

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

March 28, 2023

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Notice was duly published March 16, 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 March 28, 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, Tim Schram, Christian Mirch, Eric Kamler, 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-5482: In the Matter of the Application of Allo Communications, LLC, Lincoln, Nebraska, seeking authority to obtain debt financing. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5493/PI-245: In the Matter of the Nebraska Public Service Commission, on its own motion, to require certificated local exchange carriers, interexchange carriers, and eligible telecommunications carriers in Nebraska to attest as to whether they are using communications equipment prohibited by the Federal Communications Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order opening docket, setting a deadline for submission of required information due April 30, 2023, and setting a hearing for Wednesday, May 10, 2023 at 1:00 p.m. in the Commission Hearing Room. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5489: In the Matter of the Application of Rock County Telephone Company, Blair, Nebraska, seeking approval of an Interconnection Agreement with Allo Communications, LLC, Lincoln, Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-37.418: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. AT&T Corporation, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order dismissing the Complaint. Motion passed with

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Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

STATE 911 DEPARTMENT

911-042.56: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: York County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

NG-115: In the Matter of the Commission, to conduct a review of gas supply cost adjustment schedules implemented by NorthWestern Corporation d/b/a NorthWestern Energy, Sioux Falls, South Dakota, pursuant to Neb. Rev. Stat. § 66-1854. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter assessment order BW-4. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NG-101.1: 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. Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy. Nichole Mulcahy informed the Commission of the next status meeting on April 25, 2023, at 2:00p.m. in the Commission Hearing Room and via Webex.

NG-101.2: 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. NorthWestern Corporation d/b/a NorthWestern Energy. Nichole Mulcahy informed the Commission of the next status meeting on April 18, 2023, at 2:00p.m. in the Commission Hearing Room and via Webex.

TRANSPORTATION DEPARTMENT

B-1306.01: In the Matter of the Application of Jerry Spady Pontiac-Cadillac, Inc., Hastings, Nebraska, seeking cancellation and revocation of its Certificate of Public Convenience and Necessity issued in Docket No. B-1306. Order Cancelling Certificate;

B-1894.03: In the Matter of the Application of E Z Cabs, Inc., Sioux City, Iowa, seeking revocation and cancellation of its Certificate of Public Convenience and Necessity issued in Docket B-1894. Order Cancelling Certificate; and

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B-2023.02: In the Matter of the Application of Barley Bus, LLC, d/b/a Barley Bus Tours, Kansas City, Missouri, seeking revocation and cancellation of its Certificate of Public Convenience and Necessity issued in Docket B-2023. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter Order Cancelling Certificate. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2007.03: In the Matter of the Application of N.H.A.A.D. LLC, d/b/a the NP Party Bus, North Platte, seeking an extension of authority as a common carrier to transport passengers by luxury or stretch limousine service between points in Sioux, Scottsbluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, Deuel, Cherry, Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Chase, Frontier, Dundy, Hitchcock, Red Willow, Blaine, Loup, Custer, Dawson, Buffalo, Gosper, Phelps, Kearney, Furnas, Harlan, Franklin, Sherman, Valley, Garfield, Holt, Rock, and Brown Counties, and between said counties, over irregular routes. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter Order Granting Extension of Authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, and Dan Watermeier voting AYE, and Commissioner Kevin Stocker voting NAY.

B-2071: In the Matter of the Application of Cousins Investments d/b/a BIG10 Bus, Columbus, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in bus service between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter Order Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, and Dan Watermeier voting AYE, and Commissioner Kevin Stocker voting NAY.

ML-32: In the Matter of the Application of Coleman American Moving Services, Inc., Omaha, Nebraska, seeking to reinstate its license to provide household goods moving services in Nebraska intrastate commerce between all points in Nebraska over irregular routes. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order Granting Reinstatement of License. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

ML-54: In the Matter of Sebastian Moving, LLC completing the Household Goods Mover license renewal effective for one year beginning March 15, 2023. Dillon Keiffer-Johnson reports on the completion of the license renewal for Sebastian Moving, LLC.

B-1747.02r: In the Matter of the Application of Standfast Transportation, 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 Eric Kamler Order Granting Rates. Motion passed with

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Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2007.01r: In the Matter of the Application of NHAAD, LLC, d/b/a NP Party Bus, North Platte, 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 Eric Kamler, seconded by Commissioner Dan Watermeier Order Granting Rates on Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2065.02r: 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 Dan Watermeier Order Denying Emergency Basis Request. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GWC-450/GW-2184: In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, vs. The Andersons, Inc., Kearney, Nebraska, RESPONDENT. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order rejecting settlement. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GWC-499/GW-2199: In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, vs. Belden Grain, LLC, Belden, Nebraska, RESPONDENT. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order dismissing complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

LEGISLATIVE

Discussion on pending legislation. No Motion was made.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve a contract with Lumen/Intrado for GIS support and for Transitional Database Management Services (TDMS) that will keep the geo-Master Street Address guide coordinated with NG9-1-1 GIS data to ensure location data remains accurate. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric

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Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve an Independent Contractor Agreement with Waldon Driewer for the purposes of Grain Warehouse inspection. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve an Independent Contractor Agreement with Mark Luttich for the purposes of manufactured home design review and approval and consulting services. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Dillon Keiffer-Johnson to travel to and attend the 2023 Railroad Safety Training (RST) Symposium in St. Louis, Missouri from April 10 to April 13, 2023 with expenses to be paid by the Commission. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Christian Mirch. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Tim Schram to travel to and attend the Interstate TRS Advisory Council in Washington, DC from April 19 to April 20, 2023 with all expenses to be reimbursed by iTRS Fund. Lodging will be paid directly. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Jonathan Smith to travel to and attend NARUC Spring Rate School in Coronado, CA from May 14 to May 19, 2023 with all expenses paid by the Natural Gas Department. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve the Schedule of Commission Meetings for April through December 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.

Executive Director's recommendation to approve the minutes for February 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.

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The meeting adjourned at 10:42 a.m. with Commissioners Kevin Stocker, Tim Schram, Christian Mirch, Eric Kamler, and Dan Watermeier present. The next regularly scheduled meeting will be held on April 11, 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 April 10, 2023.



Chair



Executive Director