

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

September 24, 2024

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Notice was duly published September 12, 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 September 24, 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-5575/ DC-103: In the Matter of the Nebraska Public Service Commission regarding the 2023 Annual Report Filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order sustaining Annual Report Complaint, levying fines and revoking authorities of Comtech 21, LLC and XYN Communications of Nebraska, LLC. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

2024 Annual Report on Telecommunications to the Legislature. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to approve the 2024 Annual Report on Telecommunications. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-25, PO #46: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support; and

NUSF-66: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order certifying high-cost carriers for state and federal universal service support in the 2025 program year. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92.63: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from United States Cellular Corporation. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order granting US Cellular's request to cancel

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Beaver Crossing award and return funding. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSE-92.64: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from United States Cellular Corporation. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order granting US Cellular's application, in part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSE-131, PO #3: In the Matter of the Nebraska Public Service Commission, on its own Motion, to establish reverse auction procedures and requirements. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order issuing initial auction results. 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 August, 2024.

NATURAL GAS DEPARTMENT

C-5575/ DC-103: In the Matter of the Nebraska Public Service Commission regarding the 2023 Annual Report Filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order sustaining Annual Report Complaint, levying fines and revoking authorities of Comtech 21, LLC and XYN Communications of Nebraska, LLC. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

2024 Annual Report on Telecommunications to the Legislature. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to approve the 2024 Annual Report on Telecommunications. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSE-25, PO #46: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support; and

NUSE-66: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order certifying high-cost carriers for state and federal universal service support in the 2025 program year. Motion passed with

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Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92.63: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from United States Cellular Corporation. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order granting US Cellular's request to cancel Beaver Crossing award and return funding. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92.64: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from United States Cellular Corporation. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order granting US Cellular's application, in part. 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 August, 2024.

TRANSPORTATION DEPARTMENT

B-2096: In the Matter of the Application of Happy Moments Home Healthcare, LLC, 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, Cass, Washington, Polk, Dodge, Cheyenne, Gage, York, Lincoln, Grant, Burt, Boyd, Colfax, Holt, Butler, Franklin, Howard, Dawes, and Scotts Bluff counties over irregular routes. HHS Designation: Yes. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an order scheduling a hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

T-6: In the Matter of the Application of River North Transit, LLC, New York, NY, seeking authority to operate as a transportation network company in the State of Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an order

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approving the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

ML-67: In the Matter of the Application of Right Way Moving and Transportation, 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 Christian Mirch, seconded by Commissioner Tim Schram to enter an order granting a license. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2092.01r: In the Matter of the Application of The Community Transportation Services, 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 Tim Schram, seconded by Commissioner Eric Kamler to enter an order granting the rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2107.01r: In the Matter of the Application of JM Limo d/b/a J.M.Y. Limo & Services, LLC, Gering, 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 the rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2108.01r: In the Matter of the Application of Comfort Squad Medical Transport, 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 the rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GW-537: In the Matter of the Application of Cooperative Supply, Inc., Dodge, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an Order granting application;

GW-1033: In the Matter of the Application of Fordyce Farmers N/S Coop, Fordyce, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an Order granting application; and

GW-1036: In the Matter of the Application of Farmers Coop Assn, Lindsay, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. 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.

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GD-3085: In the Matter of the Application of Dehy Alfalfa Mills, Inc., Arlington, Nebraska, seeking approval of Grain Dealer License. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram 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-2189: In the Matter of the Application of Bossen Livestock Company dba Bossen Feeding Company, Arcadia, Nebraska, seeking approval of Grain Dealer License. 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.

LEGISLATIVE

GW-537: In the Matter of the Application of Cooperative Supply, Inc., Dodge, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an Order granting application;

GW-1033: In the Matter of the Application of Fordyce Farmers N/S Coop, Fordyce, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an Order granting application; and

GW-1036: In the Matter of the Application of Farmers Coop Assn, Lindsay, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. 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.

GD-3085: In the Matter of the Application of Dehy Alfalfa Mills, Inc., Arlington, Nebraska, seeking approval of Grain Dealer License. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram 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.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Dave Sankey to travel to and attend the National Association of State 911 Administrators (NASNA) in Denver, Colorado, from October 21, 2024 to October 24, 2024, with all expenses to be paid by the Commission. 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.

Executive Director's recommendation to approve Commissioner Christian Mirch to travel to and attend the NARUC Annual Meeting in Anaheim, California from November 10, 2024 to November 13, 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, Tim Schram, Kevin Stocker, and Dan

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Watermeier voting AYE, and Commissioner Christian Mirch present not voting.

Executive Director's recommendation to approve Commissioner Tim Schram to travel to and attend the NARUC Annual Meeting in Anaheim, California from November 10, 2024 to November 13, 2024 with all expenses to be paid by the Commission. 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 Commissioner Kevin Stocker to travel to and attend the NARUC Annual Meeting in Anaheim, California from November 10, 2024 to November 13, 2024 with all expenses to be paid by the Commission. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram and Dan Watermeier voting AYE, and Commissioner Kevin Stocker present not voting.

The meeting adjourned at 10:39 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 October 8, 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 October 7, 2024.

Chair

Executive Director