

August 4, 2015

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Vice Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. 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 28, 2015 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 4, 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:

Wednesday, August 5, 2015:

10:00 Commission Hearing Room, Lincoln. Workshop  
Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and  
#194 Regulations, to adopt rules in accordance with Nebraska  
Legislative Bill 629 [2015] regarding Transportation Network  
Companies (TNC). Commissioner Tim Schram presiding as Hear-  
ing Officer.

## COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in July 2015. She reported that there were a total of 43 complaints: 35 - wireline and 8 - wireless. The complaints were categorized as follows: 11 billing, 23 service and 9 miscellaneous issues.

C-4769 In the Matter of the Application of Midstates Data Trans-  
port, LLC, Pierce, seeking authority to provide facilities-  
based competitive local exchange telecommunications services within  
the State of Nebraska: Motion made by Commissioner Rod Johnson,  
seconded by Commissioner Frank Landis, to enter an order granting the  
application. Motion passed with Commissioners Crystal Rhoades, Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2404 In the Matter of the Application of Lincoln Electric Sys-  
tem, Lincoln, seeking authority to construct, operate and  
maintain an electric transmission line in Lancaster County: Motion  
made by Commissioner Frank Landis, seconded by Commissioner Rod  
Johnson, to enter an order granting the application. Motion passed  
with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim  
Schram and Jerry Vap voting AYE.

## COMMUNICATIONS DEPARTMENT (Cont.)

Cullen Robbins updated the Commission on the ongoing activities of the Broadband Planning group. The group continues to meet periodically to address a variety of subjects, including the recommendation from the grant final report that suggested continuing the Broadband Conference. While there will not be a conference this year, the Rural Futures Institute of the University of Nebraska has dedicated a portion of their conference (to be held October 21-23, 2015 on Innovation Campus) to broadband topics. The Planning group has also developed a series of awards that will be given out at the conference, recognizing outstanding community broadband projects in the following categories: Outstanding Infrastructure Development Project, Outstanding Digital Literacy Project and Outstanding Youth Project. The applications for the award are due August 14, 2015. The Planning group has also developed a Community Workbook that is a tool that communities can use to stimulate broadband development. Information on the awards and the workbook can be found at <http://broadband.nebraska.gov>.

## TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter Nunc Pro Tunc Orders in Dockets 911-043.02 and 911-043.03. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-043.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: US Cellular Corporation

911-043.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Sprint

NUSF-1 P.O. #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Telebeep, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, deviate the audit language, requesting Commission approval to accept Agreed Upon Procedure language as presented. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

## RULES AND REGULATIONS

Rule and Regulation #192 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 1, Rules of Commission Procedure, to update the chapter in its entirety. Commissioner Frank Landis presiding as Hearing Office: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order releasing the third set of proposed rules, seeking comments due August 28, 2015 and scheduling a hearing for September 15, 2015 at 1:30 pm in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

## TRANSPORTATION DEPARTMENT

B-1849 In the Matter of Somali Bantu Association of, Omaha, Nebraska, seeking authority as a common carrier of passengers by van over irregular routes in Douglas & Sarpy counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an order to show cause and schedule a hearing on August 25, 2015, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Crystal Rhoades was appointed as Hearing Officer.

B-1881 In the Matter of A 2 Z Transportation, Omaha, Nebraska: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order to show cause and schedule a hearing on August 25, 2015, at 11:00 a.m. in the Commission Hearing Room, Lincoln: Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Crystal Rhoades was appointed as Hearing Officer.

FC-1363 In the Matter of Aventine Renewable Energy-Aurora West, LLC, Complainant, v. Aurora Cooperative Elevator Company, Respondent: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order dismissing the complaint. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The hearing previously scheduled for August 26, 2015 as cancelled.

B-1905 In the Matter of the Application of VIP Services, Inc., Lincoln, Nebraska: Upon agreement of all Commissioners, a hearing was scheduled for September 16, 2015, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed as Hearing Officer.

## TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-488 In the Matter of Stutheit Transportation, Papillion, seeking authority to establish its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-483 In the Matter of the Application of T. Blakey d/b/a Goodwill Medical, Omaha, in the prescription of reasonable rates and charges for motor carriers passengers and property for hire subject to the provisions of Neb. Rev. Stat. (Reissue 2014), Chapter 75, Articles 1 and 3: Mark Breiner informed the Commission that a Hearing Officer Order was entered August 3, 2015, granting a continuance of the hearing previously rescheduled for August 4, 2015 to August 11, 2015, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7-F surcharge was retained at \$0.60 per mile and the Tariff 22 fuel surcharge at \$2.40 per truck per trip.

## GRAIN WAREHOUSE DEPARTMENT

GW-153 In the Matter of Midwest Farmers Cooperative, Elmwood,  
GW-279 and Farmers Cooperative, Plymouth, Nebraska respectively:  
John Fecht informed the Commission of a shortage of soybeans and oats.

Grain Dealer Division

GD-2995 In the Matter of the Application of BT AG, LLC, Seward, Nebraska, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue of 2009): Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the Grain Dealer License. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GD-3007 In the Matter of the Application of Hesco Grains, LLC, Watertown, South Dakota, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue of 2009): Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the Grain Dealer License. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2929 In the Matter of Hesco LLC, Watertown, South Dakota: John Fecht discussed a request to cancel the grain dealer license effective August 3, 2015.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Ken Stadler	\$ 1,680.00
Frank Landis	60.95
Tim Schram	664.70

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The meeting adjourned at 10:20 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held August 11, 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 August 10, 2015.



Vice Chairman



Executive Director

