

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

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Notice was duly published July 3, 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 July 9, 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 10:01 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 offered. No announcements were made.

Attention was called to the following proceedings:

## **COMMUNICATIONS DEPARTMENT**

**C-5575/ DC-103:** In the Matter of Nebraska Public Service Commission Communications Department, on its own motion, regarding the 2023 Annual Report filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Dismissing Complaint, in Part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5582:** In the Matter of the Application of Glenwood Network Services, Blue Hill, Nebraska, seeking approval of an Interconnection Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, Bedminster, New Jersey. to enter an Order approving application; and

**C-5583:** In the Matter of the Application of Glenwood Telephone Membership Corporation, Blue Hill, Nebraska, seeking approval of an Interconnection Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, Bedminster, New Jersey. 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.

**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: Action Communications, Inc. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram Cullen Robbins seeks Commission approval to grant Action Communications, Inc. an audit extension request to August 1, 2024, for the 2022 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.

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**NUSF-108:** In the Matter of the Nebraska Public Service Commission, on its own Motion, to make adjustments to its high-cost distribution mechanism and to make revisions to its reporting requirements. Motion made by Commissioner Christian Mirch, seconded by Commissioner Eric Kamler to enter an Order granting motion. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-131 PO #2:** In the Matter of the Nebraska Public Service Commission, on its own motion, to establish reverse auction procedures and requirements. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order releasing final auction award. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-139 PO #2:** 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 Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order of the findings and conclusions. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-139 PO #3:** 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 Tim Schram, seconded by Commissioner Eric Kamler to enter an Order releasing proposal and setting procedural schedule. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**911-078/ DC-104/ C-5596:** In the Matter of Dave Sankey, Director of the 911 Department of the Nebraska Public Service Commission, Complainant, v. Windstream Nebraska, Inc. and its affiliates, Respondents. Director Robbins informs the Commissioners that a complaint and request for hearing has been filed against Windstream Nebraska Inc., in conjunction with the State 911 Department, under Application No. 911-078/DC-104/C-5596.

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 June, 2024.

**STATE 911 DEPARTMENT**

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**911-019/PI-118:** In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service and;

**911-073/PI-232:** In the Matter of the Nebraska Public Service Commission, on its own motion, to consider recommendations of the Service System Advisory Committee for creation of a new funding system for Next Generation 911. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order amending PSAP payments. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**911-076/PI-249:** In the Matter of the Nebraska Public Service Commission, on its own motion, conducting an investigation into the 911 service outage occurring in areas of Nebraska served by Windstream and its affiliates. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram Order issuing findings and closing investigation. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Director Sankey informs the Commissioners that a complaint and request for hearing has been filed against Windstream Nebraska Inc., in conjunction with the Communications Department, under Application No. 911-078/DC-104/C-5596.

## **NATURAL GAS DEPARTMENT**

**E-2532:** In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an order granting the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Nichole Mulcahy reported a total number of 13 consumer complaints and inquiries received at the Commission during the second quarter of 2024. For each company: Black Hills Energy - 9; NorthWestern - 3; and Other Entities - 1.

## **TRANSPORTATION DEPARTMENT**

**B-1705.02:** In the Matter of the Application of Champion Homes of Hastings, LLC, Hastings, seeking approval of a name change to Ability Wheel Chair Transportation, LLC. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order Approving Name Change. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2085:** In the Matter of the Application of Night Ryder Party Bus and Limo, LLC, Omaha, seeking authority as a common carrier in Nebraska

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intrastate commerce in the transportation of passengers in Charter service by bus and in Limousine Service by luxury and stretch limousine in and between points in Douglas, Sarpy, Lancaster, Cass, Saunders, Washington, Dodge, Burt, Cuming, Colfax, Butler, Seward, York, Hamilton, Hall, Otoe, Nemaha, Richardson, Johnson, Pawnee, Gage, Kearney, Buffalo, and Adams counties over irregular routes. HHS Designation: No. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order Granting Application as Amended. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2108:** In the Matter of the Application of Comfort Squad Medical Transport, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by sedan, van, and SUV, in and between points in Douglas, Sarpy, Lancaster, Cass, Saunders, Dodge, and Washington counties over irregular routes. HHS Designation: Yes. Motion made by Commissioner Christian Mirch, 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.

**B-2110:** In the Matter of the Application of Venus Home Care, LLC d/b/a Venus Transportation, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by van and SUV, in and between points in Douglas and Sarpy counties over irregular routes. HHS Designation: Yes. Motion made by Commissioner Christian Mirch, 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-2112:** In the Matter of the Application of Cheve, LLC, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by sedan and SUV, in and between points in Douglas, Sarpy, Cass, Saunders and Lancaster counties over irregular routes, pursuant to a contract with Bergenoff, Inc. HHS Designation: No. 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.

**ML-63:** In the Matter of the Application of Movers and Shakers, LLC, 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 Christian Mirch to enter an Order Granting License. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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## GRAIN DEPARTMENT

**GW-2187:** In the Matter of the Application of Richardson Milling Inc., Winnipeg, Manitoba, Canada, requesting a deductible on its stock insurance higher than \$10,000. Motion made by Commissioner Eric Kamler, 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.

**GD-2203:** In the Matter of Carroll Grain, LLC, Wayne, Nebraska, seeking approval of Grain Dealer License. Motion made by Commissioner Eric Kamler, 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.

**GD-3078:** In the Matter of Southeast Farmers Coop, Burbank, South Dakota, seeking approval of Grain Dealer License. Motion made by Commissioner Eric Kamler, 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.

## GENERAL ADMINISTRATION

Executive Director's recommendation to approve the minutes for May 2024 Commission Meetings. 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 10:36 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 July 23, 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 July 22, 2024.



Chair



Executive Director