

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own)
motion, seeking to update and amend Title 291,) Rule and Regulation No. 214
Chapter 5, Telecommunications, in its entirety.)

COMMENTS OF WINDSTREAM

Windstream Nebraska, Inc. (“Windstream”) hereby submits the following comments in response to the Nebraska Public Service Commission’s (“Commission”) request in its September 23, 2025, Order Seeking Comment to consider updates, revisions, and amendments to Title 291, Chapter 5 of the Nebraska Administrative Code (“Chapter 5”) of the Commission’s rules and regulations. Windstream appreciates the Commission’s full review of the Chapter 5 Telecommunications Rules and Regulations and its efforts to modernize the current rules to align with the current industry trends, practices and customer expectations. Due to the number of suggested edits, Windstream provides comments only to the sections on which it has specific comments; if a section is not included below Windstream does not have any constructive feedback. Windstream provides the following comments for the Commission’s consideration:

Service Interruptions and Outages

The Commission’s proposed changes to Section 002.04(C)(i) creates compliance concerns for providers. First, this introduces a new reporting requirement on providers without any established record supporting the need for this additional reporting. Secondly, requiring the report to be filed when there is a miss for a single month does not accurately reflect the Commission’s stated goal of receiving proactive notifications “when network issues arise or may be developing.” While it is Windstream’s position that this proactive reporting is unnecessary and overly burdensome as well as moving further away from the position commissions are taking in the other

seventeen states in which Windstream operates, if the Commission deems proactive reporting necessary it should only require it after a carrier has experienced 3 consecutive months with a higher-than-average trouble rate. This reporting would more accurately reflect a systemic or developing issue than a single month which could occur for a number of one-off reasons such as a severe weather event like a snowstorm. Proactively reporting in those instances would not provide the Commission with any information other than cause administrative work for both parties for an issue that would resolve itself once the weather event has ended, i.e. the snow has melted.

Similarly to the comments on Section 002.04(C)(i), the Commission's recommended additions to Section 002.04(C)(ii) is an unsupported expansion of the Commission's current rules. Requiring action plans for each missed month is not productive, especially if the missed month is an anomaly like a weather event. The rule as written would require the provider to report a missed month even if it is related to a weather event like a snowstorm. Then, sixty days after the submission of that report, the provider is required to submit an additional action plan addressing the single missed month which had to do with weather event. This is not a practical or efficient use of provider's resources or Commission Staff resources. Windstream believes this action plan requirement is unnecessary, however, as previously stated if the Commission deems this imperative information, it should only apply when 3 consecutive months have been missed and the action plan should be filed no more than 30 days after the third consecutive miss.

Moreover, the inclusion of "upgrade" in Section 002.07(A) and 002.07(B) is overly broad and potentially an unfunded mandate. It is not clear what the Commission would expect or require here which leaves providers in a position of unknown compliance. Windstream recommends the commission strike "upgrade" from the list leaving the obligation for carriers to maintain and repair their facilities. All reasonable obligations and under the Commission's current jurisdiction.

Holding providers to an unknown “upgrade” standard is problematic and will certainly lead to future compliance disputes.

Furthermore, the Commission’s addition of “promptly” into Section 002.07(D), should be qualified with “as possible”. Providers are still managing legacy copper networks which require operating equipment that is quickly becoming increasingly harder to access. This, coupled with the current lengthy process to modernize networks away from that technology, may cause sourcing issues for older network devices. Windstream agrees that providers should act as promptly as possible to repair its network, however, sometimes the sourcing of the parts needed to repair the outdated network devices does not occur “promptly.”

Print and Electronic Directories

Windstream strongly supports the Commission’s efforts to modernize its directory rules to align with changes in the industry and to meet subscribers’ expectations. Windstream has one suggested modification to better align Section 002.21(A) with the Commission’s stated intention. In the second line regarding making printed directories available, Windstream suggests including specific reference to “upon request” as that is not currently in the language. Thus, to avoid confusion, Windstream suggests the following: “One printed exchange alphabetical directory for each access line shall be made available upon request, without charge, to all access line customers.”

Regulation of Interexchange Carriers

The Commission’s proposed changes here would have no impact on Windstream or its interexchange affiliates.

Deregulation of Exchanges

Windstream has several comments as it relates to the Commission's proposed rules, the main concern being that a number of the requirements may exceed the authority granted under the statute.

Section 15.02(B) – The Commission's proposal requires an Applicant identify "all carriers" known versus the statute's requirement of two carriers. Windstream recommends that the Commission revise the verbiage to remove the reference to all carriers to two or more known carriers.

Section 15.02(C) – It is unclear why a map of customer locations is required, the statute simply requires demonstrating that at least two other voice providers exist in over 75% of the exchange, it does not require a disclosure of confidential and propriety information regarding subscriber locations throughout an exchange. It is not clear why the Commission would need this level of detail in order to evaluate whether or not competition exists within an exchange.

Section 15.02(D) – Disclosing a full list of subscribers in an exchange is unnecessary and creates data privacy and security risk. A full list of a carrier's subscribers is highly confidential and proprietary, and disclosing such information opens a carrier up for potential CPNI and other data privacy risks for little reward. It is unclear why the Commission would need a full list of active subscribers in an exchange to determine whether or not competition exists.

Section 15.02(F) – This entire section is unnecessary and outside the scope of statutory authority. As a USF recipient a carrier has already submitted reporting, certification, etc. to the Commission detailing its use and compliance with USF rules. A filing for deregulation due to competition in an exchange would have no impact on the previous certifications made nor will it have an impact on go forward as the carrier will not receive any future support in the deregulated

exchange. It is unclear why the Commission needs to create a record on USF uses within a deregulated exchange when it does not require this information for carriers ongoing receipt of the funds.

Section 15.02(G) – This section is also unnecessary. The authorizing statute limits the Commission’s review to existing competition in an exchange. A provider’s trouble reports or outage history has no bearing on this review. The inclusion of this information is irrelevant and outside the Commission’s statutory authority.

Section 15.02 “Notice to Subscribers” – Windstream believes this should be numbered as Section 15.03 to align with the previous numbers. It is unclear why the Commission believes a notice to existing customers of a carrier’s deregulation is necessary. A carrier’s deregulation application will have no impact on customers’ current services, nor should a carrier be obligated to provide free advertising for its competitors when there will be no change to customers services. In fact, requiring such a notice will almost certainly create confusion to subscribers believing that their current provider is discontinuing service. If the Commission believes a notice is required, Windstream requests a limited notice containing the items outlined in the Commissions proposed Section 15.02(B) and 15.02(C) under the Notice to Subscribers section, though this also seems unnecessary and has a likelihood to create confusion and unnecessary angst amongst consumers.

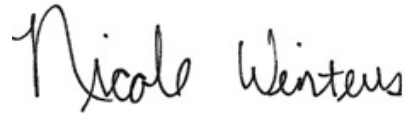
Other Issues

The Commission proposes to introduce new speed testing rules in Section 009.02(B), Windstream would request that the Commission include that these speed testing requirements exist as long as the carrier receives Universal Service Funds. If a carrier is no longer receiving funds for a location, it should not be obligated to participate in ongoing speed testing.

Conclusion

Windstream appreciates the opportunity to submit comments on this matter. Respectfully submitted on this 4th day of December, 2025.

WINDSTREAM NEBRASKA, INC.

A handwritten signature in black ink that reads "Nicole Wenters". The signature is written in a cursive style with a large initial "N".

By: _____

Sr. Director – Regulatory Counsel

Certificate of Service

The undersigned hereby certifies that on this 4th day of December, 2025, one (1) electronic copy of the foregoing Comments of Windstream was delivered to the Nebraska Public Service Commission at brittany.seabrooks@nebraska.gov and psc.telecom@nebraska.gov.

Nicole Winters

/s/
