

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - NEBRASKA**

### **Pinpoint Communications, Inc. v. Gage County, Nebraska**

**Supreme Court of Nebraska - July 10, 2026 - N.W.3d - 321 Neb. 764 - 2026 WL 1993166**

Telecommunications company that was recipient of state grant from Public Service Commission (PSC) to construct broadband internet network filed petition in error challenging county board of supervisors' denial of its application for utility permit to construct network under and along county right-of-way for highway in rural area after county awarded funding to another broadband provider to construct a broadband network in same area.

The District Court sustained petition in error. Board appealed.

The Supreme Court held that:

- Petition in error was proper vehicle to challenge board's denial of utility permit, and
- Denial of utility permit exceeded board's authority as an impermissible nullification of the PSC grant.

County board of supervisors exercised judicial functions when it denied telecommunications company's application for utility permit to construct broadband internet network under and along county right-of-way for highway in rural area, and thus the denial of application was reviewable via a petition in error; board was directed by statute to act in a judicial manner when considering applications to construct telecommunications lines and related facilities along public highways.

County board of supervisors exceeded its authority when it denied application of telecommunications company, a Public Service Commission (PSC) grantee, for a utility permit to construct broadband internet network under and along a county right-of-way for highway in rural area, on basis that construction of network would be a waste of taxpayer dollars due to duplication of service that company's competitor would be providing through a network that competitor was building using county funds; denial of application would not save any county funds, board's stated goal of preventing waste of taxpayer dollars could be accomplished only if its denial of permit application had the effect of reversing PSC's funding decision, and Legislature gave PSC sole authority to award the grant at issue.