

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

August 6, 2024

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Notice was duly published July 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 August 6, 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-5580:** In the Matter of the Application of Richard Bruening, St. Helena, seeking authority to receive telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. to enter an Order scheduling a hearing on September 23, 2024, at 1:30 p.m. at St. Helena Social Club, 207 West Jones Avenue, St. Helena, Nebraska;

**C-5587:** In the Matter of the Application of Randy Bruening, St. Helena, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. to enter an Order scheduling a hearing on September 23, 2024, at 1:30 p.m. at St. Helena Social Club, 207 West Jones Avenue, St. Helena, Nebraska;

**C-5588:** In the Matter of the Application of Jon & Janet Wiechelman, Crofton, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. to enter an Order scheduling a hearing on September 23, 2024, at 1:30 p.m. at St. Helena Social Club, 207 West Jones Avenue, St. Helena, Nebraska;

**C-5593:** In the Matter of the Application of Roger Albin, Crofton, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. to enter an Order scheduling a hearing on September 23, 2024, at 1:30 p.m. at St. Helena Social Club, 207 West Jones Avenue, St. Helena, Nebraska; and

**C-5594:** In the Matter of the Application of Claudette Wiepen, St. Helena, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. Motion made by Commissioner Christian Mirch, seconded by Commissioner Eric Kamler to enter an Order scheduling a hearing on September 23, 2024, at 1:30 p.m. at St. Helena Social Club, 207 West Jones Avenue, St. Helena, Nebraska. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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**C-5600:** In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Precision Agriculture Infrastructure Grant Program in the 2024-2025 program year. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order opening docket, seeking comments due Friday, September 13, 2024 and, scheduling a hearing for Tuesday, October 1, 2024 at 10:30 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-37.445:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. KDDI America, Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order dismissing NUSF Remittance Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**NUSF-1, PO #6:** In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Three River Communications and Three River Telco. to enter an Order granting an audit extension request to July 24, 2024, for the 2022 NUSF Payment Audit otherwise due December 31, 2023; and

**NUSF-1, PO #6:** In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Dalton Telephone Company. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order granting a second audit extension request to August 1, 2024, for the 2022 NUSF Payment 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: Bandwidth, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order granting 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.

**CallTower, Inc. and Interface Security Systems, LLC:** Cullen Robbins seeks Commission approval to open NUSF Remittance Complaints against CallTower, Inc. and Interface Security Systems, LLC; and

**Interface Security Systems, LLC:** Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram Cullen Robbins seeks Commission approval to open a TRS Remittance Complaint against Interface Security Systems, LLC. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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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 July, 2024.

## STATE 911 DEPARTMENT

**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 Nunc pro tunc to correct clerical errors and file a corrected Order amending PSAP payments. Motion passed with Commissioners Eric Kamler, Christian

## NATURAL GAS DEPARTMENT

**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 Christian Mirch, seconded by Commissioner Eric Kamler to enter an order certifying the case for negotiations. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

**B-1958.03:** In the Matter of the Application of Blair Blue Community Transportation, LLC, Blair, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket B-1958 until August, 2025. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Granting Suspension of Authority granted in B-1958 from September 1, 2024 until August 31, 2025. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2032:** In the Matter of the Application of Prestige Experiences LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party service over regular routes in Lancaster County and between points in Lancaster, Hall, and Buffalo counties, and between said counties, over irregular routes. HHS Designation: No.;

**B-2037:** In the Matter of the Application of Steele Events, LLC d/b/a Steele Pro Party Bus, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party service between all points in Nebraska over irregular routes. HHS Designation: No.; and

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**B-2040:** In the Matter of the Application of Raah Nissi Chauffer's LLC d/b/a Raah Nissi Chauffeur's, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan, bus, van, and SUV in open class service between points in Douglas, Lancaster, Dodge, Washington, and Cass counties, and between said counties, over irregular routes. HHS Designation: Yes. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order of Pending Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2095:** In the Matter of the Application of Premium Accessibility and Transit of Omaha, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Limousine service by luxury van in and between points in Douglas and Sarpy counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Granting Withdrawal and Dismissal of Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-1801.03r:** In the Matter of the Application of City Taxi, 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 Christian Mirch, seconded by Commissioner Tim Schram 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-2085.01r:** In the Matter of the Application of Night Ryder Party Bus, LLC, Elkhorn, 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.

Report on Motor Transportation Complaints and Railroad complaints received by the Department during the preceding Month. Dillon Keiffer-Johnson informs the Commission of the Complaints received for July, 2024.

## GRAIN DEPARTMENT

**GDC-458/GD-3032:** In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, Complainant, vs. NORAG LLC, Stilwell, Kansas, Respondent. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Christian Mirch to enter an Order Approving Motion to Withdraw, and Dismissing Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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**GW-1766:** In the Matter of the Application of Grain States Soya, West Point, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. 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.

**GD-3060:** In the Matter of Dakota Growers Coop, Plankinton, South Dakota: Terri Fritz reports that the grain dealer license was cancelled as of July 1, 2024.

## LEGISLATIVE AGENDA

Discussion on pending legislation.

## GENERAL ADMINISTRATION

Executive Director's recommendation to approve Dan Watermeier to travel to and attend the FCC's Precision AGTask Force Meeting in Washington, D.C, from August 13, 2024 to August 15, 2024, with all expenses to be paid by the Commission. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Tim Schram to travel to and attend the ITRS meeting in Louisville, Kentucky from September 7, 2024 to September 8, 2024 with all expenses to be paid by ITRS. Motion made by Commissioner Christian Mirch, 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 ECATS contract renewal for the term of September 1, 2024 through August 31, 2025, regarding the E911 Management Informational Services. 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.

Executive Director's recommendation to approve the Commission Meeting minutes for June 2024. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch. 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 10:32 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 20, 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 19, 2024.

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Chair

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Executive Director

PRELIMINARY