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By Traci.Christman at 3:14 pm, Oct 30, 2026

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

SPECTRUM'S COMMENTS IN RESPONSE TO OCTOBER 6, 2026 ORDER RELEASING SECOND PROPOSED RULES, SEEKING COMMENTS, AND SETTING HEARING

Charter Fiberlink - Nebraska, LLC, Cox Nebraska Telcom, LLC and Time Warner Cable Information Services (Nebraska), LLC (these entities and their affiliates, including corporate parent Charter Communications, Inc., collectively "Spectrum") hereby respond to the Commission's October 6, 2026 Order Releasing Second Proposed Rules, Seeking Comments, and Setting Hearing in the above-captioned matter (the "October 6 Order").

Introduction

Updating Nebraska's telecom rules to reflect modern, competitive telecommunications services and markets makes sense. In general, changes should minimize regulation wherever possible, because regulation stifles innovation and limits the ability of competing providers to offer the services and prices consumers want. Lightly regulated communications services such as mobile telephony, broadband, and VoIP[1] have consistently improved in quality and availability while prices have fallen.[2] The market works. To

[1] *See* NEB. REV. STAT. § 86-124(1)(b) and (d).
[2] USTelecom's annual Broadband Pricing Index found that "since 2014, the price of the most popular broadband service Americans buy has fallen by nearly two-thirds— even as speeds have more than doubled." *2026 Broadband Pricing Index*, USTelecom, https://ustelecom.org/wp-content/uploads/2026/05/2026-USTelecom-Broadband-Pricing-Index.pdf

continue these trends and modernize communications regulation, Spectrum offers three targeted recommendations on the rule changes proposed in the October 6 Order.

1. Use the Statutory Definition of Local Exchange Service.

In the October 6 Order, the Commission proposes to change the current definition of "local exchange service." As the October 6 Order observes, this term has a statutory definition. NEB. REV. STAT. § 86-105 defines "basic local exchange service" to mean "the access and transmission of two-way switched voice communications within a local exchange area." Section 86-103 states that "[f]or purposes of the Nebraska Telecommunications Regulation Act (the "Act"), unless the context otherwise requires, the definitions found in sections 86-104 to 86-121.01 apply." So, to properly interpret and apply the Act, the Commission should use statutory definitions wherever possible and avoid differences that could lead to uncertainty and unnecessary disputes.

Even the current definition of "local exchange service" does not match the statutory definition – so some change is needed, but that change should conform to the statute, not create ambiguity. To this end, Spectrum recommends amending the definition of "local exchange service" in section 001.01(HH) of Chapter 5 to match the statutory definition, including the word "switched."

The October 6 Order explains that omitting "switched" would "modernize the definition of local exchange service such that it is not restricted to switched service, and captures modern practices in providing local exchange service." October 6 Order at 2-3. *However,* the Legislature

has already defined the term, which the Commission can and should leverage here. Spectrum has no concern about adding the clarifying second sentence proposed in the October 6 Order, because in common usage "local exchange service" and "basic local exchange service" are interchangeable. Spectrum proposes the following redlined changes to the current rule:

> 001.01(HH~~DD~~) LOCAL EXCHANGE SERVICE. The access and transmission of two-way switched voice communications within a local exchange area. Also referred to as "basic local exchange service." ~~The telecommunications service provided within a local calling area in accordance with the exchange carrier's tariffs.~~

2. Decline to Adopt Battery Backup Requirements for RDOF ETCs.

In the October 6 Order, the Commission proposes what it describes as a "novel requirement"[3] for high-cost eligible telecommunications carriers ("ETCs") to provide customers whose service requires a separate power source with at least eight hours of backup power at no additional charge (proposed section 007.02(A)(vii), Attachment B at 47), and asks whether that requirement belongs in Chapter 5. The Commission should decline to adopt any such rule: the requirement would be expensive and would add undue pressure to already-high Nebraska Universal Service Fund ("NUSF") surcharges.

A vanishingly small percentage of consumers depend on wireline voice service, even in emergency situations. In the few homes that still have wireline voice service, someone almost always has a wireless phone that can make calls as a backup. Pew Research reports that 98% of US adults own a

[3] October 6 Order, p. 7.

cellphone of some kind.[4] CDC data released just last month indicates that only 1% of adults and 0.4% of children live in landline-only households.[5] Mobile phones (at least as long as their batteries last) often have service when commercial power is out at a particular residence, provided there is power at a nearby tower. And no amount of battery backup in the home will help customers communicate when *both* power and communication facilities are disrupted by a storm, a fiber cut, theft, vandalism, or an infrastructure attack. Given how little battery backup might add and the near-universal use and availability of wireless services, a requirement to provide backup power will not meaningfully improve the ability of customers to communicate.

The cost outweighs this limited marginal benefit. Backup batteries can be costly. The record contains no evidence of how much such a requirement would add to the NUSF support requirements, and no information sufficient for either stakeholders or the Commission to undertake a cost-benefit analysis of adding this substantial regulation. The $1.75-per-connection NUSF surcharge already challenges the affordability of telephone service, and if NUSF funds were used to support a requirement to provide battery backup, that would further strain the fund – to support only a limited subset of Nebraska consumers.

In the alternative, if the Commission adopts a backup power requirement, it should apply the requirement only to ETCs seeking NUSF

[4] https://www.pewresearch.org/internet/fact-sheet/mobile/
[5] Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2025, https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202609.pdf

support. ETCs that receive no NUSF support do not draw on the fund; to the extent that this requirement would extend beyond NUSF recipients, it would be an unfunded mandate. And even in NUSF-supported areas, only some customers may want backup power for their services. To balance these concerns and promote consumer choice, Spectrum suggests that any backup power requirement the Commission adopts require only that ETCs seeking NUSF support offer backup power options, at cost, to customers who want that functionality. That way, customers who desire backup power can get it at a reasonable price and backup power solutions put no additional pressure on NUSF surcharges.

3. Consider Railroad Crossing Reforms as Part of Application No. C-5685/PI-259.

The October 6 Order also proposes limited changes to the rules governing wire crossings. There are significant issues between communications providers and railroad owners that were explored in Application No. C-5685/PI-259. Those issues and disputes threaten rural broadband deployment and add uneconomic and artificial costs to rural broadband construction projects. The Commission should explore the concerns raised in that docket further and propose comprehensive reforms to resolve them, rather than address only the limited issues proposed in the October 6 Order.

If the Commission determines to move forward with changes to railroad crossing rules, Spectrum suggests the following redline changes to the October 6 proposal to ensure that not only flagging expenses but also

monitoring expenses are limited to reasonable expenses for work performed onsite during placement.

> FLAGGING EXPENSES. In addition to the standard crossing fee as provided in Section 011.04(A), the telecommunications carrier shall reimburse the railroad carrier for any actual flagging or monitoring expenses rendered onsite during ~~associated with~~ the placement of the line, wire, or cable. Actual flagging and monitoring expenses must be reasonable based on standard business practices and market value in the industry.

Conclusion

Spectrum thanks the Commission for regularly reviewing and modernizing its regulations, and appreciates the opportunity to provide input.

Respectfully submitted this 30th day of October, 2026.

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Certificate of Service

The undersigned hereby certifies that on this 30th day of October, 2026 the foregoing Comments were e-mailed to the Nebraska Public Service Commission and to the parties of record in this proceeding.

/s/ Deonne Bruning