

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Midstates Data Transport, LLC, dba Stealth Broadband, seeking transition of ongoing high-cost Nebraska Universal Service Support for eligible served locations in Qwest Corporation, dba Lumen, territory.) Application No. **148.22**
)
) **VERIFIED APPLICATION**

RECEIVED

By Stasha Selim at 9:29 am, Oct 02, 2026

Midstates Data Transport, LLC, dba Stealth Broadband (“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, dba Lumen, the incumbent local exchange carrier (“ILEC”) has carrier of last resort (“COLR”) responsibilities (“Support Area,” as further defined below). Applicant is currently offering fiber-based voice and broadband services to all locations in the 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 Support Area in compliance with the Commission's rules and regulations.
 - b. Offer reliable Broadband Services to all locations in the Support Area at speeds required by Nebraska statute.
 - c. Offer affordable and reasonably comparable Voice Services and Broadband Services to all locations in the 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 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.
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 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 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 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 Support Area in compliance with the Commission's rules and regulations.
 - b. Offer reliable Broadband Services to all locations in the Support Area at speeds required by Nebraska statute.
 - c. Offer affordable and reasonably comparable Voice Services and Broadband Services to all locations in the 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 Support Area.

DATED: October 1, 2026

MIDSTATES DATA TRANSPORT, LLC, dba
STEALTH BROADBAND, APPLICANT

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

By: /s/ Andrew S. Pollock
Andrew S. Pollock (#19872)
apollock@remboltlawfirm.com

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF Washington

Mike D. Storjohann 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.

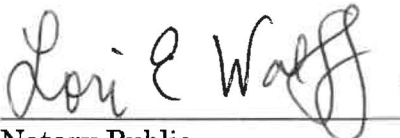


Mike D. Storjohann
Chief Executive Officer

SUBSCRIBED AND SWORN to before me by MIKE D. STORJOHANN on this
29th day of September 2026.

(SEAL)

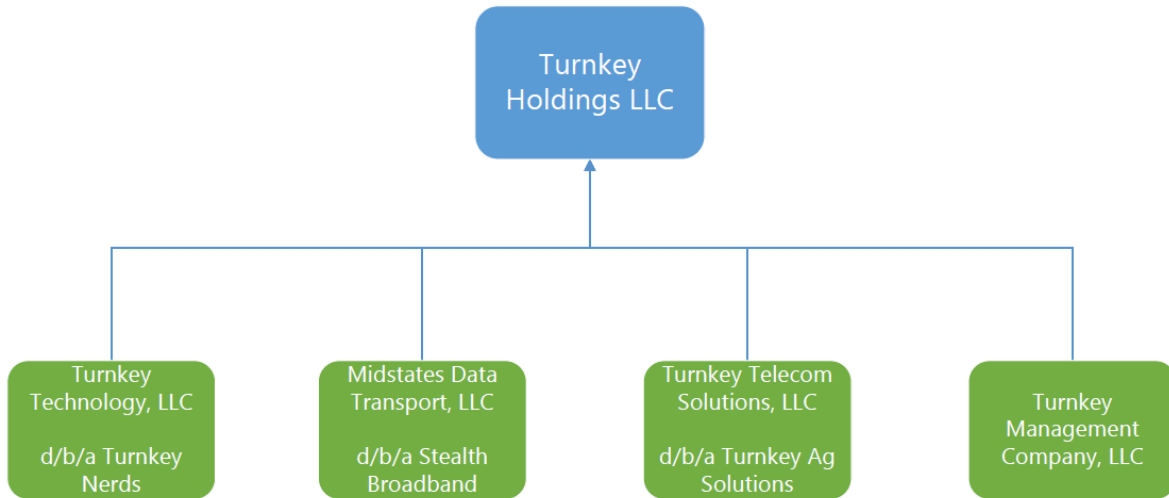




Notary Public

Turnkey Holdings
Entity Chart

1/21/2026



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

MIDSTATES DATA TRANSPORT LLC

was duly formed under the laws of Nebraska on May 12, 2015;

**all fees, taxes, and penalties due under the Nebraska Uniform Limited
Liability Company Act or other law to the Secretary of State have been paid;**

**the Company's most recent biennial report required by section 21-125 has
been filed by the Secretary of State;**

the Secretary of State has not administratively dissolved the company;

**the Company has not delivered to the Secretary of State for filing a Statement
of Dissolution;**

a Statement of Termination has not been filed by the Secretary of State.

*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

September 29, 2026



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

Secretary of State

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. C-5449/NUSF-
Application of Midstates Data) 136
Transport, LLC, Norfolk,)
Nebraska, seeking to Amend) ORDER GRANTING APPLICATION
its Eligible)
Telecommunications Carrier)
Designated Service Area.) Entered: November 8, 2022

BY THE COMMISSION:

On September 28, 2022, Midstates Data Transport, LLC of Norfolk, Nebraska ("Midstates" or "Applicant") filed an application seeking expansion of its designation as an Eligible Telecommunications Carrier ("ETC") in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 3, 2022. No formal interventions were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

On August 4, 2015, in Commission Docket No. C-4769, Midstates was granted authority to provide facilities-based competitive local exchange telecommunications services within the State of Nebraska. On September 1, 2020, in Commission Docket No. C-5124/NUSF-118, Midstates was designated as an ETC in the State of Nebraska for the limited purpose of receiving federal universal service support to participate in the FCC's Rural Development Opportunity Fund.¹ In the present application, Midstates seeks to expand the scope of its ETC designation for purposes of both the Federal Universal Service Fund ("FUSF") and the Nebraska Universal Service Fund ("NUSF"). Applicant requests that such scope include the provision of service pursuant to the Nebraska Telephone Assistance Program, also called the Lifeline Program. The Applicant states that this application is in the public interest as it will facilitate the FCC's and the Commission's goal of developing voice and broadband networks in rural, high-cost areas.

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

The federal Communications Act of 1934, 47 U.S.C. § 214(e) ("the Act"), sets forth the standards and processes for a state commission to grant carriers the designation of a federal eligible

¹ Commission Docket No. C-5124/NUSF-118, *In the Matter of the Application of Midstates Data Transport, LLC, Norfolk, Nebraska, for Designation as an Eligible Telecommunications Carrier in the State of Nebraska*, Order Granting Designation as an Eligible Telecommunications Carrier (Sept. 1, 2020).

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telecommunications carrier. 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 Act defines a common carrier as a person engaged as a common carrier on a for-hire basis in interstate communications utilizing either a wire or radio technology.² Applicant has been authorized to provide service in Nebraska as a provider of competitive local exchange carrier services since 2015.³ The Commission finds Applicant has provided sufficient evidence that it operates as a common carrier in Nebraska.

2. Supported Services

Federal regulations and Commission rules both require an ETC to demonstrate that it will offer the services that are supported 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.⁵

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

² See 47 C.F.R. § 153(11).

³ See Commission Docket No. C-4769 (granting Applicant CLEC authority).

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

⁵ See *Lifeline Reform Order* at 207-208.

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A. Voice Grade Access to the Public Switched Network

Midstates provides voice grade access to the public switched network through interconnected VoIP services as required under § 54.101(a).

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 Midstates includes unlimited local calling and 500 minutes of long distance usage in its rate plans and has committed to complying with any minimum local usage requirements adopted by the FCC or the Commission.

C. Access to Emergency Services

Midstates states that it provides its customers with access to emergency services by dialing 911 in accordance with federal and state requirements.⁷ The Applicant further states that it will have a reasonable amount of back-up power to ensure functionality without an external source of power, and that it is able to reroute traffic around damaged facilities, and that it is capable of managing traffic spikes resulting from emergencies.

D. Toll Limitation for Qualified Low-Income Customers

Midstates has certified that it provides toll limitation services to qualifying low-income consumers in compliance with 47 C.F.R. § 54.101.

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.⁸ ETCs must also publicize the availability of Lifeline or NTAP services in a manner reasonably calculated to reach those that qualify for the service.

Based on the Application and evidence submitted, we find the Applicant has provided sufficient commitments to advertise the

⁶ 47 C.F.R. § 54.101(a).

⁷ *Id.*

⁸ See 47 U.S.C. § 214(e) (1) (B); 291 Neb. Admin. Code § 5-009.02A3.

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

Midstates states in its Application that it is seeking expansion of its designated ETC service area for purposes of providing telecommunications services that are supported by the FUSF and NUSF. We find Applicant's request is reasonable and should be granted.

5. Additional Eligibility Criteria

Federal regulations, found at 47 CFR § 54.202, contain additional eligibility requirements that must be met by any carrier seeking ETC designation.⁹ Commission Rules substantially mirror the FCC requirements.¹⁰ 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

Midstates certifies that it will comply with the service requirements applicable to the support it receives.¹¹

B. Five Year Service Improvement Plan

An applicant for ETC status is required to submit to the Commission a five-year plan describing its proposed service improvements or upgrades.¹² The Applicant filed a

⁹ See 47 C.F.R. § 54.202(a).

¹⁰ See 291 Neb. Admin. Code § 5-009.02.

¹¹ Application at 4.

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

five-year plan for network deployment, improvements, and upgrades to the Commission consistent with state and federal requirements.

C. Ability to Remain Functional in Emergency Situations

ETC applicants must demonstrate an ability to remain functional during emergency situations.¹³ Midstates has demonstrated its ability to remain functional in emergency situations. The Commission finds that Midstates meets this requirement, subject to the requirements set forth in paragraph 2(C) above.

D. Consumer Protection and Service Quality Standards

Applicant has satisfied all consumer protection and service quality standards provided by the FCC and any state specific consumer protection and service quality standards. We find that Applicant has satisfied the requirement to demonstrate it will comply with applicable consumer protection and service quality standards.¹⁴

6. Public Interest

Applicants seeking ETC designation must demonstrate that such designation is consistent with the public interest, convenience, and necessity.¹⁵ The public interest consideration may include the benefits of increased consumer choice and the unique advantages and disadvantages of the Applicant's service offerings.

Applicant states that its designation as an ETC will advance the public interest by making quality voice and broadband services available in rural, high-cost areas, especially areas now unserved or underserved. The availability of these networks and the services provided will create important opportunities for consumers and businesses in the modified area. We find Applicant has demonstrated that this expansion would be consistent with the public interest, convenience, and necessity.

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

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

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

7. Provision of Continuous Service

The Commission requires 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.¹⁶ We find, upon our review of the Application, that Applicant has committed to provide the supported services listed above continuously throughout its designated 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.¹⁷ Applicant has historically provided services continuously throughout its service areas, to all customers making reasonable requests for service, and has done so in a timely manner.

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

9. Nebraska Telephone Assistance Program

The Commission's Rules require carriers designated as ETC for purposes of receiving USF support to participate in the Nebraska Telephone Assistance Program ("NTAP") and comply with applicable NTAP rules.¹⁸ We find Applicant has met this requirement historically and will continue to meet this requirement going forward.

10. Conclusion

In summary, upon review of the Application 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 expansion of its ETC service territory as described above. Accordingly, the Application should be approved.

¹⁶ 291 Neb. Admin. Code § 5-009.02A4.

¹⁷ 291 Neb. Admin. Code § 5-009.02A5.

¹⁸ 291 Neb. Admin. Code § 10-004.04.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5449/NUSF-136 should be, and is hereby, granted.

IT IS FURTHER ORDERED that the ETC and NETC service areas for Midstates Data Transport, LLC be, and are hereby, modified as requested.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 8th day of November, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Mary Keddin
Tim Schram

Don Watson
Chair

ATTEST:

Thomas W. Golden
Executive Director

EXHIBIT "C"

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Midstates Data) Application No. _____
Transport, LLC, dba Stealth Broadband,)
seeking transition of ongoing high-cost)
Nebraska Universal Service Support for)
eligible served locations in Qwest)
Corporation, dba Lumen, territory.)

SHP FILES
(EXHIBIT “D”)