

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. 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. Chairman Schram announced that next week's Commission Meeting will be held on July 6, 2016.

GENERAL ADMINISTRATION

Notice was duly published June 21, 2016 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on June 28, 2016 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, July 6, 2016:

10:00 Commission Hearing Room, Lincoln  
Commission Meeting

COMMUNICATIONS DEPARTMENT

C-4841 In the Matter of the Application of Plainview Telephone Company, Inc., Plainview, seeking a waiver of the requirement of 291 NAC 5, §002.06 regarding public pay stations: Motion made by Commissioner Jerry Vap, seconded by Commissioner Crystal Rhoades, to enter an order granting the application: Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-4843 In the Matter of the Application of TNCI Operating Company, LLC, Santa Barbara, California, seeking approval of a transfer of customers to Matrix Telecom, LLC, Irving, Texas: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-4845 In the Matter of the Application of XYN Communications of Nebraska, LLC, Las Vegas, Nevada, seeking authority to operate as a carrier of resold and facilities-based local telecommunications services within the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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COMMUNICATIONS DEPARTMENT (Cont.)

C-4846 In the Matter of the Application of David & Dee Hart, Brent & Suzanne Rainforth, Abby Bunde, Jill Kroeger, Kristi & Bradley Jones, Ron & Betty Wagner, Steph Wagner, Barb Binfield and Myron & Marsha Lautenschlager, Doniphan, seeking authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- 911-042.01 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Nemaha County;
- 911-042.04 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Knox County;
- 911-042.07 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Johnson County;
- 911-042.12 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Kimball County;
- 911-042.13 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Merrick County;
- 911-042.14 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Holdrege;
- 911-042.15 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Hamilton County;
- 911-042.17 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Hitchcock County;

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.20 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Dawes County;
- 911-042.25 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Keith County;
- 911-042.26 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Dawson County;
- 911-042.27 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Frontier County;
- 911-042.30 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Jefferson County;
- 911-042.31 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Thurston County;
- 911-042.34 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Polk County;
- 911-042.36 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Nuckolls County 911;
- 911-042.37 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Morrill County;
- 911-042.38 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Washington County 911;

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TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.40 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Mid Rivers 911;
- 911-042.41 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Beatrice;
- 911-042.42 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Furnas County;
- 911-042.44 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Boone County;
- 911-042.45 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Dundy County;
- 911-042.46 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Wayne;
- 911-042.47 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Custer County;
- 911-042.48 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Garden County;
- 911-042.51 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Rock County;
- 911-042.52 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Cherry County;

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.53 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Brown County;
- 911-042.54 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Keya Paha County;
- 911-042.55 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Howard County;
- 911-042.56 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: York County;
- 911-042.60 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Thayer County;
- 911-042.61 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Otoe County;
- 911-042.62 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Colfax County;
- 911-042.63 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Scotts Bluff County;
- 911-042.64 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Sarpy County;
- 911-042.67 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Pierce County;

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TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.69 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Nance County;
- 911-042.70 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Franklin County/ EDS 911;
- 911-042.71 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Saunders County;
- 911-042.72 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Kearney County; and
- 911-042.73 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Sheridan County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter Orders approving funding requests in Dockets 911-042.01, 911-042.04, 911-042.07, 911-042.12, 911-042.13, 911-042.14, 911-042.15, 911-042.17, 911-042.20, 911-042.25, 911-042.26, 911-042.27, 911-042.30, 911-042.31, 911-042.34, 911-042.36, 911-042.37, 911-042.38, 911-042.40, 911-042.41, 911-042.42, 911-042.44, 911-042.45, 911-042.46, 911-042.47, 911-042.48, 911-042.51, 911-042.52, 911-042.53, 911-042.54, 911-042.55, 911-042.56, 911-042.60, 911-042.61, 911-042.62, 911-042.63, 911-042.64, 911-042.67, 911-042.69, 911-042.70, 911-042.71, 911-042.72, and 911-042.73: Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.
- 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: U.S. Cellular;
- 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;
- 911-043.06 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: N.E. Colorado Cellular d/b/a Viaero Wireless; and

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TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-043.07 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: Pinpoint Wireless d/b/a BLAZE Wireless: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter Orders approving funding requests in Dockets 911-043.02, 911-043.03, 911-043.06, and 911-043.07. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NUSF-1 In the Matter of the Commission, on its own motion, seeking PO #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Legacy Long Distance: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant an extension to July 1, 2016, to submit the 2014 NUSF Remittance Audit, originally due December 31, 2015. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

NG-0086 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy, Omaha, seeking approval of its Cost of Service Gas Hedge Agreement with Black Hills Utility Holdings, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter Assessment Orders BE-0014 and BE-0015. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Scott Coburn reported a total number of 14 consumer complaints and inquiries received at the Commission during May, 2016. For each company: Black Hills Energy - 0; Black Hills Distribution - 5; and NorthWestern - 0; and Other Entities - 9.

TRANSPORTATION DEPARTMENT

B-1738 In the Matter of Panda Transportation, Inc. d/b/a Panda Transportation, Valentine, seeking to change an existing operation by sale or transfer of stock ownership: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order granting application and authorizing acquisition of control through stock transfer. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1757 In the Matter of Night Life Limousine, LLC, proposes to change the stock ownership as follows: Current Ownership: Joseph Armstrong (50%), Erich Tiemann (50%); Proposed Ownership: Melissa Shandera (50%), Jeremy Snyder (50%): Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order granting application and authorizing acquisition of control through stock transfer. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

B-1924 In the Matter of AC Care, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in Douglas, Lancaster, and Sarpy counties over irregular routes. RESTRICTION: the transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order of pending dismissal. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

M-14235 In the Matter of Red Carpet Moving, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in the state of Nebraska over irregular routes: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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 Jerry Vap, seconded by Commissioner Crystal Rhoades, to enter an order releasing interpretation. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TR-204/  
B-1433 In the Matter of the Application of B.J.Z., Inc., dba Checker Cab Company, Norfolk, 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.



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## GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of the grain warehouse license renewals for the 2nd quarter of 2016: John Fecht reported on the 2nd quarter grain warehouse renewal licenses.

GW-19 In the Matter of the grain dealer license renewals for 2nd quarter of 2016: John Fecht reported on the 2nd quarter grain dealer renewal licenses.

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

|                                      |    |           |
|--------------------------------------|----|-----------|
| DAS Central Finance-Network Services | \$ | 3,550.06  |
| NARUC Membership                     |    | 10,459.00 |
| Gerald Vap                           |    | 1,015.20  |

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM: Batch Total: \$ 10,145.65

Alternative Hearing  
Beltone  
Complete Hearing Solutions  
Carl A. Johnson  
Harris Communications  
Nebraska Hearing Center  
Professional Hearing-Aid Services  
Sherard Hearing Aid Centers  
Sprint Relay  
Teltex Inc.  
The Hearing Clinic  
Weitbrecht Communications Inc.  
Western ENT Associates

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation for an employee to go into negative leave balance. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson excused not voting.

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GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to go into closed session for the protection of the public interest. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson excused not voting. The Commission went into closed session at 10.21 a.m.

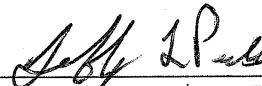
Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission returned to open session at 10:27 a.m.

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The meeting adjourned at 10:28 a.m. with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on July 6, 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 July 5, 2016.



Chairman



Executive Director