

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Skywave Wireless, Inc.,
seeking transition of ongoing high-cost
Nebraska Universal Service Support for eligible
served locations in Qwest Corporation d/b/a
CenturyLink QC or United Telephone
Company of the West d/b/a CenturyLink
Support Areas

Application No. **148.21**

VERIFIED APPLICATION

Skywave Wireless, Inc. ("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 Lumen Technologies, parent company of Qwest Corporation d/b/a CenturyLink QC or United Telephone Company of the West d/b/a CenturyLink, the incumbent local exchange carrier ("ILEC") has carrier of last resort ("COLR") responsibilities which are within the "Support Area or Support Areas, ("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 a 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 – 86-329), Commission Rules and Regulations, and any order or policy of the Commission relevant to the use of NUSF support.
- 11. An affirmation verified by 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 modeling 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 modeling 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 the 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 the modeling 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 the ILEC of its COLR duties for all locations in the Transition Support Area.

DATED: September 9, 2026.

SKYWAVE WIRELESS, INC., APPLICANT

By: /s/ Robert W. Futhey
Robert W. Futhey (#24620)
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VERIFICATION

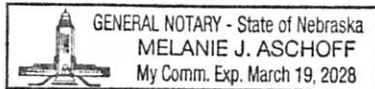
STATE OF NEBRASKA)
)
COUNTY OF CUMING)

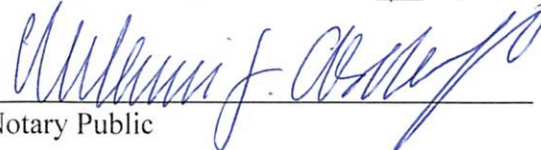
Ryan Kuester, being first duly sworn on oath, deposes and states that he has read the foregoing Verified Application and that the information set forth therein is true to the best of his knowledge and belief and verifies the commitments made in the Verified Application on behalf of the Applicant.



Ryan Kuester
General Manager

SUBSCRIBED AND SWORN to before me by Ryan Kuester on this 9th day of
September, 2026.





Notary Public

EXHIBIT A

Skywave Wireless, Inc. was incorporated in the state of Nebraska on October 7, 2002. Skywave Wireless, Inc. does not have any parent or subsidiary entities.

EXHIBIT B

STATE OF NEBRASKA

United States of America, }
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

SKYWAVE WIRELESS, INC.

**incorporated on October 7, 2002 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;**

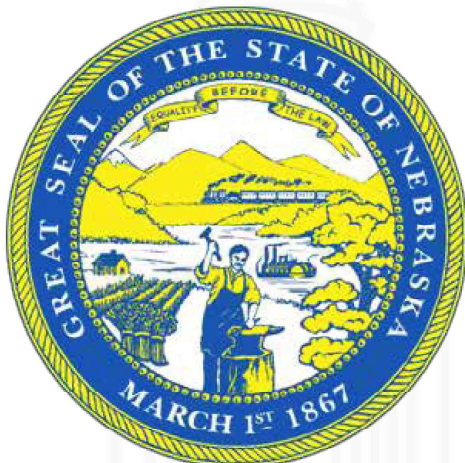
that Articles of Dissolution have not been filed.

*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 18, 2026



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

Secretary of State

EXHIBIT C

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-52337
of Skywave Wireless, Inc., West) NUSF-129
Point, Nebraska, seeking)
designation as an Eligible) GRANTED
Telecommunications Carrier in)
the State of Nebraska.) Entered: May 25, 2021

BY THE COMMISSION:

On April 13, 2021, Skywave Wireless, Inc. ("Skywave Wireless" or "Applicant") of West Point, Nebraska, filed an application seeking Eligible Telecommunications Carrier ("ETC") status. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 20, 2021. No formal interventions were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

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

Skywave Wireless is a Nebraska corporation and is authorized to conduct business in the State of Nebraska. Its principal place of business is located at 121 Main Street, West Point, Nebraska. It is jointly owned by two individuals who have worked in the telecommunication industry since 2003. Skywave Wireless was started in 2002 and connected its first customer early in 2003, at which time the focus was on providing fixed wireless services to its customers. Skywave Wireless expanded in 2012 to include telephone services and fiber to customers' residences. Skywave Wireless currently serves approximately 1,579 subscribers in Nebraska. Skywave Wireless continues to add staff to support its growing customer base and network footprint. Skywave Wireless does not operate in any states other than Nebraska.

Skywave Wireless was one of the winners of the Rural Digital Opportunity Fund (RDOF) Auction held by the Federal Communications Commission (FCC) which began on October 29, 2020 and was completed on November 25, 2020. On December 7, 2020, the FCC issued a Public Notice announcing the results of the auction. Skywave Wireless was awarded \$57,660 in funding over ten years to serve a total of 12 locations in the State of Nebraska including Dodge and Washington Counties.¹ Skywave Wireless was awarded support to serve these

¹ See Application at 4 (referencing Exhibit 1, p. 39).

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locations in two census blocks.² To be eligible for this support, auction winners are expected to obtain ETC designation for the awarded areas within 180 days after the FCC's Public Notice, or by June 7, 2021.

Pursuant to Section 254(e), of the federal Telecommunications Act of 1996 (the Act), "only an eligible telecommunications carrier designated under section 214(e) of this title shall be eligible to receive specific Federal universal service support." Section 214(e) sets forth the standards and processes for a state commission to grant carriers an ETC designation. 291 Neb. Admin. Code § 5-009 of the Commission Rules contains the requirements for Commission designation of ETCs and NETCs.

The three general requirements listed in Section 214(e) are: 1) the carrier must be a common carrier; 2) the carrier must offer the services supported by the federal fund; and 3) the carrier must advertise the availability of those services. The carrier must also demonstrate the ability to fulfill the requirements throughout the service area for which the carrier is seeking ETC designation.

1. Common Carrier

The term "common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this chapter; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.³ In its application, Skywave Wireless states it is a "common carrier" as defined by the Act, and as such, is eligible for designation as an ETC. Skywave Wireless provides telecommunications service on a for-hire basis and has provided such service since 2012. We find that the Applicant therefore meets this requirement.

2. Supported Services

Federal regulations and Commission rules both require an ETC to demonstrate that it will offer the services that are supported

² See *id.*

³ See 47 C.F.R. § 153(10).

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by federal universal service.⁴ The FCC's requirements under 47 C.F.R. § 54.101(a) are as follows:

- a. voice-grade access to the public switched network or its functional equivalent;
- b. minutes of use for local service without additional charge to the end user;
- c. access to emergency services; and
- d. toll limitation for qualifying low-income consumers.

The Commission finds that the Applicant meets each of these requirements, as described below.

A. *Voice Grade Access to the Public Switched Network*

Applicant will provide voice grade access to the public switched telephone network through voice over internet protocol, as required under § 54.101(a).⁵

B. *Local Usage*

The FCC has defined "local usage" to mean an amount of minutes of use of exchange services provided free of charge to end users.⁶ Applicant states that its service will include minutes of use for local service provided at no additional charge to end users. Applicant proposes to offer unlimited voice calling within the United States for a fixed monthly price.⁷

C. *Access to Emergency Services*

The Applicant states that it provides its customers with access to emergency services by dialing 911 in accordance with federal and state requirements.⁸ Applicant states that it will ensure customers have access to 911 and enhanced 911 through either its own fiber network or through resale and interconnection agreements with underlying providers. Applicant states that its voice and broadband network is designed to remain functional in emergency situations without an external power source, will remain functional using

⁴ 47 C.F.R. §§ 54.101(a), 54.202(a); 291 Neb. Admin. Code § 5-009.02A2.

⁵ Application at 7.

⁶ 47 C.F.R. § 54.101(a)(2)

⁷ Application at 7.

⁸ *Id.*

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backup power, and is able to reroute traffic and manage traffic spikes as needed.⁹

D. Toll Limitation for Qualified Low-Income Customers

Applicant will provide toll limitation services to qualifying low-income customers as required under 47 C.F.R. § 54.101.¹⁰

3. Advertisement of Services

Federal and state regulations require an ETC to advertise the availability of supported services and related charges using media of general distribution.¹¹ ETCs must also publicize the availability of Lifeline or NTAP services in a manner reasonable calculated to reach those that qualify for the service.

Skywave Wireless states that it will undertake outreach initiatives to increase consumer awareness of its Lifeline service offerings, and will publicize the availability of the service using media of general distribution in a manner that is designed to reach those likely to qualify for such services. Given the small geographic area of the territory at issues, Skywave Wireless will use direct mail marketing and door hangers.¹² Based on the Application and evidence submitted, we find Applicant has provided sufficient commitments to advertise the availability of such services and charges using media of general distribution and in a manner that is designed to reach those likely to qualify for such services.

4. Designated Service Area

Skywave Wireless states in its Application that it is seeking ETC designation in the areas in which the FCC announced Skywave Wireless was a winning bidder for RDOF support in Nebraska.¹³ Skywave Wireless provided a copy of the FCC's winning bids summary as an Exhibit to its Application. The winning bids summary lists the following census blocks in Dodge and Washington Counties: 310539636003 and 311770503003.¹⁴

⁹ Application at 7; Data Request Response No. 7.

¹⁰ Application at 7; see also Lifeline Reform Order, 27 FCC Rcd 6656 (2012), at 49.

¹¹ See 47 U.S.C. § 214(e)(1)(B); 291 Neb. Admin. Code § 5-009.02A3.

¹² Application at 8; Data Request Response No. 9.

¹³ Application at 4.

¹⁴ Application, Exhibit 2.

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5. Additional Eligibility Criteria

Federal regulations at 47 CFR § 54.202 contain additional eligibility requirements that must be met by any carrier seeking ETC designation.¹⁵ Commission Rules substantially mirror the FCC requirements.¹⁶ To meet the additional requirements a company must:

- a. Certify it will comply with the service requirements applicable to the support it receives;
- b. Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network;
- c. Demonstrate its ability to remain functional in emergency situations; and
- d. Demonstrate that it will satisfy applicable consumer protection and service quality standards.

A. Applicable Service Requirements

Skywave Wireless states that it seeks to provide high-speed broadband service in its RDOF territories in compliance with the requirements of the RDOF auction.¹⁷ Skywave Wireless stated that after completion of the project, it will be able to pass one-hundred percent of locations with gigabit low latency services in its RDOF service areas.¹⁸

B. Five Year Service Improvement Plan

An applicant for ETC status is required by Commission rules to submit to the Commission a five-year plan describing its proposed service improvements or upgrades.¹⁹ With its application, Skywave Wireless provided a five-year plan as required by the Commission.²⁰

C. Ability to Remain Functional in Emergency Situations

ETC applicants must demonstrate an ability to remain functional during emergency situations.²¹ Applicant submitted information

¹⁵ See 47 C.F.R. § 54.202(a).

¹⁶ See 291 Neb. Admin. Code § 5-009.02.

¹⁷ Application at 11.

¹⁸ Id. See also Application, Exhibit 2.

¹⁹ 47 C.F.R. § 54.202(a)(1)(ii); 291 Neb. Admin. Code § 5-009.02A6.

²⁰ Application Exhibit 3.

²¹ 47 C.F.R. § 54.202(a)(2); 291 Neb. Admin. Code § 5-009.02A7.

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regarding its emergency plans.²² The Commission finds that Applicant meets this requirement.

D. Consumer Protection and Service Quality Standards

We next examine Applicant's commitment to service quality. An ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.²³ In its Application, Applicant committed to satisfying all consumer protection and service quality standards applicable to its provision of service.²⁴ We find that Applicant has satisfied the requirement to demonstrate it will comply with applicable consumer protection and service quality standards.

6. Public Interest

Applicants for ETC status must demonstrate that such designation is consistent with the public interest, convenience, and necessity.²⁵ The public interest consideration may include the benefits of increased consumer choice and the unique advantages and disadvantages of the Applicant's service offerings.

Skywave Wireless states that its designation as an ETC will advance the public interest by allowing Skywave Wireless to use funds awarded in the RDOF auction to extend new and/or broadband services to Nebraskans.²⁶ Skywave Wireless further stated that it has successfully grown its operations in Nebraska over the past eighteen years. If designation is granted, Applicant will be able to use funding received to deploy high-speed broadband and voice-enabled networks for the benefit of the residents, businesses, and community in its service areas in Nebraska.²⁷

Based on the evidence before us, we conclude that Applicant's service offerings will provide a public interest benefit and its business plan provides a unique advantage to consumers. We find Applicant has demonstrated that its designation as an ETC would be consistent with the public interest, convenience, and necessity.

²² See Application at 11.

²³ 47 C.F.R. § 54.202(a)(3), 291 Neb. Admin. Code § 5-009.02A8.

²⁴ Application at 12.

²⁵ 47 C.F.R. § 54.202(b); 291 Neb. Admin. Code § 5-009.02A1.

²⁶ Application at 15.

²⁷ *Id.*

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7. Provision of Continuous Service

Commission Rules require that an ETC not only demonstrate the ability and commitment to provide the supported services listed above, but must also demonstrate the ability to continuously provide such services in its designated Service Area.²⁸ We find, upon our review of the Application and responses to Commission Data Requests, that Applicant has committed to provide the supported services listed above continuously throughout the census blocks of its Service Area.

8. Provision of Service to Requesting Customers

The Commission's Rules require an ETC to demonstrate its commitment to provide service throughout the designated area to all customers who make reasonable request for service.²⁹ Applicant states that it will provide service to all customers making a reasonable request for service within its designated service area.³⁰

We find Applicant has demonstrated an ability and commitment to satisfy its obligation to provide service upon reasonable request throughout the Applicant's requested service area.

9. Nebraska Telephone Assistance Program

The Commission Rules require carriers designated as an ETC for purposes of receiving federal USF support to participate in the Nebraska Telephone Assistance Program ("NTAP") and comply with applicable NTAP rules.³¹ Applicant will therefore be required to provide services pursuant to the NTAP program.

10. Conclusion

In summary, upon review of the Application and evidence presented at the hearing, we find Applicant has demonstrated that it meets the standards set forth in 47 U.S.C. § 214(e) and applicable state and federal law for the designation of eligible telecommunications carriers in the proposed census block areas, and the Application should be approved.

²⁸ 291 Neb. Admin. Code § 5-009.02A4.

²⁹ 291 Neb. Admin. Code § 5-009.02A5.

³⁰ Application at 9. See also 291 Neb. Admin. Code § 5-009.02(A)(5)(b).

³¹ 291 Neb. Admin. Code § 10-004.04.

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The granting of this application is conditional upon the Applicant receiving final FCC approval for RDOF support following the Applicant's submission of all required documentation to the FCC. The Applicant is hereby directed to communicate to the Commission that it has submitted said documentation to the FCC, and when and whether it receives final FCC approval.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5233/NUSF-129 should be, and is hereby, granted, and Skywave Wireless Inc. is designated as an eligible telecommunications carrier in the State of Nebraska, as requested in the Application consistent with the findings and conclusions made herein.

IT IS FURTHER ORDERED that Skywave Wireless Inc. is hereby declared to be a Nebraska Eligible Telecommunications Carrier for the limited purpose of receiving state universal service support to participate in the Nebraska Telephone Assistance Program.

IT IS FURTHER ORDERED that upon submission of all necessary documentation to the FCC for purposes of receiving Rural Digital Opportunity Fund support, Skywave Wireless Inc. must communicate to the Commission that it has submitted said documentation. Skywave Wireless Inc. must then promptly communicate to the Commission any decision by the FCC as to whether it receives final approval to receive said support.

IT IS FURTHER ORDERED that Skywave Wireless Inc. shall file information with the Commission evidencing it is advertising through media of general distribution on or before July 1st each year hereafter.

IT IS FURTHER ORDERED that Skywave Wireless Inc. shall file with the Commission copies of its annual reports filed with the FCC pursuant to 47 C.F.R. § 54.313, within thirty (30) days of the date such reports are filed with the FCC. If Applicant desires a protective order for any confidential information submitted in these reports, Applicant must request one at least sixty (60) days prior to the due date of the first filing.

IT IS FURTHER ORDERED that Skywave Wireless Inc. shall file a copy of this Order with the Universal Service Administrative Company ("USAC") and the FCC to commence its eligibility for receipt of

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~~Federal universal service support effective as of the date of this~~
Order.

IT IS FINALLY ORDERED that, should Skywave Wireless Inc. receive an award in any FCC funding auctions or other opportunities, it shall file with the Commission no later than thirty (30) days following the award a detailed description and map showing its service area pursuant to the award.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25th day of May, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rock Johnson
Mary Kolder

Don Hansen
Chair

ATTEST:

Michael P. Hyr
Executive Director

COMMISSIONERS DISSENTING:

Cynthia Proach

EXHIBIT D

See attached Transition Support file.