

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Notice was duly published October 12, 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 October 19, 2021 at 10:00 AM 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 AM. with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room and Commissioner Crystal Rhoades present via Webex. 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:

Tuesday, October 19, 2021:

11:00 AM    **Hearing**  
             MCC-3198  
             Show Cause Hearing  
             Commission Hearing Room and WebEx  
             Hearing Officer: Commissioner Dan Watermeier

Wednesday, October 20, 2021:

NG-101.2/ NorthWestern Energy - **Quarterly Status Meeting**  
PI-224     2:00 p.m. - Commission Hearing Room - Remote access to the  
          meeting will be available via Webex.  
          Commissioner Rod Johnson - Hearing Officer

Tuesday, October 26, 2021:

NG-101.1/ Black Hills Energy - **Quarterly Status Meeting**  
PI-224     2:00 p.m. - Commission Hearing Room - Remote access to the  
          meeting will be available via Webex.  
          Commissioner Rod Johnson - Hearing Officer

Tuesday, November 2, 2021:

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

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## COMMUNICATIONS DEPARTMENT

C-5324 In the Matter of the Application of Dalton Telephone Company, Inc., Bedford, New Hampshire, seeking authority to change its name to Dalton Telephone Company, LLC; and,

C-5326 In the Matter of the Application of Dalton Telecommunications, Inc., Bedford, New Hampshire, seeking authority to change its name to Dalton Telecommunications, LLC. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter Orders approving applications C-5324 and C-5326. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5328 In the Matter of the Application of MCImetro Access Transmission Services Corp., Lone Tree, Colorado, seeking authority to change its name to MCImetro Access Transmission Services, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5329 In the Matter of the Joint Application of NCTC Holdings, Inc., Gibbon, Nebraska and Nedelco, Inc., Aurora, Nebraska, seeking approval of a change of controlling interest in the Nebraska Central Telephone Company and Nebraska Central Telecom, Inc., Gibbon, Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5331 In the Matter of the Application of BCM One, Inc., BCM One Group Holdings, Inc., New York, New York, and Wholesale Carrier Services, Inc., Coral Springs, Florida, seeking approval of a transfer of control. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5332 In the Matter of the Application of Windstream Systems of the Midwest, Inc. and Windstream Long Distance, LLC, Little Rock, Arkansas, seeking approval of a transfer of control. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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C-5333 In the Matter of the Application of Windstream Nebraska, Inc. and Windstream Holding of the Midwest, Inc., Little Rock, Arkansas, seeking approval of a transfer of control. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

WC #13-97 Numbering Policies for Modern Communications.

WC #07-243 Number Requirements for IP-Enabled Service Providers.

WC #20-67 Implementation of TRACED Act Section 6(a).

IB #16-155 Reform for Executive Branch Review of certain FCC Applications and Petitions Involving Foreign Ownership.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Cullen Robbins sought Commission approval to ratify Commission's Comments to the FCC with respect to the proposed rulemaking regarding access to numbering resources for interconnected VoIP providers. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5327 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 BCN Telecom, Inc., Bedminster, New Jersey. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order approving the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-1, In the Matter of the Commission, on its own Motion, seeking PO #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to grant DSCI, LLC's extension request to March 30, 2022, for the remittance audit otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-108, In the Matter of the Nebraska Public Service Commission, on PO #6 its own Motion, to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order of Findings and Opinions. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

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NUSF-108, In the Matter of the Nebraska Public Service Commission, on PO #7 its own Motion, to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order seeking comments, due November 29, 2021, with reply comments due December 14, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: MagicJack SMB, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, that a Complaint be opened against MagicJack SMB, Inc. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins discussed the North American Numbering Plan Administrator's report regarding NPA exhaust projections.

## STATE 911 DEPARTMENT

911-002 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order setting the surcharge for calendar year 2022. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY. Commissioners Ridder & Schram filed a concurrence. Commissioner Rhoades filed a dissent.

911-018/ PI-117 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder to enter an Order granting and denying audit waiver requests. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Service System Advisory Committee has an open seat for the Telecommunications role. Director Sankey discussed a recent resignation.

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## NATURAL GAS DEPARTMENT

NG-13 In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act, Neb. Rev. Stat. §66-1801 et seq. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Progression Order 73. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NG-111.1 In the Matter of the Commission, on its own motion, seeking to investigate the effect of the February 2021 cold weather event upon the cost of gas supply purchased by Nebraska gas utilities. Black Hills Nebraska Gas, LLC;

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;

NG-111.4 In the Matter of NorthWestern Energy, Sioux Falls, South Dakota, seeking to modify its tariff due to the February 2021 cold weather event and establish a surcharge for commercial sales customers who convert to transportation service; and

NG-112.1 In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2022 System Safety and Integrity Rider. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter assessment orders NG-111.1/BA-10, NG-111.3/BA-11, NG-111.4/BA-12 NG-112.1/BA-5 and BA-6. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Nichole Mulcahy reported a total number of 12 consumer complaints and inquiries received at the Commission during the third quarter of 2021. For each company: Black Hills Energy - 7; NorthWestern - 4; and Other Entities - 1.

## TRANSPORTATION DEPARTMENT

B-1567 In the Matter of the Nebraska Public Service Commission, on its own motion, to require Tim Whitney, d/b/a Tri-City Limousine Service, Kearney, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order to show cause and schedule hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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B-1933 In the Matter of the Nebraska Public Service Commission, on its own motion, to require Ride the Good Life d/b/a Ride the Good Life, LLC, Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order to show cause and schedule hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1989 In the Matter of the Nebraska Public Service Commission, on its own motion, to require Ambassador Transportation, LLC, Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order sustaining show cause and revoking Certificate B-1989. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1997 In the Matter of the Application of Richwood Enterprises d/b/a Richwood Transport, Fremont, seeking to acquire, through transfer and sale, the authority held by Fremont Cab Service, LLC, Fremont, in Certificate No. B-1702. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order scheduling hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

FC-1368 Cynthia M. Taylor, Omaha, Nebraska, Complainant v. Golden Plains Services, Inc. d/b/a GPS Transportation, Lincoln, Defendant. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1745.01r In the Matter of the Application of WADDI, LLC, d/b/a Wings of Love, LLC, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;

B-1781.01r In the Matter of the Application of Unity Transportation Services, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;

B-1800.01r In the Matter of the Application of CaPeace, Inc., d/b/a Commuter Express, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;

B-1861.01r In the Matter of the Application of Nebraska Metro Transportation, d/b/a Metro Sedan & Limousine Services, Omaha, seeking to establish its rates and charges subject

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- to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1887.01r In the Matter of the Application of J.A.I. 1 LLC, d/b/a Caring Hearings Transportation, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1948.01r In the Matter of the Application of Careem Transportation, LLC, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1969.01r In the Matter of the Application of WHC NE, LLC, d/b/a Airport Transportation d/b/a My Sedan and zTrip, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1970.01r In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Cornhusker Cab Company, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1971.01r In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Happy Cab, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1972.01r In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Checker Cab Company, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1973.01r In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Yellow Cab Company, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1974.01r In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Safeway Cabs, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3;
- B-1992.01r In the Matter of Live Well Home Care, LLC, Sioux City, Iowa, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3; and
- B-2018.01r In the Matter of Compassion Care Senior Services, LLC d/b/a Compassion Care Medical Transport, 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 Mary Ridder, to enter Orders amending rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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BR-594/ In the Matter of the Application of Oceans Enterprise, LLC,
B-2002 d/b/a Oceans Drive Transportation, Omaha, seeking to
establish its rates and charges subject to the Provisions
of Neb. Rev. Stat. Chapter 75, Articles 1 and 3; and
BR-610/ In the Matter of Prosperity Properties, Inc. d/b/a Omaha
B-2015 Supportive Living, 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 Rod Johnson, to enter Orders BR-594/B-2002
and BR-610/B-2002 granting rates. Motion passed with Commissioners Rod
Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier
voting AYE.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

MANF-14 In the Matter of the Commission, on its own Motion, seeking
to determine the seal fee amount for the Manufactured Home
Program;
MODF-15 In the Matter of the Commission, on its own Motion, seeking
to determine the seal fee amount for the Modular Housing
Program; and
RVF-15 In the Matter of the Commission, on its own Motion, seeking
to determine the fees for the Recreational Vehicle Program:
Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod
Johnson to enter an Order setting the Manufacture Home seal fee,
effective November 1, 2021; to enter an Order setting the Modular
Housing seal fee, effective November 1, 2021; and to enter an Order
setting Recreational Vehicle fees, effective November 1, 2021. Motion
passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder,
Tim Schram and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by
Commissioner Mary Ridder to submit a deficit request. Motion passed
with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim
Schram and Dan Watermeier voting AYE.

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The meeting adjourned at 10:39 AM with Commissioners Rod
Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier
present. The next regularly scheduled meeting will be held on November
2, 2021 at 10:00 AM with an agenda to be available in the office of
the Executive Director at 10:00 AM on November 1, 2021

[Handwritten signature of Dan Watermeier]
Chair

[Handwritten signature of Shanicee Knutson]
Deputy Director