

Vice Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, and Tim Schram present and Gerald Vap excused. Vice Chairman Schram invited the public to address the Commission and announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

## GENERAL ADMINISTRATION

Notice was duly published July 14, 2015 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 21, 2015 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, July 21, 2015:

1:30 Commission Hearing Room, Lincoln  
NUSF-99 In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Universal Service Fund High-Cost Program. Commissioner Frank Landis presiding as Hearing Officer.

## COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter orders granting applications AD-590r thru AD-595r. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

AD-590r In the Matter of the Application of Victory Enterprises, Inc., Davenport, Iowa, seeking authority to register the connection of an automatic dialing-announcing device.

AD-591r In the Matter of the Application of Campaign Marketing Strategies, Inc., Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in Chicago, Illinois.

AD-592r In the Matter of the Application of Campaign Marketing Strategies, Inc., Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in New York, New York.

AD-593r In the Matter of the Application of Campaign Marketing Strategies, Inc., Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in Los Angeles, California.

## COMMUNICATIONS DEPARTMENT (Cont.)

AD-594r In the Matter of the Application of Tele-Town Hall, LLC, Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in Des Moines, Iowa.

AD-595r In the Matter of the Application of Tele-Town Hall, LLC, Arlington, Virginia, seeking authority to register the connection of an automatic dialing-announcing device in Chicago Illinois.

C-4685/  
NUSF-97 In the Matter of the Application of TAG Mobile, LLC, Carrollton, Texas, seeking authority for designation as a non-rural wireless Eligible Telecommunications Carrier. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order granting the motion to dismiss. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4766 In the Matter of the Application of Sti Prepaid, LLC, New York, New York, seeking authority to withdraw its inter-exchange certificate: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order granting the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4763 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with Wide Voice LLC, Las Vegas, Nevada: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Gene Hand reported on the National Association of Regulatory Utility Commissioners (NARUC) Summer Committee Meetings held from July 9-15, 2015, in New York, New York.

## TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders in Dockets NUSF-92.17, NUSF-92.18, NUSF-92.21, NUSF-92.24 thru NUSF-92.26, NUSF-92.28, NUSF-92.30, NUSF-92.38 and NUSF-92.39 granting applications in part and granting applications in full in Dockets NUSF-92.19, NUSF-92.29, NUSF-92.33 and NUSF-92.35 thru NUSF-92.37. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE and Commissioner Jerry Vap excused not voting. Commissioner Frank Landis presiding as Hearing Officer:

## TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- NUSF-92.17 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 Arapahoe Telephone Company.
- NUSF-92.18 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 Cambridge Telephone Company.
- NUSF-92.19 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 CenturyLink.
- NUSF-92.21 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 Consolidated Companies.
- NUSF-92.24 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 Glenwood Network Services.
- NUSF-92.25 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 Glenwood Telecommunications.
- NUSF-92.26 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 Great Plains Communications.
- NUSF-92.28 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 K & M Telephone.

## TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- NUSF-92.29 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 Mobius Communications.
- NUSF-92.30 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 Nebraska Central Telephone.
- NUSF-92.33 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 Pinpoint Wireless.
- NUSF-92.35 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 Raicom, Inc.
- NUSF-92.36 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 Rock County Telephone.
- NUSF-92.37 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 US Cellular Corporation.
- NUSF-92.38 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 N.E. Colorado Cellular, Inc., dba Viaero Wireless.
- NUSF-92.39 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 Windstream.

## TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders in Dockets NUSF-92.23 and NUSF-92.27 granting the withdrawal of applications. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-92.23 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 Eastern Nebraska Telephone Company.

NUSF-92.27 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 Hamilton Long Distance Company.

NUSF-92.40 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 Inventive Wireless of Nebraska, LLC dba Vistabeam. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order denying the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-97/ C-4685 In the Matter of the Application of TAG Mobile, LLC, Carrollton, Texas, seeking authority for designation as a non-rural wireless Eligible Telecommunications Carrier. Commissioner Schram presiding as Hearing Officer: This matter was addressed in the Communications Department agenda.

## NATURAL GAS DEPARTMENT

NG-0074.1 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy, Omaha, seeking approval of an infrastructure system replacement cost recovery charge, pursuant to Sections 66-1865 and 66-1866 of the State Natural Gas Regulation Act. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

## NATURAL GAS DEPARTMENT (Cont.)

NG-0082 In the Matter of MidAmerican Energy Services, LLC, Des Moines, Iowa, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the authority. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NG-0013 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 [LB 790, 2003]. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter Progression Order No. 48. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Angela Melton reported a total number of 109 consumer complaints and inquiries received at the Commission during July 2014 through June 2015. For each company: Black Hills - 25; SourceGas - 46; NorthWestern - 7; and Other Entities - 31.

Angela Melton reported on the National Association of Regulatory Utility Commissioners (NARUC) Summer Committee Meetings held from July 9-15, 2015, in New York, New York and the activities of the Natural Gas Committee.

## RULES AND REGULATIONS

Rule and Regulation #182 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to rewrite the chapter in its entirety. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order releasing the fifth set of proposed rules, with comments due August 21, 2015 and schedule a public hearing for September 1, 2015 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

## TRANSPORTATION DEPARTMENT

PI-197 In the Matter of the Commission, on its own motion, to conduct a departmental investigation on transportation services provided statewide: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order opening a departmental investigation. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

B-1829/  
PI-195 In the Matter of Golden Plains Services Transportation, Inc. dba GPS Transportation, Lincoln and In the Matter of the Commission, on its own motion, seeking to conduct a departmental investigation of Golden Plains Services Transportation, Inc., dba GPS Transportation, Lincoln, for alleged violation of Commission rules and state statutes. Commissioner Rod Johnson presiding as Hearing Officer: Mark Breiner informed the Commission that the Hearing Officer filed a Motion to Continue the hearing previously scheduled for July 22, 2015, to a date later to be determined.

T-1 In the Matter of the Application of Raiser, LLC, seeking authority to operate as a transportation network company: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

MCC-3189 In the Matter of Mark J. Breiner, Director, Director, Motor Transportation Department, vs. Lyft, Inc., San Francisco: Mark Breiner informed the Commission that Docket MCC-3189 was filed on July 21, 2015. Commissioner Tim Schram was appointed as Hearing Officer.

B-1906 In the Matter of Good Times Limousine, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passenger bus statewide Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order granting the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Rate Division

BR-483 In the Matter of T. Blakey Enterprises, LLC, dba Goodwill Medical Transportation, Omaha, seeking authority to adjust its rates and charges: Upon agreement of all Commissioners present, a hearing was scheduled for August 4, 2015 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Crystal Rhoades was appointed as Hearing Officer.

## TRANSPORTATION DEPARTMENT (Cont.)

BR-485 In the Matter of Mike's Handy Van, Lincoln, seeking authority to establish its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

BR-486 In the Matter of Good Times Limousine, Inc., Omaha, seeking authority to establish its rates and charges: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was retained at \$.60 per mile and the Tariff 22 fuel surcharge at \$2.40 per truck per trip.

## GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Laurie Casados	\$	3,696.00
Mission Critical Partners		921.13
NARUC-TR Daily Subscription		1,951.00
Parrish, Blessing & Associates, Inc.		6,000.00
Thomson Reuters		1,191.75
University of Nebraska-BBR		9,960.75
Angela Melton		1,341.74
Rod Johnson		177.10
Rod Johnson		861.36
Crystal Rhoades		261.03
Tim Schram		711.00

The following invoices were paid between July 8, 2015 and July 20, 2015 and should be ratified:

AS Central Services-IM Services	\$	1,036.87
NARUC-NRRI Dues		5,000.00
Shirts 101		1,012.00
Voyager		1,746.95



## GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for June, 2015. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to approve the Executive Director's recommendation to authorize Mark Luttich to travel to and attend the National Fire Protection Association (NFPA) Technical Training Committee on Recreational Vehicles Code Development meeting to be held in Orlando, Florida from September 21-25, 2015 with all expenses to be paid by the Recreational Vehicle Program. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to approve the Executive Director's recommendation to authorize Kent Pribyl to travel to Clay Center, Kansas, on July 28, 2015 to perform a modular housing unit factory inspection at Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to renew the contract with Mission Critical Partners for consulting services related to public safety services effective July 8, 2015. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to approve the Executive Director's recommendation to purchase one (1) computer and five (5) monitors to be used in the General Administration, Natural Gas, Transportation, NTIPS and Grain Warehouse Departments at an approximate cost of \$2,250.00. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to go into closed session to discuss litigation and personnel issues. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. The Commission went into closed session at 10:42 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. The Commission returned to open session at 11:15 a.m.

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The meeting adjourned at 10:26 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, and Tim Schram present and Gerald Vap excused. The next regularly scheduled meeting will be held July 28, 2015 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 27, 2015.

  
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Vice Chairman

  
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Executive Director