

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

August 29, 2023

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Notice was duly published August 25, 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 29, 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-5519/ NUSF-138: In the Matter of the Application of Boomerang Wireless, LLC d/b/a Entouch Wireless, Kennett Square, Pennsylvania, seeking partial relinquishment of designation as an Eligible Telecommunications Carrier in a certain area previously served by underlying carrier Verizon Wireless in the State of Nebraska for the Limited Purpose of Providing Lifeline Service to qualifying customers. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5521: In the Matter of the Application of DCT Telecom, LLC, Atlanta, Georgia, seeking authority to obtain debt financing. 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-5524: In the Matter of the Application of Jason and Shannon Bauer, Hoskins, seeking authority to receive advanced telecommunications service the Hoskins Exchange of Pierce Telephone Company, Inc. 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-5523: The Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of Access to Pole3s, conduits, and Rights of Way Amendment to its Interconnection Agreement with NebraskaLink Holdings, LLC, Lincoln, Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order approving application. Motion passed with

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Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-139: In the Matter of the Nebraska Public Service Commission, on its own Motion, to consider appropriate modifications to the high-cost distribution and reporting mechanisms in its Universal Service Fund program, in light of federal and state infrastructure grants. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order opening docket and setting two comment cycles, with due dates on September 29, 2023, and on November 17, 2023. A hearing has been scheduled for October 24, 2023, at 1:30 p.m. in the Commission Hearing Room, Lincoln and via WebEx. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Marco Technologies, LLC, Skybeam Acquisition Corporation, and Onvoy, LLC: Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram Cullen Robbins seeks Commission approval to open NUSF Remittance Complaints against Marco Technologies, LLC, Skybeam Acquisition Corporation, and Onvoy, LLC. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Proposed Rate Increases for residential and business access line rates for Huntel Inc. d/b/a Fastwyre Broadband and Huntel Cablevision d/b/a Fastwyre Broadband: Cullen Robbins informs the Commission that insufficient petitions were received from customers served by Huntel Inc. d/b/a Fastwyre Broadband and Huntel Cablevision d/b/a Fastwyre Broadband to trigger the requirement for a hearing after notice was provided of proposed rate increases, and that the proposed rate increases will go into effect on September 1.

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 Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order setting the Enhanced Wireless 911 surcharge for calendar year 2024. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

911-042.07: 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: Johnson County. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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911-042.19: 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: Saline County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

911-042.20: 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: Dawes County. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Christian Mirch to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

911-042.28: 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: Seward County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

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 Kevin Stocker to enter assessment Orders BW-5 and BW-6. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

E-2518: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission line in Keith County. to enter an Order granting the application;

E-2519: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission line in Red Willow County. to enter an Order granting the application; and

E-2520: In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order granting the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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HOUSING DEPARTMENT

MANF-16: In the Matter of the Commission, on its own Motion, seeking to determine the seal fee amount for the Manufactured Home Program. to enter an Order setting a Hearing for Tuesday, October 3, 2023, 2023, at 11:00 a.m. in the Commission Hearing Room, Lincoln;

MODF-17: In the Matter of the Commission, on its own Motion, seeking to determine the seal fee amount for the Modular Housing Program. to enter an Order setting a Hearing for Tuesday, October 3, 2023, 2023, at 11:00 a.m. in the Commission Hearing Room, Lincoln;

RVF-17: In the Matter of the Commission, on its own Motion, seeking to determine the fees for the Recreational Vehicle Program. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order setting a Hearing for Tuesday, October 3, 2023, 2023, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

B-0869.01: In the Matter of the Application of Black Hills Stage Lines, Inc., Norfolk, Nebraska, seeking approval of a change to an existing operation by transfer of stock ownership. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Application and Authorizing Acquisition of Control Through Stock Transfer. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1299.01: In the Matter of the Application of BUSCO, Inc., dba Arrow Stage Lines, Norfolk, Nebraska seeking approval of a change to an existing operation by transfer of stock ownership. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order Granting Application and Authorizing Acquisition of Control Through Stock Transfer. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

TNC-2: In the Matter of the Commission, on its own motion, seeking to determine the annual fee for Transportation Network Companies. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order Setting Hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

In the Matter of the completed Household Goods Mover License renewals effective for one year beginning August 30, 2023. Dillon Keiffer-Johnson reports that Eco-Wash d/b/a Miracle Movers and Dale Bierman d/b/a Dolly Giant Movers have completed their renewals for 2023-2024.

B-2079.01r: In the Matter of the Application of LandJet Omaha, LLC, Ashland, seeking to establish its rates and charges subject to the

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Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Granting Initial Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GW-279: In the Matter of Farmers Cooperative, Dorchester, Nebraska: Terri Fritz reports on shortages of Milo, Oats, and White Corn.

GD-2778/GDC-456: In the Matter of Terri Fritz, Director of the Nebraska Public Service Commission Grain Dealer Department, COMPLAINANT, vs. Nebraska Popcorn, Inc., RESPONDENT. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter Order dismissing Nebraska Popcorn from Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-3068: In the Matter of the Application of Northern Feed & Bean, Inc., Lucerne, Colorado, seeking approval of Grain Dealer License. Motion made by Commissioner Kevin Stocker, 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.

GD-3069: In the Matter of the Application of Colorado Mills, LLC, Lamar, Colorado, seeking approval of Grain Dealer License. Motion made by Commissioner Kevin Stocker, 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.

RULES & REGULATIONS

R&R 207: In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 16, Reverse Auction and Wireless Registry rules and regulations in accordance with Nebraska Legislative Bill 338 (2021). Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter Order adopting third proposed rules and issuing Certificate of Adoption. 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 10:28 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 September 12, 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 September 11, 2023.



Chair



Executive Director