

**BEFORE THE  
NEBRASKA PUBLIC SERVICE COMMISSION**

In the Matter of the Nebraska Public	)	
Service Commission, on its Own Motion,	)	
to Consider Appropriate	)	Application No. NUSF-139
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 CHARTER FIBERLINK - NEBRASKA, LLC,  
AND TIME WARNER CABLE INFORMATION SERVICES (NEBRASKA), LLC**

Charter Fiberlink - Nebraska, LLC and Time Warner Cable Information Services (Nebraska), LLC (these entities and their affiliates, including corporate parent Charter Communications, Inc. are collectively referred to as “Charter” in these comments) submit these comments in response to the Nebraska Public Service Commission’s (“Commission”) Order Opening Docket, Seeking Comment and Setting Hearing, issued August 29, 2023 (the “Opening Order”) and Order Bifurcating Schedule for Comments and Extending Comment Deadline in Part, issued October 12, 2023 (“Bifurcation Order”). Specifically, these comments address the issues raised in Subpart II.B and issues 1, 2 and 6 of Subpart II.C of the Opening Order, as called for in the Bifurcation Order.

**INTRODUCTION**

***Charter’s Background***

Charter is a leading broadband connectivity company, serving more than 32 million customers. Under the brand name Spectrum, the company offers a suite of advanced communications services, including broadband Internet access, cable video, voice, and mobile services. Through its subsidiaries, Charter provides these services in 41 states, including to

approximately 167,000 customers across 91 communities in Nebraska. Helping to drive the success and growth of Charter's advanced services is the company's strong network investment which has significantly enhanced its broadband Internet access service and allowed the company to better serve its customers in both urban and rural communities across the United States. In 2022 alone, Charter invested over \$40 billion in infrastructure and technology. During this same period, the company extended its network to reach more than 4.6 million additional homes and small businesses across the country. Charter is fully committed to rural broadband and the goal of ensuring universal access to reliable broadband service delivered over robust infrastructure.

***The Importance of Public Support for Rural Broadband Deployment***

Charter also recognizes that achieving this goal requires public partnerships and support. Private investment alone will not reach every unserved or underserved consumer in the state; public funding is vital. But public funding dollars are limited, and must be assessed and distributed efficiently, effectively, and equitably if the goal of universal broadband is to be achieved. Accordingly, Charter applauds the Commission for initiating this docket and asking the hard questions about how, whether, and to what extent the Nebraska Universal Service Fund ("NUSF") should support these objectives. Fundamentally, the question should not be whether universal availability of broadband is important and needs support – that should be beyond debate. The question in this docket should be what role is appropriate for the NUSF – a fund supported solely by customers of intrastate telecommunications (i.e., telephone) services – in achieving these goals, particularly given the sea changes in public funding for broadband deployment over the past 3-5 years.

As the Commission considers these issues, Charter again urges the Commission to focus on the following policy priorities: (1) adopt NUSF policies that are fair to all providers and all

consumers in the state, regardless of where they live or who their provider is; (2) remain cognizant that the NUSF surcharge is paid only by customers of intrastate telecommunications services, and thus the need to keep the NUSF surcharge as small as possible so that telephone service in Nebraska remains affordable; (3) carefully consider the extent to which the availability of hundreds of millions of dollars to bring broadband service to every Nebraska resident impacts the need for the continuation of an elevated NUSF surcharge; (4) wherever possible, adopt policies that align with other existing broadband infrastructure grant programs and policies at the federal and state levels, to achieve a coordinated and unified broadband policy in Nebraska; and (5) while preserving necessary accountability for NUSF funds, limit the reach of Commission regulation over broadband services.

***Key Questions to Consider But Which Cannot Be Answered Yet: What is the Need for Broadband Support in Nebraska, and Are Other Broadband Grant Programs Able to Meet That Need?***

Most fundamentally, and as the key threshold matter to proceeding any further to update or modify NUSF policies in any way, the Commission must carefully and holistically examine two key questions:

- 1. What is the extent of the overall need for public or government support for broadband services in Nebraska?*
- 2. Moving forward, given the millions of dollars allocated from state and federal sources to support Nebraska broadband deployment, is an elevated NUSF surcharge the most appropriate and best funding mechanism to meet the need identified in question 1?*

In this regard, the Commission should carefully consider the impact of federal and state broadband deployment programs on the NUSF's supported services, as well as *all* revenues received and costs incurred by NUSF recipients in determining need and funding for any future broadband expansion initiative in the state. The federal Broadband Equity, Access, and

Deployment (“BEAD”) program, for example, will inject over \$405 million into Nebraska’s economy for the purpose of bringing robust high-speed broadband service to every Nebraska resident.<sup>1</sup> This is in addition to the following other funding amounts identified by the Commission in the Opening Order in this proceeding:

- Roughly \$80 million in broadband deployment funds from the US Department of Treasury, Coronavirus Capital Projects Fund; and
- \$20 million annually towards broadband infrastructure deployment from the Nebraska Broadband Bridge Program.

Considering the significant amounts of money that are, or will be, expended to bring broadband to every Nebraska resident, the Commission should first determine whether additional support is needed for broadband in the state, and, then, if so, what sources of money are the most efficient and equitable to meet that need. The NUSF, because it is supported *only* by customers of intrastate telecommunications services and provided only to support customers who are served by ETCs, may not be the best solution to meet any needs for broadband deployment remaining after the support from BEAD, the Broadband Bridge Program, and the American Rescue Plan Act (“ARPA”) is considered. However, it is likely that the Commission will not be able to answer these questions until the details of the BEAD program in Nebraska are finalized and the benefits of these state and federal broadband funding programs are realized.

## **COMMENTS**

### **I. NUSF Goals and Strategic Plan Update** (Subpart II.B of the Opening Order)

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<sup>1</sup> [https://internetforall.gov/funding-recipients?program\\_status=0&state=NE&form\\_build\\_id=form-G43TJQ0\\_Q7RwInVyDJTs9wPUPP4CORcVqqX7Dnt9HIk&form\\_id=ntia\\_interactive\\_map\\_state\\_and\\_program\\_election](https://internetforall.gov/funding-recipients?program_status=0&state=NE&form_build_id=form-G43TJQ0_Q7RwInVyDJTs9wPUPP4CORcVqqX7Dnt9HIk&form_id=ntia_interactive_map_state_and_program_election).

In support of its efforts to modernize its goals for the NUSF program, the Commission solicits comments on revisions to its Strategic Plan and NUSF goals relative to broadband funding, maintenance of reliable and affordable voice and broadband services, and oversight. It asks specifically whether the Commission's Strategic Plan for universal service funding should include updated goals relating to (1) affordable broadband access service, (2) ensuring a certain level of service quality, and/or (3) reliability, sustainability, adaptability, or cybersecurity. For all of these, Charter proposes that the Commission adopt policies that are consistent with the policy priorities stated at the outset of these comments. The Commission should adopt policies that align with the policies of existing federal and state broadband programs, and the Commission should consider the extent to which funds from other federal and state broadband programs will impact the need for a continued elevated NUSF surcharge. Additionally, Charter opposes continued use of the NUSF, which was designed for telephony support, as a mechanism to support broadband infrastructure development or maintenance.

**Nebraska's NUSF Surcharges Are High Relative to Other States.**

Today, customers of voice telephone service bear the burden of developing broadband networks in rural areas of Nebraska. This is unsustainable and is patently unfair to those telephone customers. Some important background: Charter's Nebraska customers contribute millions of dollars to the NUSF, and pay one of the highest state universal service fund surcharges in the nation.<sup>2</sup> These universal service assessment amounts and/or percentages are

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<sup>2</sup> Nebraska's monthly NUSF per line assessment amount is higher than the following other monthly per line state universal service assessment amounts in Charter's 41-state footprint: California - \$1.11 per line; New Mexico - \$0.97 per line; Idaho - \$0.44 per commercial line and \$0.25 per residential line; and Maine - \$0.44 per line. Additionally, only Texas (12%) and Kansas (11.37%) have percentage-based universal service assessment amounts that are higher than Nebraska's 6.95% assessment amount. Many other state assessment percentages are substantially less than the NUSF's assessment percentage, including South Carolina - 2.67%; Illinois - 2.56%; Vermont - 2.40%; Wyoming - 2.30%; Pennsylvania - 2.17%; Arizona - 0.34%; Nevada - 0.34%; Colorado - 2.60%; New York - 0.26%; and Missouri - 0.15%.

substantially higher than those in Nebraska’s neighboring states of Colorado (2.60% assessment percentage), Missouri (0.15% assessment percentage), and Wyoming (2.30% assessment percentage). Iowa, Missouri, Minnesota, and North Dakota have no state high-cost funds. Thus, Charter is keenly interested in the Commission’s inquiry and deliberations regarding what services and universal service support Nebraska consumers need, whether those needs are already being met by existing providers, and the interrelationship of meeting those needs with existing state and federal programs.

**Federal ACP and Lifeline Programs Help Ensure Affordability — There Is No Current Need to Expand NUSF to Include an Affordability Objective.**

With respect to affordability, low-cost broadband service is currently supported by the joint federal programs of Lifeline and the Affordable Connectivity Program (“ACP”). The federal Lifeline program provides qualifying low-income consumers with support of \$9.25 per month for broadband service and up to \$34.25 per month for eligible subscribers on Tribal lands. The ACP program provides a discount of up to \$30.00 per month toward broadband service for eligible households and up to \$75.00 per month for households on qualifying Tribal lands. As an example of the way this works in practice, Charter offers Spectrum Internet 100, a high-speed, low-cost broadband service with 100 Mbps download speed to households participating in the ACP. Eligible new households can get Spectrum Internet 100 for just \$29.99 per month, which includes a modem, in-home Wi-Fi and self-installation at no additional charge. Because ACP provides qualifying households up to a \$30.00 monthly credit (\$75.00 on qualifying Tribal lands) towards broadband service, eligible customers can receive Spectrum Internet 100 at no monthly cost.<sup>3</sup>

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<sup>3</sup> ACP offer details and additional information can be found at: <https://www.spectrum.com/cp/broadband-get-qualified>.

Because these programs already ensure affordable broadband services for consumers throughout Nebraska, it is not necessary or beneficial at this time for the Commission to create an additional state-level program to support broadband affordability.<sup>4</sup> Should those programs end or be modified in the future, this question could be revisited. In short, the Commission should not adopt an NUSF goal with respect to affordability. Instead, the Commission should rely on the existing federal Lifeline and ACP programs that are designed to address broadband affordability for eligible low-income households.

***Decline to Adopt Broadband Service Quality Regulations, Even In Supported Areas.***

Next, Charter agrees that Nebraska consumers deserve access to high quality communications services. However, Charter does not believe the Commission should update its NUSF goals to add service quality metrics for telecommunications or broadband services. Nebraskans have access to some of the most advanced communications services in the world, including high-speed broadband and voice over Internet Protocol (“VoIP”) services. These services have not been subject to service quality regulation, yet they perform reliably and meet and exceed customer demands for connectivity. As with any proposed regulatory action, sound economic theory and public policy require that the Commission first determine whether a problem exists or is likely to exist prior to considering a regulatory response. The voice and broadband marketplaces in Nebraska are highly competitive, with numerous providers of interconnected VoIP service, broadband service, and wireless service competing with traditional wireline providers. Competition will ensure continued access to quality service more efficiently than adoption of additional regulatory requirements.

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<sup>4</sup> Even prior to the Emergency Broadband Benefit (“EBB”) and ACP programs, many providers offered low-cost broadband options for low income customers. Charter, for example, has offered Spectrum Internet Assist since 2016 in Nebraska and elsewhere throughout its 41-state footprint. *See Spectrum Internet Assist*, Spectrum, <https://www.spectrum.com/browse/content/spectrum-internet-assist>.

Service quality regulation has also previously been found to be unnecessary for creating a robust market for broadband services. The Federal Communications Commission (“FCC”) considered adopting service quality metrics under the ACP, but ultimately decided not to do so.<sup>5</sup> The ACP has been extremely successful at bringing broadband service to those who might otherwise struggle to afford it. FCC data shows that, as of November 6, 2023, over 21.67 million households have enrolled in the ACP, including almost 92,000 households in Nebraska.<sup>6</sup> With over 1,700 participating Internet Service Providers, most consumers can “vote with their feet” if service quality does not meet their needs.<sup>7</sup> The Commission should follow the FCC’s example and refrain from adopting such service quality regulations.

***Providing Ongoing Support for Broadband Is Unwise, Particularly Without Considering the Impact of Other Broadband Funding Programs and a Holistic Evaluation of Need for Specific Providers and Areas.***

Further, in this section, the Commission asks about goals for reliability, sustainability, adaptability, and/or cybersecurity – none of which are part of Nebraska’s stated Legislative goals. To the extent any of these concepts suggests or relates to ongoing, future support for NUSF recipients, Charter strongly urges the Commission not to adopt such a goal. Ongoing support from the NUSF should not be assumed or automatic for any provider. Providers receiving funds to deploy networks in high-cost unserved and underserved areas will be building facilities to provide broadband services. These providers or their affiliates will also be able to offer other services, such as voice and/or video services, over those same new network facilities.

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<sup>5</sup> See *In the Matter of Emergency Broadband Benefit Program*, WC Docket No. 20-445, Order, 36 FCC Rcd 4612 (2021) (“EBB Program Order”) at §§ 13, 37, agreeing with commenters that providers “should not be mandated to offer a certain quality of service” beyond those voluntarily made by providers to end users for the Emergency Broadband Benefit Program; See also *In the Matter of Affordable Connectivity Program*, WC Docket No. 20-445, Order, 37 FCC Rcd 484 (2022) (“ACP Order”) at § 12.

<sup>6</sup> See <https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/#total-enrolled>.

<sup>7</sup> *Id.*



There is no reason to anticipate that these businesses, considering the services that they or their affiliates will offer over these new networks, will not be self-sustaining when they complete the buildout of their networks. Accordingly, where these networks have been completed and a wide variety of services are being offered, no ongoing support should be needed or provided.

Moreover, the Commission should not expand its goals for the NUSF because doing so would result in negligible benefits and increase the financial burden on consumers for telephone service in Nebraska, making their telephone service less affordable. As the Commission noted in its Opening Order, “[i]nitially, both the state and federal [USF] programs were focused on ensuring universal access to **telephone** service in the newly competitive market [emphasis added].”<sup>8</sup> Indeed, the NUSF is funded by a surcharge on telephone service, not broadband Internet service. This focus on providing access to telephone service must not be lost, for both policy and legal reasons. From a policy perspective, adding programs, expenses, and investment to the NUSF requires a higher surcharge, and makes telephone service – the very thing the NUSF was designed to make affordable and accessible – less affordable.

**Supporting Broadband Services with NUSF Surcharges Collected From Intrastate Telecommunications Services May Be Inconsistent with Schumacher v. Johanns.**

From a legal perspective, the original policy construct of the NUSF – to collect a surcharge from telephone customers to benefit telephone customers – requires that the NUSF surcharge be used only to benefit the customers of the intrastate telecommunications services who pay the surcharge. Diverting the surcharge to other customers or services changes the fundamental nature of the surcharge into a tax. In *Schumacher v. Johanns*, 272 Neb 346 (2006), parties alleged that the NUSF was unconstitutional because it was a tax, and the Commission

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<sup>8</sup> NUSF-139, *Order Opening Docket and Setting Hearing*, p. 2.

lacks power to impose a tax. The Nebraska Supreme Court held that the NUSF surcharge was not a tax because the amounts collected and distributed were part of telephone rates, and the legislature had delegated some authority over telephone service ratemaking to the Commission. Requiring NUSF assessments in excess of those needed to rebalance and restructure rates would not be revenue neutral and would appear to constitute an unlawful tax under Nebraska law. In *Schumacher*, the Court concluded that:

[T]he primary purpose of the NTUSFA is not to generate revenue for governmental purposes, but, rather, to regulate the telecommunications industry through a rebalancing and restructuring of rates. The funding mechanism established by the NTUSFA enables the replacement of implicit subsidies with explicit subsidies in order to achieve universal service under the new, competitive market environment brought about by the Telecommunications Act. The NTUSFA directs that “[t]he implicit support mechanisms in intrastate access rates throughout the state may be replaced while ensuring that local service rates in all areas of the state remain affordable[.]” § 86–323(7). The rate rebalancing and restructuring achieved by the PSC’s C–1628 order is intended to be revenue neutral.

Requiring telephone consumers to pay for broadband deployment or ongoing maintenance is not a rebalancing of telephone rates. Rather, it is collecting revenue from customers of one service to support a completely different service (and customers of the broadband service do not share the burden of contributing to the support of broadband service). The *Schumacher* court seemed to rely on the fact that the NUSF as it existed in the early 2000s was “imposed only on end-user revenues from telecommunications services and payments from the fund are made only to eligible telecommunications companies for the sole purpose of ‘provision, maintenance, and upgrading of facilities and services for which the support is intended.’” Fundamentally, diverting money collected from telephone customers to support broadband providers and broadband services would not “rebalance” or “restructure” existing telephone rates. As currently implemented and contemplated, the NUSF is not designed to be

revenue neutral, either. Instead, continuing or expanding support for broadband services using the NUSF surcharges collected from telephone customers breaks the connection between the collection and distribution of the surcharge, and likely transforms the NUSF's surcharge or assessment mechanism into something far different than the workings of the fund the court examined in *Schumacher*. Quite possibly, supporting broadband with money collected from telephone service changes the NUSF into an unlawful tax under Nebraska law.<sup>9</sup>

Beyond the question of whether it is fair or legal to ask telephone customers to support broadband services, however, additional fundamental questions must be addressed. As discussed previously, the Commission should determine whether additional support is needed for broadband from the NUSF, and whether such support will be satisfied through other state and federal programs. Expanding the goals of the NUSF prior to doing so is premature, considering the substantial state and federal funds supporting broadband, including over \$400 million in allocated BEAD funding, and may well be unnecessary to ensure the continued availability of affordable high-quality telecommunications and broadband services in Nebraska.

## **II. Potential Objectives Driving Modifications to the High-Cost Program**

### **A. Incentivization of New Broadband Investment** (Subpart II.C Issue 1 of the Opening Order)

The Commission notes that a number of its high-cost program framework, reporting, and oversight mechanisms were based on the FCC's pricing and regulatory accounting framework for oversight of price cap and rate-of-return Rural Incumbent Local Exchange Carriers ("RLECs"). The Commission then asks several questions about how best to revise its high-cost distribution mechanism to incentivize continued investment in areas where broadband

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<sup>9</sup> See *Schumacher v. Johanns*, 272 Neb 346 (2006).

infrastructure has been (and will be) deployed. Apart from the fundamental concerns and problems noted above, Charter strongly urges the Commission not to adopt any policies that would assume or automatically grant ongoing NUSF support for operating or capital expenses for broadband networks constructed by RLECs or other providers using federal or state broadband program funds.

**Current Tools to Evaluate Need – Jurisdictional Separations and Outdated Cost Models – Should be Modernized.**

Before considering a policy of ongoing support, the Commission should initiate a higher-level review of the services and support that are currently needed by Nebraska consumers, and whether such services or support are being satisfied by existing providers and/or other state or federal programs. Its investigation of any claims for ongoing support should be reviewed at the “macro” level discussed above (*i.e.*, determining the need for additional broadband support generally in the state), and at the “micro” level (whether a particular company or location has a need for NUSF support). On a micro basis, any request for ongoing NUSF support to cover operating or capital expenses should be based on a determination of need and should be carefully scrutinized by the Commission to include an examination of all of a requester’s consolidated revenues and expenses – *i.e.*, those of *all* of its affiliates providing communications services over its broadband network facilities and including *both* interstate and intrastate revenues and expenses. Current methods of determining need for support rely on legacy jurisdictional separations and accounting rules that were developed decades ago and fail to properly account for the current state of converged telecommunications and information services and intrastate and interstate services provided over the same network facilities.

The Commission also asks several questions about whether it should begin the process for making updates to the State Broadband Cost Model (“SBCM”), including requesting revised

costing data from its vendor, CostQuest. Charter generally supports the Commission updating the SBCM and obtaining data from CostQuest as part of a necessary “micro” level examination of need. Charter also supports the Commission opening a broader proceeding to consider cost model modifications. When doing so, the Commission should coordinate the state’s approach to align with similar cost models used to determine federal broadband funding, including with respect to updated cost model inputs and outputs, and other relevant cost-related issues. The Commission also asks whether it should ensure that its costing data is consistent with the BEAD program. Charter’s response is *yes* – the Commission *should* ensure that its data and program are consistent with the BEAD program. However, this question cannot be answered at this time, as the BEAD program rules and other plan specifics are still in the process of being finalized.

**Remove NUSF Support From Locations Served with Broadband.**

Lastly, the Commission asks whether it should consider support levels using the FCC’s new location fabric and whether, if support is determined on a cost-per-location basis, there should be a transition period. From Charter’s perspective, if a location is shown on the FCC’s map as served, then the NUSF should not be used to support broadband service at that location. Once a location is served, universal service has been achieved and there is no need for, and no public benefit to, a transition of support.

**B. Creation of a transitional mechanism to support a more robust ongoing funding mechanism once broadband networks are deployed.**

(Subpart II.C Issue 2 of the Opening Order)

**Providing Ongoing Support for Broadband to ETCs Provides an Unfair Advantage to ETCs in BEAD Subgrantee Selection Processes.**

The Commission seeks comment on how to transition its ongoing high-cost support mechanism as more and more areas are served with broadband infrastructure. With respect to such transition, the Commission questions whether and/or how operating costs and capital

expenditures related to broadband infrastructure should be included in the Commission's cost model to determine a provider's support level. These questions raise the same ongoing NUSF support issues that Charter addressed in response to Subpart II.C Issue 1, above. Specifically, Charter opposes the grant of ongoing NUSF support for operating or capital expenses for broadband networks constructed by RLECs or other providers using federal or state broadband program funds. As discussed previously, before adopting a policy for ongoing NUSF support for any such expenses, the Commission should engage in a higher-level review of the services and support that are currently needed by Nebraska consumers, and whether such services or support are being satisfied by existing providers and/or other state or federal programs. The Commission must consider a provider's *total* revenues to determine whether any continuing support might be needed. This requires an examination of a provider's consolidated revenues – those of all its affiliates providing communications services, its ongoing costs to provide same, and its revenues, both interstate and intrastate. After all such revenues are considered, it is unlikely that any provider would have a demonstrated need for such ongoing NUSF support.

Additionally, the Commission must ensure that it is adopting policies that are fair and do not discriminate or provide an unfair advantage as between providers. Many companies that do not receive NUSF support, such as Charter, are considering participating in the BEAD program and similar state or federal programs to construct broadband networks in rural areas. Charter would plan to do so without the promise or opportunity for ongoing subsidies in the future. Indeed, the idea behind aid-to-construction grant programs such as BEAD, Bridge, and ARPA is that the large subsidies should be sufficient to support sustainable service. Most of these programs evaluate and prioritize applications based on applicants' ability to demonstrate that, once facilities are constructed, the locations would then be self-sustaining and that no ongoing or

“transitional” support would be required. To the extent NUSF recipients might expect to receive ongoing NUSF support for their broadband networks, they would have an unfair advantage in the bidding for broadband-buildout projects. An applicant who would receive ongoing support can (unfairly) gain points in a grant evaluation context by requesting a lower aid-to-construction subsidy up front, because that applicant’s overall business case is bolstered by the promise of ongoing support that other applicants may not enjoy. The Commission should adopt policies that ensure a level playing field for all providers of broadband services in BEAD and other grant programs. The Commission should certainly avoid asking telephone customers to pay more for their service so that NUSF support can put a thumb on the scale of BEAD grant determinations in favor of a limited set of providers in the state.

**Decline to Adopt Revenue Benchmarks.**

Lastly, the Commission requests comment on the use of revenue benchmarks to determine the expected revenues that a provider could reasonably expect to receive from each subscriber receiving voice and/or broadband services. Adopting benchmark rates is tantamount to rate regulation, and the Commission does not have the authority to regulate the rates of broadband services. For this reason, the Commission should not adopt benchmark rates at this time – even if those benchmarks are limited to locations supported with NUSF dollars.

**C. Coordination with other funding to ensure the NUSF is not providing duplicative support.**

(Subpart II.C Issue 6 of the Opening Order)

The Commission asks what additional data it should collect to ensure that NUSF support is not duplicative of other state and federal support. In addition to evaluating need at both the “macro” and “micro” levels as discussed above, and revising its cost models and evaluation processes, the Commission should use the federal Broadband Grant Map, together with

information that has been submitted to the Nebraska Broadband Bridge Program, the Capital Projects Fund Nebraska, the federal Rural Utilities Service, the Tribal Connectivity Program, and all other such agencies and programs to ensure that it is not using the NUSF to duplicate support that is being provided to a served location. The Commission should also encourage providers, including providers that may not be regulated by the Commission, to voluntarily submit information about served locations and support received to further ensure there is no duplication of support using NUSF funds.

### **III. Conclusion**

Charter appreciates the opportunity to participate in this phase of the proceeding and looks forward to continued active participation.

Dated: November 17, 2023

Charter Fiberlink - Nebraska, LLC and Time Warner  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17<sup>th</sup> day of November, 2023, the above Comments of Charter Fiberlink – Nebraska LLC and Time Warner Cable Information Services (Nebraska), LLC in Application No. NUSF-139 was delivered via electronic mail to the following:

**Nebraska Public Service Commission**

[psc.nusf@nebraska.gov](mailto:psc.nusf@nebraska.gov)

*/s/ Kevin M. Saltzman*

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Kevin M. Saltzman