

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Notice was duly published November 9, 2021 on 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on November 16, 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, November 16, 2021:

11:00 AM **Oral Argument**

FC-1370 Platte Valley Financial Services Companies, Inc. v. United Telephone Company of the West d/b/a CenturyLink Oral Argument on Motion to Dismiss  
Commission Hearing Room and WebEx  
Hearing Officer: Mary Ridder

Wednesday, November 17, 2021:

9:00 AM **Hearing**

NG-111.3 Black Hills Energy's Tariff Modification  
Commission Hearing Room and Webex  
Commissioner Tim Schram - Hearing Officer

1:00 PM **911 Service System Advisory Committee Meeting**

Room 206 Atrium Building & 911 Department Webex

1:30 PM **Hearing**

NG-112.1 Black Hills Energy's SSIR  
Commission Hearing Room and Webex  
Commissioner Tim Schram - Hearing Officer

Tuesday, November 30, 2021:

9:00 AM **Hearing**

B-1567 Tri-City Limousine Service  
Show Cause Hearing  
Commission Hearing Room and Webex  
Commissioner Mary Ridder - Hearing Officer

9:30 AM **Hearing**

B-1933 Ride the Good Life  
Show Cause Hearing  
Commission Hearing Room and Webex  
Commissioner Mary Ridder - Hearing Officer

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- 10:00 AM    **Hearing**  
          B-1714 Caring People Sudan  
          Show Cause Hearing  
          Commission Hearing Room and Webex  
          Commissioner Mary Ridder - Hearing Officer
- 10:30 AM    **Hearing**  
          B-2005.01 Extreme Nightlife, LLC  
          Show Cause Hearing  
          Commission Hearing Room and Webex  
          Commissioner Mary Ridder - Hearing Officer
- 1:30 PM     **Hearing**  
          NG-111.4 NorthWestern Energy's Tariff Conversion Plan  
          Commission Hearing Room and Webex  
          Commissioner Tim Schram - Hearing Officer

Tuesday, December 7, 2021:

## **Commission Meeting**

- 10:00 AM    Commission Hearing Room
- 1:30 PM     **Hearing**  
          B-1997 Acquisition of Fremont Cab  
          Commission Hearing Room and Webex  
          Commissioner Rod Johnson - Hearing Officer

## COMMUNICATIONS DEPARTMENT

C-5069       In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement LB 641 [2019]. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order opening application window, commencing November 17, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5330       In the Matter of the Application of Warren and Theresa Knabe, Wymore, seeking authority to receive advanced telecommunications capability service from the Oketo Exchange of Blue Valley Telecommunications, Inc. 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.

C-5335       In the Matter of the Application of Windstream Nebraska, Inc., Lincoln, Nebraska, seeking a waiver of the requirement of 291 Neb. Admin. code § 5-002.06 regarding public pay stations. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order approving waiver request. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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C-5309 In the Matter of Qwest Corporation dba CenturyLink QC, Overland Park, Kansas, seeking authority to eliminate the Performance Indicator Definitions and Performance Assurance Plan from its interconnection agreements with Nebraska CLECs. 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.

C-5336 In the Matter of the Application of Hamilton Telephone Company, Aurora, Nebraska, seeking approval of an Interconnection Agreement with Teleport Communications America, LLC, Bedminster, New Jersey. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5337 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Partner Delivery Service Arrangements Amendment to its Interconnection Agreement with Spok, Inc., Plano, Texas. 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-5338 In the Matter of the Application of Windstream Nebraska, Inc., Lincoln, Nebraska, seeking approval of an Interconnection Agreement with Dish Wireless, LLC, Littleton, Colorado;

C-5339 In the Matter of the Application of Windstream Nebraska, Inc., Lincoln, Nebraska, seeking approval of an Interconnection Agreement with Airus, Inc., Chicago, Illinois. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter Orders approving applications C-5338 and C-5339. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-37.393 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. BetterWorld Telecom, LLC, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing the Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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NUSF-37.394 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. MagicJack SMB, Inc., Respondent. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order dismissing the Complaint. 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 #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 authorizing support and initiating challenge process. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

FC-1370 In the Matter of the Platte Valley Financial Service Companies, Inc., and Affiliates, Scottsbluff, Nebraska, v. CenturyLink Communications, LLC, Omaha, Nebraska, alleging failure to provide adequate access to quality communications services. Cullen Robbins informed the Commission that a Hearing Officer's Order was entered November 15, 2021, continuing the Oral Argument originally set for 11:00 a.m., November 16, 2021, to a date later to be determined.

Cullen Robbins discussed missed service levels by the TRS Administrator in August, 2021.

## STATE 911 DEPARTMENT

911-042.04 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: Knox County to enter an Order Amending Funding;

911-042.43 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: Cedar County to enter an Order Amending Funding; and

911-042.65 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: Dixon County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter Orders Amending Funding. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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911-042.46 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: City of Wayne. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an Order Approving Funding. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

911-067/ In the Matter of the Nebraska Public Service Commission, PI-208 on its own motion, seeking to implement provisions of LB 938 [2016] and to plan, implement, coordinate, fund, deploy, manage, and maintain a plan for the 911 service system. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order Adopting Training Recommendations. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

911-073/ In the Matter of the Nebraska Public Service Commission, PI-232 on its own motion, to consider recommendations of the Service System Advisory Committee for creation of a new funding system for Next Generation 911. The Order was passed over, so no Motion was made to enter an Order Adopting Implementation Plan for NG911 PSAP Funding.

## NATURAL GAS DEPARTMENT

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;

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;

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;

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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;

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-101.1/BA-17, NG-101.2/BA-18, NG-111.1/BA-13, NG-111.3/BA-14 and BA-16, NG-111.4/BA-15, NG-112.1/BA-7 and BA-8. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## 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 dismissing show cause. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1745.02 In the Matter of the Nebraska Public Service Commission, on its own motion, to require WADDI, LLC d/b/a Wings of Love, LLC, Omaha, to show cause why its Permit of Authority should not be revoked. Motion made by Commissioner Tim Schram, 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.

B-1994.01 In the Matter of the Nebraska Public Service Commission, on its own motion, to require SNP Consulting Services, LLC, Elkhorn, to show cause why its permit of authority should not be revoked. Motion made by Commissioner Tim Schram, 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.

B-1801.01r In the Matter of the Application of City Taxi, Inc., 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 an Order 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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## GRAIN WAREHOUSE DEPARTMENT

GW-153 In the Matter of the Application of Frontier Cooperative Company, Lincoln, Nebraska, requesting a \$75,000 deductible on its stock insurance. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson To enter an order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

GW-279 In the Matter of the Application of Farmers Cooperative, Dorchester, Nebraska, requesting a \$25,000 deductible on its stock insurance. 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.

GD-2993 In the Matter of the Application of FCStone Merchant Services, LLC, seeking a name change to StoneX Commodity Solutions, LLC. 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.

## GENERAL ADMINISTRATION

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 Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Deputy Director's recommendation to extend the contract with Intrado (previously West Safety Services) to provide GIS Quality Assurance and Quality Control, for a term of one year. 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 present not voting.

Deputy Director's recommendation to modify the Schedule of Fees to increase Moisture Meter Inspection fees, effective immediately. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

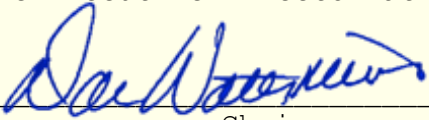
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The meeting adjourned at 10:45 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on December 7, 2021 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on December 6, 2021.

  
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Chair

  
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Deputy Director