

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. Chairman Schram 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 comments were received. No announcements were made.

## GENERAL ADMINISTRATION

Notice was duly published September 20, 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 September 27, 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, October 4, 2016:

- 10:00 Commission Hearing Room, Lincoln  
Commission Meeting
- 11:00 Commission Hearing Room, Lincoln  
MCC-3191 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, v. Kyle Christensen, Alda, Defendant. Commissioner Gerald Vap presiding as Hearing Officer.
- 1:30 Commission Hearing Room, Lincoln  
NUSF-37.331 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Convergia, Inc., Respondent. Commissioner Tim Schram presiding as Hearing Officer. This hearing has been continued.

## COMMUNICATIONS DEPARTMENT

- C-4797/ In the Matter of the Nebraska Public Service Commission, on  
911-064/ its own motion, to investigate critical underground  
NG-0089/ facility issues in Nebraska. Commissioner Crystal Rhoades  
PI-199 presiding as Hearing Officer: Motion made by Commissioner  
Rod Johnson, seconded by Commissioner Crystal Rhoades, to  
enter an order setting workshops for October 20, 2016, at 10:30 a.m.  
at the Nebraska Public Power District in North Platte, Nebraska,  
November 2, 2016, at 10:30 a.m. at the German American Society in  
Omaha, Nebraska, and November 10, 2016, at 10:30 a.m. at Rosie's  
Banquet Hall in Lincoln, Nebraska. Motion passed with Commissioners  
Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap  
voting AYE.

## COMMUNICATIONS DEPARTMENT (Cont.)

C-4856/  
NUSF-107 In the Matter of the Application of IM Telecom, LLC d/b/a Infiniti Mobile, Tulsa, Oklahoma, for Designation as an Eligible Telecommunications Carrier in the State of Nebraska. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter a protective order. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

C-4858/  
DR-0007 In the Matter for Declaratory Order of Qwest Corporation d/b/a CenturyLink QC, United Telephone Company of the West d/b/a CenturyLink and Dex Media, Inc. seeking a determination that Neb.Admin.Code, Title 291, Chap. 1, §019.01 et. seq; Title 291, Chap. 5, §002.22A and 010.09; and Title 291, Chap. 10, §006.07A be clarified or waived entirely or partially to permit compliance by digitally published directories, including online, rather than traditional paper printing and publication. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order setting a workshop on October 18, 2016, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

C-4865 In the Matter of the Application of Alliance Group Services, Inc., Westport, Connecticut, seeking approval to withdraw its interexchange certificate of authority and cancel its tariff: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Cullen Robbins informed the Commission of the 2016 Annual Report to the Legislature. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the 2016 Annual Report to the Legislature. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

AD-629r In the Matter of the Application of SafeSoft Solutions, Inc., Woodland Hills, California, seeking authority to register the connection of an automatic dialing-announcing device in Los Angeles, California: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Steve Stovall reported to the Commission on the National Association for State Relay Administration (NASRA) Conference he attended September 12 and 13, 2016, in Annapolis, Maryland.

## TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an Order scheduling a hearing on the Wireless E-911 surcharge on November 1, 2016 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-024.32 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Nebraska Department of Roads: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an Order amending access. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-024.53 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: ALK Technologies: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an Order denying access. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

911-064/ In the Matter of the Nebraska Public Service Commission, on C-4797/ its own motion, to investigate critical underground NG-089 facility issues in Nebraska: This matter was addressed on the Communications Department's agenda.

NUSF-7 In the Matter of the Commission, on its own motion, seeking to review and approve requests for modification of the funding calculation for the Nebraska Universal Service Fund (NUSF): Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an Order seeking comments, due on or before October 28, 2016. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

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

NUSF-25, PO #34 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: Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order certifying eligible telecommunications carrier for high-cost support. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69.09 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Petition received July 1, 2011 from U.S. Cellular Corporation: Commissioner Frank Landis presiding as Hearing Officer; and

NUSF-69.11 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Petition received July 1, 2012 from U.S. Cellular Corporation: Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter Orders for Dockets NUSF-69.09 and NUSF-69.11 approving reimbursements. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-107/ C-4856 In the Matter of the Application of IM Telecom, LLC d/b/a Infinity Mobile for designation as an Eligible Telecommunications Carrier in the State of Nebraska: This matter was addressed on the Communications Department's Agenda.

NUSF-108 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an Order opening docket and seeking comments, due on or before October 27, 2016, with reply comments due on or before November 14, 2016 and, scheduling a hearing on November 29, 2016 at 1:30 p.m. 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

PI-200 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate the blocking of railroad crossings in eastern Cass County, Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order releasing Findings and closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE. Commissioner Crystal Rhoades asked that the minutes reflect that she will issue a concurring opinion.

PI-201 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate the blocking of railroad crossings in Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

B-1932 In the Matter of the Application of Fly Rydes Transport LLC, Scottsbluff, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Scotts Bluff County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their luggage is not authorized. HHS Designation: No: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order of pending dismissal. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

M-14223, In the Matter of the Application of King's Moving, Supp. 1 Gretna, seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods by straight trucks between points in Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order of pending dismissal. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

## GRAIN WAREHOUSE DEPARTMENT

GW-666 In the Matter of the attached list of completed list of et al. warehouse license renewals for the 3rd quarter of 2016. John Fecht reported on the 3rd quarter grain warehouse renewal licenses.

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GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-3013 In the Matter of the application of KAAPA Ethanol Ravenna LLC, Minden, Nebraska, seeking authority to operate as a grain dealer pursuant to Neb. Rev. State. § 75-903 (Reissue of 2009): Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, 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-666 In the Matter of the attached list of completed list of et al grain dealer license renewals for 3rd quarter of 2016. John Fecht reported on the 3rd 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 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.

Attorney General	\$	8,166.00
Central Finance-IM Services		1,530.67
Central Finance-Network Services		3,581.04
Cornhusker State Industries		653.00
Gerald Vap		1,015.20

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM:

<u>Batch #4597341</u>	\$	1,000.00
Dynavox Systems		

<u>Batch #4597259</u>	\$	7,503.40
Alternative Hearing		
Beltone		
Carl A. Johnson		
Complete Hearing Solutions		
Sherard Hearing Centers		
Sprint		
Teltex		
The Hearing Clinic		
Western Hearing Solutions		

Deputy Director's recommendation to enter into a Master Strategy Plan Contract with Mission Critical Partners effective September 27, 2016. No motion was made.

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The meeting adjourned at 10:35 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on October 4, 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 October 3, 2016.

  
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Chairman

  
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Deputy Director