

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

November 17, 2020

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Notice was duly published November 10, 2020 on page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on November 17, 2020 at 10:00 AM in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Mary Ridder called the regularly scheduled meeting to order at 10:02 AM. with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present and Commissioner Crystal Rhoades excused. Chair Ridder 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:

Tuesday, November 17, 2020:

911-002      Enhanced Wireless 911 Annual Surcharge - **Hearing**  
11:30 a.m. - Commission Hearing Room and via WebEx  
Commissioner Tim Schram - Hearing Officer

MR-1023/  
PI-234      Hearing on OAA Ground Transportation Fee - **Hearing**  
1:30 p.m. - Commission Hearing Room, Lincoln and via WebEx  
Commissioner Tim Schram - Hearing Officer

Wednesday, November 18, 2020:

NUSF-57,  
PO #6      Telehealth Program - **Hearing**  
10:00 a.m. - Commission Hearing Room, Lincoln and via WebEx  
Commissioner Tim Schram - Hearing Officer

MT-0002/  
PI-235      Hearing on Rail Crew Van Licensing under LB 461- **Hearing**  
11:00 a.m. - Commission Hearing Room, Lincoln and via WebEx  
Commissioner Dan Watermeier - Hearing Officer

Tuesday, December 8, 2020:

## **Commission Meeting**

10:00 a.m. - Commission Hearing Room

## COMMUNICATIONS DEPARTMENT

C-5176      In the Matter of the Application of Gordon Peden and Cozad Telephone Company, Cozad, Nebraska, seeking authority to receive advanced telecommunications service from the Cozad Exchange of Cozad Telephone Company; and

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C-5177 In the Matter of the Application of Pete and Deb Wardyn and Cozad Telephone Company, Cozad, Nebraska, seeking authority to receive advanced telecommunications service from the Cozad Exchange of Cozad Telephone Company. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter Orders granting applications C-5176 and C-5177. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5178 In the Matter of the Application of Clear Rate Communications, Inc., Troy, Michigan, seeking authority to provide competitive local exchange telecommunications services within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-61.17 The Commission, seeking to review traffic studies to determine the appropriate percentage of assessable revenues subject to the Nebraska Universal Service Fund: Consumer Cellular, request for approval of traffic study. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order approving traffic study. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-99.126 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc., Broadband Grant Request.

NUSF-99.127 In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc., Broadband Grant Request. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Orders granting NUSF-99.126, the Hallam 9E project application and NUSF-99.127, the Ashland 3B project application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-119/  
PI-233 In the Matter of the Nebraska Public Service Commission, on its own motion, to consider revisions to the contribution methodology and determine a rate design for services currently subject to a revenues-based surcharge. Commissioner Crystal Rhoades presiding as Hearing Officer. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order setting a Hearing for January 6, 2021, at 10:00 a.m. in the Commission Hearing Room and via WebEx. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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## STATE 911 DEPARTMENT

911-042.03 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: Clay County. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson to enter an Order approving use of set-aside funds. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

911-042.12 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: Kimball County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an Order approving use of set-aside funds. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

911-073/  
PI-232 In the Matter of the Nebraska Public Service Commission, on its own motion, to consider recommendations of the Service System Advisory Committee for creation of a new funding system for Next Generation 911. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier to enter an Order Adopting Funding Recommendations. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

## 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,

NG-101.1 Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy; and

NG-109 In the Matter of the Application of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a general rate increase. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter assessment orders NG-101.1/BA-13 and NG-109/BA-9, BA-10 and BW-5. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.9

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## TRANSPORTATION DEPARTMENT

B-1948 In the Matter of the Application of Careem Transportation, LLC, Omaha, Nebraska, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1948 until April 20, 2021. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order to dismiss suspension and reinstating Certificate B-1948. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

B-2017 In the Matter of the Application of No-Prob-Limo, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine and van in limousine service between points in Lancaster, Douglas, Seward, Gage, Dodge, Washington, Otoe, and Saline counties, and between said counties, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

DC-97 In the Matter of Jamie L. Reyes, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, v. Burlington Northern Santa Fe, Respondent. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order dismissing complaint. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

MCC-3196.02 Jamie L. Reyes, Director Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant v. Alpha Life Improvement Services; Big A Holdings, LLC dba OMALiNK; Big O's Party Bus, LLC; Black Diamond S&S; Bus at the Yard d/b/a Luxury Limousine; Careem Transportation, LLC; Daniel's Moving & Storage of Omaha, LLC; Denver Coach, Inc.; First Student dba First Student, Inc.; Ford Storage & Moving Co.; Good Times Limousine, Inc.; Kelly DeSive; King's Moving; Modest Movers, LLC dba Middle West Movers; Nebraska Taxi, LLC; Night Life Limousine, LLC; Omaha Omaha Handicap Transportation Services; Rapid Shuttle Service; Roadrunner Bus, LLC; Ronald D. Allgood dba Tree City Cab Company; Siouxland Paramedics, Inc.; Smiley's; T and T Party Bus, LLC dba T & T Limousines; The Wine Bus, LLC; and Xtreme Ride, LLC, Respondents. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter and Order to dismiss, in part. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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GRAIN WAREHOUSE DEPARTMENT

GD-3043 In the Matter of Global Processing, Inc., Kanawha, Iowa, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue of 2018). Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an order granting the Grain Dealer License. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

GENERAL ADMINISTRATION

Deputy Director's recommendation to exercise the option of extending the contract with Intrado for GIS Quality Assurance/Quality Control services. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Deputy Director's recommendation to enter into an Independent Contractor Agreement with Ken Stadler, R.A., for the purposes of manufactured home and modular housing unit plan review. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Deputy Director's recommendation to approve the revised Schedule of Fees for calendar year 2021. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Deputy Director's recommendation to approve final minutes for June through December 2019. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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The meeting adjourned at 10:32 AM with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present and Commissioner Crystal Rhoades excused. The next regularly scheduled meeting will be held on December 8, 2020 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on December 7, 2020.

  
Chair

  
Executive Director