

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public) Application No. NUSF-133
Service Commission, on its own)
Motion, to implement standards for the)
verification of broadband service)
provider coverage and speed data.)

**REPLY COMMENTS OF THE
NEBRASKA RURAL BROADBAND ALLIANCE**

The Nebraska Rural Broadband Association (“NRBA”),¹ through its attorneys of record, submits these *Reply Comments* (“Reply Comments”) in response to the *Order Opening Docket and Seeking Comments* (“Order”) entered by the Public Service Commission (“Commission”) on March 15, 2021, in the above proceeding.

Selection of Locations

In its original Comments, the NRBA advocated for testing of all supported locations. Similar arguments were made by the Rural Telecommunications Coalition of Nebraska (“RTCN”)² and Windstream Nebraska, Inc. (“Windstream”).³ The NRBA also urged the Commission to require that carriers sufficiently verify 100 by 100 Mbps speeds to qualify for ongoing NUSF support. After further consideration, the NRBA believes the approach recommended by the Commission is preferable for the time being. The Commission’s proposal to require testing in areas where NUSF support has been used to construct infrastructure will be the best practical means of ensuring

¹ For purposes of this proceeding, the NRBA consists of the following carriers: Cambridge Telephone Company; Diller Telephone Company; Glenwood Telecommunications, Inc.; Hemingford Cooperative Telephone Co.; Mainstay Communications; Midstates Data Transport, LLC; Stanton Telecom, Inc.; and WesTel Systems.

² Comments of the RTCN, p. 4.

³ Comments of Windstream, p. 3.

compliant deployment in the immediate future. The NRBA supports this approach over the short-term.

The NRBA, nevertheless, strongly urges the Commission to undertake weaning all eligible telecommunications carriers off ongoing support for infrastructure incapable of actually delivering 100/100 speeds. Doing so abruptly might harm underserved customers. Establishing a sunset period for ongoing support of infrastructure not capable of providing speeds otherwise required by state law will give carriers an incentive to deploy in underserved and unserved areas. It will allow the Commission to develop more accurate methods of testing all high-cost areas of the state, not just areas where recent deployment has been done. The Commission should allow no more than a two-year period to phase-out ongoing support for infrastructure not capable of providing 100/100 service. Such funds should be used to deploy new infrastructure that is broadband-capable or support carriers who are actually providing 100/100 speeds in high-cost areas.

Testing Requirements

When it came to Commission inquiries on the specific requirements for speed testing, such as sample sizes, acceptable end points for testing, and testing periods and intervals, the NRBA urged the Commission to follow these basic principles:

1. ***Consistency with federal HUBB reporting requirements*** to ensure accurate and representative data while avoiding duplication and unnecessary administrative burdens.
2. ***Consistency with other programs administered by PSC***, such as the Bridge program, NUSF-92, etc.
3. ***Adaptability***. The Commission should reconsider technical requirements for testing at least annually, as it does for other programs. Given the near-

constant improvements in testing capabilities and federal data and mapping, the Commission would be prudent to maintain regulatory flexibility.

There was remarkable consensus among the telecommunications carriers, as well as the Nebraska Public Power District (“NPPD”), in recommending that the Commission, as it had suggested, generally establish a system consistent with the HUBB, also known as the Performance Measure Model, established by the Universal Service Administrative Company. There seems little reason for the Commission to adopt another model. The Commission’s testing standards should be consistent with the HUBB.

The lone exception to this general consensus by commenters on speed testing was Cox Nebraska Telcom, LLC (“Cox”). The NRBA does not take issue with most of Cox’s comments. Cox did incorrectly state that “broadband providers do not typically, at this time, have the ability to remotely generate speed data to specific customer locations.”⁴ As the Commission is fully aware, such testing is common and is a core element of the HUBB protocol. We do not raise this so much to point out Cox’s error as to emphasize the difference between valid testing of telecommunications infrastructure as compared with cable infrastructure. Cox’s further comments bear this out.

As the NRBA said with regard to Broadband Bridge Program speed testing, an approach must be developed for testing cable infrastructure that balances the

⁴ Comments of Cox, p. 2.

competing issues of encouraging deployment while avoiding overbuilding of broadband-capable infrastructure.⁵

Consumer Input and Validation

On questions the Commission raised related to consumer input and validation, among the telecommunications commenters and NPPD, there was general consensus that the Commission should tailor its approach after federal data collection models, while allowing consideration of legitimate consumer data.

DATED: May 4, 2022

NEBRASKA RURAL BROADBAND
ASSOCIATION

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⁵ Comments of the NRBA, NUSF-5368 (Mar. 1, 2022), p. 4.

CERTIFICATE OF SERVICE

The undersigned certifies that an original of the above ***Reply Comments*** of the Nebraska Rural Broadband Association were filed with the Public Service Commission on May 4, 2022, and a copy was served via electronic mail, on the following:

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