

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

April 19, 2016

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Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present, and Commissioner Crystal Rhoades attending by video conference. Chairman Schram announced 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 comments were received. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published April 12, 2016 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on April 19, 2016 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, April 19, 2016:

11:00 Commission Hearing Room, Lincoln
M-14124 In the Matter of AAA Quality Movers, Omaha.
M-14125 In the Matter of All American Movers, Inc.,
Omaha. Commissioner Crystal Rhoades presiding as Hearing
Officer.

1:30 Commission Hearing Room, Lincoln
GW-2192/ In the Matter of the Complaint of John Fecht, Director of
GWC-442 the Nebraska Public Service Commission Grain Warehouse
Department, Complainant, vs Wellington Technologies, LLC
d/b/a Booth Feeds, Respondent. Commissioner Frank Landis
presiding as Hearing Officer.

Thursday, April 21, 2016:

1:30 Commission Hearing Room, Lincoln
B-1829/ In the Matter of the Nebraska Public Service Commission, on
PI-195 its own motion, to conduct a departmental investigation of
Golden Plains Services, Inc., dba GPS Transportation,
Lincoln, for alleged violations of Commission rules and
state statutes. Commissioner Rod Johnson presiding as
Hearing Officer.

Monday, April 25, 2016:

10:00 Commission Hearing Room, Lincoln
Wireless E911 Advisory Board Meeting

Tuesday, April 26, 2016:

10:00 Commission Hearing Room, Lincoln
Commission Meeting

COMMUNICATIONS DEPARTMENT

- AD-618 In the Matter of the Application of Genesys Telecommunications Laboratories, Inc., Daly City, California, seeking authority to connect an automatic dialing-announcing device in Somerville, Massachusetts; and
- AD-619 In the Matter of the Application of Genesys Telecommunications Laboratories, Inc., Daly City, California, seeking authority to connect an automatic dialing-announcing device in Ashburn, Virginia: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter orders granting applications in AD-618 and AD-619. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- AD-620r In the Matter of the Application of FLS Connect, LLC, St. Paul, Minnesota, seeking authority to register the connection of an automatic dialing-announcing device; and
- AD-621r In the Matter of the Application of TCN, Inc., Saint George, Utah, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter orders granting applications AD-620r and AD-621r. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- C-4817 In the Matter of the Application of Intrado Communications, Inc., Longmont, Colorado, seeking a name change to West Safety Communications, Inc.: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- C-4818 In the Matter of the Application of Nextlink Wireless, LLC, Herndon, Virginia, seeking approval to withdraw their interexchange certificate of authority and cancel its tariff: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- C-4819 In the Matter of the Application of Windstream Norlight, Inc., Little Rock, Arkansas, seeking approval of a name change to Windstream Norlight, LLC;
- C-4820 In the Matter of the Application of Windstream NTI, Inc., Little Rock, Arkansas, seeking approval of a name change to Windstream NTI, LLC;
- C-4821 In the Matter of the Application of PAETEC Communications, Inc., Little Rock, Arkansas, seeking approval of a name change to PAETEC Communications, LLC;

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4822 In the Matter of the Application of Windstream Communications, Inc., Little Rock, Arkansas, seeking approval of a name change to Windstream Communications, LLC; and
- C-4823 In the Matter of the Application of Windstream KDL, Inc., Little Rock, Arkansas, seeking approval of a name change to Windstream KDL, LLC: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting applications C-4819, C-4820, C-4821, C-4822, and C-4823. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- NUSF-37.330 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Global Connection Inc. of America, Respondent(s): Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order dismissing the Complaint. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- NUSF-92.44 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 as a RLEC Joint Application from: Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company, Rock County Telephone Company, HunTel CableVision, Consolidated Telephone Company, Consolidated Telco, Inc., Consolidated Telecom, Inc., The Curtis Telephone Company, Hamilton Telecommunications, Nebraska Central Telephone Company, Northeast Nebraska Telephone Company and Three River Telco/Adoption;
- NUSF-92.45 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 Cox Nebraska Telcom, LLC / Adoption;
- NUSF-92.46 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, Inc., d/b/a BLAZE Wireless;
- NUSF-92.47 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; and

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-92.48 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: NE Colorado Cellular, Inc., d/b/a Viaero Wireless: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter a Protective Order for Dockets NUSF-92.44, NUSF-92.45, NUSF-92.46, NUSF-92.47, and NUSF-92.48: Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

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: Clearly Communications: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to accept the Agreed Upon Procedure language as presented. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting Aye.

NATURAL GAS DEPARTMENT

NG-0013 PO# 51 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 Jerry Vap, to enter Progression Order 51. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

NG-0088 In the Matter of the Application of SourceGas Distribution, LLC, Golden, Colorado, seeking Approval of the Regulatory Treatment of the Net Buyout Costs of Two Gas Supply-Related Contracts, the Costs Associated with Financing the Buyout Costs, and Other Specified Relief. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving application and stipulation of parties. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

NG-0078.2 BE-007 In the Matter of the Application of SourceGas Distribution LLC, Golden, Colorado, seeking an order authorizing it to increase the System Safety and Integrity Rider Charge. Commissioner Rod Johnson presiding as Hearing Officer;

NG-0086 BE-0010 In the Matter of the Application of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Papillion, seeking Approval of its Cost of Service Gas Hedge Agreement With Black Hills Utility Holdings, Inc. Commissioner Frank Landis presiding as Hearing Officer; and

NATURAL GAS DEPARTMENT (Cont.)

NG-0088 In the Matter of the Application of SourceGas Distribution,
BE-005 LLC, Golden, Colorado, seeking Approval of the Regulatory
Treatment of the Net Buyout Costs of Two Gas Supply-Related
Contracts, the Costs Associated with Financing the Buyout Costs, and
Other Specified Relief. Commissioner Jerry Vap presiding as Hearing
Officer: Motion made by Commissioner Frank Landis, seconded by
Commissioner Jerry Vap, to enter Assessment Orders BE-007 in Docket
NG-0078.2; BE-0010 in Docket NG-0086; and BE-005 in Docket NG-0088.
Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal
Rhoades, Tim Schram and Jerry Vap voting AYE.

Nichole Mulcahy reported a total number of 6 consumer
complaints and inquiries received at the Commission during March,
2016. For each company: Black Hills - 0; SourceGas - 3; and
NorthWestern - 0; and Other Entities - 3.

RULES AND REGULATIONS

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 regulation of
Transportation Network Companies (TNC). Commissioner Tim Schram
presiding as Hearing Officer: Motion made by Commissioner Jerry Vap,
seconded by Commissioner Rod Johnson, to enter an order issuing
Certificate of Adoption and adopting second set of proposed rules.
Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal
Rhoades, Tim Schram and Jerry Vap voting AYE.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 8, Grain Warehouse Rules and
#195 Regulations, to adopt rules in accordance with Nebraska
Legislative Bill 183 [2015] and clarify provisions
regarding in-store transfer notices. Commissioner Jerry Vap presiding
as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by
Commissioner Rod Johnson, to enter an order issuing Certificate of
Adoption for proposed rules. Motion passed with Commissioners Rod
Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap
voting AYE.

LEGISLATIVE

Nichole Mulcahy discussed pending legislation and stated
that LB 938 is awaiting action by the Governor.

TRANSPORTATION DEPARTMENT

B-1829/
DR-0006 In the Matter of the Petition for Declaratory Order of Golden Plains Services, Inc., seeking a determination of the transportation services which may be provided by open class carriers as defined by Neb. Admin. Code, Title 291, Ch. 3, 010.01C: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order finding question of statewide commercial importance. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

B-1841 In the Matter of Point to Point Charters, LLC, seeking to cancel its Certificate of Public Convenience and Necessity issued in Application No. B-1841: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order cancelling certificate. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

MCC-3190 In the Matter of the Nebraska Public Service Commission, Motor Transportation Department, regarding delinquent annual fee payments: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing in part and sustaining in part. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

PI-204 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate certain procedures of certificated passenger carriers in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a protective order. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

PI-205 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate transportation services which may be provided by open class carriers as defined by Neb. Admin. Code, Title 291, Ch. 3 010.01C: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order opening an investigation, seeking comment and setting a hearing on June 1, 2016, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TNC-1 In the Matter of the Nebraska Public Service Commission, on its own motion, to Establish Interim Policies for the Implementation of LB 629 [2015] pending Final Rulemaking: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order amending the Forms and Procedures. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish fuel surcharges in Nebraska Official Goods Tariff 7F and Tariff 22: Mark Breiner reported to the Commission that the Tariff 7F fuel surcharge increased to \$0.44 and the Tariff 22 fuel surcharge increased to \$0.88.

GRAIN WAREHOUSE DEPARTMENT

Schedule A & E In the Matter of the Commission, on its own motion, seeking to determine reasonable A and E storage rates and charges for Public Grain Warehouses for the 2016-2017 storage year. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order setting a hearing for May 10, 2016, at 1:30 p.m. in the Commissioner Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

GW-985 In the Matter of All Points Cooperative, Gothenburg, Nebraska: John Fecht reported that the Grain Warehouse license was cancelled as of February 1, 2016.

GD-3012 In the Matter of the Application of Ag Partners Cooperative, Inc., Hiawatha, Kansas, seeking authority to operate as a grain dealer pursuant to Neb. Rev. State. §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 Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

GD-985 In the Matter of All Points Cooperative, Gothenburg, Nebraska: John Fecht reported the dealer license was cancelled as of February 1, 2016.

GENERAL ADMINISTRATION

Chairman Schram invited the public to address the Commission. No public comments were received.

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

AS Central Services	\$	1,355.35
Mission Critical Partners, Inc.		12,171.63
Sprint Relay		28,492.07

GENERAL ADMINISTRATION (Cont.)

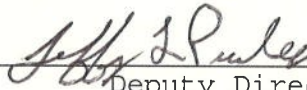
Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation to approve Commission minutes for March, 2016. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to approve the Grain Warehouse & Dealers Department Director, Assistant Director, Examiners and Moisture Meter Inspectors to travel to and attend the Association of Grain Regulatory Officials (AGRO) Annual Conference from July 24 through July 27, 2016 in St. Louis, Missouri, with all expenses to be paid by the Commission. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:32 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present, and Commissioner Crystal Rhoades attending by video conference. The next regularly scheduled meeting will be held on April 26, 2016 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 25, 2016.



Chairman



Deputy Director