

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-131
Public Service Commission, on) Progression Order No. 2
its own motion, to establish)
reverse auction procedures and) ORDER RELEASING FINAL AUCTION
requirements.) AWARDS, IN PART
)
) Entered: May 14, 2024

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") initiated this proceeding on June 29, 2021, to establish reverse auction procedures and requirements in order to carry out Neb. Rev. Stat. § 86-330. On November 7, 2023, the Commission entered an order ("Nov. 7 Order") revising the reverse auction procedures and issuing a procedural schedule for the 2024 reverse auction ("2024 Auction"). The Commission then held its second reverse auction beginning on January 22, 2024 ("2024 Auction").

Pursuant to the Nov. 7 Order, the Commission entered an order on March 26, 2024 issuing the initial auction results for the 2024 Auction ("March 26 Order"). In the March 26 Order, four entities were issued preliminary awards in the 2024 Auction:

- Great Plains Communications ("Great Plains")
Hamilton Long Distance Company, Hamilton Telephone Company, and Nebraska Central Telephone Company ("Hamilton Consortium")
Midstates Data Transport, LLC d/b/a Stealth Broadband ("Midstates")
Pinpoint Communications, Inc. ("Pinpoint")

Each of the winning bidders was required to submit a Post-Auction Commitment Form for each project they will complete pursuant to the 2024 Auction. As part of the Post-Auction Commitment Form, winning bidders were required to submit documentation including a business plan for the proposed network, a detailed description of the project funding, documentation regarding the carrier's Lifeline and Affordable Connectivity Plan offerings, and attestations as to the carrier's compliance with eligible telecommunications carrier requirements and ability to serve all customers within the project area at the speeds required by the auction. The Post-Auction Commitment Form was required to be submitted on or before Friday, April 19, 2024. Auction

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131, PO #2

Page 2

participants who did not submit audited financial statements in the Pre-Auction Application were required to submit audited financial statements and an opinion letter with the Post-Auction Commitment Form.¹

The Commission has reviewed all Post-Auction Commitment Forms and attachments submitted and has determined that three of the awardees have met the requirements for the issuance of 2024 Auction Awards. The awards set forth in the March 26 Order in this docket will therefore proceed as stated for participants Great Plains, Hamilton Consortium, and Pinpoint.

The fourth participant receiving initial reverse auction awards, Midstates, did not submit audited financial statements in its Pre-Auction Application. Midstates has communicated with the Commission that it is in the process of obtaining audited financial statements, but was unable to provide them by April 19. The Commission finds that good cause exists to allow Midstates additional time to submit audited financial statements in order to receive 2024 Auction awards. Midstates will therefore be granted until **Friday, August 2, 2024 at 5:00 p.m. Central Time** to submit its audited financial statements to the Commission. If Midstates' audited financial statements are not received, the Commission reserves the right to withdraw its initial auction awards to Midstates and to redirect the funding for those awards to a future reverse auction or rural-based plan.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the awards previously set forth in this docket for Great Plains Communications, the Hamilton Consortium, and Pinpoint Communications, Inc. in the 2024 Reverse Auction shall be issued.

IT IS FURTHER ORDERED that Midstates Data Transport, LLC d/b/a Stealth Broadband shall submit its audited financial statements to the Commission on or before **Friday, August 2, 2024 at 5:00 p.m. Central Time**.

IT IS FINALLY ORDERED that each winning bidder shall continue to comply with the 2024 Reverse Auction requirements, including project completion and speed testing requirements, as set forth in previous orders in this docket.

¹ See Nov. 7 Order at 9-10.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. NUSF-131, PO #2

Page 3

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 14th day of May, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden

Executive Director