

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Nebraska Public ) Application No. NUSF-139  
Service Commission, on its own Motion, to )  
consider appropriate modifications to the )  
high-cost distribution and reporting )  
mechanisms in its Universal Service Fund )  
program in light of federal and state )  
infrastructure grants.

**COMMENTS OF THE  
NEBRASKA RURAL BROADBAND ALLIANCE  
FEBRUARY 2, 2024**

**Introduction**

The Nebraska Rural Broadband Association (“NRBA”),<sup>1</sup> through its attorneys of record, Rembolt Ludtke LLP, submits these *Comments* (“Comments”) in response to the *Order Establishing Procedural Schedule and Setting Hearing* (“Order”) entered by the Public Service Commission (“Commission”) on January 22, 2024, in the above proceeding. In the Order, the Commission invited interested parties “to identify and prioritize issues for commission consideration and recommend issues for discussion in a workshop.” In the Order, the Commission scheduled a public workshop for March 6 and a public hearing for March 20 to discuss issues the Commission plans to identify in the Order to be released February 13.

The NRBA applauds the Commission for its diligence moving this proceeding forward and for scheduling a workshop. The NRBA believes a workshop will provide an opportunity for the Commission and all stakeholders to most efficiently and effectively discuss and consider the myriad of issues implicated in this comprehensive investigation. At this point, while the NRBA will refrain from recommending an exact number of workshops and

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<sup>1</sup> For purposes of this proceeding, the NRBA consists of the following carriers: Cambridge Telephone Company; Glenwood Telephone Membership Corporation; Glenwood Network Services; Glenwood Telecommunications, Inc.; Hemingford Cooperative Telephone Co.; Mainstay Communications; Midstates Data Transport, LLC dba Stealth Communications; Mobius Communications; Pinpoint Communications; Plainview Telephone Company; Stanton Telecom, Inc.; Town & Country Technologies; WesTel Systems, dba Hooper Telephone Company.

hearings, the NRBA believes at least two workshops will be necessary to address all the issues and recommends the Commission work through as many of them in priority order as is feasible during each workshop. We believe further procedural questions would be better discussed at the first workshop scheduled March 6, and we look forward to participating collaboratively in those discussions.

Attached to these Comments is a list of Proposed Issues and Priorities the NRBA respectfully offers for the Commission's consideration. While this list does not reflect the collective opinions of the Nebraska Rural Independent Companies ("RIC"), the Rural Telecommunications Coalition of Nebraska ("RTCN") and the NRBA, our list of recommendations includes ideas and concepts the NRBA borrowed from the collective wisdom of others, especially the RIC and RTCN.

The list of priorities at first glance may appear to be at odds with prior commentary of the NRBA. While we certainly believe in the importance of the issues of network sustainability and consumer affordability, which we prioritize below, the comments of the NRBA in this proceeding have focused on other issues, such as the viability of broadband deployment support and transition of ongoing support. Indeed, the NRBA believes such issues are the most important issues that must be resolved in this proceeding. The NRBA, however, suggests the Commission prioritize its consideration of issues related to network sustainability and affordability ***because they appear to be issues upon which most stakeholders agree***. To the extent that carriers are recipients of NUSF, there appears little disagreement that network sustainability and service affordability are paramount. By first finding consensus on less contentious issues, the Commission will be establishing a process in which we learn to collaborate and successfully resolve issues. It is our hope that will make addressing and resolving the more divisive issues simpler.

## **Proposed Issues and Priorities**

### **High Priority (March Workshop)**

- Sustainability (II.B). What actions should be taken to ensure the long-term sustainability of telecommunications and broadband infrastructure?
- Affordability (II.C.5).
  - What actions should be taken to ensure that supported telecommunications and broadband services are provided at affordable rates?
  - What actions should be taken to ensure that rates charged to consumers in rural, high-cost areas are reasonably comparable to rates charged in urban areas?
- Cessation of Broadband Deployment Support (“BDS”) (II.C.1).
  - Should BDS support be discontinued?
  - If so, when and how?
  - If so, how should such support be re-allocated?
- Ongoing Support Transition (II.C.2).
  - What actions should be taken to update the State Broadband Cost Model (“SBCM”) to more accurately account for the current ongoing costs of operating and maintaining telecommunications and broadband infrastructure?
  - When should action be taken to update the SBCM?
  - What actions should be taken to update the SBMC to ensure predictable and stable ongoing support?
  - What should be the process for retirement of copper-based outside plant and phase-out of ongoing support associated with such copper plant?
  - How should ongoing support be reallocated to ensure that limited financial resources are effectively and efficiently used to ensure that telecommunications and broadband services are accessible in all regions of the state?

- How should ongoing support be reallocated to ensure that limited financial resources are effectively and efficiently used to ensure that consumers in rural, high-cost areas have access to telecommunications and broadband services that are reasonably comparable to those services provided in urban areas?

### **Lower Priority (Later Workshop(s))**

- Portability of support (II.C.3).
  - Are actions needed to address portability of support?
- COLR (II.C.4).
  - Are actions needed to implement the Rural Communications Sustainability Act?
- Accountability (II.C.7).
  - How should the NUSF be restructured so that the Commission's oversight and reporting mechanisms support the goal of a sustainable network capable of access to both voice and broadband services?
  - Should the Commission revise or eliminate its rules regarding carrier financial accounting and filing that carriers maintain and/or utilize to support broadband network sustainability (such as the annual report Form M, NUSF-EARN form and the NUSF-64 expense cap model)?
  - Should data collection and use thereof for the NUSF be revised to target location level information, such as for certification requirements under NUSF-25/66?
  - Are there other mechanisms the Commission should adopt to ensure that all NUSF ongoing maintenance and operational support is being used to support the network assets and operational expenses in Nebraska high-cost areas?
  - What additional enforcement mechanisms should the Commission consider when it determines that NUSF support has not been used for its intended purpose?

- When should revised NUSF accountability measures be implemented?
- 2024 Legislative Session Follow-Up.
  - Any outstanding matters related to this Order that are impacted by legislation passed during the 2024 Legislative Session of the Nebraska Legislature.

**Conclusion**

The NRBA appreciates the opportunity to submit these comments to the Commission and looks forward to a collaborative process.

DATED: February 2, 2024

NEBRASKA RURAL BROADBAND  
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Hemingford Cooperative Telephone Co.;  
Mainstay Communications; Midstates  
Data Transport, LLC dba Stealth  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that an original of the above *Comments* of the Nebraska Rural Broadband Association were filed with the Public Service Commission on February 2, 2024, and a copy was served via electronic mail, on the following:

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