

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

August 15, 2023

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Notice was duly published July 27, 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 August 15, 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 offered. No announcements were made.

Attention was called to the following proceedings:

## **COMMUNICATIONS DEPARTMENT**

**C-5516:** In the Matter of the Application of Skybeam, LLC, Englewood, Colorado, seeking authority to operate as an interexchange carrier of telecommunications services within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5518:** In the Matter of the Application of Immanuel Lutheran Church & School, Polk, seeking authority to receive advanced telecommunications capability service from the Hordville exchange of the Hamilton Telephone Company. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5272:** In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Nebraska Broadband Bridge Act. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an Order granting motion to return grant funding. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5522:** In the Matter of the Application of Wynette Reed, Marquette, seeking authority to receive advanced telecommunications capability service from the Marquette Exchange of the Hamilton Telephone Company. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**CPF-2:** In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the second round of federal Capital Projects Funds for broadband development in Nebraska. Motion made by

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Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order opening docket and seeking comment. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**AD-721r:** In the Matter of the Application of Tele-Town Hall, LLC, Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in Des Moines, Iowa. to enter an Order granting application; and

**AD-722r:** In the Matter of the Application of Tele-Town Hall, LLC, Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in Chicago, Illinois. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSE-32.19:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to conduct an inquiry into the failure by inContact, Inc. to comply with Commission Rules or Orders and to impose administrative fines. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order sustaining show cause and imposing civil penalties. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSE-32.20:** In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure by Lycamobile USA, Inc., to comply with Commission Rules or Orders and to impose administrative fines. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order to dismiss show cause. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSE-37.407:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Lycamobile USA, Inc., Respondent. to enter an Order dismissing the Complaint;

**NUSE-37.425:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Crexendo Business Solutions, Inc., Respondent. to enter an Order dismissing the Complaint; and

**NUSE-37.426:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. BT Americas Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order dismissing the Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Congressional Universal Service Fund Working Group. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler

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Department seeks approval to submit comments to the Congressional Universal Service Fund Working Group. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Report on telecommunications Complaints and Outages received by the Communications Department during the preceding month. Cullen Robbins informs the Commission of the Complaints and Outages received for July, 2023.

## 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. to enter assessment order BA-27 and BA-28; and

**NG-119:** In the Matter of the Commission, to conduct a review of gas supply cost adjustment schedules implemented by Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, pursuant to Neb. Rev. Stat. § 66-1854. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter assessment order BA-6. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

**B-1320.01:** In the Matter of the Application of Ronald D. Allgood, d/b/a Tree City Cab, Nebraska City, seeking to suspend its Certificate of Public Convenience and Necessity issued in Docket No. B-1320 until July 1, 2023. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order Reinstating Authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-1986.02:** In the Matter of the Application of Recommended Care Solutions, LLC, Omaha d/b/a MedCare Mobility, Omaha, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket B-1986 until July 1, 2023. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order to Show Cause and Schedule Hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**ML-55:** In the Matter of the Application of U-BookIT Moving & Delivery, Omaha, 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 Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Cancelling License. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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**PI-247:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate background check and hiring procedures of Common carriers, Contract carriers, and Licensees. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order Opening Investigation and Seeking Comments. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

In the Matter of completed Household Goods Mover License renewals effective for one year beginning August 15, 2023. Dillon Keiffer-Johnson reports that Senior Mover Services, LLC has completed its renewal for 2023.

**B-2069.01r:** In the Matter of the Application of A-Life Home Health Care Services, LLC, 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 Christian Mirch to enter an Order Granting Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2073.01r:** In the Matter of the Application of @ Your Service, LLC, Des Moines, Iowa, 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 Kevin Stocker to enter an Order Granting Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## GRAIN DEPARTMENT

**GW-2184/GWC-450:** In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, Complainant, v. The Andersons, Inc., Kearney, Nebraska, Respondent. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order sustaining the complaint and imposing civil penalties. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commissioner Eric Kamler to travel to and attend the MARC 2023 Annual Conference in Grand Rapids, Michigan from August 6, 2023 to August 9, 2023, with MARC sponsoring travel and lodging, and any remaining expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Eric Kamler present not voting.

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Executive Director's recommendation to approve Commissioner Dan Watermeier to travel to and attend the MARC 2023 Annual Conference in Grand Rapids, Michigan from August 6, 2023 to August 8, 2023, with MARC sponsoring travel and lodgings, and any remaining expenses to be paid by the Commission. 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 Steven Kelso to travel to and attend the U.S. Department of Housing and Urban Development (HUD), 2023 State Administrative Agency (SAA) & Primary Inspection Agency (PIA) National Meeting, from August 21 through August 24, 2023, with HUD sponsoring travel and lodging expenses, and remaining expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, 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 allow Commissioner Dan Watermeier to travel to and attend the NARUC Regional Cybersecurity Training in Phoenix, Arizona from September 6, 2023 to September 8, 2023 with NARUC sponsoring a portion of expenses and any remaining costs to be paid by the Commission. 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 Commissioner Christian Mirch to travel to and attend the Institute for Regulatory Law & Economics Workshop in Aspen, Colorado from October 13, 2023 to October 17, 2023, with IRLE sponsoring travel, lodgings, and meals, and any remaining expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Christian Mirch present not voting.

Executive Director's recommendation to procure a video surveillance system. 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.

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The meeting adjourned at 10:33 a.m. with Commissioners Kevin Stocker, Tim Schram, Christian Mirch, and Dan Watermeier present, and Commissioner Eric Kamler absent. The next regularly scheduled meeting will be held on August 29, 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 August 28, 2023.



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Chair



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Executive Director