

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

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Notice was duly published July 16, 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 23, 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 offered. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

C-5069/ PI-226: In the Matter of the Nebraska Public Service Commission, on its own motion, to implement LB 641 [2019]. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order Augmenting Grant Award. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5559/ NUSF-141: In the Matter of the Application of Assurance Wireless USA, L.P., Bellevue, Washington, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the Limited Purpose of Providing Lifeline and NTAP Service to Qualifying Customers. 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.

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

C-5579: In the Matter of the Application of Roger Bonertz, St. Helena, seeking authority to receive telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. 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.

C-5586: In the Matter of the Application of Jeff Baldridge, Randy Allen, and Dean Soell, North Platte, each seeking authority to receive

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advanced telecommunications service from the Hershey Exchange of Hershey Cooperative Telephone Company. 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.

C-5589: In the Matter of the Application of Action Communications, Inc., Scottsbluff, Nebraska, seeking authority to withdraw its local and interexchange certificates of authority and cancel its tariffs. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Granting Withdrawal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5591: In the Matter of the Application of Rick Goertzen, Sara Campa, Larry Brown, Alvin Campbell, Sara Sutherland, Milvern and Betty Noffke, Kevan and Laura Reeson, William Kuehner, Morgan Clarke, and James and Barbara Holtgrewe, Marquette, each seeking authority to receive advanced telecommunications capability service from the Hordville Exchange of the Hamilton Telephone Company. 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.

C-5592: In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Mound, Minnesota, seeking to revise its depreciation rates. 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-5595: In the Matter of the Application of Mitel Cloud Services, Inc., Mesa, Arizona, seeking authority to withdraw its local and interexchange certificate of authority and cancel its tariff. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order Granting Withdrawal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

AD-735: In the Matter of the Application of TMone, LLC, Iowa City, Iowa, seeking authority to connect an automatic dialing-announcing device. 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.

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C-5590: In the Matter of the Application of Plainview Telephone Company, Inc., Plainview, Nebraska, seeking approval of an Interconnection Agreement with Level 3 Communications, LLC, Monroe, Louisiana. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch 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: Crexendo Business Solutions. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order granting a second audit extension request to July 9, 2024, for the 2022 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: Allegiant Networks, LLC. Motion made by Commissioner Christian Mirch, seconded by Commissioner Eric Kamler to enter an Order granting a first audit extension request to July 17, 2024, for the 2022 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-33/ PI-68: In the Matter of the Nebraska Public Service Commission on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order Extending Deadlines. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-131: In the Matter of the Nebraska Public Service Commission, on its own motion, to establish reverse auction procedures and requirements. Director Robbins informs the Commission that the Second 2024 Reverse Auction is scheduled to proceed beginning on Monday, July 29, 2024.

STATE 911 DEPARTMENT

Director Dave Sankey recommends and seeks Commission approval to appoint John Zaugg, Saunders County Board of Supervisors, to the 911 Service System Advisory Committee as a County Official member. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to approve appointment of 911 Service System Advisory Committee member. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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NATURAL GAS DEPARTMENT

NG-13: In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act, Neb. Rev. Stat. §66-1801 et seq. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter Progression Order No. 84. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NG-102/PI-225: In the Matter of the Commission, on its own motion, seeking to review policies and practices relating to the administration of customer choice programs for natural gas service offered within the State of Nebraska. to enter assessment order CD-1.;

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. to enter assessment orders CD-4 and BW-4; and

NG-122: In the Matter of NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy, Sioux Falls, South Dakota, seeking approval of a natural gas general rate increase for Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter assessment order CD-1. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

E-2533: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Scotts Bluff County. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an order granting the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

B-1788.01: In the Matter of Party Express Bus, Omaha, seeking voluntary cancellation and revocation of its Certificate of Public Convenience and Necessity in Docket B-1788. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order Granting Cancellation of Certificate B-1788. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2062.02: In the Matter of the Application of Courtesy Care Transportation, LLC, Omaha, seeking to extend its authority by removing from its authority the restriction of the number of vehicles it can operate. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Granting Extension of Authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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B-2104: In the Matter of the Application of Cosmos Coaches, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by Bus in Charter service between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Christian Mirch, 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.

B-2107: In the Matter of the Application of JM Limo d/b/a J.M.Y. Limo & Services, LLC, Gering, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Limousine service by luxury or stretch limousine in and between points in Scotts Bluff, Sioux, Dawes, Box Butte, Banner, Morrill, Cheyenne, Garden, Sheridan, Kimball, Deuel, Keith, Grant, Chase, Dundy, Arthur, and Cherry counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. 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.

B-2115: In the Matter of the Application of Trusted Transit NEMT, LLC, Bellevue, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by sedan, SUV, and van between all points in Nebraska over irregular routes. HHS Designation: Yes. 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-1802.04r: In the Matter of the Application of Camelot Transportation, Inc., Kearney, 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 Kevin Stocker, seconded by Commissioner Christian Mirch 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.

B-2022.04r: In the Matter of the Application of Lifeline Transportation, Inc. d/b/a Lifeline Transportation, Omaha, seeking to amend its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order Granting Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2083.01r: In the Matter of the Application of Stacked S Services, LLP, Kearney, seeking to establish its rates and charges subject to

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the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Eric Kamler, 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.

B-2089.01r: In the Matter of the Application of Nebraska Taxi Transportation, 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 Christian Mirch, seconded by Commissioner Tim Schram 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 reports on the Household Goods Mover License Renewal list effective for one year beginning July 1, 2024.

Dillon Keiffer-Johnson informs the Commission of the Complaints received for June, 2024.

GRAIN DEPARTMENT

GW/GD-2024-001: In the Matter of the Commission, on its own motion, seeking to open a docket to amend Title 291, Chapter 8, Grain Warehouse and Grain Dealer Rules and Regulations for general cleanup and updates and to comply with Nebraska Legislative Bill 262 (2024). Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order opening Docket and setting workshop. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GW-19 et al.: In the Matter of the attached list of completed warehouse license renewals for 2nd Quarter of 2024. Jonathan Smith reports on the 2nd Quarter grain warehouse renewal licenses.

GW-615: In the Matter of Oshkosh Grain, Inc, Oshkosh, Nebraska: Jonathan Smith reports that the grain warehouse license was cancelled as of July 11, 2024.

GW-2184: In the Matter of The Andersons, Inc., Maumee, Ohio: Jonathan Smith reports that the grain warehouse license was cancelled as of June 4, 2024.

GD-3078: In the Matter of the Application of Southeast Farmers Coop, Burbank, South Dakota, seeking approval of Grain Dealer License. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter a Nunc Pro Tunc Order. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-3083: In the Matter of the Application of Norfolk Crush LLC, Norfolk, Nebraska, seeking approval of Grain Dealer License. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin

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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-19 et al.: In the Matter of the attached list of completed grain dealer license renewals for the 2nd Quarter of 2024. Jonathan Smith reports on the 2nd Quarter grain dealer renewal licenses.

The meeting adjourned at 10:37 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 August 6, 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 August 5, 2024.

Chair

Executive Director

PRELIMINARY