



Comments of the Nebraska Power Association 2019 Nebraska Rural Broadband Task Force Report

The Nebraska Power Association (NPA) is a voluntary organization representing all segments of Nebraska's electric power industry: municipalities, public power districts, public power and irrigation districts and cooperatives engaged in the generation, transmission, or distribution of electricity within Nebraska. The following are comments submitted on behalf of the NPA.

The NPA is grateful to the Legislature for passing LB 994 and creating a diverse task force to address the digital divide with new vision. The diversity of the task force has been and will be instrumental to moving this issue from a study into action.

In our ever-changing business environment, one thing stands out as a major economic driver, broadband communication. Businesses, including the electric utility industry and agriculture, depend heavily on internet services for day to day operations. Having access to high-speed broadband services allows businesses to locate in rural areas and individuals to work from home. Having access to high-speed internet at home lessens the burden for students to work on and complete homework without needing to be at school or at alternate locations with internet access.

Unfortunately, while the urban areas of Nebraska have been the recipients of newer and faster technologies, rural Nebraska, including small villages and towns, has not fared as well and many areas are still waiting for low-tier services. This topic has been visited and revisited by the Legislature in the form of stalled legislation and interim study programs and now is the time for action.

The NPA encourages the Task Force to use the best available data to identify areas of need.

The ability to identify and target areas with the greatest need ensure the state's limited resources are used appropriately. The need to look beyond the Federal Communications Commission (FCC) Form 477 data is critical. The census block data that is self-reported by telecommunications providers is incomplete and leads to inaccurate conclusions as to where broadband access is located and to where there is no access.

This shortcoming needs to be clearly identified in the report where the Form 477 data is heavily used in the creating of graphics and tables.

The NPA will continue to encourage the FCC and/or Congress to improve data collection.

The NPA encourages the Task Force to work to remove barriers to rural broadband deployment.

Modification of the dark fiber leasing statutes is needed. Drafted at a time when there were fewer emerging technologies, the language and the process set forth is cumbersome and a hindrance to creative partnerships. Only one lease is in place and in 18 years, the Internet Enhancement Fund has only awarded 14 grants. The existing statutes are not working.

1. Eliminate the requirement for Public Service Commission (PSC) rate approval. Interested parties can negotiate contracts without the interference of the PSC.
2. Eliminate the market rate language for dark fiber leases. Cost-based agreements can save consumers money and allows for Nebraskan's to be served.
3. Eliminate the requirement that 50 percent of profits go into the Internet Enhancement Fund. Eliminating this requirement will reduce costs to providers and end use customers.

One size does not fit all

While fiber to the home is the ideal goal, Nebraska will need to look at a variety of solutions that will support the ongoing improvement of broadband services across the state, including rural areas. We do not want to delay the possible for the perfect and we should not take any solutions off the table.

Public/Private partnerships will be key to moving broadband into rural areas at a greater pace. Nebraska is a community of villages, cities, and rural areas. All need to be considered as potential partners in the solution as do all forms of internet service providers. As electric utilities deploy advanced technologies, including fiber, to support the provision of safe, reliable and affordable electricity, these assets may become part of a creative partnership to serve the internet needs of rural Nebraskans.

1. Please consider that a variety of technologies may be necessary to serve rural areas and all technologies capable of providing high-speed internet should be considered.
2. While a lower tier service may be employed to bridge a gap, it should be acknowledged that the goal is to bring high-speed technology to all of Nebraska.
3. Allow for creative application of public/private partnerships without any intrusion of the state.
4. Clarify in statute that exiting leases for electric utilities allow for the installation of telecommunications equipment.

Thank you to the Nebraska Legislature and the Rural Broadband Task Force for their commitment to finding solutions to close the digital divide.