

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ERIC KAMLER
CHRISTIAN MIRCH
TIM SCHRAM
KEVIN STOCKER
DAN WATERMEIER



October 6, 2026

TO WHOM IT MAY CONCERN:

RE: RULE AND REGULATION #214: In the Matter of the Commission, on its own motion, seeking to update and amend Title 291, Chapter 5, Telecommunications, in its entirety

CERTIFICATION

I, Gregory J. Walklin, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed Rule and Regulation No. 214 on the 6th day of October, 2026. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Cullen Robbins at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 6th day of October, 2026.

Sincerely,

Gregory J. Walklin
Executive Director



cc: All recipients listed here: <https://psc.nebraska.gov/administration/proposed-rules-regulations>

Gregory J. Walklin, Executive Director
Public Service Commission

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SECRETARY’S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its	)	Rule and Regulation No. 214
own motion, seeking to update and	)	
amend Title 291, Chapter 5,	)	ORDER RELEASING SECOND
Telecommunications, in its entirety.	)	PROPOSED RULES, SEEKING
	)	COMMENTS, AND SETTING
	)	HEARING
	)	
	)	Entered: October 6, 2026

BY THE COMMISSION:

The Commission, on its own motion, opened this proceeding on September 23, 2025, to update, revise, and otherwise amend Title 291, Chapter 5 of the Nebraska Administrative Code (“Chapter 5”), of the Commission’s rules and regulations. In the order opening this docket (“Sept. 23 Order”), the Commission sought to modernize and update Chapter 5 in its entirety, including the correction of typographical errors, clarification of existing language, and reconciling Chapter 5 with new statutory provisions and current industry business practices.

In the Sept. 23 Order, the Commission set forth a number of proposed changes to Chapter 5, and sought comment on the changes. Comments were received from Lumen Technologies, Inc. (“Lumen”), the Nebraska Rural Broadband Association (“NRBA”), the Nebraska Rural Independent Companies (“RIC”), and Windstream Nebraska, Inc. (“Windstream”). A workshop in this proceeding was also held on October 28, 2025 in the Commission Hearing Room.

Upon review of the comments submitted in the workshop and filed in this proceeding, the Commission finds that a second proposed revision of Chapter 5 should be issued, and a hearing in this matter should be held, as set forth below.

T O P I C S F O R C O M M E N T

Attachment A to this Order reflects the second proposed revision to Chapter 5. This revision includes numerous proposed changes to the previous draft of Chapter 5 issued in this proceeding. These proposed changes reflect input made by commenters and participants in the workshop in this proceeding, as well as careful review by the Commission and its staff. For ease of reading, a copy of the proposed

changes, without redlines, is attached hereto as Attachment B.¹ Citations within this order below will refer to the numbered sections as listed in Attachment B.

A non-exhaustive summary of new revisions proposed is set forth below. As before, certain formatting, grammar, and stylistic changes have been made, and some statutory and regulatory citations have been updated. These additional changes are reflected in the attached proposed revisions.

1. Definitions

Based on feedback provided, several additional changes have been made to the definitions in Chapter 5. New definitions for the terms “Applicant,” “Cost of Infrastructure Overbuilding,” “Dark Fiber,” “Internet Service Provider,” “Dark Fiber Safe Harbor Range,” and “Service Area” have been added. Some definitions have been revised or removed based on feedback. Notably, the definition of “Outage” or “Service Interruption” has been significantly revised to correspond with the Commission’s existing service outage policy adopted pursuant to Commission Docket No. C-5564/PI-250.² As before, this subsection was then reorganized so that the terms are listed in alphabetical order.

One definition which may merit additional consideration is the definition of “local exchange service.” Neb. Rev. Stat. § 86-105 defines basic local exchange service as “the access and transmission of two-way switched voice communications within a local exchange area.” However, Chapter 5 currently does not restrict its definition of local exchange service to *switched* service. The language proposed in Rule 001.01H is “[t]he access and transmission of two-way voice communications within a local exchange area.” This definition seeks to modernize the definition of local exchange service such that it is not restricted to switched service, and captures modern

¹ Because the changes proposed are numerous and result in some renumbering of existing sections, the Commission encourages commenting parties to reference Attachment B (the “clean” copy) with a page number and proposed regulation number when providing feedback. Parties may also wish to refer to the redline proposed changes previously included with the September 23, 2025 order in this docket as Attachment A.

² Commission Docket No. C-5564/PI-250, *In the Matter of the Nebraska Public Service Commission, on its own motion, to review and consider modifications to the Commission's service outage reporting requirements, Order Adopting Service Interruption and Outage Reporting Requirements* (Dec. 3, 2024).

practices in providing local exchange service. Is this definition appropriate? Should statutory changes be made as well? The Commission welcomes further discussion on this topic.

2. Wire Crossing Agreements

Section 011 of this proposed version of rules includes new language relating to wire crossing agreements of railroad rights-of-way. The Commission proposes these changes pursuant to parties' comments in the Commission's investigation into issues surrounding telecommunications crossings of railroad rights-of-way, and the fees charged therefor.³ While these fees are addressed in Nebraska statute at Neb. Rev. Stat. § 86-164, the Commission understands that fees charged by railroads may at times be high, or based on each individual strand of fiber in a crossing, and permits therefore can be difficult to obtain. The Commission therefore seeks comment on the new proposed language in this section. Are these changes useful and necessary? Should the language be further refined?

3. Operator Rules

RIC's comments in this proceeding indicated that the section of Chapter 5 relating to Operator Rules was likely obsolete. Upon review, the Commission agrees with this assessment. We therefore propose to delete this section in its entirety.

4. Response Time; Answering Time Objectives; Dial Service Objectives; Loop Transmission Objectives

Sections 002.08, 002.09, 002.10, and 002.11 drew some criticism from commenters. In comments, the NRBA suggested that Rule 002.09 be stricken entirely as these metrics may be difficult to track. Similarly, RIC suggested that sections of Chapter 5 relating to Answering Time Objectives, Dial Service Objectives, and Loop Transmission Objectives were obsolete as telecommunications services transition from copper service to fiber.

³ Commission Docket No. C-5685/PI-259, *In the Matter of the Nebraska Public Service Commission, to investigate standard crossing fees charged for telecommunications companies to access rights-of-way controlled by railroad carriers*, Order Opening Docket and Seeking Comment (Dec. 16, 2025).

The Commission declines to make substantial changes or deletions to the above-listed at this time. On review of this section, the language appears to be technology neutral. However, some language in Section 002.11 has been modernized to support accurate definitions and understanding of noise and decibel levels. Specifically, as adjusted, the definition of “noise” in Section 002.11(D) is clarified to refer to decibel level above reference noise with C-message weighting within a given bandwidth (dBrnC). This measurement indicates relative annoyance or speech impairment by an interfering signal of frequency. In telecommunications, the reference level is minus ninety decibels (-90 dB , equivalent to one milliwatt). The maximum noise objective for local access line loops shall be thirty decibels above reference noise with C-message weighting ($+30\text{ dBrnC}$).

The Commission believes these sections provide important customer service objectives such as requiring calls are audible, are answered in a certain time, and that carriers furnish and maintain adequate plant, equipment, and facilities necessary to provide satisfactory transmission of telecommunications. These requirements are intended to be general tracking requirements, rather than data which would be reported on an ongoing basis, unless requested by the Commission.

The Commission welcomes further comments and discussion on the topic. How might the Commission revise or streamline these sections to preserve necessary customer service protections, while recognizing and accommodating carriers who are providing fiber or other new types of voice service? Should these requirements be otherwise modified or streamlined?

5. Customer-Provided Semi-Public Telephones

RIC recommended this section be removed, based on a lack of relevance to Nebraska consumers. No other commenters provided guidance on this section. The Commission therefore proposes to remove this section.

6. Directories

Windstream requested that the Commission's rule on printed directories, at Section 002.19, be adjusted so that printed exchange directories are only provided on request. The Commission finds this is reasonable and consistent with the

Commission's previous finding in Commission Docket No. C-4529/DR-0005.⁴ This section is therefore modified such that printed directories must only be provided upon request.

7. Service Area; Exchange Maps

Section 002.21, Service Area, refers to the process by which the Commission maintains maps of exchanges in Nebraska. This section was revised to provide a mechanism by which an exchange carrier may request a correction to exchange boundary maps. Should any other changes be made? The Commission welcomes feedback on this proposed process.

8. Filing of Commercial Agreements

In comments, RIC suggested that language relating to the filing of commercial agreements by incumbent local exchange carriers may no longer be relevant.⁵ The Commission notes that no such commercial agreements have been filed in several years, indicating that this section may be obsolete. This section is therefore proposed to be removed. Is this change appropriate? Should the section be modified, rather than removed?

9. Transfers of Control

Section 002.23 was modified to clarify Commission practices regarding transfers of control of exchange carriers. New proposed language in this section incorporates guidance set forth in recent Commission orders.⁶ Specifically, this section is modified to clearly state that certificates of authority cannot be transferred

⁴ Commission Docket No. C-4529/DR-0005, *In the Matter of Dex One Corporation seeking a declaratory ruling of Nebraska Administrative Code Title 291, Chapter 5, Section 002.22A is satisfied by delivery of a directory only to access line customers who affirmatively request one*, Order (Feb. 26, 2013), at 5.

⁵ This section is numbered as § 5-002.51A in the current version of Chapter 4.

⁶ See Commission Docket No. C-5627, *In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Inc., Dallas, Texas, and Frontier Communications of America, Inc., Dallas, Texas, seeking approval of a transfer of control to Verizon Communications, Inc., New York, New York, Order Granting Application and Issuing Reporting Requirements* (June 3, 2025).

absent Commission approval. Additionally, this section now clarifies that direct ownership of a certificated carrier may not be transferred without Commission approval, and that the Commission may undertake a review of indirect transfers of control of certificated entities on a case-by-case basis as required by the public interest.

10. Extended Area Service

In the Sept. 23 Order in this docket, the Commission sought input as to whether provisions of Chapter 5 relating to Extended Area Service (“EAS”) are still used and useful today.⁷ The Commission further noted that the two most recent EAS discontinuance filings were several years ago.⁸ In comments, RIC recommended the removal of the rules relating to the establishment of new EAS service, but recommended that portions of this section relating to the discontinuance of EAS remain in place. The Commission seeks comment on this proposal. Is this approach reasonable? If so, which portions should be removed, and which should remain as part of Chapter 5?

11. Reinstatement of a Subscriber in a Premium Program

In comments, RIC suggested that the existing Section 004.07, Reinstatement of Subscriber in a Premium Program, may no longer be relevant today. Upon review of recent filings, the Commission notes that this provision has not been used. The Commission therefore proposes to remove this section. Is this the correct approach? Are premium programs still in use and relevant to customers today?

12. Eligible Telecommunications Carriers

Section 007, relating to eligible telecommunications carriers (“ETCs”), received comments on multiple topics. First, this section has been modified to

⁷ In Attachment B, these sections would include the definition of EAS, found at § 5-001.01(U), and section § 5-002.24.

⁸ *In the Matter of Huntel CableVision, Inc. d/b/a HunTel Communications, Blair, seeking approval of its Exchange and Billing of Terminating Traffic Agreement with Northeast Nebraska Telephone Company, Jackson*, Commission Docket No. C-3589, Approved (July 5, 2006); *In the Matter of the Petition from residents of Crookston exchange requesting extended area service (EAS) to the Cody exchange, both served by Great Plains Communications*, Commission Docket No. C-3738, Dismissed (Oct. 16, 2007).

include a novel requirement that ETCs providing service which requires a separate power source have access to at least eight hours of back-up power at no additional charge. The proposed change may be found at Section 007.02(A)(vii). This change was made to memorialize findings of the Commission in previous orders on ETC applications.⁹ The Commission notes that in addition to voice over internet protocol (“VoIP”) services, which require a power source, some carriers have recently begun providing voice communications services which rely on cellular networks and also require a separate power source.¹⁰ The Commission suggests that to the extent these services become used more frequently, a minimum standard for back-up power should be set. Should this requirement be included in Chapter 5?

Additionally, in comments, Windstream suggested that language be added to the speed testing requirements of this section to clarify that speed testing will not be required for locations for which a carrier serving that location is no longer receiving Nebraska Universal Service Fund (“NUSF”) support. This suggestion is already in practice as it relates to high-cost support.¹¹ With regard to project-based support, individual grant programs may include commitments to serve a location over a term of multiple years, and is not tied to the awardee’s receipt of ongoing high-cost support.¹² The Commission therefore declines to make this change at this time, but welcomes further feedback on this topic.

Also in comments, Lumen suggested that language should be added stating that in applications for ETC designation which are below the study area level, the

⁹ See, e.g., Commission Docket No. 5012/NUSF-115, *In the Matter of the Application of Inventive Wireless of Nebraska, LLC d/b/a Vistabeam, Gering, Nebraska, for Designation as an Eligible Telecommunications Carrier in the State of Nebraska*, Order Granting Application (Feb. 20, 2019).

¹⁰ See, e.g., Commission Docket No. C-5667, *In the matter of the Nebraska Public Service Commission, on its own motion, to review and consider the impact upon Nebraskans of the pending sale of certain assets of Lumen Technologies, Inc., Monroe, LA, to Forged Fiber 37, LLC, Dallas, TX, a subsidiary of AT&T Inc., Dallas, TX*, Order Closing Investigation and Requiring Ongoing Reporting (June 30, 2026), at 8-9.

¹¹ See Neb. Rev. Stat. § 86-324.02(1) (requiring speed testing for recipients of ongoing high-cost NUSF support); Commission Docket No. NUSF-133, *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*, Order Setting Speed Test Requirements (Nov. 8, 2022), at 4 (determining that locations for speed testing will be gathered from among the funded locations).

¹² For example, Nebraska Broadband Bridge Program (“NBBP”) awards require service of 100/100 Mbps to each location in the project area for a term of fifteen years. Neb. Rev. Stat. § 86-1308(2)(a)(i).

local carrier should be afforded the opportunity to intervene as of right. On review, the Commission finds that this language would be duplicative of the generous standard for intervention already in place in the Commission's Rules of Procedure.¹³ The Commission therefore declines to make this suggested change.

13. Nebraska Telecommunications Relay System

Section 08.03, relating to scope, has been revised to reflect modern practices relating to the Nebraska Telecommunications Relay System ("NTRS"). The Commission seeks comment on the proposed revisions. Does this updated language accurately reflect modern practices? Should any additional changes be made?

14. Deregulation of an Exchange

Section 013 of the proposed revisions relates to the deregulation of exchanges pursuant to Telecommunications Exchange Deregulation Act, Neb. Rev. Stat. §§ 86-1601 – 86-1611. In comments, Windstream suggested that applicants for deregulation should not be required to provide a list of subscribers in the exchange. The Commission finds that this proposal is reasonable and has therefore removed this language. However, the Commission finds that Windstream's suggestion to remove Section 013.03, requiring carriers seeking deregulation to provide notice to subscribers prior to filing the application, would be contrary to the public interest. This section is therefore not removed.

Windstream also opposed a requirement that a carrier seeking deregulation provide a map of all locations in the exchange, and a requirement that a carrier seeking deregulation provide data on trouble reports and outages. These requirements continue to be included in the proposed regulations because the Commission believes this information is necessary to understand the impact of deregulation on individual customers, and to determine whether additional Commission support to ensure adequate service for those locations may be necessary. Similarly, an accounting of the usage of federal universal service fund ("USF") and NUSF funds in a deregulated exchange is required in order to assess the impact of federal and state support in exchanges, and evaluating how to move

¹³ 291 Neb. Admin. Code § 1-002.12A2 (requiring that an intervenor set forth facts demonstrating that their legal interests may be "substantially affected" by the proceeding).

forward with distributing support in other exchanges going forward.¹⁴ The Commission therefore declines to make all of the changes to this section suggested by Windstream, but welcomes additional suggestions regarding this section.

15. Treatment of Confidential Information

Section 015 of the proposed revisions was further modified to clarify how confidential information will be treated. These revisions are intended to incentivize protective orders as they are not burdensome to produce, and because protective orders set out guidelines for the Commission and for parties as to what information should be considered confidential and how it should be treated. Without an order, the treatment of confidential information is more ambiguous, and more vulnerable to a successful challenge under public records law. Are these revisions clear and appropriate? The Commission welcomes further comment.

16. Rural Communications Sustainability Act

In comments, RIC suggested the addition of a section for the Rural Communications Sustainability Act. On review, the Commission finds that any regulations relating to this Act belong in Chapter 10 of the Commission's regulations, relating to the NUSF, rather than Chapter 5. RIC's comments will be retained and considered in future proceedings to modify Chapter 10.

17. Other Issues

The above-listed topics are a non-exhaustive summary of changes proposed to Chapter 5. The Commission strongly encourages all interested parties to read the second revised amendments to Chapter 5 in their entirety, and will welcome additional feedback and suggestions for further revisions.

C O M M E N T S

Interested parties may submit written comments on the proposed changes. Comments on the proposed amendments shall be filed by interested parties on or before **Friday, October 30, 2026 at 3:00 p.m. Central Time**. Comments should be

¹⁴ From a policy-making standpoint, it would be especially helpful to understand what NUSF uses or purposes may have led a previously high-cost area to become competitive.

filed by email with service to traci.christman@nebraska.gov and psc.telecom@nebraska.gov. Written comments will be included in the record for this proceeding.

H E A R I N G

A hearing in this proceeding will be held on **Wednesday, November 18, 2026 at 9:00 a.m. Central Time** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via videoconference, available at <https://psc.nebraska.gov/stream>.

If auxiliary aids or reasonable accommodations are needed for attendance at the workshop, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that interested parties may file comments in this proceeding on or before **Friday, October 30, 2026, at 3:00 p.m. Central Time** as set forth above.

IT IS FURTHER ORDERED that a hearing in this matter shall be held on **Wednesday, November 18, 2026 Central Time at 9:00 a.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via videoconference as described above.

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SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Rule and Regulation No. 214

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of October, 2026.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Kevin Stocker

Don Waters

Chair

ATTEST:

Executive Director

Tim Schram

G. A. Walker

COMMISSIONERS:
ERIC KAMLER
CHRISTIAN MIRCH
TIM SCHRAM
KEVIN STOCKER
DAN WATERMEIER



M E M O R A N D U M

TO: Telecommunications Contacts

FROM: Sallie Dietrich, Senior Counsel

DATE: October 6, 2026

RE: Rule and Regulation #214
Title 291, Chapter 5, Telecommunications Rules & Regulations

On October 6, 2026, the Commission entered an Order Releasing Second Proposed Rules, Seeking Comment, and Setting Hearing in the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations in its entirety.

Due to the voluminous nature of the rules and service list, we will not distribute hard copies unless specifically requested. A PDF version of the proposed rule is available on the Commission's website at:

<https://psc.nebraska.gov/administration/proposed-rules-regulations>

If you wish to receive a hard copy of the proposed rules, please contact me or the Commission's Paralegal using the information below:

Sallie Dietrich	402-471-0255	sallie.dietrich@nebraska.gov
Traci Christman	402-471-0227	traci.christman@nebraska.gov

Please call or email if you have any questions regarding the adopted rules.