

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

March 5, 2024

Page 1

Notice was duly published February 19, 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 March 5, 2024 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Commissioner Dan Watermeier called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Tim Schram, Christian Mirch, Eric Kamler and Kevin Stocker 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 comment was made. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

C-5551: In the Matter of the Application of Marcus and Donna Potts, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. 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.

C-5557: In the Matter of the Application of Impact Telecom, LLC of Southfield, Michigan, 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-5558: In the Matter of the Application of Ubiquity Nebraska, LLC, Charlotte, North Carolina, seeking authority to obtain debt financing. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Granting Application. Motion passed with Commissioners Eric Kamler, Tim Schram and Dan Watermeier voting AYE, and Commissioners Christian Mirch and Kevin Stocker present not voting.

C-5560: In the Matter of the Application of Barr Tell USA, Inc., Long Beach, New York seeking authority to provide competitive local exchange and interexchange 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.

NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

March 5, 2024

Page 2

Universal Service Fund: Dalton Telephone Company. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to grant the second audit extension request to August 1, 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-57, PO #8: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Telehealth Program. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Extending Filing Deadline to June 27, 2024. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-99: In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order granting extension of time to complete the Plattsmouth project. 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 February, 2024.

NATURAL GAS DEPARTMENT

NG-115.1: In the Matter of the Commission, to conduct a management review of gas supply schedules implemented by NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy, Sioux Falls, South Dakota, pursuant to Neb. Rev. Stat. § 66-1854. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Opening Docket, Initiating Review and Notice of Assessment. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

E-2525: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Scotts Bluff County. to enter an Order Granting Application;

E-2526: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Scotts Bluff County. to enter an Order Granting Application; and

E-2527: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Scotts Bluff County. Motion

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

March 5, 2024

Page 3

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.

TRANSPORTATION DEPARTMENT

B-1807.01: In the Matter of the Application of Special Day Limousine, LLC, Yankton, South Dakota, seeking voluntary cancellation and revocation of its Certificate of Public Convenience and Necessity in Docket B-1807. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order Granting Cancellation of Certificate B-1807. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1847.01: In the Matter of Eastern Nebraska Community Action Partnership, Omaha, seeking to cancel its Certificate of Public Convenience and Necessity issued in Application No. B-1847. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order Granting Cancellation of Certificate B-1847. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1951.03: In the Matter of the Application of Black Diamond S&S, Scottsbluff, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket B-1951 until January 10, 2025. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Suspension until January 10, 2025. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2056: In the Matter of the Application of LendingHands, LLC, Lincoln, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by sedan in open class service between Lancaster, Douglas, Otoe, Gage, Nemaha, Saline, Sarpy, Saunders, Seward, York, and Hall Counties, and between said counties pursuant to a contract with the Nebraska Department of Health and Human Services, a medicaid-managed care organization under contract with NDHHS, or another agent working on behalf of NDHHS. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Dismissing Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2093: In the Matter of the Application of Joyful Journeys Transportation, LLC, Omaha, seeking authority common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by van in and between points within Sarpy, Douglas, and Lancaster counties over irregular routes. HHS Designation. Yes. Motion made by Commissioner Eric Kamler, seconded by Commissioner

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

March 5, 2024

Page 4

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.

B-1861.03r: In the Matter of the Application of Nebraska Metro Transportation, d/b/a Metro Sedan & Limousine Services, 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 Amending Rates. Report on Motor Transportation Complaints and Railroad complaints received by the Department during the preceding Month. 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 Complaints received for February, 2024.

MCC-3196.05: Dillon Keiffer-Johnson, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, COMPLAINANT, vs. Dashabout Roadrunner, Inc. d/b/a Buffalo Springs Ranch; Kearney Cab Company; Lunjini Medical Transportation, LLC; Night Life Limousine, LLC; Safe Journey Transit, LLC; and Serving Nebraska Health Transportation Agency, RESPONDENTS. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Sustaining Complaint. Motion passed with Commissioners Eric Kamler, Tim Schram and Dan Watermeier voting AYE, and Commissioners Christian Mirch and Kevin Stocker voting NAY.

LEGISLATIVE

Discussion on pending legislation. No Motion was made.

GRAIN DEPARTMENT

GDC-446: In the Matter of Terri Fritz, Grain Program Manager, Grain Warehouse Department, Nebraska Public Service Commission, Complainant, v. Banghart Properties, LLC, a.k.a. Fearless Grain Marketing, a.k.a. Fearless Grain, Gettysburg, South Dakota, Respondent. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order Spreading the Mandate. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GW-22: In the Matter of the Application of Ag Valley Cooperative, Non-Stock, Edison, Nebraska requesting a deductible on its stock insurance higher than \$10,000. to enter an Order Granting Application;

GW-244: In the Matter of the Application of Ely's, Incorporated, Guide Rock, Nebraska requesting a deductible on its stock insurance higher than \$10,000. to enter an Order Granting Application;

GW-378: In the Matter of the Application of Battle Creek Cooperative, Non-Stock, Battle Creek, Nebraska requesting a deductible on its stock insurance higher than \$10,000. to enter an Order Granting Application;

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

March 5, 2024

Page 5

GW-852: In the Matter of the Application of Country Partners Cooperative, Gothenburg, Nebraska requesting a deductible on its stock insurance higher than \$10,000. to enter an Order Granting Application;
GW-1679: In the Matter of the Application of Herbert Feed & Grain Co., Verdigre, Nebraska requesting a deductible on its stock insurance higher than \$10,000. to enter an Order Granting Application; and
GW-2156: In the Matter of the Application of Norder Supply, Inc., Hebron, Nebraska requesting a deductible on its stock insurance higher than \$10,000. 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-2504: In the Matter of Hallvin Inc, Bloomfield, Nebraska: Terri Fritz reports that the grain dealer license was canceled as of February 1, 2024.

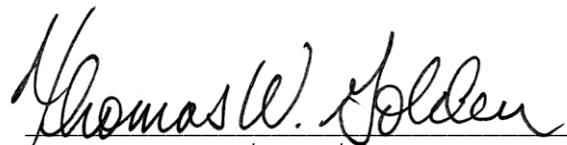
GENERAL ADMINISTRATION

Executive Director's recommendation to approve the Commission Meeting minutes for February 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.

The meeting adjourned at 10:36 a.m. with Commissioners Tim Schram, Dan Watermeier, Eric Kamler, Christian Mirch, and Kevin Stocker present. The next regularly scheduled meeting will be held on March 12, 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 March 11, 2024.



Chair



Executive Director