

NEBRASKA BROADBAND BRIDGE PROGRAM (2021)

Glenwood Telecommunications & South Central Public Power District Glenwood & SPPD Project

Response to Windstream Challenge

Glenwood Telecommunications, Inc. (Glenwood) and the South Central Public Power District (SPPD) jointly filed an application for Nebraska Broadband Bridge Program (NBBP) seeking matching funds of approximately \$3.9 million for a fiber infrastructure project to serve a nearly 2,000 locations in a three-county area of south central Nebraska. Presently, Windstream Nebraska, Inc. (Windstream), is the monopoly incumbent local exchange carrier for the entire area of the public-private project. Windstream filed a Challenge to the joint application. This is Glenwood and SPPD's Response to the Windstream Challenge.

In its formal Challenge, Windstream alleges it is currently providing broadband services at the minimum 100/20 Mbps speed threshold to *all* serviceable locations within the challenged portion of the project area.

With this Response, Glenwood and SPPD supplement their Application with speed test information that shows Windstream is not providing broadband services at 100/20 speeds to a large sampling of locations in the project area.

The Commission's challenge process was designed "to allow both the applicant and the challenging party to provide information and argument to support their respective positions." (C-5272 Order, p. 15) The Commission's NBBP Guide states that the Commission will "evaluate all available information," including that received by both the Applicant and Challenger. An application is to be approved unless the challenge "is found to be credible," according to the Guide.

A comparison of the information provided by Windstream with its Challenge and the information provided by Glenwood and SPPD demonstrates that Windstream's information is not credible.

In an attempt to substantiate the Form 477 information provided with its Challenge, Windstream submitted high-level information about customer counts and locations in cities and villages along the project route and unsubstantiated generic engineering estimates of plant-reach and capability, but provided no other basis to support the speeds it alleges to be providing. The Nebraska Commission, together with the FCC, the NTIA, and the Nebraska Department of Economic Development, have all recognized the historical inaccuracies of Form 477 data. Windstream makes no showing of fiber-to-the-home technologies, specific capabilities of electronics and other facilities, or any argument offered that might justify its challenge. Windstream is asking the Commission to trust and rely merely on its own bare assertions. Its claims are based on high-level projections and hypothetical without foundation. The Commission must be mindful that Windstream is opposing an application to provide service to well over 1,000 underserved locations and more than 950 locations that are unserved by the current ILEC, Windstream.

Glenwood and SCPPD, on the other hand, submitted information obtained at the premises level that shows Windstream's speeds do not meet the Commission's standards, let alone Windstream's own assertions. Submitted along with the tests are customer statements indicating the speed tier to which the customer subscribes. The speed tests were performed over a platform offered and administered by [GEO Partners LLC](#), an established Minnesota-based geospatial consulting firm. The [Nebraska Regional Officials Council](#) (NROC), the statewide organization of all eight of Nebraska's Economic Development Districts, recognizing the importance of collecting reliable information to Nebraska's efforts to accelerate broadband deployment, engaged GEO Partners to help capture and analyze speed data from locations in the state. Ratepayers performed the test through <https://www.nebraskaspeedtest.org>.

For the above reasons, Windstream's unsubstantiated claims that it is offering 100/20 speeds to all locations in the project footprint should be rejected because their evidence is not credible.

Further, all cities and villages Windstream claims to serve in its Challenge are located in exchanges for which Windstream is the incumbent local exchange carrier (ILEC) with eligible telecommunications carrier (ETC) authority to receive federal and state universal service support. For all such exchanges, Windstream has been the recipient of substantial federal and state universal service funding. In these exchanges, Windstream has obligations to provide voice and broadband services in order to remain eligible for support. Under current law, Windstream has duties to provide voice and broadband services by virtue of its monopoly status in all rural areas. As stated above, speed test data shows a lack of broadband in cities and villages. The Commission's broadband map shows that services are worse in the rural areas of Windstream's exchange.

Perhaps the most puzzling element of Windstream's challenge to the Glenwood-SCPPD project are its specific objections to NBPP funding for the public-private partners to simply upgrade facilities to connect underserved residents and businesses in the cities of **Edgar** and **Harvard**. Both cities are located in exchanges for which Windstream is the ILEC and, by virtue of its ETC authority, has received substantial federal and state universal service funding to serve. Windstream itself has submitted applications proposing to upgrade service for 69 locations it admittedly underserves in Edgar and 368 underserved locations in Harvard. And yet now, Windstream objects to the Glenwood-SCPPD application based on claims it serves 144 locations in Edgar and 296 locations in Harvard.

Glenwood and SCPPD originally notified the Commission and Windstream of their intention to challenge Windstream's Edgar and Harvard applications, but chose not to pursue formal challenges. The partners' primary intent in filing the notices was to inform the Commission of the overlap between the competing applications. The Commission has acknowledged the overlap. Glenwood and SCPPD trust the Commission to score the competing applications fairly.

Windstream offers no evidence, argument, or suggestion that it currently offers 100/20 services to *rural* locations *outside* of the cities and villages it references in its Challenge. Glenwood and SCPPD stated their intention to serve rural areas in their Application. The funding requested includes drops to rural locations along the fiber route outside of cities and villages.

It is the near-term intention of Glenwood and SCPPD to provide fiber-based broadband services to all locations throughout the three-county area. The partners are exploring other funding possibilities at the local, state, and federal levels – as well as nongovernmental sources – to achieve that objective.

For the above reasons, Glenwood and SCPPD respectfully request the Commission reject Windstream’s challenge and approve the public-private partners’ Application so fiber-based broadband services will be available to all residents and businesses in all areas of the project footprint. As demonstrated in the letters of support (see list below) submitted with the Application, area residents and businesses need broadband services and support the public-private project.

Letters of Support (submitted with Application)

Sen. Tom Brandt, District 32

Sen. Dave Murman, District 38

Sharon Hueftle, Executive Director, South Central Economic Development District

Nanette Shackelford, Mayor of Clay Center

Brad Brennfoerder, Mayor of Edgar

Matt Whitten, Chairman, Village of Glenvil

Keith Ljunggren, Mayor of Harvard