

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

October 3, 2023

Page 1

Notice was duly published September 21, 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 October 3, 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 10:01 a.m. with Commissioners Tim Schram, Christian Mirch, Eric Kamler, Kevin Stocker, 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. Tom McCarty made public comment on the confidential investigation initiated by the Commission regarding a personnel matter. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

C-5498/ NUSF-137: In the Matter of the Application of Dish Wireless, LLC, Englewood, Colorado, seeking designation as an Eligible Telecommunications Carrier 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-5502/DC-102: In the Matter of the Nebraska Public Service Commission regarding the 2022 Annual Report filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order sustaining the Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5527: In the Matter of the Application of Steve Wieseler, St. Helena, seeking authority to receive advanced telecommunications capability service from the Hartington Exchange of Hartington Telecommunications Co., Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order withdrawing application and closing docket. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5528: In the Matter of the Application of BullsEye Telecom, Inc., Southfield, Michigan, seeking authority to withdraw its local and interexchange certificates of authority and cancel its tariffs. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order approving withdrawal of authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

October 3, 2023

Page 2

Quality Voice & Data, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch Cullen Robbins seeks Commission approval to open NUSF remittance Complaint against Quality Voice & Data, Inc. 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-7 and BW-8. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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. Nichole Mulcahy informed the Commission of the next status meeting on October 11, 2023, at 2:00p.m. in the Commission Hearing Room and via Webex.

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. Nichole Mulcahy informed the Commission of the next status meeting on October 10, 2023, at 2:00p.m. in the Commission Hearing Room and via Webex.

NG-112.3: In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2024 Systems Safety and Integrity Rider. Nichole Mulcahy informed the Commission a Hearing Officer order was entered setting the Hearing for November 16, 2023, at 1:30 p.m. in the Commission Hearing Room and via webconference.

Nichole Mulcahy reported a total number of 17 consumer complaints and inquiries received at the Commission during the third quarter of 2023. For each company: Black Hills Energy - 12; NorthWestern - 2; Omaha MUD - 2 and Omaha PPD - 1.

TRANSPORTATION DEPARTMENT

B-1901.03: In the Matter of the Commission, on its own motion, to require Safe & Reliable Transportation Services, Lincoln, to show cause why the Commission should not revoke its Certificate of Public Convenience of Necessity. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order to dismiss Show

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

October 3, 2023

Page 3

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

B-2070.01r: In the Matter of the Application of Deens T.H.D. Enterprise, 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 Eric Kamler to enter an Order granting rates on an emergency basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GW-22 et al.: In the Matter of the attached list of completed Grain Warehouse license renewals for the 3rd Quarter of 2023. Terri Fritz reports on the 3rd Quarter Grain Warehouse renewal list.

GD-3076: In the Matter of the Application of TAP Grain LLC, Wichita, Kansas, seeking approval of Grain Dealer License. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order granting Grain Dealer License. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-22 et al.: In the Matter of the attached list of completed Grain Dealer license renewals for the 3rd Quarter of 2023. Terri Fritz reports on the 3rd Quarter Grain Dealer renewal list.

RULE AND REGULATIONS

R&R 209: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 4, Railroad Rules and Regulations in its entirety. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter Order adopting proposed rules and issuing Certificate of Adoption. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Deputy Director's recommendation to approve Dillon Keiffer-Johnson to travel to and attend the Association of State Rail Safety Managers Annual Meeting in Kansas City, Missouri from October 16, 2023 to October 20, 2023 with all expenses 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.

Deputy Director's recommendation to approve Josh Smith to travel to and attend the FRA MP&E Fundamentals, Part 1 in Pueblo, Colorado from October 16, 2023 to October 21, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Eric Kamler, seconded by

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

October 3, 2023

Page 4

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

Deputy Director's recommendation to approve Commissioner Tim Schram to travel to and attend Interstate TRS Advisory Council in Washington, D.C. from October 17, 2023 to October 18, 2023 with all expenses to be paid or reimbursed by iTRS. Motion made by Commissioner Eric Kamler, seconded by Commissioner Dan Watermeier. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Deputy Director's recommendation to approve Dave Sankey to travel to and attend the NASNA Fall Conference in Atlanta, Georgia from October 23, 2023 to October 26, 2023 with all expenses 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.

Deputy Director's recommendation to go into closed session to review and discuss with legal counsel a confidential investigation conducted by an independent attorney on behalf of the Commission pertaining to a personnel matter, the closed session being necessary to protect the public interest and prevent needless injury to the reputation of an individual or individuals. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Tim Schram and Dan Watermeier voting AYE, and Commissioners Christian Mirch and Kevin Stocker voting NAY.

The Commission entered into closed session at 10:27 a.m.

Chair Dan Watermeier restated that the purpose of the closed session is to review and discuss with legal counsel a confidential investigation conducted by an independent attorney on behalf of the Commission pertaining to a personnel matter, the closed session being necessary to protect the public interest and prevent needless injury to the reputation of an individual or individuals. The closed session discussion will be so limited.

Deputy Director's recommendation to return to open session. 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.

The Commission returned to open session at 11:32 a.m.

Motion to censure Commissioner Kevin Stocker for multiple violations of the Nebraska Public Service Commission Code of Conduct. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Tim Schram and Dan

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

October 3, 2023

Page 5

Watermeier voting AYE, and Commissioners Christian Mirch and Kevin Stocker voting NAY.

Motion to censure Commissioner Christian Mirch for multiple violations of the Nebraska Public Service Commission Code of Conduct. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Tim Schram and Dan Watermeier voting AYE, and Commissioners Christian Mirch and Kevin Stocker voting NAY.

The meeting adjourned at 12:36 p.m. with Commissioners, Tim Schram, Christian Mirch, Commissioner Eric Kamler, Kevin Stocker and Dan Watermeier present. The next regularly scheduled meeting will be held on October 11, 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 October 10, 2023.



Chair



Executive Director