

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

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Notice was duly published February 2, 2023 on page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on February 22, 2023 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Dan Watermeier called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Kevin Stocker, Eric Kamler, Tim Schram, Christian Mirch, and Dan Watermeier present in the Commission Hearing Room. Chair Watermeier stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission. No public comments were received. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

C-5476: In the Matter of the Application of Three River Telco, Lynch, Nebraska, seeking approval of an Interconnection Agreement with Allo Communications, LLC, Lincoln, Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5477: In the Matter of the application of Consolidated Telephone Company, Lincoln, Nebraska, seeking approval of an Interconnection Agreement with Allo Communications, LLC, Lincoln, Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92.57: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from U.S. Cellular Corporation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order approving U.S. Cellular's extension request. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92.58: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from NE Colorado Cellular, Inc., d/b/a Viaero Cellular. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order approving Viaero's extension request. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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NUSF-33/PI-68: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order approving and denying audit waivers. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

NG-101: In the Matter of the Commission, on its own motion, opening an investigatory docket for the purpose of general monitoring of issues regarding the natural gas industry and jurisdictional utilities in Nebraska. Re: NG-101.1: Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy, and NG-101.2: NorthWestern Corporation d/b/a NorthWestern Energy. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter assessment orders BA-25 and BA-26. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

LEGISLATIVE

LB 361: Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to support and submit letter of support. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

LB 646: Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to support and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

LB 31: Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker to support and provide testimony. No second was made. Motion failed. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to hold a neutral position and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, and Dan Watermeier voting AYE, and Commissioner Kevin Stocker voting NAY.

LB 234: Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to support, and submit letter of support. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

LB 355: Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to

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monitor. Motion withdrawn. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier to hold a neutral position, and submit letter. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

LB 367: Discussion and action on pending legislation. Motion made by Commissioner Christian Mirch, seconded by Commissioner Eric Kamler to oppose and submit letter of opposition. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

LB 485: Discussion and action on pending legislation. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to oppose and submit letter of opposition. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

LB 366/LB 637/LB 650/LB 684: Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to monitor. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

B-2027.01: In the Matter of the Nebraska Public Service Commission, on its own motion, to require Legacy Party Express, LLC d/b/a Legacy Party Express, Aurora, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker Order Sustaining Show Cause and Certificate B-2027 Revoked. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2064: In the Matter of the Application of Catch a Ride Taxi and Transportation, LLC, Kearney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in taxicab service between points between Buffalo, Kearney, and Phelps Counties, and between said counties over irregular routes. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler Order Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2068: In the Matter of the Application of Oswine Logistics, LLC d/b/a Oswine Logistics, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service by van between points in Douglas, Dodge, Sarpy, and Washington Counties, and between said counties over irregular routes. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded

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by Commissioner Kevin Stocker Order Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

MCC-3199: Dillon Keiffer-Johnson, Director of the Motor Transpiration Department of the Nebraska Public Service Commission, Complainant, v. Confidant Movers, LLC, Aventura, Florida, Defendant. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order Sustaining Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

MT-0001.03: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to address certain carriers in non-compliance with annual renewal requirements. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler Order to Dismiss, In Part, and sustaining, in part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

B-1976.04r: In the Matter of the Application of Beautiful Life Medical Transport, LLC, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch Order Granting Rates on Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2050.01r: In the Matter of the Application of LeRezo, LLC, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order Granting Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2065.01r: In the Matter of the Application of Eastside Transportation, LLC, Lincoln, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order Granting Rates on an Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GW-697: In the Matter of Ochsner Grain Co., Inc., Madison, Nebraska: Terri Fritz reports on shortage of Non-GMO Corn.

GW-1154: In the Matter of Cooperative Producers, Inc., Juniata, Nebraska: Terri Fritz reports on shortage of White Corn.

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GD-2939: In the Matter of the Application of Gavilon Grain, LLC, seeking to change its name to Viterra USA Grain, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve minutes for January 2023. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

The meeting adjourned at 10:42 a.m. with Commissioners Kevin Stocker, Eric Kamler, Tim Schram, Christian Mirch, and Dan Watermeier present. The next regularly scheduled meeting will be held on February 28, 2023 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 27, 2023.



Chair



Executive Director