

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

August 31, 2021

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Notice was duly published August 24, 2021 on page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on August 31, 2021 at 10:00 AM in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Vice Chair Tim Schram called the regularly scheduled meeting to order at 10:00 AM. with Commissioners Rod Johnson, Mary Ridder, and Tim Schram present in the Commission Hearing Room and Commissioners Crystal Rhoades and Dan Watermeier present virtually. Vice Chair Schram stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission.

Vice Chair Schram announced that Jonathan Smith has joined the Commission's General Administration Department as an Attorney. No public comments were received.

Attention was called to the following proceedings:

Tuesday, August 31, 2021:

1:30 PM **Hearing**
NUSF-131 - Reverse Auction Process
Commission Hearing Room & Webex
Hearing Officer: Commissioner Mary Ridder

Tuesday, September 14, 2021:

10:00 AM **Commission Meeting**
Commission Hearing Room & Webex

11:00 AM **Hearing**
TNC-2
Annual Fee for Transportation Network Companies
Commission Hearing Room and WebEx
Hearing Officer: Commissioner Rod Johnson

1:00 PM **Hearing**
MANF-14, Manufactured Homes Program - Seal Fees
MODF-15, Modular Housing Program - Seal Fees
RVF-15, Recreational Vehicle Program - Fees
Commission Hearing Room & Webex
Hearing Officer: Commissioner Crystal Rhoades

1:30 PM **Hearing**
B-1989
To Show Cause why its Certificate of Public
Convenience and Necessity Should not be Revoked

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Commission Hearing Room and WebEx

Hearing Officer: Commissioner Rod Johnson

COMMUNICATIONS DEPARTMENT

C-5304 In the Matter of the Application of Windstream Communications, LLC, Little Rock, Arkansas, seeking authority to operate as a competitive local exchange carrier of telecommunications services within the State of Nebraska. Motion made by Commissioner Mary Ridder, 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.

Cullen Robbins discussed and sought Commission approval of the 2021 Annual Report on Telecommunications to the Legislature. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to approve the 2021 Annual Report on Telecommunication. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5289 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Teleport Communications America, LLC, New Castle, Delaware;

C-5290 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Batch Hot Cut Removal Amendment to their Interconnection Agreement with Teleport Communications America, LLC, New Castle, Delaware;

C-5291 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with AT&T Corporation, New Castle, Delaware;

C-5292 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Batch Hot Cut Removal Amendment to its Interconnection Agreement with AT&T Corporation, New Castle, Delaware;

C-5293 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Intrado Safety Communications, LLC, Longmont, Colorado;

C-5294 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Intrado Safety Communications, LLC, Longmont, Colorado;

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- C-5295 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Spectrotel, Inc., Neptune, New Jersey;
- C-5296 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with HunTel CableVision, Inc., Blair, Nebraska;
- C-5297 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Teliix, Inc., Denver Colorado;
- C-5298 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Teliix, Inc., Denver, Colorado;
- C-5299 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Time Warner Cable Information Services (Nebraska), LLC, Stamford, Connecticut;
- C-5300 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Time Warner Cable Information Services (Nebraska), LLC Stamford, Connecticut;
- C-5301 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Charter Fiberlink - Nebraska, LLC, St. Louis, Missouri;
- C-5302 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Type 2 Wireless Interconnection Agreement with DISH Wireless, LLC, Littleton, Colorado;
- C-5312 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Intrado Communications, LLC, Longmont, Colorado; and

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C-5313 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Allo Communications, LLC, Lincoln, Nebraska. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter Orders approving applications C-5289 thru C-5301, and C-5312 and C-5313. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins discussed the late-filed remittance worksheets for Dish Wireless, LLC, and sought Commission approval to open a Complaint. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, approval to open remittance complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

STATE 911 DEPARTMENT

911-065/
PI-203 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the deployment of enhanced wireless 911 services in Nebraska. Motion made by Commissioner Mary Ridder, seconded by Commissioner Dan Watermeier to enter an Order closing the docket. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present 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.

NG-112 In the Matter of the Commission, on its own motion, seeking to conduct an annual review of the System Safety and Integrity Rider of Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy, Rapid City, South Dakota. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter assessment orders NG-101.1/BA-16 and NG-112/BA-2. Motion passed with Commissioners Rod Johnson, Mary Ridder, Crystal Rhoades, Tim Schram and Dan Watermeier voting AYE.

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NG-111.3 In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking to modify its tariff due to the February 2021 cold weather event, and implement a conversion fee for commercial sales customers who convert to transportation service. Nichole Mulcahy informed the Commission that a Hearing Officer order was issued setting the procedural schedule and a hearing for November 17, 2021, at 9:00a.m. in the Commission Room and via Webex.

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.

NG-101.2 NorthWestern Corporation d/b/a NorthWestern Energy. Nichole Mulcahy informed the Commission that Hearing Officer orders were issued setting the next quarterly status meeting with NorthWestern Energy for October 20, 2021, at 2:00 p.m. and with Black Hills Energy for October 26, 2021, at 2:00 p.m. in the Commission Room and via Webex.

TRANSPORTATION DEPARTMENT

B-1901 In the Matter of the Application of Mike's Handy Van, Lincoln, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket B-1901 until July 1, 2022; and

B-1999 In the Matter of the Application of Mike's Capital Cab, LLC, Lincoln, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1999 until July 1, 2022. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter Orders granting suspensions in Dockets B-1901 and B-1999. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1963 In the Matter of the Application of Red Star Transport, LLC, Atkinson, seeking to suspend its Certificate of Public Convenience and Necessity issued in Docket No. B-1963 until June 18, 2020. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an Order dismissing suspension and reinstating certificate B-1963. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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- ML-50 In the Matter of the Application of Eco-Wash, LLC, d/b/a Miracle Movers, Lincoln, seeking a license to provide household goods moving services in Nebraska intrastate commerce between all points in Nebraska over irregular routes;
- ML-51 In the Matter of the Application of Elite Movers, LLC d/b/a Elite Movers, Omaha, seeking a license to provide household goods moving services in Nebraska intrastate commerce between all points in Nebraska over irregular routes; and
- ML-52 In the Matter of the Application of Dale Bierman, d/b/a Dolly Giant Movers, Columbus, seeking a license to provide household goods moving services in Nebraska intrastate commerce between all points in Nebraska over irregular routes. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter Orders granting licenses in Dockets ML-50, ML-51, and ML-52. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- BR-617/
B-1958 In the Matter of Blair Blue Community Transportation, LLC, Blair, 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 Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GRAIN WAREHOUSE DEPARTMENT

- GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick, Nebraska: Terri Fritz reported on shortage of Wheat and Non-GMO Corn.
- GW-852 In the Matter of Country Partners Cooperative, Gothenburg, Nebraska: Terri Fritz reported on shortage of Oats.
- GDC-445/
GD-3022 In the Matter of Terri Fritz, Grain Program Manager, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, v. Pipeline Foods, LLC, Minneapolis, Minnesota, RESPONDENT. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson to enter an order setting a hearing in this matter for September 21, 2021 at 11:00 a.m., via WebEx in the Commission Hearing Room. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

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GENERAL ADMINISTRATION

Executive Director's recommendation to enter into an Independent Contractor Agreement with Chris Rodarte for the purposes of modular housing unit factory inspection in the State of Nebraska. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Executive Director's recommendation to enter into an Independent Contractor Agreement with Kent E. Pribyl for the purposes of Recreational Vehicle Retail Outlet, Modular Housing Unit Factory and Manufactured Home Factory Inspections in the State of Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

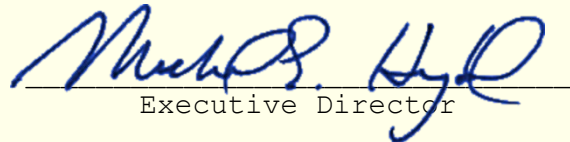
Executive Director's recommendation to enter into an agreement with CostQuest Associates for Broadband Data Solutions. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

Mike Hybl and Jamie Reyes discuss the Policy Memorandum for NPSC Motor Transportation Department Personnel Possessing State Deputy Sheriff Credentials. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Commissioner Mary Ridder issued a brief salutary statement thanking Executive Director Michael G. Hybl for his service.

The meeting adjourned at 10:35 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on September 14, 2021 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on September 13, 2021.

Chair



Executive Director