not?

RIC supports the Commission’s consideration and adoption of a universal service goal that explicitly addresses network sustainability.

Initially, to address the subject of sustainability of the network that supports access to broadband services, 47 U.S.C. § 254(e) provides that federal universal service support shall be used “only for the provision, maintenance and upgrading of facilities and services for which the support is intended.” *Neb. Rev. Stat.* § 86-317 states that the purpose of the Nebraska Telecommunications Universal Service Fund Act “is to authorize the commission to establish a funding mechanism which supplements federal universal service support mechanisms.” Consistent with federal requirements, *Neb. Rev. Stat.* § 86-324(1) specifies that NUSF support shall be used “only for the provision, maintenance and upgrading of facilities and services for which the support is intended.” These statutory sections are not time-limited and therefore logically reflect the notion that sustaining universal service is a mandated and continuing goal.

This conclusion is further supported by *Neb. Rev. Stat.* §86-323. This statute not only states the overall purposes of the NUSF, but further, authorizes the Commission to administer the program such that the “distribution of universal service funds should encourage the *continued development and maintenance of telecommunications infrastructure.*”³² This “continued development and maintenance of telecommunications infrastructure” is not limited to a specific period of time. In the *FCC NOI* the FCC expresses its concern for continuing operation of networks stating: “[P]roviders in high-cost areas that already operate such fully deployed networks might not have a business case for continuing to operate those networks and provide

³² *Neb. Rev. Stat.* §86-323 (emphasis added).

services absent ongoing programmatic support that will augment existing revenues.”³³ Thus, RIC respectfully submits, that the continuation of universal service is an ongoing goal fully consistent with the federal and state concept of “sustainability” of such networks.

In fact, the Commission itself recognizes the long-term necessity of universal service support. In its recent comment submission to the FCC, the Commission stated:

[T]he NPSC recommends the Commission [FCC] keep in mind that Congress’ statutory universal service mission is not focused solely on upgrading networks in unserved areas but rather upgrading, maintaining, and continuing to provide comparable services at comparable rates. Consistent with § 254, the Commission [FCC] should ensure that universal funding for networks deployed by ROR carriers through the use of private capital, universal service support, or grant-based funding is sustainable and sufficient so that prices for comparable services in rural areas can remain affordable. (footnotes omitted)³⁴

The foregoing recommendations by this Commission to the FCC are equally applicable to the administration of the High Cost Program consistent with the requirements of *Neb. Rev. Stat.* § 86-324(1).

Deployment of new broadband infrastructure will continue but at a reduced pace as additional deployment is accomplished. At that time, and consistent with Nebraska and federal law as discussed above, RIC respectfully submits that the Commission should place increased emphasis on the ongoing expenses of operating such networks. The High Cost Program should be modified as appropriate to shift a greater proportion of overall universal service support to ongoing expenses associated with the maintenance and upgrading of broadband networks. In

³³ *Connect America Fund, et al.*, Notice of Inquiry, WC Docket Nos. 10-90, 14-58, 09-197, 16-271, RM-11868, FCC23-60 at para. 159 (rel. July 24, 2023) (the “*FCC NOP*”).

³⁴ *Connect America Fund, et al.*, Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, WC Docket Nos. 10-90, 14-58, 09-197, 16-271, RM-11868, FCC23-60 (rel. July 24, 2023) (“*Enhanced A-CAM Order*”) Comments of the Nebraska Public Service Commission at 7 (Sept. 18, 2023).

doing so the Commission will, in a manner fully consistent with state law and federal law, advance the sustainability of broadband networks.³⁵

Cybersecurity of telecommunications and broadband networks has been of critical importance to the public interest of Nebraskans and will be even more so in the future as cybersecurity threats continue or even worsen.

Cybersecurity of telecommunications and broadband networks has emerged as a key policy issue that merits inclusion as a goal in the Strategic Plan. As evidence of State policymakers' cybersecurity concerns, on February 22, 2023 Governor Pillen issued Executive Order No. 23-05 prohibiting award of any grant funding designated for broadband deployment in Nebraska to companies using or deploying communications equipment or services provided by organizations listed on the FCC's "Covered List."³⁶ Further, LB 683 which became effective on May 27, 2023 contains reporting requirements and directs withholding of NUSF support to any company using equipment or services on the "Covered List."³⁷

³⁵ Recent comment filings on or about October 23, 2023 by interested parties in response to the Notice of Inquiry included in the FCC's *Enhanced A-CAM Order* are instructive and provide insights on this subject. For example, the Vantage Point Solutions' *FCC NOI Comments* state: "All successfully deployed infrastructure requires ongoing operating support. Support to help recover the costs of deploying and **maintaining** networks and delivering an evolving level of services over these networks at affordable rates will be essential to achieve the mission of universal service not only today but for years to come." (emphasis in original) Vantage Point Solutions Comments at 3 (Oct. 23, 2023).

³⁶ See *In the Matter of the Nebraska Public Service Commission, on its own motion, to require certificated local exchange carriers, interexchange carriers, and eligible telecommunications carriers in Nebraska to attest as to whether they are using communications equipment prohibited by the Federal Communications Commission*, Application No. C-5493/PI-245, Order Opening Docket at 1 (March 28, 2023).

³⁷ The applicable sections of LB 683 have been codified as *Neb. Rev. Stat.* §§ 86-125(4)(c) and 86-324(2)(d).

An example of the importance of cybersecurity at the federal level is the attention to this subject in the NOFO issued in connection with the BEAD Program.³⁸ Therein, “NTIA recognizes the importance of (a) protecting American communications networks and those who use them from domestic and international threat actors, and (b) promoting the natural evolution of cybersecurity and supply-chain risk management practices in a manner that allows flexibility in addressing evolving threats.”³⁹

A further example of the focus on cybersecurity at the federal level is found in the *Enhanced A-CAM Order* wherein the FCC states: “We require Enhanced A-CAM carriers to implement operational cybersecurity and supply chain risk management plans by January 1, 2024 . . . Our actions emphasize the critical importance of cybersecurity consistent with broader initiatives across the federal government . . .”⁴⁰

Cybersecurity threats and the serious concerns relating thereto will not soon disappear. Therefore, RIC recommends that the Commission add a goal to the Strategic Plan to “Effectively Address and Manage Cybersecurity Threats.” In doing so, the Commission should consider making supplemental funding available from the High Cost Program to assist companies in “cybersecurity-proofing” their networks and systems.

Are there any additional goals the Commission should consider? Please explain.

RIC has no additional goals to recommend to the Commission at this time.

³⁸ See NOFO at 70-71.

³⁹ *Id.* at 70.


⁴⁰ See *Enhanced A-CAM Order* at para. 109.

III. CONCLUSION

As stated above, the Nebraska Rural Independent Companies appreciate the opportunity to provide these Comments in response to Section II.B of the *NUSF-139 Order*. RIC looks forward to further participation in this proceeding.


Dated: November 17, 2023.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of November 2023, an electronic copy of the foregoing pleading was delivered to the Nebraska Public Service Commission at psc.nusf@nebraska.gov and was served electronically on the parties to this proceeding.


Paul M. Schudel