



# Nebraska Broadband Bridge Program (NBBP) Guide

## Fiscal Year 2021-2022

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# 1 Nebraska Broadband Bridge Program: General Information

## 1.1 Program Overview

On May 26, 2021, the Governor signed the Nebraska Broadband Bridge Act (the Act), LB 388, which created the Nebraska Broadband Bridge Program (NBBP) to facilitate and fund the deployment of broadband networks in unserved and underserved areas of Nebraska. The NBBP is designed to assist with costly deployment projects that might not otherwise occur without public assistance. The Nebraska Public Service Commission has the authority to grant awards to assist applicants with eligible infrastructure installation costs for qualifying projects. Qualifying projects must provide broadband Internet service scalable to one hundred megabits per second for downloading and one hundred megabits per second for uploading, or greater (100Mbps/100Mbps). Applicants are required to provide matching funds equal to at least fifty percent of the total development costs of the project.

## 1.2 2021 Funding Availability

In the 2021 legislative session, \$20 million was appropriated to this program annually beginning in fiscal year 2021-2022. The maximum grant funding award cannot exceed 50% of the eligible total project costs. The maximum grant amount awarded cannot exceed \$5 million for a single project.

## 1.3 Eligible Applicants

Eligible applicants for this program could include: (1) a broadband Internet service provider including any telecommunications company, cable television company, or wireless network provider that provides broadband Internet service; (2) a cooperative; (3) a political subdivision; (4) an Indian tribe. Applications from a political subdivision or an Indian tribe shall be made as part of a public-private partnership with a broadband Internet service provider.

## 1.4 Eligible Project Areas

A project involving development of a broadband network in an unserved area or an underserved area may be considered. An unserved area is an area of Nebraska in which locations lack access to broadband Internet service at speeds of at least twenty-five megabits per second for downloading and three megabits per second for uploading (25Mbps/3Mbps). An underserved area is an area of Nebraska in which locations lack access to broadband Internet service at speeds of at least one-hundred megabits per second for downloading and twenty megabits per second for uploading (100Mbps/20Mbps). Applications involving underserved areas must also include a digital inclusion plan that demonstrates access to and use of information and communication technologies by all individuals and communities in the project area, including the most disadvantaged individuals and communities. The plan must describe the carrier's efforts to ensure members of the community to be served will be able to afford the services offered, and must describe any discounts and/or support programs to be offered for low-income individuals. Acceptable digital inclusion plans must not impose data caps on consumer usage.

See [section 4.1](#) for additional detail related to grant prioritization tiers.

## 1.5 Eligible Program Costs

The Nebraska Broadband Bridge Program (NBBP) can pay up to 50 percent of the eligible development costs for a qualifying project, with a maximum grant amount of \$5 million for a single project. Development costs means the amount paid for acquisition and deployment of infrastructure that provides broadband internet service scalable to at least 100/100 Mbps, such as costs for project planning, obtaining construction permits, construction of facilities including both middle-mile and last-mile infrastructure, equipment, and installation and testing of the broadband Internet service. Examples of allowed and disallowed costs can be found on our website at [www.psc.nebraska.gov](http://www.psc.nebraska.gov).

The NBBP grant funding period begins after the grant application is received, reviewed, and officially approved with an award notification. Eligible program costs are those that are incurred after the 2021-2022 fiscal year grant award notice and end at the conclusion of deployment, or at the established deadline for deployment for the NBBP grant project (whichever is earlier).

## 1.6 Matching Fund Requirement

In order to be approved for a NBBP grant, the applicant must provide for funding not provided by the grant with matching funds, with a minimum of fifty percent of matching funds. Applications that leverage greater matching funds over the fifty percent requirement will be awarded additional points.

Applicants should attach a table detailing the confirmed matching fund commitments by source. The table should include the total amount committed for matching funds, a detailed description of the dollar amount of each match as well as the source of the match. The table should first list the amount committed by the applicant, and then list each funding partner. Below is an example:

Match Source:	Funding Commitment:	Percentage of Total Matching Funds
<i>Applicant</i>	<i>\$80,000</i>	<i>80%</i>
<i>Funding source A</i>	<i>\$10,000</i>	<i>10%</i>
<i>Funding source B</i>	<i>\$10,000</i>	<i>10%</i>
<i>(continue as needed)</i>		
Total Matching Funds:	\$100,000	100%

Documentation of the match source(s) should also be provided. This could include but is not limited to a signed contribution certification for community partner match, NUSF census block information (in Excel format), documentation regarding timeline for RDOF deployment, or justification for the value of any in-kind contributions such as equipment and inventory on hand.

See [section 4.2](#), subsections 6 and 7 of this guide for additional information including examples of potential match sources and the scoring process.

## 2 Application Process

### 2.1 Filing Window – September 9, 2021 to October 1, 2021

The Nebraska Broadband Bridge Program (NBBP) is expected to be a competitive grant award cycle for the fiscal year 2021-2022 funding. The grant application window for fiscal year 2021-2022 will open on September 9, 2021 and close on October 1, 2021. **All applications must be received by the Nebraska Public Service Commission (Commission) on or before the application deadline of October 1, 2021, no later than 5:00 p.m. Central Time. Late filed or incomplete applications will not be considered.**

### 2.2 Preparing an Application

The application form is located on our website at [www.psc.nebraska.gov](http://www.psc.nebraska.gov) in the Telecom/NUSF section > Telecommunications > Nebraska Broadband Bridge Program. For the best experience, we recommend that you open the file in Acrobat Reader or Professional, rather than a browser. You may submit additional pages to expand on application form fields, if additional room is needed. The completed application and supporting documentation should be emailed to [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov) no later than October 1, 2021 at 5:00 p.m. Central Time. The items that make up an application are further outlined below:

#### 2.2.1 Application Section I - Applicant Details

- Field 1. Applicant name: This field should include the name of the applicant entity applying for funding.
- Field 2. Applicant type: This field should identify the applicant type. Options include:
  1. Service provider
  2. Cooperative
  3. Political subdivision
  4. Indian tribe

NOTE: An application from a political subdivision or an Indian tribe must be made as part of a public-private partnership with a service provider.

- Field 3. Applicant street address: This field should include the street address of the applicant.
- Field 3a. Applicant city: This field should include the city for the address of the applicant.
- Field 3b. Applicant state: This field should include the state for the address of the applicant.
- Field 3c. Applicant zip code: This field should include the zip code of the applicant.
- Field 4. Applicant contact (first and last name): This field should include the name of the contact person for questions related to the application and the overall project.
- Field 5. Applicant e-mail: This field should include the e-mail address of contact person identified in field 4.
- Field 6. Applicant phone number: This field should include the phone number of contact person identified in field 4.
- Field 7. Provider name: This field should include the name of the service provider for the project. This field is required if answer to field #2 is "Political Subdivision" or "Indian Tribe." The input for this field may be identical to field 1 if the service provider is also the applicant.
- Field 8. Provider contact (first and last name): This field should include the name of the contact person for the service provider that can answer questions related to the project. The input for this field may be identical to field 4 if the service provider is also the applicant.
- Field 9. Provider e-mail: This field should include the e-mail address of the contact person identified in field 8. The input for this field may be identical to field 5 if the service provider is also the applicant.
- Field 10. Provider phone number: This field should include the phone number of contact person identified in field 8. The input for this field may be identical to field 6 if the service provider is also the applicant.
- Field 11. Legal representative name: This field should include the name of the legal representative for the applicant.
- Field 12. Legal representative e-mail: This field should include the e-mail address of contact person identified in field 11.
- Field 13. Legal representative phone number: This field should include the phone number of contact person identified in field 11.
- Field 14. Applicant's Nebraska ETC status: This field should include the applicant's Nebraska ETC status. Options include:
1. Not applicable;
  2. Currently certified as Nebraska Eligible Telecommunications Carrier (NETC), in good standing;
  3. Application for Nebraska Eligible Telecommunications Carrier (NETC) certification has been filed with the Commission;
  4. Applicant attests they will submit application to the Commission for NETC certification at least six months prior to project completion.
- Field 15. Does the applicant currently report through FCC Form 477 speeds of at least 100/100 Mbps provided to customers within the State of Nebraska? This field should indicate whether the applicant/service provider partner currently reports through FCC Form 477 speeds of at least 100/100 Mbps service is being provided to customers in Nebraska located outside of the project area. Response options include: Yes or No.
- Field 15a. If the answer to 15 is "Yes," does the public-facing website clearly reflect available speeds? Response options include: "Yes," "No," or "NA."

- Field 15b. Provide the service provider’s public facing website URL that reflects the currently available speeds: If the answer to 15a is “Yes,” this field should include the service provider’s public-facing URL that reflects the currently available speeds.

### 2.2.2 Application Section II – Project Details

- Field 1. Project name: This field should include the descriptive name given to the project.
- Field 2. Project location description (the cities/communities where the project(s) will take place): This field should include a brief description of the project location, including the cities, communities, etc. where the project will take place.
- Field 3. Estimated number of locations served in project area: The inputs for this field are captured in fields 3a, 3b, and 3c, which are explained below.
- Field 3a. Unserved (<25/3 Mbps): This field should include the estimated number of locations within the project area which meet the definition of unserved (i.e. lacking broadband internet service at speeds of at least 25 Mbps downloading and 3 Mbps uploading).
- Field 3b. Underserved (<100/20 Mbps): Enter the estimated number of locations within the project area which meet the definition of underserved (i.e. lacking broadband internet service at speeds of at least 100 Mbps downloading and 20 Mbps uploading).
- Field 3c. Total: This field should include the sum of fields 3a and 3b.
- Field 4. Technology type(s) to be deployed in project area: The input in this field should describe the technology type(s) to be deployed within the project area.
- Field 5. Current maximum connection speed bandwidth in project area (Mbps): This field should include the current maximum download and upload speeds available within the project area.
- Field 6. Projected maximum connection speeds at completion (Mbps): This field should include the minimum connection speeds for download and upload upon completion of the project.
- Field 7. Monthly customer rate for proposed 100/100 Mbps service: This field should include the monthly customer rate to be billed for 100/100 Mbps service provided within the project area.
- Field 7a. Does the rate plan for the proposed project area impose usage caps, early termination fees, or otherwise lock customers into a particular plan or term? Plans with usage caps, early termination fees, or that otherwise lock customers into a particular plan or term will be disallowed. For projects in priority tier three, digital inclusion plans that seek to impose data caps on consumer usage will not be considered.
- Field 8. Lowest monthly customer rate for 100/100 Mbps speed where applicant/provider currently offers that speed tier in Nebraska: This field should include the monthly rate currently charged to Nebraska customers receiving 100/100 Mbps service.
- Field 8a. If applicant does not currently provide 100/100 Mbps speed in Nebraska, has the applicant provided documentation of other carriers’ rates as required? If the applicant does not offer 100/100 Mbps service to customers in Nebraska, the applicant must provide documentation showing the rates offered by three other providers in Nebraska for service at speeds of at least 100/100 Mbps. The rate offered in the proposed project area must be no higher than ten percent greater than the average rate of the three submitted providers.
- Field 9. Maximum speeds all serviceable locations in project area will be capable to be scalable to upon completion: To qualify, the project must provide broadband Internet service that is

- scalable to 100/100 Mbps, or greater. This field should indicate the maximum speeds that all serviceable locations within the project area will be scalable to upon project completion.
- Field 10. Expected Project Completion Date: This field should indicate the expected completion date for the project, and when service is expected to begin within the project area at the required speeds.
- Field 11. Project geographic contiguity type: This field should indicate whether the project area is contiguous, or whether the project includes noncontiguous geographical areas.
- Field 11a. If the answer to field 11 is “Noncontiguous,” are the areas included from the same exchange or adjacent exchanges? Response options include: “Yes” or “No.”
- Field 12. Total project cost (based on allowed costs): This field should indicate the total estimated cost of the project based on costs deemed eligible within the NBBP. See our website at [www.psc.nebraska.gov](http://www.psc.nebraska.gov) in the Telecom/NUSF section > Telecommunications > Nebraska Broadband Bridge Program for a list of examples of allowed and disallowed costs.
- Field 13. NBBP grant amount requested: This field should indicate how much grant money from the NBBP is being requested for this application. This amount cannot exceed 50% of the total project cost reported in field 12 and cannot exceed \$5,000,000.

### 2.2.3 Attachments

Please label attachments as follows: “[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. “[Applicant Name]\_[Project]\_[Attachment Letter]\_1”, “[Applicant Name]\_[Project]\_[Attachment Letter]\_2”, etc.

1. A shapefile polygon (.shp) reflecting the project area must be included. (Attachment Letter: A).
2. A point shapefile or an alternative format which identifies serviceable locations in the project area should also be included. (Attachment Letter: B).
3. Applicants that answered “Yes” to section I; field 15 should attach documentation that 100/100 Mbps speeds are currently delivered to customers in other areas served by the applicant and that those speeds are advertised. (Attachment Letter: C).
4. Applicants that answered “Noncontiguous” in section II; field 11, should provide a statement explaining the reasoning for including noncontiguous areas. This should include an explanation regarding what natural connection the noncontiguous project areas have to each other. (Attachment Letter: D).
5. Technical capability statement: Applicants/Service Providers must include a statement relating to their experience providing broadband, whether they currently provide broadband at the minimum 100/100 Mbps speeds, and how the project will be resilient and sustainable in the long-term. This statement should also include the number of technical staff that will be dedicated to serving the project area once the project is complete, a description of how the service area will be maintained throughout the useful life of the facilities, and any other relevant technical expertise of the applicant. (Attachment Letter: E).
6. Rate comparability details: Attach information demonstrating that the retail rates for the proposed service area are comparable. Plans with usage caps, early termination fees, or that otherwise lock customers into a particular plan or term will be disallowed. For carriers currently providing 100/100 Mbps service in Nebraska, documentation of that carrier’s rate for that service speed in Nebraska must be submitted. If the carrier offers that speed at more than one rate in different areas of Nebraska, the carrier must submit documentation for each rate at

which it offers that speed of service, and the rate offered in the project area must be no higher than ten percent greater than the lowest rate offered by that carrier elsewhere in Nebraska. Applicants that do not currently offer 100/100 Mbps speed tier in Nebraska should provide documentation showing the rates offered by three other providers in Nebraska for service speeds of at least 100/100 Mbps; the retail rate offered in the proposed service area must be no higher than ten percent greater than the average rate of the three submitted providers.

(Attachment Letter: F).

7. A business plan for the proposed network that includes details of the project including a description of any legal challenges that must be addressed prior to or during the project in question, such as local zoning, right of way, and permitting processes, and demonstrates capability to maintain the network over the long run. The plan should also include a financial analysis for the project, including a description of how project costs and expected revenue will result in financial viability of the project over the expected useful life of the facilities. (Attachment Letter: G).
8. A funding breakdown for the grant must be attached. This should include a proposed budget reflecting a clear and detailed breakdown of cost elements based on total allowable project costs. This should also include the total grant amount requested (up to 50% of estimated eligible costs, but not greater than \$5,000,000). (Attachment Letter: H).
9. Non-ETC applicants must attach the most current year's audited financial statements. (Attachment Letter: I).
10. If the project includes underserved customers, a digital inclusion plan must be attached for consideration. The plan must describe the carrier's efforts to ensure members of the community to be served will be able to afford the services offered, and must describe any discounts and/or support programs to be offered for low-income individuals. The plan should not impose data caps on consumer usage and should specify how the project will impact access to and use of information and communication technologies within the communities it serves, including individuals and communities that are the most disadvantaged. (Attachment Letter: J).
11. Applications proposing to use technology other than fiber, or proposing to use a combination of fiber and other technologies, must include an attestation from a qualified engineer describing the speed capabilities of the proposed technology, including but not limited to the maximum speeds possible through use of that technology. The attestation should also include an explanation as to whether the technology will be affected by outside factors such as inclement weather, and the results of speed tests performed at customer premises using the same technology during peak usage hours. (Attachment Letter: K).
12. Match source documentation: A table detailing the confirmed matching fund commitments by source must be included. Documentation of the match source(s) should also be provided. This could include but is not limited to a signed contribution certification for community partner match, NUSF census block information (in Excel format), documentation regarding timeline for RDOF deployment, justification for the value of any in-kind contributions such as equipment and inventory on hand. (Attachment Letter: L).
13. Other supporting documentation (if applicable), such as supplemental speed test data, letters of support from members of the community, supplemental financial information such as the most recent year's federal tax return, etc. (Attachment Letter: M).

### 2.3 Submitting an Application:

Completed applications and all required supporting documentation must be received electronically via e-mail to the Commission at [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov) by the end of business on October 1, 2021. The application form should be submitted in .pdf format using the provided application form, the polygon shapefile should be submitted in .shp format



and the funding breakdown should be submitted in Excel format. If all documents can NOT be attached within a single e-mail due to size limitations, the submission may be sent in more than one e-mail. If it is necessary to submit in separate transmissions, the subject of the e-mails should clearly indicate the applicant and project name, and how many e-mails are being sent (e.g. Email 1 of 4, etc.). Files should be attached to the e-mails; links to websites are not acceptable. Alternatively, you may utilize programs such as zip files, Dropbox, Sharefile, provided that they contain individual files. Each attachment should be clearly labeled to indicate the contents (Refer to [2.2.3 Attachments](#) for details). Late filed or incomplete applications will not be considered.

### 3 Challenge Process

#### 3.1 Notice of Intent to Challenge – Due October 13, 2021

The intent of the “Notice of Intent to Challenge” process is to encourage parties to resolve differences, such as overlapping project areas, informally prior to the formal Challenge process. Challengers are required to submit a notice of intent to challenge no later than five days following publication of the application(s) to the Commission website. The Notice of Intent to Challenge must be provided both to the NBBP applicant against which the challenge shall be brought and to the Nebraska Public Service Commission. For fiscal year 2021-2022, the last allowable date to provide the notice of intent to challenge will be October 13, 2021. Please refer to the template “Notice of Intent to Challenge” on our website.

#### 3.2 Detailed Challenges - Due November 5, 2021.

A challenging provider may, within thirty days after the publication notice on the Commission’s website, submit to the Commission, on forms provided by the Commission, a challenge to an application containing information demonstrating that at the time of submitting the challenge:

- (a) the provider provides or has begun construction to provide a broadband network in the proposed project area with access to the Internet at speeds equal to or greater than 100/20 Mbps, or
- (b) the provider provides broadband service through a broadband network in or proximate to the proposed project area and the provider commits to complete construction of broadband infrastructure and provide a broadband network to the proposed project area with access to Internet at speeds equal to or greater than 100/20 Mbps within 18 months after the date grant awards are made.

**Required information for Challenge:** The following must be submitted as part of a challenge:

- If the challenging provider is currently providing service,
  - o A customer list of individuals subscribing to service located within the project area;
  - o Evidence that the required service levels are being met at the customer premise;
  - o Evidence demonstrating that the speed thresholds (100/20 Mbps) can be met, and are being advertised to customers;
  - o Evidence demonstrating that the requisite information is part of their most recent FCC Form 477 filing, or attest that it will be part of the earliest subsequent filing;
  - o A disclosure of any locations in the proposed project area that are not capable of receiving service at 100/20 Mbps and, if less than 100/20 Mbps, what speeds are available; and
  - o A plant map showing existing facilities in relation to the proposed project area, including a description of the type of facilities (Copper, fiber, etc.)
- If the challenging provider is currently constructing broadband infrastructure in the project area, or is proximate to the project area and anticipates completion of broadband infrastructure within the project area within eighteen months,



- A description of the project underway, including a timeline for what has been completed to date, and the timeline for completion;
- A description which includes the identification of any 3<sup>rd</sup> 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;
- A construction map showing facilities to be deployed in the project area; and
- A construction timeline that indicates completion within the 18-month timetable.

**Applicant notification of challenge:** The Commission must notify applicant of a filed challenge within three days of filing.

**Applicant response to challenge:** The applicant has 10 business days following the notification of the challenge to provide any supplemental information and/or response to the challenge.

**Challenge Consideration:** The Commission will evaluate all available information and shall not award a grant if the information submitted in support of the challenge is found to be credible and if the provider submitting the challenge agrees to provide documentation within 18 months that they have fulfilled the commitment.

**Post Challenge Requirements:** With respect to challenges based on anticipated completion of broadband infrastructure within the project area within eighteen months, successful challengers must submit quarterly reports documenting what steps were taken towards providing broadband service in the challenged area.

### 3.3 Deadline for applicants to supplement or modify challenged applications.

The deadline to supplement or modify challenged applications and/or cure application defects is November 24, 2021.

### 3.4 Publishing of Challenge Results:

The final challenge results will be released on January 4, 2022. The results will be posted on the Commission website.

## 4 Selection Criteria

The Act specifies certain priorities that the Commission must consider when selecting grant recipients. The Commission intends to evaluate applications to ensure statutory requirements are met and to award grants to the projects that provide the highest return in public benefit for the public costs incurred. The NBBP applications will be reviewed by a team composed of Commission staff who will use the following criteria to prioritize, score, and award grants:

### 4.1 Grant Prioritization Tiers

Grant applications will first be sorted into prioritization tiers. Those tiers are defined as follows:

**Priority Tier 1** - An unserved area is an area of Nebraska in which locations lack access to broadband Internet service at speeds of at least twenty-five megabits per second for downloading and three megabits per second for uploading (25Mbps/3Mbps), and has not received public assistance for development of a broadband network;

**Priority Tier 2** - An unserved area is an area of Nebraska in which locations lack access to broadband Internet service at speeds of at least twenty-five megabits per second for downloading and three megabits per second for uploading (25Mbps/3Mbps), and has received federal support for development of a broadband network but construction will not be completed within twenty-four months after the grant application deadline if its determined that NBBP grant funding will accelerate deployment of the broadband network; and

**Priority Tier 3** - An underserved area is an area of Nebraska in which locations lack access to broadband Internet service at speeds of at least one-hundred megabits per second for downloading and twenty megabits per second for uploading (100Mbps/20Mbps). Projects involving underserved areas must also have a digital inclusion plan that demonstrates access to and use of information and communication technologies by all individuals and communities in the project area, including the most disadvantaged individuals and communities.

NOTE: Projects that include a mix of both unserved and underserved project areas will be considered in priority tier 3. For projects in priority tier 3, a digital inclusion plan reflecting no data caps is required to be included for any underserved areas.

## 4.2 Application Scoring/Weighing Criteria

Once applications are sorted into the three prioritization tiers, applications will be further reviewed and scored. Applications are eligible for a maximum 105 scoring points. The following criteria and associated point values will be used to score and award grants.

1. **Financial Capability Demonstrated** – Yes or No, and up to 10 points:
  - a. If the answer to either of the following questions is “Yes,” the application passes to the next scoring criteria. If the answer to both of the following questions is “No,” the application will not be considered.
    - i. Is applicant/carrier partner a certificated carrier or ETC that has demonstrated overall financial viability based on financial statements recently submitted to the Commission?
    - ii. Is the applicant/carrier partner a non-ETC that has submitted audited financial statements that demonstrate overall financial viability?
  - b. **Financial Capability Points:** Has the applicant included a business plan that provides details for the long-term maintenance of the network built through the grant as required? Long-term viability of the project is a priority, and 10 scoring points will be available if a business plan is included that provides details about how the proposed network will be maintained over the expected useful life of the facilities.
2. **Legal Capability Demonstrated** – Yes or No, and up to 10 points:

Has the applicant included contact information for their legal representation? Applicants are required to include contact information for their legal representation. Omission of this information will disqualify the applicant from grant consideration. If legal contact information is included, the application passes to the next scoring criteria. If not, the application will not be considered.

  - a. **Legal Capability Points:** 10 points will be awarded as a default for applicants that provide contact information for their legal representation. Point deductions will be applied as follows (remove 2 points for each as applicable):
    - i. Applicant had late-filed annual reports,
    - ii. Applicant has late-filed NUSF remittances,
    - iii. Applicant fails to identify legal challenges that must be addressed prior to or during the project in question, such as local zoning, right of way, and permitting processes.
3. **Technical Capability Demonstrated** – Yes or No, and up to 20 points  

Has the applicant included information with their application demonstrating technical capability to deploy and operate broadband Internet service at speeds of at least 100/100 Mbps? If “Yes,” the application passes to the next scoring criteria. If “No,” the application will not be considered.

  - a. **Technical Capability Points:** Up to 20 points will be awarded as follows:
    - i. FCC Form 477: Does the most recently available FCC Form 477 data show that the applicant/carrier partner offers 100/100 Mbps service anywhere else in Nebraska. If yes, 10 points will be awarded. If no, 0 points will be awarded.
    - ii. Website Offerings: Does the applicant/carrier partner's public-facing website clearly state that they offer services that are at least 100/100 Mbps? If yes, 10 points will be awarded. If no, 0 points will be awarded.
4. **Rate Comparability** – Up to 10 points will be awarded as follows:
  - a. Are the rates included in the application comparable to what they offer elsewhere in Nebraska? If yes, 10 points will be awarded. If no, 0 points will be awarded.

b. Plans with usage caps, early termination fees, or that otherwise lock customers into a particular plan or term will be disallowed.

5. **Speed Additive** – Up to 10 points will be awarded as follows:

Does the application detail additional service offerings that will be available to customers that exceed the 100/100 Mbps minimum? Additional points will be awarded if the applicant/carrier includes evidence that they plan to offer speeds in excess of the 100/100 Mbps minimum. These additional speed tiers must be available to customers at the time of application, and offerings must meet both the upload and download speed minimums to be awarded points. Points will be awarded as follows:

Speeds (Mbps)	Points
100/100	0 Points
500/500	5 Points
1,000/1,000	10 points

6. **Match Source** – Up to 10 points will be awarded as follows:

Sources of match that are outside of existing federal or state broadband programs will be given additional points, as outlined here:

a. NUSF High Cost – 0 points

- i. NUSF ongoing support is not an eligible match source.
- ii. NUSF-99 BDS funds cannot be used as a match source for areas receiving support for fiber builds supported through use of NUSF-99 BDS.
- iii. NUSF-108 BDS funds cannot be used as a match source for projects that have already been noticed and/or are underway through use of NUSF-108 BDS.
- iv. NUSF-108 BDS funds can only be used as a match source for new NUSF project areas if the applicant attests that funds available through NUSF-108 BDS are not enough to build out the entire area.
- v. When NUSF is used as a match source, the combined match sources (NUSF BDS, NBBP grant support, and other match sources) should not exceed the sum of NUSF BDS-MARA for the census blocks in the project area.
- vi. If using NUSF as a match source, a list of census blocks for the NUSF project area must be included with the application in addition to the polygon shapefile and location information required by the NBBP.
- vii. Subsequent reimbursement requests for NUSF and/or NBBP support will be required to provide an explanation regarding the cost allocation methodology. Reimbursement requests for NUSF and NBBP will be reviewed for reasonable cost allocation. If support is received through NBBP, the census blocks in which NUSF BDS support was used as a match would be removed from modeled support in subsequent funding years.

b. Federal Broadband Funds match – 5 points

- i. Certain federal broadband funds may be allowed as a match source for NBBP grants. Exceptions to the allowable match source for this category include:
  1. Areas that were awarded bids in the Rural Digital Opportunity Fund (RDOF) may be considered a valid match source if the applicant can demonstrate that the RDOF awardee will not provide service within 2 years and/or if the application was not challenged.
  2. Areas supported through the USDA ReConnect program would not be considered a match.
  3. Census blocks with locations fully funded through A-CAM would not be considered a match since the funding model is based on a fiber to the home architecture.

- c. Applicant and/or carrier outside funds – 10 points
    - i. A demonstrated financial commitment from the applicant and/or carrier partner are permissible for consideration of points under this category.
    - ii. Tangible in-kind contributions, such as equipment and inventory on hand can be allowed as a match if justification is provided such as receipts or invoices showing the value of the asset at the time of acquisition. Other in-kind contributions including but not limited to labor, right of way access, savings as a result of partnerships, are not considered an acceptable match source.
    - iii. A verified match commitment from a community partner would be scored as part of an applicant and/or carrier match. However, a Contribution Certification Form **must** be attached to the application for the community partner match amount to be considered.
  - d. NOTE: If the application involves a combination of match sources, the project would be considered under the lower point category.
7. **Match Percentage** – Up to 30 points will be awarded as follows:
- a. If the applicant has sources of funds that make up more than the 50% requirement, one point will be awarded for each additional percentage point above 50%, up to a maximum of 30 points (80%).
8. **ETC Certification** – Up to 5 points will be awarded as follows:
- a. If the applicant is currently certified as a Nebraska Eligible Telecommunication Carrier (NETC) and in good standing at the time of application, 5 points will be awarded.
  - b. If the applicant has filed an application for NETC certification with the Commission prior to or at the time of application, 3 points will be awarded.
  - c. If the applicant plans to file for NETC Certification within 30 days of the application deadline, 1 point will be awarded.
  - d. If the applicant does not fall under an NETC certification category as listed above, 0 points will be awarded.

#### 4.3 Grant Award Notification

For fiscal year 2021-2022, the final notification of grant awards will be sent in early January 2022.

## 5 Distribution of Support Details

The NBBP grant funds awarded will be distributed to individual grantees as follows:

- 1/4 of the funds awarded will be distributed upon award of the grant,
- 1/4 of the funds awarded will be distributed in the ninth month following the grant award,
- 1/2 of the funds awarded will be distributed upon completion of the project, successful speed testing results, and receipt of invoice submittals to justify eligible expenses.

NOTE: Successful applicants will need to submit required documentation for receipt of ACH payments from the State of Nebraska immediately upon the award of a grant in order to ensure that the first payment is not delayed. Additional instructions will be provided when grant award notices are sent.

## 6 Post-Deployment Speed Testing

Following deployment of the completed network as outlined in the application, applicants will be required to submit speed test information to the Commission.

The speed tests should reflect actual download and upload speeds that are experienced by users, using a random sample of locations of subscribing consumers. The tests should occur during peak times of usage. A minimum of one test per hour should be conducted during the test window, with one week of testing for each project. The number of locations required to be tested will depend upon the number of locations within the project area, as outlined below:

Number of locations in application	Number of test locations
50 or fewer	5
51-500	10% of the total number of locations
Over 500	50

To the extent possible, grant recipients serving more than 500 locations in a project area should attempt to test at least 10% of served locations. Locations to be tested must be selected at random, and tests must be performed during times of peak usage.

## 7 Post-Award Repayment

LB 388 requires a grant recipient to repay the grant in certain situations. First, if a grant recipient fails to complete the project by the agreed upon or extended deadline (if requested and granted), the recipient shall repay the grant as provided in Section 4(2)(b). If no extension is permitted, ten percent of the grant shall be repaid for each month that the project is not complete after the eighteen-month period, up to 100 percent of the grant. If an extension is permitted, 20 percent of the grant shall be repaid for each month that the project is not complete after the 24-month period up to 100 percent of the grant. Additionally, pursuant to Section 4(3)(b), if the broadband network does not provider services at the speeds required, the grant recipient shall be allowed a reasonable time to address the speed deficiencies and conduct a second set of speed tests. If the network does not provide service at the speeds required pursuant to the second set of speed tests, the grant recipient shall repay the grant.

In instances where a grant recipient is required to repay grant award funds as required by the Act, the Commission will issue a Notice and Demand for Payment to the grant recipient. The grant recipient would then be provided an opportunity to respond to the Notice, and, if contested, would be afforded a hearing on the matter subject to the Commission’s Rules of Procedure for contested case proceedings.

## 8 Contact Information

For more information including the application and template forms, consult our website at [www.psc.nebraska.gov](http://www.psc.nebraska.gov), under Telecom/NUSF > Telecommunications > Nebraska Broadband Bridge Program. Or, contact the Commission staff via e-mail at [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov).