

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. CPF-2
Public Service Commission, on )
its own motion, to administer ) ORDER ISSUING GRANT AWARDS
federal Capital Projects Funds ) AND RESULTS OF CHALLENGES
for broadband development in )
Nebraska. ) Entered: June 4, 2024

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") initiated this proceeding on August 15, 2023<sup>1</sup> to administer the second round of federal Coronavirus Capital Projects Fund ("CPF")<sup>2</sup> awards for broadband development in Nebraska pursuant to Neb. Rev. Stat. § 81-12,245 and in accordance with the Nebraska Broadband Bridge Act.<sup>3</sup> On November 7, 2023, after a public comment cycle, the Commission entered an Order issuing its Findings and Conclusions, and adopting a procedural schedule for the grant cycle. (" November 7, 2023 Order").<sup>4</sup>

Pursuant to the procedural schedule released in our November 7, 2023 Order, applicants were required to submit applications on or before January 19, 2024.<sup>5</sup> Applicants were given an opportunity to modify applications, correct defects in applications, and provide responses to challenges submitted until March 27, 2024.<sup>6</sup> On April 16, 2024, the Commission entered an Order denying the partial challenges which it determined were not credible.<sup>7</sup>

<sup>1</sup> See In the Matter of the Nebraska Public Service Commission, on its own motion, to administer federal Capital Projects Funds for broadband development in Nebraska, Application No. CPF-2, ORDER OPENING DOCKET AND SEEKING COMMENT (August 15, 2023 Order).

<sup>2</sup> U.S. Department of Treasury ("Treasury"), Notice of Award, Coronavirus Capital Projects Fund, Federal Award Identification Number (FAIN) CPFFN0183.

<sup>3</sup> Neb. Rev. Stat. §§ 86-1301 to 86-1312 (Cum. Supp. 2022).

<sup>4</sup> See In the Matter of the Nebraska Public Service Commission, on its own motion, to administer federal Capital Projects Funds for broadband development in Nebraska, Application No. CPF-2, ORDER ISSUING 2023 GRANT APPLICATION SCHEDULE AND APPLICATION MATERIALS ("November 7, 2023 Order").

<sup>5</sup> See November 7, 2023 Order, "Attachment A: Procedural Schedule."

<sup>6</sup> See id.

<sup>7</sup> See In the Matter of the Nebraska Public Service Commission, on its own motion, to administer federal Capital Projects Funds for broadband development in Nebraska, Application No. CPF-2, ORDER ISSUING CHALLENGE DETERMINATIONS AND RECLASSIFICATION OF APPLICATIONS (April 16, 2024) ("April 16, 2024 Order").

O P I N I O N   A N D   F I N D I N G S

**Applications Received**

The Commission received a total of 60 applications in response to its November 7, 2023 Order. A summary of each application is listed in Attachment "A" to this Order. Consistent with Neb. Rev. Stat. § 86-1307(1), applications were timely published on the Commission website. The Commission staff reviewed applications for completeness and contacted applicants in the case of any missing information or other defects in the applications. Applications were reviewed in accordance with the weighted scoring system set forth in the Commission's November 7, 2023 Order in this proceeding.<sup>8</sup>

On April 16, 2024, the Commission released an order issuing determinations as to the credibility of partial challenges, and reclassifying the priority tier of some applications.<sup>9</sup> Some applications were withdrawn before consideration<sup>10</sup> and some applications were reclassified to Priority Tier Three.<sup>11</sup>

**Challenges Received**

Pursuant to Neb. Rev. Stat. § 86-1307, providers were given the opportunity to submit a challenge to an application if the challenger provides broadband service in the proposed project area, has begun construction to provide broadband service in the proposed project area, or provides broadband service in an area proximate to the project area and intends to provide service within the project area within eighteen months. Challenges were due to the Commission on or before March 1, 2024.<sup>12</sup>

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<sup>8</sup> See generally, November 7, 2023 Order; see also the Nebraska Capital Projects Fund ("CPF") Guide, Program Year 2024.

<sup>9</sup> See generally April 16, 2024 Order, and "Attachment A: Partial Challenge Results."

<sup>10</sup> See April 16, 2024 Order at 2. As of the April 16<sup>th</sup> Order, a total of six projects were withdrawn. A seventh application, SiouxCounty-NBBP-South filed by Inventive Wireless of Nebraska LLC dba Vistabeam, was withdrawn after issuance of the April 16<sup>th</sup> Order.

<sup>11</sup> See *id.* Pursuant to Neb. Rev. Stat. § 86-1305(3), the third priority is a project in a project area that is an underserved area and that the commission determines has a digital inclusion plan. Thirteen projects were reclassified to Priority Tier Three.

<sup>12</sup> See November 7, 2023 Order, "Attachment A: Procedural Schedule."

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The Commission received challenges to 13 of the applications. Attachment "A" to this Order summarizes all challenges received in response to the applications filed in this grant round.

Applicants were notified of any challenges received, and the non-confidential portions of challenges were published on the Commission's website. Applicants were given the opportunity to supplement, modify, or withdraw their application if desired. If an application was subsequently withdrawn by the applicant or modified to remove the challenged portion of the project area, the challenge was considered moot, and those challengers will not be required to meet the obligations for successful challengers.

Challengers were required to designate their challenge in accordance with the requirements of § 86-1307(2)(a).<sup>13</sup> Providers submitting a Type 1 challenge were required to demonstrate that they currently provide service at the minimum 100/20 Mbps speed threshold to all serviceable locations within the challenged portion of the project area. All thirteen challenges were filed as Type 1 challenges. Twelve of the challenges were partial challenges and were considered in the Commission's April 16, 2024 Order.<sup>14</sup> One challenge was filed as a full challenge.

## **Challenges Upheld**

Following review of the one full challenge submitted, the Commission determines that said challenge was credible and should be upheld. In support of this decision, the Commission reviewed the speed test data submitted with the challenge which demonstrated that broadband service is available at speeds of at least 100/20 Mbps.<sup>15</sup> In addition, the Commission reviewed both the Federal Communications Commission ("FCC") and the Nebraska Broadband Office ("NBO") broadband availability data. The FCC's broadband map updated as of May 14, 2024 shows that broadband service is available within the challenged project area and all locations are shown as "served". The FCC's broadband map also indicates that availability challenges were filed, but that those challenges were rejected by the FCC which found the availability of service that met or exceeded speeds of 100/20 Mbps when it adjudicated the challenge. The NBO's map, as of the date of today's Order, also shows service is available from the challenging provider.<sup>16</sup> Based

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<sup>13</sup> See November 7, 2023 Order at 10.

<sup>14</sup> See April 16 Order, Attachment A: Partial Challenge Results.

<sup>15</sup> See Neb. Rev. Stat. § 86-1307(4) and (5).

<sup>16</sup> The Commission notes that challenges to existing coverage in this area have been filed with the NBO and are reflected on the NBO's website. The service

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upon our review of the information provided by the challenger, and the information filed in response, the Commission is of the opinion and finds the challenge is credible.<sup>17</sup> The challenged project listed in Attachment "B" therefore will not be funded.

Any successful challenger must submit to the Commission by **June 13, 2024, at 5:00 p.m. Central Time** a Challenger Acknowledgment and Attestation Form, attached hereto in Attachment "C", and available on the Commission website. Successful Type 1 challengers must attest that they will continue to provide 100/20 Mbps service in the entire challenged area. These challengers will also be required to notify Commission should the challenger's service offerings in the area change.

There were no Type 2 challenges during this round.

## Review of Remaining Applications

The Commission finds six applications were incomplete and were therefore not scored for funding. These projects included the AMG\_Barneston, AMG\_Bridgeport, AMG\_Gilead, AMG\_Oshkosh, AMG\_Pleasant Hill, and AMG\_Sidney. Consistent with the Procedural Schedule adopted by the Commission in its November 7, 2023 Order, the Commission provided parties with notices of defects that must be cured.

The Commission provided Nextlink with a notice of defects on March 16, 2024 and provided Nextlink the opportunity to cure the defects in its applications. Among other defects, Nextlink was

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provider disputed the challenge and the disposition of those challenges has been determined, however, the results of the determination have not been publicly released. NBO is required to submit challenge results to the National Telecommunications and Information Administration ("NTIA"). NTIA then undertakes a review of the challenges and results and determines whether to approve or reverse decisions made by NBO before final decision on eligible locations will be made public. See [https://www.ntia.gov/sites/default/files/publications/bead\\_challenge\\_process\\_redlined\\_documents.zip](https://www.ntia.gov/sites/default/files/publications/bead_challenge_process_redlined_documents.zip) The current version of the NBO's availability map depicts locations within the challenged area as served. See <https://broadband.nebraska.gov/challenge/results/> and see <https://experience.arcgis.com/experience/7dcc2182601a4b339ab687f673a9811f> (last visited on May 31, 2024).

<sup>17</sup> While the Commission understands that those in support of the application have argued service quality of the existing provider is an issue, the issue before the Commission when determining the validity of a challenge is whether the service is in fact available. See Neb. Rev. Stat. § 86-1307(a)(2). In addition, the Commission has no record of consumer complaints on service quality filed prior to the grant round.

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provided notice as to where its proposed project areas overlapped projects that had already been approved for funding.<sup>18</sup> In response to the Commission's notification that its projects overlapped other project areas, Nextlink stated that "upon award, overlapping portions can be removed."<sup>19</sup> While Nextlink filed a response, the Commission finds Nextlink did not cure that defect. In addition, six of Nextlink's applications, the fixed wireless applications, were incomplete. Nextlink failed to file the engineering attestation as required.<sup>20</sup> Again, after notice of defects with respect to those applications, Nextlink indicated that it would file the required information upon award. However, fulfillment of the application requirements is a necessary prerequisite to scoring the application and ranking them for the purpose of an award. The Commission does not score projects that are incomplete and where the locations to be funded are subject to change upon issuance of an award. As such, because the applications were incomplete and because these defects were not cured, those six applications were not scored.

The Commission also provided Hartington with a notice of defects on March 16, 2024 and provided Hartington with an opportunity to cure the defects noted.<sup>21</sup> No response was filed.

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<sup>18</sup> For example, the Commission notified Nextlink that its Gilead project overlapped Glenwood's approved Thayer County project. Rather than removing the overlapping locations, Nextlink indicated that overlapping areas "can be removed" upon award. However, the Commission requires a revised budget to be submitted to account for a project area that has fewer locations.

<sup>19</sup> See Nextlink's email correspondence to the Commission dated March 27, 2024.

<sup>20</sup> See Nebraska Capital Projects Fund (CPF) Guide Program Year 2024 ("CPF-2 Program Guide) Section 2.2.3 (Attachments) at 10. (Applications proposing to use technology other than fiber must include an attestation from a qualified engineer describing the speed capabilities of the proposed technology.) Nextlink indicated in its response that given the timing of the revisions, it was unable to obtain a statement from its engineering firm relating to the specific designs. The Commission takes notice that the CPF-2 Program Guide was published on the Commission website on November 20, 2023. In addition, the Program Guide not only requires the removal of overlapped areas to remain in consideration but also require an amended budget to account for the removal of the locations from its project area. In addition, for all fixed wireless projects, an engineering certification is required.

<sup>21</sup> Hartington was provided notice that its project exceeded the \$5 million cap. In addition, Hartington's application indicated that it would complete the project in December of 2026, which exceeded the 18 month timeframe for deployment. Because, per federal requirements, all CPF awards must be fully reimbursed and closed out by December 2026, a project completion date of December 2026 is not feasible.

Accordingly, because the defects were not cured, the project was not scored.

### **Reclassified Projects**

On March 13, consistent with the Procedural Schedule adopted in this matter, the Commission staff notified applicants of defects and challenges received and provided notice of its intent to reclassify any of the applications. Applicants then had until March 27, 2024 to adjust project areas or cure any defects. Among the notices, the Commission notified Spectrum Mid-America, LLC d/b/a Charter Communications, Inc. ("Charter") of its intent to reclassify the Sherman County and Lincoln County projects as Tier Three projects. In response to the Commission staff's notice to reclassify two of Charter's projects, on March 27, 2024 Charter sent an email to the Commissioners and Commission staff objecting to the reclassification of its two projects as Tier Three projects.<sup>22</sup> On April 16, 2024, the Commission entered an order, making initial determinations on the partial challenges and reclassifying applications. On April 26, 2024, Charter filed a Motion for Reconsideration of the Commission's April 16, 2024 Order.

At the outset, the Commission finds Charter's Motion for Reconsideration of the Commission's April 16, 2024 Order was premature, as the Commission's order denying the partial challenges and reclassifying applications was not a final determination of grant awards. While project areas classified as Tier One (unserved) are given priority, Tier Three projects, which may contain both unserved and underserved locations, remain eligible for grant awards to the extent that the project ranks high enough and funding is available. As evidence of this, despite having its Sherman County project reclassified as a Tier Three project, today's decision approves an award for that project along with other high scoring Tier Three projects.<sup>23</sup>

Nevertheless, the Commission rejects Charter's arguments in relation to the reclassification decision for both its projects. First, Charter argues that because the Commission determined that applicants have the latitude to define project areas, as opposed to having the Commission establish the project award areas, that

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<sup>22</sup> The Commission is not persuaded to alter its prior determination set forth in its April 16, 2024 Order.

<sup>23</sup> Fifteen Tier Three projects are funded with \$13,044,542.08 awarded for those projects.

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the Commission's actions are at odds with its November 7, 2023 Order. We disagree with Charter's interpretation of our November 7, 2023 Order. The Commission's finding was one that retained the framework used in prior rounds. The Commission had sought comment on whether it should define project areas or develop guidelines that were more restrictive in nature. Contrary to Charter's claim, there was nothing in the Commission's November 7, 2023 Order that contemplated allowing applicants to cut out locations served within the boundaries of a project area, and then self-classify the project as a Tier One (completely unserved) project. For reference, an example of Charter's project area is shown in the diagram below.



Map represents portion of a Charter project area. Area in pink is the project area, red triangles represent the locations submitted with the project, and round "holes" include locations that could be served but were omitted from the project by the applicant.

Applicants are required to include the number of locations within the project area which are unserved (i.e., lacking broadband at speeds of at least 25/3 Mbps in Field 3a.), the number of locations within the project area which meet the definition of underserved (i.e., lacking broadband internet service at speeds of at least 100/20 Mbps) in Field 3b., and the number of locations which are served in Field 3c. From the diagram above, it is evident that Charter carved out locations which were underserved and claimed they are not part of the project area in a manner that defeats the purpose of the application requirements. Charter's premise that nothing in the Commission's Orders prohibits it from carving out locations in this manner is unpersuasive and ignores

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the Commission's prior determination relative to grant administration that it would review applications in a manner preventing applicants from cherry-picking locations.<sup>24</sup>

Charter also argued that, the Commission's November 7, 2023 Order only encouraged applicants to identify and include all broadband serviceable locations within the project area when filing their applications. However, the Commission has historically independently reviewed mapping data to determine whether the project area includes all serviceable locations, whether the locations are appropriately identified as unserved or underserved, and made the determination regarding the Tier in which each project will be classified.<sup>25</sup> The language in our CPF-2 Order was intended for applicants to provide the Commission with an accurate list of broadband serviceable locations that would be served through grant funding.

Moreover, Charter's argued interpretation would render the statutory construct in Neb. Rev. Stat. § 86-1305 practically meaningless. It is well established that the rule of statutory construction requires agencies to give effect to the entire language of the statute and to reconcile different positions of the statutes so they are consistent, harmonious, and sensible.<sup>26</sup> Section § 86-1305 created three priority tiers for the Commission to use when determining the scoring of broadband grant applications. If we followed Charter's example, virtually all projects would be filed as Tier One projects.

Third, the results of accepting Charter's position here would then either 1) strand the current underserved customers in the

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<sup>24</sup> See CPF-2 Order at 11; see also Nebraska Capital Projects Fund (CPF) Guide Program Year 2024 ("CPF-2 Program Guide") Section 4.1 at 15. In the related Nebraska Broadband Bridge Program, the Commission has also noted that "[a]pplications will be closely reviewed to prevent 'cherry-picking' of preferable service locations." *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Nebraska Broadband Bridge Act*, Commission Docket No. C-5272, Order Issuing 2021-2022 Grant Application Schedule and Application Materials (Aug. 10, 2021). The Commission built upon the existing Nebraska Broadband bridge program framework for the administration of the CPF program. Charter has participated in both the NBBP program and the first CPF grant cycle.

<sup>25</sup> The procedural schedule adopted in this proceeding (and prior grant cycles) places applicants clearly indicate that the decision relative to the appropriate classification of projects is vested with the Commission and not the applicant. See CPF-2 Order, Attachment A.

<sup>26</sup> *Hoppens v. Nebraska Dept. of Motor Vehicles*, 288 Neb. 857, 864, 852 N.W.2d 331, 338 (2014); see also *ML Manager, LLC v. Jensen*, 287 Neb. 171, 177, 842 N.W.2d 566, 572 (2014).



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locations carved out in the project areas with slower speed service or 2) hide the fact that grant funding is indeed being used to serve the underserved locations in its service area. It would make little sense for those customers carved out of Charter's project area to be left to receive service at speeds below what the Commission considers served with broadband. On the other hand, if Charter intends to serve those locations, the costs to serve those customers is not transparently disclosed and costs not properly apportioned in the budget, and the grant obligations, such as service priced at reasonably comparable rates, would not extend to those customers. We find either outcome here would not serve the overall objectives of the CPF program.

Finally, Charter also argues its situation is comparable to the project area filed by Allo which was classified as a Tier One project and approved by the Commission in 2023. We disagree. In that case, Allo's application was clear that a significant portion of the project costs were for the construction of middle mile facilities, where none existed, and to serve one high-capacity end user with planned educational/conference facilities. Allo did not carve out underserved locations from its project area.

While Charter's Sherman County project is eligible for funding, we make clear that this grant funding is conditional upon Charter's commitment to deploying service to all unserved and underserved eligible broadband serviceable locations identified by the Commission in the project area footprint, both unserved and underserved, with the estimated budget as filed. If Charter does not accept grant funding with these conditions, to the extent possible, the Commission will award a grant to the next project in line.

### **Projects Awarded**

Following review of the challenges to be upheld and withdrawn or incomplete applications, the Commission determines that 28 applications should be approved for funding. In cases of significant overlap where both projects were eligible for funding, only the higher-ranked project was funded. In total, the Commission awards \$30,921,432.88 in CPF grant funds for the projects be approved in this round as identified in Attachment "D" to this Order.

The Commission finds that, upon review of the submitted applications and challenges, each of the applications listed in Attachment "D" to this Order should be fully funded. As previously set forth in this docket, 1/4 of the funds awarded will be

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processed for distribution upon award of the grant.<sup>27</sup> One-fourth of the funds will be processed for distribution in March of 2025<sup>28</sup>. Following project completion, applicants shall submit all invoices justifying project expenses within ninety (90) days of project completion. Upon successful completion of the project, the required speed testing, and invoice submittals to justify expenses, the remaining one-half of awarded funds will be processed for distribution. Final payments may be adjusted based on actual eligible project costs and match percentage.

Each successful applicant shall be held to all requirements of the Nebraska Broadband Bridge Program, as listed in the Act and by order of this Commission. Successful applicants must submit to the Commission a Grantee Acknowledgment and Attestation Form (Attachment "E") with the executed Capital Projects Fund Subrecipient Grant Agreement, and the Civil Rights Attestation by **June 13, 2024, at 5:00 p.m. Central Time**. Payments shall not be disbursed to applicants until these executed documents are received.

Generally, each applicant listed in Attachment "D" must provide to its designated service area broadband Internet service scalable to one hundred megabits per second for downloading and one hundred megabits per second for uploading, or greater, upon project completion. All completion deadlines and repayment requirements set forth in Neb. Rev. Stat. § 86-1304 and in this Order shall apply to each project listed in Attachment "D."

Grant recipients will be required to submit quarterly and annual reports to the Commission, on forms provided by the Commission, including construction progress reporting, reporting on financial metrics, and other items to ensure that subrecipients of federal funding comply with federal rules and regulations with respect to federal awards. The reports are due by the 15<sup>th</sup> day of the first month following each quarter. The first report will therefore be due to the Commission no later than **5:00 p.m. Central Time on July 15, 2024**.

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<sup>27</sup> Processing time for distributions is dependent upon the Commission's receipt of funds from the Department of Treasury. The Commission anticipates being able to make the initial payment within sixty (60) days of issuance of the order.

<sup>28</sup> The Commission will request the required funds from the Department of Treasury thirty (30) days prior to the target date of payment. While we anticipate being able to make the second  $\frac{1}{4}$  payment in March, 2025 disbursement of those funds may be delayed based on the time it takes for the Department of Treasury to process the drawdown of the Capital Projects Funding.

Assuming successful completion of all prerequisite filing requirements, the first payment of grant awards will be processed within sixty (60) days of this Order. Successful applicants must immediately contact the Commission via e-mail sent to [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov) to verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission.

### **Project Completion and Testing**

The deadline for completion of each of the projects listed in Attachment "D" shall be **December 4, 2025**. A project shall be considered completed when the network infrastructure has been built and the network is capable of delivering services to any and all end users in the project area within ten days of receiving a request for service, at a level sufficient to test performance.<sup>29</sup> Each applicant must submit to the Commission on or before **December 4, 2025**, at 5:00 p.m. Central Time a certification that the broadband network described in the application has been completed. A template certification is attached to this order in Attachment "F".

If an applicant is unable to complete the project by December 4, 2025, extensions of the deadline may be available upon a showing of good cause pursuant to Neb. Rev. Stat. § 86-1304(2)(a). Applicants seeking an extension must submit a request for extension to the Commission by **November 4, 2025**, at 5:00 p.m. Central Time. Applicants seeking an extension must include a detailed explanation of the circumstances and reasons surrounding the request, along with any and all relevant documentation for the Commission's review. Applicants who may need an extension are encouraged to submit a request for extension as soon as possible.

Following an applicant's completion of the project, the applicant shall conduct speed testing as required by Neb. Rev. Stat. § 86-1304(3) and Commission Docket No. NUSF-133.<sup>30</sup> The number of locations to be tested is as follows:

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<sup>29</sup> To the extent customer drops can be performed at a customer's request and within the amount of grant funding allocated to the awardee, customer drops may be considered reimbursable expenses. However, as with other project costs, customer drops must be performed prior to the date of project completion certified by the awardee in order to be reimbursable.

<sup>30</sup> See *In the Matter of the Nebraska Public Service Commission, on its own motion, to implement standards for the verification of broadband service provider coverage and speed data*, ORDER SETTING SPEED TEST REQUIREMENTS (Nov.

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<b>Number of Locations in Application</b>	<b>Number of Test Locations</b>
50 or fewer	5
51-500	10% of 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. The results of these speed tests must be submitted to the Commission within thirty (30) days of project completion. Speed test results shall be submitted in both a summary and detailed format. A speed test certification form is included as Attachment "G" to this Order.

Should an applicant's testing fail to reflect that the entire project area is capable of being served at the required speeds, the applicant must submit along with speed test results a written proposal to remedy the deficiencies. This proposal must include the date upon which speed testing will be conducted a second time, which must be no later than sixty (60) days following the initial speed testing.

Following successful completion of the project and required speed testing, the final 50% of grant funding will be made available to applicants. Final payments may be adjusted based on actual eligible project costs and match percentage. Applicants must submit to the Commission documentation and invoices necessary to support the project costs no later than ninety (90) days following project completion. A cover sheet for submitting invoicing and documentation is included in Attachment "H".

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8, 2022). Detailed requirements regarding testing intervals, testing endpoints, and locations to be tested are contained in that Order.

**Submission of Location Data**

On June 7, 2023, Treasury updated its Capital Projects Fund Reporting requirements for grant recipients.<sup>31</sup> Among the changes required, recipients are now required to report location-specific data using the FCC's standardized identifiers. This includes the FCC's provider number and fabric identification number for every location funded.<sup>32</sup> Due to this change, all grant recipients will be required to report their FCC provider number and the fabric identification numbers of locations included in the approved project area. Such information must be submitted to the Commission by **July 15, 2024** at 5:00 p.m. Central Time, on the form provided by the Commission. This information will be included in the Commission's progress report to the Treasury. Going forward, grant recipients are required to report the progress and completion of buildout to the project locations in each quarterly report filed with the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the applications listed in Attachment "D" shall be funded. Each of the applicants awarded shall be required to complete the project by **December 4, 2025**, unless granted an extension by order of the Commission. All successful applicants listed in Attachment "D" shall be subject to speed testing requirements as required by Neb. Rev. Stat. § 86-1304 and as set forth above.

IT IS FURTHER ORDERED that each successful applicant must submit to the Commission on or before **December 4, 2025, at 5:00 p.m. Central Time** a certification that the broadband network described in the application has been completed. Applicants seeking an extension of this deadline must submit a request for extension to the Commission by **November 4, 2025, at 5:00 p.m. Central Time**.

IT IS FURTHER ORDERED that disbursement of the grant award shall be conducted as described above. The final disbursement of grant awards shall be conducted following review of submitted

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<sup>31</sup> See Coronavirus Capital Project Fund Compliance and Reporting Guidance For States, Territories, and Freely Associated States June 2023 at <https://home.treasury.gov/system/files/136/Revised-CPF-State-Guidance.pdf>.

<sup>32</sup> See *id.* at 8.

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documentation of allowable costs, and the amount distributed to each applicant shall not exceed the grant award set forth in Attachment "D" to this Order.

IT IS FURTHER ORDERED that successful applicants must immediately verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission. Successful applicants must also submit to the Commission a Grantee Acknowledgment and Attestation Form, an Executed Grant Agreement, and the required Civil Rights Compliance Attestation, as indicated in Attachment "E", by **June 13, 2024, at 5:00 p.m. Central Time**. Payments shall not be disbursed to applicants until such documentation is received.

IT IS FURTHER ORDERED that successful applicants must file the location data described above with the Commission no later than **June 13, 2024, at 5:00 p.m. Central Time**.

IT IS FURTHER ORDERED that the challenge listed in Attachment "B" shall be upheld. The successful challenger listed in Attachment "B" must submit a Challenger Acknowledgment and Attestation Form to the Commission by **June 13, 2023, at 5:00 p.m. Central Time** affirming its status as a Type 1 challenger.

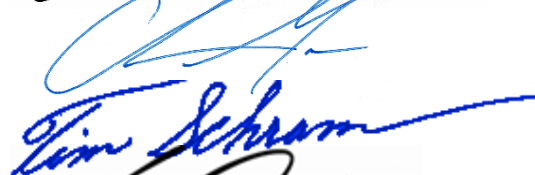
IT IS FURTHER ORDERED that unless an earlier deadline has been required by the Commission in previously challenged areas, the Challenger listed in Attachment B must submit documentation to the Commission no later than **5:00 p.m. Central Time on December 4, 2025**, demonstrating that the challenger has fulfilled its commitment to deploy broadband Internet service with access to the Internet at the stated speeds in the proposed project area.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 4th day of June, 2024.

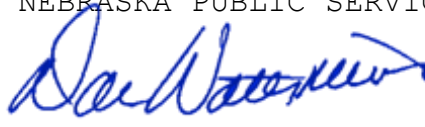
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Eric M. Hamler

  
Tim Schram

  
Kevin Stocker

  
Chair

ATTEST:

  
Thomas W. Golden  
Executive Director

Commission Docket No. CPF-2  
Nebraska Broadband Bridge Program – 2024 Grant Cycle  
**Attachment A: Applications and Challenges Received**

Applicant Name	Project Name	Grant Request	Challenge
<b>ALLO Communications LLC</b>	East Valentine	\$ 320,912.00	
	North Platte NE (Hwy 97 and 83)	\$ 720,976.11	
	North Scottsbluff	\$ 266,886.00	
	Scotts Bluff National Monument	\$ 121,103.00	
	South Bridgeport	\$ 225,698.00	
	North Ogallala	\$ 3,610,697.00	
	North Port-Bridgeport	\$ 619,934.00	
	Village of Lewellen	\$ 4,180,183.00	
	Blue River Lodge/Saline County Rural	\$ 760,354.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	Village of Bradshaw	\$ 594,074.00	
	Village of Harrisburg	\$ 1,528,805.00	
	Wayne Rural – Wakefield	\$ 539,639.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	West Valentine	\$275,235.00	
	Wildcat Estates / Wildcat Hills SRA	\$ 2,254,147.00	
<b>AMG Technology Investment Group, LLC dba Nextlink Internet</b>	AMG_LoupCity	\$ 333,277.61	
	AMG_Clatonia	\$ 106,153.09	Zito Midwest
	AMG_Barneston†	\$ 509,664.18	
	AMG_Bridgeport†	\$ 1,019,131.35	
	AMG_Gilead†	\$ 558,537.99	
	AMG_Sidney†	\$ 1,430,192.39	
	AMG_Oshkosh†	\$ 528,958.29	
	AMG_Pleasant Hill†	\$607,144.50	

\* Denotes partial challenge  
† Denotes withdrawn or incomplete application

<b>Applicant Name</b>	<b>Project Name</b>	<b>Grant Request</b>	<b>Challenge</b>
<b>Cox Nebraska Telcom, LLC</b>	Burt 4 + 5 + 6†	\$ 4,666,473.00	
	Washington 1 + 2 + 3 + 4†	\$ 1,447,928.00	
<b>Glenwood Telecommunications, Inc.</b>	Nora	\$ 1,513,569.21	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	Heartwell	\$ 364,217.08	
	Kearney County	\$ 1,005,167.02	
	Prosser	\$ 1,417,886.03	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
<b>Great Plains Communications</b>	Project Scottsbluff North	\$ 2,072,033.40	
	Project McCook South	\$ 1,161,237.12	
	Project Brunswick	\$ 1,120,098.28	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	Project Emmet	\$ 381,651.52	
	Project Syracuse†	\$ 1,229,590.56	
<b>Hartington Telecommunications Co., Inc., (d/b/a Hartelco)</b>	Kohles Acres	\$ 1,520,671.00	
	Crofton†	\$ 5,583,251.00	
<b>Inventive Wireless of Nebraska, LLC d/b/a Vistabeam</b>	Cheyenne_NBBP_HWY30East†	\$ 1,449,350.00	
	Cheyenne_NBBP_SidneyNorth†	\$ 2,401,281.00	
	Garden-NBBP-HWY26	\$2,974,350.00	
	Morrill-NBBP-HWY26	\$ 1,420,250.00	
	Kimball-NBBP-Kimball	\$ 903,336.00	
	ScottsBluff-NBBP-Lyman	\$ 413,725.00	
	SiouxCounty-NBBP-South†	\$ 4,946,508.00	
	ScottsBluff-NBBP-South	\$ 1,702,215.00	
ScottsBluff-NBBP-North	\$ 1,931,875.00		
<b>Midstates Data Transport, LLC d/b/a Stealth Broadband</b>	Boone County West Unserved	\$ 2,197,650.83	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet



<b>Applicant Name</b>	<b>Project Name</b>	<b>Grant Request</b>	<b>Challenge</b>
	Nance County Northeast Unserved	\$ 2,878,205.40	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
<b>Northeast Nebraska Telephone Company</b>	Polk County	\$ 3,777,885.00	
<b>Pinpoint Communications, Inc.</b>	Beaver City to Wilsonville	\$ 900,000.00	
	Edison to Beaver City	\$ 742,500.00	
	Johnson to Talmage	\$ 855,000.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	Syracuse to Palmyra	\$ 1,125,000.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
<b>Qwest Corporation d/b/a CenturyLink QC</b>	Loup City	\$ 182,342.00	
	Bennington Exchange	\$ 815,901.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	St. Paul – Cushing	\$ 597,626.00	
	Farwell	\$ 414,920.00	
	Fontanelle	\$ 538,247.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
	O’Neill	\$ 3,771,046.00	*AMG Technology Investment Group, LLC d/b/a Nextlink Internet
<b>Spectrum Mid-America, LLC (Charter Communications)</b>	Charter Communications – Sherman County	\$ 252,871.00	
	Charter Communications – Lincoln County	\$ 1,182,685.00	
<b>United Telephone Company of the West d/b/a CenturyLink</b>	Rural Chappell†	\$ 154,543.00	

Commission Docket No. CPF-2  
 Nebraska Broadband Bridge Program – 2024 Grant Cycle  
**Attachment B: Challenge Dispositions**

Applicant Name	Project Name	Name of Challenger	Challenge Type	Challenge Disposition
ALLO Communications LLC	Blue River Lodge/Saline County Rural	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
ALLO Communications LLC	Wayne Rural – Wakefield	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
AMG Technology Investment Group, LLC d/b/a Nextlink Internet	Village of Clatonia	Zito Midwest	1	<b>Upheld</b>
Glenwood Telecommunications, Inc.	Nora	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Glenwood Telecommunications, Inc.	Prosser	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Great Plains Communications	Project Brunswick	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Midstates Data Transport, LLC d/b/a Stealth Broadband	Boone County West Unserved	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Midstates Data Transport, LLC d/b/a Stealth Broadband	Nance County Northeast Unserved	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied

*\*Denotes Partial Challenge*

Applicant Name	Project Name	Name of Challenger	Challenge Type	Challenge Disposition
Pinpoint Communications, Inc.	Johnson to Talmage	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Pinpoint Communications, Inc.	Syracuse to Palmyra	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Qwest Corporation d/b/a CenturyLink QC	Bennington Exchange	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Qwest Corporation d/b/a CenturyLink QC	Fontanelle	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied
Qwest Corporation d/b/a CenturyLink QC	O'Neill	AMG Technology Investment Group, LLC d/b/a Nextlink Internet*	1	Denied



## Capital Project Funds

# Challenger Acknowledgment and Attestation Form

2024 Program Year

By completing this form, the challenging party acknowledges that the Nebraska Public Service Commission has upheld the challenge filed against the following project:

1. Challenger Name:			
2. Challenged CPF Applicant Name:			
3. Challenged CPF Application Project Name:			
4. Total number of serviceable locations in the challenged area:		5. Number of locations in the challenged area currently served by challenger:	

Please select one of the following:

Type 1 Challenger: The challenging provider currently provides service at the minimum 100/20 Mbps speed threshold to all locations within the challenged portion of the project area. The challenging provider will continue to provide a minimum of 100/20 Mbps service in the entire challenged area, and must notify the Commission should the challenger's service offerings in the area change.

Type 2 Challenger: 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 after the date grant awards are made under the program. The challenging provider will provide documentation to the Commission as required, including progress reports every three months demonstrating progress towards construction. The challenging provider must submit documentation to the Commission demonstrating fulfillment of the commitment to deploy broadband internet at the stated speeds in the entire project area on or before the due date stated in the CPF-2 order issuing grant awards and results of challenges.

ATTESTATION: By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I also acknowledge that if service is not provided to the project area within the required eighteen-month timeframe, or if the challenging provider fails to continue providing service in the project area, the challenging provider will be subject to civil penalties and will be prohibited from submitting any applications or challenges within the Nebraska Broadband Bridge Act for the following two fiscal years. I agree to comply with all terms of the Capital Projects Fund/Nebraska Broadband Bridge Program.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Please return this form to [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov) by June 13, 2024.

**Commission Docket No. CPF-2**

**Attachment D: 2024 Capital Projects Fund Award Summary - Congressional District 3**

<b>Applicant Name</b>	<b>Project Name</b>	<b>Locations Served</b>	<b>Disposition</b>	<b>Grant Award</b>
ALLO Communications	Blue River Lodge / Saline County Rural	107	Approved	\$ 760,354.00
ALLO Communications	East Valentine	63	Approved	\$ 320,912.00
ALLO Communications	North Ogallala	625	Approved	\$ 3,610,697.00
ALLO Communications	North Scottsbluff	67	Approved	\$ 266,886.00
ALLO Communications	Scotts Bluff National Monument	5	Approved	\$ 121,103.00
ALLO Communications	South Bridgeport	18	Approved	\$ 225,698.00
ALLO Communications	Village of Bradshaw	260	Approved	\$ 594,074.00
ALLO Communications	Wayne Rural - Wakefield	13	Approved	\$ 539,639.00
ALLO Communications	West Valentine	46	Approved	\$ 275,235.00
Glenwood Telecommunications, Inc.	Heartwell	46	Approved	\$ 364,217.08
Glenwood Telecommunications, Inc.	Kearney County	59	Approved	\$ 1,005,167.02
Glenwood Telecommunications, Inc.	Prosser	84	Approved	\$ 1,417,886.03
Great Plains Communications LLC	Project Brunswick	130	Approved	\$ 1,120,098.28
Great Plains Communications LLC	Project Emmet	56	Approved	\$ 381,651.52
Great Plains Communications LLC	Project McCook South	108	Approved	\$ 1,161,237.12
Inventive Wireless of Nebraska, LLC dba Vistabeam	Garden-NBBP-HWY26	163	Approved	\$ 2,974,350.00
Inventive Wireless of Nebraska, LLC dba Vistabeam	Kimball-NBBP-Kimball	202	Approved	\$ 903,336.00
Inventive Wireless of Nebraska, LLC dba Vistabeam	Morrill-NBBP-HWY26	154	Approved	\$ 1,420,250.00
Inventive Wireless of Nebraska, LLC dba Vistabeam	ScottsBluff-NBBP-Lyman	21	Approved	\$ 413,725.00
Inventive Wireless of Nebraska, LLC dba Vistabeam	ScottsBluff-NBBP-North	63	Approved	\$ 1,931,875.00
Inventive Wireless of Nebraska, LLC dba Vistabeam	ScottsBluff-NBBP-South	45	Approved	\$ 1,702,215.00
Midstates Data Transport, LLC d/b/a Stealth Broadband	Boone County West Unserved	128	Approved	\$ 2,197,650.83
Northeast Nebraska Telephone Company	Polk County	176	Approved	\$ 3,777,885.00
Pinpoint Communications, Inc.	Beaver City to Wilsonville	15	Approved	\$ 900,000.00
Pinpoint Communications, Inc.	Edison to Beaver City	8	Approved	\$ 742,500.00
Pinpoint Communications, Inc.	Syracuse to Palmyra	69	Approved	\$ 1,125,000.00
Qwest Corporation d/b/a CenturyLink QC	Farwell	121	Approved	\$ 414,920.00
Spectrum Mid-America, LLC, managed by Charter Communications, Inc. ("Charter")	Charter Communications - Sherman County	361	Approved	\$ 252,871.00

<b>CPF 2024 Congressional District 3 Award Summary</b>	
Total number of applications received	60
Total number of applicants	13
Total number of applications approved	28
Total unserved location counts for approved projects	1,642

**Commission Docket No. CPF-2**

**Attachment D: 2024 Capital Projects Fund Award Summary - Congressional District 3**

Total underserved location counts for approved projects	1571
Total location counts for approved projects	3,213
Total amount of grant funding approved	\$ 30,921,432.88



Capital Projects Fund/Nebraska Broadband Bridge Program
Grantee Acknowledgment and Attestation Form

Commission Docket No. CPF-2
Attachment E

2024 Program Year

Grantee Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

By completing this form, the Grantee and its successors and affiliates ("Grantee") acknowledges that it has reviewed the requirements for receipt of a Capital Projects Fund/Nebraska Broadband Bridge Program (NBBP) grant as awarded by the Nebraska Public Service Commission for the above-named project.

The Grantee hereby agrees to the following conditions:

- The Grantee agrees to complete the approved project within eighteen months following the grant award. The Commission may permit an extension upon request and for good cause shown, if the Grantee files a request in writing prior to the project deadline. If the Grantee fails to complete the project by the agreed or extended deadline, the recipient is subject to repayment of grant funds pursuant to Neb. Rev. Stat. § 86-1304.
The Grantee is responsible for maintaining adequate supporting records that document expenditure of the grant funds in accordance with the requirements of the Capital Projects Fund/Nebraska Broadband Bridge Program. Only expenses that are necessary, reasonable, allocable and adequate documented are eligible for reimbursement. The Grantee agrees to proactively reach out to the Commission staff with any questions that arise to ensure that expenses are adequately documented.
The Grantee must conduct speed tests upon completion of the broadband network and must submit network speed testing information as prescribed by the Commission. Should the speed testing fail to reflect that the entire project area is capable of being served at the required speeds, the grant recipient shall be allowed a reasonable time to address the speed deficiencies and conduct a second set of speed tests. If the broadband network does not provide service at the speeds required according to the second set of speed tests, the grant recipient shall repay the grant.
The Grantee agrees to offer broadband Internet service in the project area for a term of 15 years after receipt of the Grantee's first grant funding payment. The Grantee commits to maintaining a minimum speed capability of 100/100 Mbps and less than 100 millisecond latency in all locations within the project area. The Grantee agrees to maintain the rates as reflected in the associated application within the project area for a minimum of five years following project completion. Failure to comply with these agreed-upon conditions may result in the Commission imposing civil penalties pursuant to Neb. Rev. Stat. § 75-156.

Attach/Include:

W9/ACH form: Successful applicants must provide a W9/ACH form to verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission. This form can be found on the Nebraska Department of Administrative Services website at:

https://das.nebraska.gov/accounting/forms/ACH\_W9\_Fillable.pdf

Subrecipient Grant Agreement and Civil Rights Attestation: Successful applicants must provide an executed Capital Projects Fund Subrecipient Grant Agreement and Civil Rights Attestation.

ATTESTATION: By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I confirm acceptance of the above-named Capital Projects Fund/Nebraska Broadband Bridge Program grant and agree to perform and adhere to all grant requirements as set forth. I agree not to use equipment prohibited by the FCC within the network and to comply with all state and federal regulations and requirements pertaining to this program.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Please return this form and required attachments to psc.broadband@nebraska.gov by June 13, 2024.



## Capital Projects Fund/Nebraska Broadband Bridge Program Certification of Project Completion

2024 Program Year

As required by order of the Nebraska Public Service Commission in Docket No. CPF-2, providers who submitted a successful application in the 2024 CPF/NBBP grant cycle must submit a certification that the broadband network described in the application has been completed.

The questions below should be filled out with the most accurate information currently available. When describing locations currently served, each location included in the totals below must be able to be served at a minimum of 100/100 Mbps speed as of the date of this report.

Date of Report:	
Applicant Name:	
Project Name:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Project Completion Date:	
Total number of locations to be served:	
Dates upon which speed testing will be performed:	
Number of locations at which speed testing will be performed:	

**ATTESTATION:** By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered as a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

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Printed Name of Officer or Agent

Date

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Title of Officer or Agent

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Signature of Officer or Agent





# Capital Projects Fund/Nebraska Broadband Bridge Program Speed Test Certification

2024 Program Year

As required by order of the Nebraska Public Service Commission in Docket CPF-2, following deployment of the completed network as outlined in the application, grantees will be required to submit speed test information to the Commission as verification of broadband service provider coverage and speed data as set forth in Commission Docket CPF-2 and NUSF-133.

Prior to completing this form and the accompanying speed test data, grantees are required to initiate the process by submitting the [NPSC Subscriber Upload Template](#), to [psc.broadband@nebraska.gov](mailto:psc.broadband@nebraska.gov), listing all subscriber locations within the project area. The Commission will provide to the grantee a list of locations from which the grantee can select to meet the minimum number of test locations. Grantees must report speed and latency testing results using the [NPSC Speed Testing Template](#) and [NPSC Latency Testing Template](#) forms, which must be submitted within thirty (30) days of project completion.

The questions below should be filled out with the most accurate information currently available. When describing locations currently served, each location included in the totals below must be part of the project area and must be able to be served at a minimum of 100/100 Mbps speed and less than 100 milliseconds of latency as of the date of this report.

Date of Report:		
Grantee Name:		
Project Name:		
Contact Person:		
Mailing Address:		
Email Address:		
Phone Number:		
Project Completion Date:		
Total number of locations in application:		
Number of locations currently capable of being served at 100/100 Mbps and < 100 ms latency:		
Number of customers currently subscribing to 100/100 Mbps service:		
Number of locations at which speed testing was performed:		
Percentage of total locations at which speed testing was performed:		

The following table reflects the total number of locations to be tested based on the number of locations in the application.

Number of Locations in Application	Number of Test Locations
50 or Fewer	5
51-500	10% of 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.

## Capital Projects Fund/Nebraska Broadband Bridge Program Speed Test Certification

Please attach documentation supporting speed testing information for the project listed above. Documentation attached should demonstrate that the tests reflect actual download and upload speeds experienced by household users, that the tests were performed using a random sample of locations of consumers who subscribe to the network, including testing performed during times of peak usage, between 6 pm and 12 am local time. At least one test per hour must be conducted during the test window, with one week of testing for each project approved. Relevant documentation and supporting information should be attached as needed.

Speed test results should be summarized in tabular format and attached to this certification. The table must include service address, test start (date/time), test end (date/time), download speed result, and upload speed result. In addition to the summary table, supporting documentation must be provided to support the speed test results for individual locations.

*Speed Test Summary Example:*

Service Address	Test Start (date/time)	Test End (date/time)	Download Speed Result	Upload Speed Result
123 Main St, Hometown NE 68000	7/10/2023; 5:33:00 PM	7/10/2023; 5:34:00 PM	124.33 Mbps	112.46 Mbps
890 Mockstreet, Hometown NE 68000	7/10/2023; 6:35:00 PM	7/10/2023; 6:36:00 PM	120.45 Mbps	110.76 Mbps

Should an applicant’s testing fail to reflect that the entire project area is capable of being served at the required speeds, the applicant must submit along with speed test results a written proposal to remedy the deficiencies. This proposal must include the date upon which speed testing will be conducted a second time, which must be no later than sixty (60) days following the initial speed testing.

*Please select one of the following:*

- I hereby certify that the attached speed test results reflect that the entire project area is capable of being served with a minimum of 100/100 Mbps service and less than 100 milliseconds latency.
- The attached speed testing does not reflect that the entire project area is capable of being served with a minimum of 100/100 Mbps service and less than 100 milliseconds latency. A plan for remediation is attached.

Thank you for your participation in the Capital Projects Fund/Nebraska Broadband Bridge Program. The Commission may contact you with follow-up questions as needed.

**ATTESTATION:** By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

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Printed Name of Officer or Agent

Date

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Title of Officer or Agent

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Signature of Officer or Agent



## Capital Projects Fund/Nebraska Broadband Bridge Program Reimbursement Request

2024 Program Year

As required by order of the Nebraska Public Service Commission in Docket No. CPF-2, following project completion, providers who submitted a successful application in the 2024 CPF/NBBP grant cycle shall submit all invoices justifying project expenses within ninety (90) days of project completion.

Please attach documentation supporting actual allowable costs incurred in the completion of this project. Final reimbursement requests will be reviewed by the Commission staff, and final payments may be adjusted based on actual allowable project costs and match percentage.

Date of Request:	
Applicant Name:	
Project Name:	
Contact Person:	
Mailing Address:	
Email Address:	
Phone Number:	

Project Completion Date:	
Total Grant Award Amount:	
Total Eligible Project Costs Incurred:	
Agreed Upon Match Percentage:	
Total Reimbursement Received to Date:	
Final Reimbursement Amount Requested:	

**Final Reimbursement Request Requirements:**

Submission of final reimbursement request must comply with the requirements outlined in the Capital Projects Fund Reimbursement Guide. Only obligations incurred between the grant award and the date of project completion will be considered for reimbursement. All obligations incurred for purposes of deploying broadband to the approved project area must be liquidated (paid) within **seventy-five (75)** days of project completion.

Subrecipients are reminded that the program operates on a reimbursement basis and the grant award provided constitutes a maximum amount. Final reimbursement will be dependent on total actual allowable expenditures. The match percentage commitment will be applied towards the total allowable expenditures and any advanced payments made for the project will be deducted from final payment. The final payment will be disbursed after these adjustments, ensuring that the total amount disbursed does not exceed the grant amount awarded.

## Capital Projects Fund/Nebraska Broadband Bridge Program Reimbursement Request

The request must also include all supporting documentation (invoices, cost accounting documents, etc.). Examples of allowed and disallowed costs are available on the Commission website at: <https://psc.nebraska.gov/telecommunications/nebraska-broadband-bridge-program-nbbp>

All documentation required to be submitted as outlined in the Capital Projects Fund Reimbursement Guide must be submitted. The Nebraska Broadband Programs Reimbursement Request Template must be submitted in order for the Commission to review the reimbursement request.

Thank you for your participation in the Capital Projects Fund/Nebraska Broadband Bridge Program. The Commission may contact you with follow-up questions as needed.

**ATTESTATION:** By signing this document, I attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered as a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

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Printed Name of Officer or Agent

Date

---

Title of Officer or Agent

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Signature of Officer or Agent