



Nebraska Capital Projects Fund (CPF) Challenge Form

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By carrie.gans at 4:56 pm, Apr 06, 2023

Section I: Challenging Provider Details

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| 1. Challenging provider entity name: | |
| 2. Name of person completing challenge form (first and last name): | |
| 3. Mailing address of challenging provider: | |
| 3a. Challenging provider city: | |
| 3b. Challenging provider state: | |
| 3c. Challenging provider zip code: | |
| 4. E-mail address of the person completing challenge form: | |
| 5. Phone number of the person completing challenge form: | |

Section II: Challenge Details

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| 1. Nebraska CPF applicant against which the challenge is being brought: | |
| 2. Nebraska CPF project name in which the challenge is being brought: | |
| 3. Challenge Type (Select ONE): NOTE: If submitting both type 1 and type 2 challenges, separate challenge forms are required. See below for required attachments. | <p>Type 1: Currently provides service at the minimum 100/20 Mbps speed threshold to all serviceable locations within the challenged portion of the project area.</p> <p>Type 2: Currently constructing broadband infrastructure in the project area or is proximate to the project area and anticipates completion of broadband infrastructure providing a minimum 100/20 Mbps speed threshold to all serviceable locations within the challenged portion of the project area no later than 18 months after the date grants are awarded.</p> |
| 4. Technology type(s) used by the challenger to serve the area: | |
| 5. Estimated number of locations to be served in the challenged area. | |
| 6. Did the Challenging provider submit the Notice of Intent to Challenge to the Nebraska CPF applicant for the respective project by the due date of March 8, 2023? | |
| 7. Is this a full challenge involving the entire proposed project area, or a partial challenge involving a portion of the proposed project area? | |

ATTACHMENTS (mark the boxes below for which documentation is attached):

NOTE: Please label attachments as follows: “[Challenger Name]_[Applicant Name]_[Project]_[Attachment Letter].” If it is necessary to submit multiple attachments under one attachment letter category, label the attachments to identify the separate attachments. Ex. “[Challenger Name]_[Applicant Name]_[Project]_[Attachment Letter]_1”, “[Challenger Name]_[Applicant Name]_[Project]_[Attachment Letter]_2”, etc.

Challengers that answered “Type 1” to Section II, Field 3 must attach the following to their challenge form:

A polygon shapefile identifying the portion(s) of an application that the challenger currently serves with 100Mbps/20Mbps speeds along with all supporting files required to open the shapefile. (Attachment Letter: A)

A point shapefile identifying locations served in the project area along with all supporting files required to open the shapefile. (Attachment Letter: B)

At least one week (7 days) of speed and latency testing data performed on active subscriber locations within the challenged area must be submitted as described in the 2023 CPF Program Guide. (Attachment Letter: C)

Evidence demonstrating that the speed thresholds (100Mbps/20Mbps) are being advertised to customers within the challenged portion of the project area. (Attachment Letter: D)

Evidence demonstrating that the requisite information is part of their most recent FCC Form 477 filing, or an attestation that it will be part of the earliest subsequent FCC Form 477 filing. (Attachment Letter: E)

A plant map showing existing facilities in relation to the proposed project area, including a description of the type of facilities (Copper, fiber, etc.). (Attachment Letter: F)

If utilizing fixed wireless technologies to serve the area, include tower location shapefiles for existing and planned towers, a shapefile polygon demonstrating coverage for the planned and/or existing networks, including where the upload and download speeds meet or exceed the required speeds (100/20 Mbps), and showing that coverage encompasses the locations included in the challenged area. Propagation shapefiles and a description of the spectrum utilized must also be provided. (Attachment Letter: G)

Challengers that answered “Type 2” to Section II, Field 3 must attach the following to their challenge form:

A polygon shapefile identifying the portion(s) of an application that the challenger is currently constructing broadband infrastructure, if applicable. (Attachment Letter: H)

A polygon shapefile identifying the portion(s) of an application that the challenger intends to build to at 100Mbps/20 Mbps speeds within eighteen months, if applicable. (Attachment Letter: I)

A description of the project underway, including a timeline for what has been completed to date, and a construction timeline that indicates completion within the 18-month timetable. (Attachment Letter: J)

A description which includes the identification of any 3rd party contractors, and evidence of costs incurred and/or work being initiated, including invoices or copies of purchase orders, local permits applied for and received, and locate request tickets. (Attachment Letter: K)

A construction map showing facilities to be deployed in the project area. (Attachment Letter: L)

A statement agreeing that if the challenge is deemed credible that the provider submitting the challenge agrees to provide documentation within 18 months demonstrating that they have fulfilled the commitment to provide broadband Internet service with access to the Internet at the stated speeds in the proposed project area. The statement should acknowledge understanding that if the challenger does not provide broadband Internet service to the proposed project area within eighteen months, the Commission shall impose a civil penalty for each day such provider fails to provide service after the expiration of such eighteen-month period, and such provider shall not challenge any grant application or make any application for a grant under the Nebraska Broadband Bridge Act for the provider shall not challenge any grant for the following two fiscal years unless the challenger can demonstrate that the failure to provide such service is due to factors beyond the provider's control. (Attachment letter: M)

If utilizing fixed wireless technologies to serve the area, include tower location shapefiles for existing and planned towers, a shapefile polygon demonstrating coverage for the planned and/or existing networks, including where the upload and download speeds meet or exceed the required speeds (100/20 Mbps), and showing that coverage encompasses the locations included in the challenged area. Propagation shapefiles and a description of the spectrum utilized must also be provided. (Attachment Letter: N)

ATTESTATION: By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that if this challenge involves anticipated completion of broadband structure within the project area within eighteen months, I agree to provide progress reports to the Commission every three months which demonstrate progress towards construction. I also agree that if construction is not completed within the required eighteen-month timeframe, the challenging provider shall not challenge any grant for the following two fiscal years unless the failure to complete construction is shown to be due to factors beyond the challenging provider's control.

Printed Name of Officer or Agent 4/6/23
Date

Title of Officer or Agent
Klint Arnold
Signature of Officer or Agent