

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

February 6, 2024

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Notice was duly published January 26, 2024 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 February 6, 2024 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, Eric Kamler, Christian Mirch, 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. Andrew Foust offered public comment regarding pending legislation. No announcements were made.

Attention was called to the following proceedings:

## **COMMUNICATIONS DEPARTMENT**

**C-5561:** In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Nebraska Broadband Bridge Program in the 2024 program year. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order opening the 2024 NBBP grant cycle, seeking comments due March 1, 2024 and, setting a hearing for March 26, 2024 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5546:** In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Zayo Group, LLC, Boulder, Colorado. to enter an Order approving application; and

**C-5547:** In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Zayo Group, LLC, Boulder, Colorado. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5549:** In the Matter of the Application of Southeast Nebraska Communications, Inc., Falls City, Nebraska, seeking approval of an Interconnection Agreement with Level 3 Communications, LLC, Monroe, Louisiana. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5550:** In the Matter of the Application of Level 3 Communications, LLC, Monroe, Louisiana, seeking approval of an Interconnection

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Agreement with Hooper Telephone Company, Remsen, Iowa. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-1, PO #7:** In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Dish Wireless, LLC. Cullen Robbins seeks Commission approval to grant the second audit extension request to April 30, 2024, for the 2021 NUSF remittance audit, otherwise due December 31, 2023; and

**NUSF-1, PO #7:** In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: DishNet Wireline, LLC. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to approve the second audit extension request to April 30, 2024, for the 2020 NUSF remittance audit, otherwise due December 31, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-1, PO #7:** In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Vyve Broadband d/b/a Eagle Broadband Investment, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to grant an audit extension request to June 1, 2024, for the 2021 NUSF remittance audit, otherwise due December 31, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-37.436:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. BCM One, Inc., Respondent. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order dismissing the Complaint. 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 January, 2024.

## **STATE 911 DEPARTMENT**

**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: Dish Wireless, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Director Sankey seeks Commission approval to grant a second audit extension request to April 30th, 2024, for the 2021 Enhanced

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Wireless 911 remittance audit, otherwise due December 31, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

**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 Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Issuing Findings and Closing Investigation. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**MT-0001.04:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to address certain carriers in non-compliance with annual renewal requirements. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order to Dismiss, In Part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2083:** In the Matter of the Application of Stacked S Services, LLP, Kearney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by van between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Approving Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2067.01r:** In the Matter of the Application of Lionsgate Security Solutions 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 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.

Dillon Keiffer-Johnson informs the Commission of the Motor Transportation and Railroad Complaints received for January, 2024.

## GRAIN DEPARTMENT

**GW-2190:** In the Matter of the Application of Manning Grain Company, Burress, Nebraska requesting a deductible on its stock insurance higher than \$10,000. Motion made by Commissioner Kevin Stocker, 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.

**GD-3081:** In the Matter of the Application of Producer Ag, LLC, Moundridge, Kansas, seeking approval of Grain Dealer License. Motion

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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.

## **LEGISLATIVE REPORT**

**LB 1366:** Discussion and action on pending legislation. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to hold a neutral position, and submit a letter to the Legislature. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**LB 1127:** Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to hold a neutral position, and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram and Dan Watermeier voting AYE, and Commissioner Kevin Stocker present not voting.

**LB 1378:** Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to oppose the bill with testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**LB 1133:** Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to support the bill, and submit a letter to the Legislature. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram and Kevin Stocker voting AYE, and Commissioner Dan Watermeier voting NAY.

**LB 1212:** Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to support the bill, and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Kevin Stocker, and Dan Watermeier voting AYE.

**LB 1133:** Discussion and action on pending legislation. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to reconsider the vote on motion to support the bill and submit a letter. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**LB 1133:** Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to support the bill, and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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## GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commissioner Dan Watermeier to travel to and attend the 2024 NARUC Winter Policy Summit in Washington, D.C. from February 24-29, 2024 with 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 Cullen Robbins to travel to and attend the NARUC Winter Policy Summit in Washington, D.C. from February 25-28, 2024 with 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.

Executive Director's recommendation to approve Commissioner Tim Schram to travel to and attend the 2024 NARUC Winter Policy Summit in Washington, DC from February 24-29, 2024 with 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 James Almond to travel to and attend the 2024 Missouri Public Safety Communications Conference in St. Louis, MO from March 2-7, 2024 with 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.

Executive Director's recommendation to approve the Commission Meeting minutes for December 2023 and January 2024. 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.

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The meeting adjourned at 11:04 a.m. with Commissioners, Tim Schram, Eric Kamler, Christian Mirch, Kevin Stocker, and Dan Watermeier present. The next regularly scheduled meeting will be held on February 13, 2024 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 12, 2024.



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Chair



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Executive Director