

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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.))))))))))	Application No. NUSF-133 ORDER OPENING DOCKET AND SEEKING COMMENT Entered: March 15, 2022
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COMMENTS OF WINDSTREAM

Windstream Nebraska, Inc., (“Windstream”) provides the following comments in response to the Nebraska Public Service Commission’s (“Commission”) above captioned Order seeking comment regarding adoption of federal testing parameters and performance measures consistent with the Federal Communications Commission’s (“FCC”) 2018 Testing Order and the Performance Measures Model (“PMM”) with certain modifications:

A. BACKGROUND AND INTRODUCTION

Windstream, along with its affiliates and subsidiaries, provides voice and broadband services for commercial and residential customers across 18 states. When Windstream was formed in 2006, it acquired voice and other facilities previously owned and operated by Alltel. Windstream has made significant investments to maintain and improve the services offered to its customers since that time. In Nebraska alone, Windstream has invested over \$270 million in capital expenditures between 2014 and 2020. In addition to expanded and improved service offerings, Windstream is committed to the customer experience. Windstream continually evaluates its marketing, customer support, and repair services to meet and exceed customer expectations.

B. RESPONSE TO COMMISSION INQUIRIES

As a preliminary matter, Windstream continues to assert that state-level speed testing requirements should conform as much as possible to those required by the FCC for Connect America Fund Phase II (“CAF II”), Rural Digital Opportunity Fund (“RDOF”), and other federal

support programs. We certainly understand the value of speed testing and join with other carriers in acknowledging the flaws with Form 477. Windstream believes state-level speed testing that mirrors FCC requirements can provide the Commission with the data it needs while limiting the administrative and labor burdens on carriers already conducting testing under other programs. To the extent the FCC has addressed the Commission’s inquiries below, Windstream’s responses should be read to support conformance with federal speed testing requirements.

1. Selection of Locations.

a. Location selection for recipients of ongoing high-cost support.

Windstream recommends locations should be selected from capital improvement projects benefiting from Nebraska Universal Service Fund (“NUSF”) dollars and that the sample size match with Universal Service Administrative Company (“USAC”) determinations used by the FCC.

b. Filing a list of active subscribers.

Windstream recommends carriers be required to file a list of locations that benefited from a NUSF-funded project following completion of the project. Carriers should only be required to submit a list of active subscribers shortly before project-completion speed testing or periodic speed testing to ensure sample pools include active households. Windstream believes periodic reporting of active subscribers will increase the administrative burden of project compliance without comparable benefits for the Commission.

c. Reporting for a valid random sample.

Carriers should be required to provide the same information currently reported in the HUB or testing platform for CAF II. Self-reporting of the number of customers receiving service should be permitted and the testing pool should only be selected from “testable” active subscribers. Remote testing is typically unavailable when subscribers use third-party modems and carriers

should be able to exclude untestable subscribers from their reporting, or separately identify those subscribers.

d. Location selection.

First, the subscriber pool for speed testing should be limited to those subscribing to the carrier's service on the technology supported by NUSF funds. For example, if NUSF dollars are used for a Windstream fiber-to-the-home project in and around City A, customers in City A who subscribe to broadband services from Windstream's copper or fixed wireless infrastructure in City A should not be considered part of the speed testing pool. Further, Windstream asserts that carriers should only be required to perform speed testing on subscribers purchasing the minimum speed tier or higher to be considered "served" by the project when such speed testing is being used to determine program compliance. To require a carrier to temporarily increase the service provided to a location is labor-intensive; it is better to deploy carrier resources to upgrade and maintain broadband networks.

2. Acceptable End Points for Testing.

Again, Windstream supports state-level requirements that mirror FCC standards as closely as possible. Windstream recommends the Commission adopt the same standards for acceptable end points for testing that have been adopted by the FCC.

3. Daily Test and Testing Intervals.

Windstream supports daily test periods and testing intervals that align with the FCC requirements. Although Windstream does not necessarily oppose an expanded test period, a review of consumer traffic does not suggest that broadband use during daytime hours has surpassed the peak hours between 6:00 p.m. and 10:00 p.m. Although more consumers may be using home broadband than before, the capacity required for video streaming services and other uses still lead

to higher broadband usage during the evening hours.

4. Consumer Input and Validation.

a. Consumer Information and Carrier Programs.

If the Commission pursues requirements for carriers related to the publication of consumer testing information, Windstream recommends the Commission only require carriers to publish testing instructions on their website. Carriers should not be prohibited from also publishing disclaimers about what factors may affect the accuracy of a consumer-conducted speed test. For example, a computer connected via Ethernet cable will provide a much more accurate reading of delivered speeds than a cellphone connected to Wi-Fi while several other sources are using the same network.

b. Consumer Testing, Required Equipment, and Pilot Programs.

As stated above, there are many factors that can affect the accuracy of consumer-conducted speed tests and Windstream is hesitant to support customer testing as validation unless consumer testing can be made more reliable.

Windstream opposes equipment installation and pilot program incentives that would in effect require participation by carriers participating in NUSF programs prior to a clear demonstration that the technology is reliable and cost-effective. Windstream prefers to dedicate its financial and labor resources to customer service and broadband network improvements. However, Windstream is open to reconsidering its position if testing devices can be proven to simplify premise testing requirements, are not overly burdensome to acquire and install, and there are opportunities for widespread adoption.

c. Consumer Challenges.

Windstream agrees consumers should have a voice and the ability to share how they are

experiencing their broadband service. There are many potential reasons that could cause a customer to experience poor performance and communication about service challenges is essential to resolution. If consumer, government, and third-party challengers submit speed test and coverage data, the Commission should engage with the incumbent carrier to verify the submission and, where appropriate, allow the incumbent to resolve poor service results for the consumer.

As stated above, Windstream believes information regarding speed testing could be provided on each carrier's website. A digital posting would allow carriers to update any related information on a timely basis and ensure ready information access for consumers.

d. Consumer Test Results and Third-Party Testing.

Windstream believes consumer-initiated tests should be accompanied by data that provides the appropriate context under which the test was administered and opposes the use of consumer-initiated tests for speed validation due to inconsistency and unreliability. In addition to time, date, and location stamps, consumers should be asked to provide responses regarding the testing device, how the testing device is connected to the broadband service (e.g., Ethernet, Wi-Fi), the type of broadband service, subscribed speeds, other devices using the network, and information regarding other substantive variables. Consumers should also be required to make certain attestations as to the accuracy of the aforementioned data. Personal identification information, customer proprietary network information ("CPNI"), and the exact location of the consumer premises should remain confidential.

It is challenging to evaluate the prudence of publishing consumer-initiated testing or opine on how consumer-initiated test information should be aggregated without a fuller understanding of the testing parameters and volume of consumer participation. Windstream recommends adoption and implementation of consumer testing requirements be implemented in phases with

regular evaluation opportunities for both the Commission and carriers.

To the extent the Commission uses consumer-initiated tests, subscript-based or publicly collected speed test resources, or other third-party vendors to evaluate service quality in Nebraska, Windstream believes this information should only be used as one factor in evaluating where and when a periodic speed testing of consumer services should be required. We will not belabor the unreliability of consumer testing. The utility of third-party testing varies depending on the sources of testing data, aggregation, and information published by the party. Median speeds, for example, are far less useful than location-based, carrier-collected data. Carrier testing should remain the primary source of speed testing.

e. Provider Initiated Speed Tests.

Remote provider-initiated speed tests are relatively accessible provided that the required testing is conducted on an active subscriber, used to evaluate the actual subscribed speed, and the consumer has carrier-provided equipment. Most Windstream subscribers already use carrier-provided equipment and CAF II requirements regarding carrier outreach about equipment changes will continue to reduce barriers to remote testing. Testing at subscribers' homes requires significantly more resources and at-home technician testing at peak intervals can also be inconvenient for customers. Windstream believes labor resources are better used for network maintenance and expansion, and that the resources needed to replicate automated testing do not have a parallel payout in improved testing data.

III. CONCLUSION

Windstream is committed to providing its customers with a quality service experience. Windstream continues to improve and expand its infrastructure capabilities, as well as evaluating how best to respond to customer needs. Windstream thanks the Commission for its dedication

ensuring quality service for Nebraska’s citizens and looks forward to being a continued partner in meeting Nebraska’s broadband needs.

Respectfully submitted on this the 15th day of April, 2022.

WINDSTREAM NEBRASKA, INC.

By: s/ Mary E. Jacobson
Mary E. Jacobson, #25776
Bruning Law Group
1201 Lincoln Mall, Suite 100
Lincoln, NE 68508
mary@bruninglawgroup.com

and

Ann Ames
Trent Fellers
Windstream Nebraska, Inc.
1440 M Street
Lincoln, NE 68508
Ann.Ames@windstream.com
Trent.Fellers@windstream.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 15, 2022, an electronic copy of the foregoing Comments on behalf of Windstream Nebraska, Inc. in NUSF-133 was delivered to:

Cullen.Robbins@nebraska.gov
Brandy.Zierot@nebraska.gov

/s/ Mary Jacobson
Mary Jacobson