

**MEMORANDUM OF UNDERSTANDING  
FOR  
BROADBAND INFRASTRUCTURE DEVELOPMENT**

This Memorandum of Understanding is entered into on February 14, 2023, by and among the County of Platte, Nebraska, a political subdivision of the State of Nebraska (the “**County**”), Loup Power District (a/k/a Loup River Public Power District), a public corporation and political subdivision of the State of Nebraska (“**LPD**”) and Midstates Data Transport, LLC d/b/a Stealth Broadband, a Nebraska limited liability company qualified to do business in the State of Nebraska (“**Stealth**”) (each a “**Party**” and collectively, the “**Parties**”) with regard to cooperation in seeking and utilizing local, state, and federal funding for the potential deployment of Broadband<sup>1</sup> infrastructure in and around the respective territorial boundaries of the County and service areas of LPD (the “**Project Area(s)**”) (collectively, the “**Project**”).

**RECITALS**

- A. The Parties hereby acknowledge and endorse the following principles regarding access to reliable and affordable Broadband:**
1. Broadband access is critical to attracting and retaining a vital and talented workforce in Nebraska.
  2. Broadband access is critical to the success of the Nebraska agricultural industry and other industries competing in the global marketplace.
  3. Broadband access is critical to the development and provision of essential social services, community development initiatives, education, medical services, public safety, and other basic services.
  4. All public entities of the State should work together to facilitate the rapid deployment of Broadband infrastructure throughout the State of Nebraska, including the Project Area(s).
  5. Private providers of Broadband operate in the highly competitive and rapidly evolving telecommunications industry, are well-versed at engaging in sales and marketing, handling customer service, and adapting to changing technologies and customer preferences for broadband services.
  6. Cooperation and collaboration between and among the County, LPD and Stealth is essential to the development and deployment of Broadband services in the Project Area.
- B. In connection with the development of the Project(s), the Parties hereto hereby agree as follows:**

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<sup>1</sup> “Broadband” is the transmission of wide bandwidth data over a high-speed internet connection with systemic speed of a minimum of 100/100 Mbps.

1. The Parties will cooperate and collaborate in good faith to develop a structure for the construction, operation, and maintenance of Broadband infrastructure which will serve the needs of **all** unserved locations in the Project Area(s), including but not limited to:
  - a. Establishment of contractual arrangements for efficient administrative processes.
  - b. Development of agreements for use of facilities consistent with cost-sharing arrangements developed for infrastructure deployment, maintenance, and operations.
  - c. Arrangements for cost recovery and maintenance costs for deployment of Broadband infrastructure.
  - d. Development of simplified, efficient, and cost-effective processes for access to rights-of-way, easements and permits.
  - e. Development of integrated agreements for construction of facilities necessary for access, delivery, and maintenance of Broadband services to unserved consumers throughout the Project Area(s).
2. The Parties agree to collaborate to explore potential funding sources for deployment of Broadband infrastructure through all available private and public (local, state, and federal) funding sources and programs, including philanthropic funds and private equity.
3. The Parties will cooperate to promptly assemble, marshal, and share all relevant information, resources, and documentation necessary to secure potential funding sources for the Project(s).
4. The Parties agree to use their best efforts to develop effective public-private partnerships designed to drive the deployment of Broadband to unserved and underserved areas.
5. The Parties will use their best efforts to assure delivery of minimum levels of service to consumers throughout the useful life of the broadband infrastructure deployed in the Project Area.
7. The Parties will further develop contractual arrangements for the efficient and timely completion of the Project(s), including project deadlines, milestones, reporting requirements, speed tests, standards and techniques, and other reasonable measures to assure accountability for the provision of Broadband services.

COUNTY OF PLATTE, NEBRASKA

By: Kim Kwapiński

Printed Name: Kim Kwapiński

Title: Chairperson

LOUP POWER DISTRICT (A/K/A LOUP RIVER PUBLIC POWER DISTRICT)

By: Neal D. Sues

Printed Name: Neal D. Sues

Title: President/CEO

MIDSTATES DATA TRANSPORT, LLC D/B/A STEALTH BROADBAND

By: Mike D. Stojohann

Printed Name: Mike D. Stojohann

Title: CEO/Partner