

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

February 22, 2017

Page 9693

Notice was duly published February 14, 2017 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on February 22, 2017 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Crystal Rhoades, Mary Ridder, and Tim Schram present and Commissioner Rod Johnson excused. 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.

Attention was called to the following proceedings:

Friday, February 24, 2017:

10:00 Commission Hearing Room, Lincoln  
NIEF Advisory Board Meeting

Tuesday, February 28, 2017:

10:00 Commission Hearing Room, Lincoln  
Commission Meeting

COMMUNICATIONS DEPARTMENT

C-4888 In the Matter of the Application of Communications Sales & Leasing, Inc., and Talk America Services, LLC, Little Rock, Arkansas, seeking approval of a Pro Forma change in indirect ownership: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

C-4893/ In the Matter of the Nebraska Public Service Commission, on  
PI-207 its own motion, to determine the quality and performance testing of redundant network facilities in Nebraska: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order opening the docket. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

## COMMUNICATIONS DEPARTMENT (Cont.)

C-4887 In the Matter of the Application of Citizens Telecommunications Company of Nebraska, Mound, Minnesota, seeking approval of an interconnection agreement with Midstates Data Transport, LLC, Blair, Nebraska: Motion made by Commissioner Mary Ridder, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

## NEBRASKA UNIVERSAL SERVICE FUND

NUSF- Sue Vanicek, Director of the Nebraska Telecommunications  
37.334 Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. EOS Mobile Holdings, LLC Respondent(s); and

NUSF- Sue Vanicek, Director of the Nebraska Telecommunications  
37.340 Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Legacy Long Distance International, Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter Orders dismissing Complaints for Dockets NUSF-37.334 and NUSF-37.340. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

NUSF-100/ In the Matter of the Nebraska Public Service Commission, on  
PI-193 its own motion, to consider revisions to the universal service fund contribution methodology. Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter an Order adopting Findings and Conclusions, and seeking further comments in the form of Testimony due March 24, 2017. A hearing has been scheduled for April 25, 2017 at 1:30 P.M. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

## STATE 911 DEPARTMENT

911-42.29 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 Hastings: Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter an Order approving use of funding. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

STATE 911 DEPARTMENT (Cont.)

- 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;
- 911-60.01 In the Matter of the Commission, on its own motion, seeking to investigate and determine whether additional funds from the Enhanced Wireless 911 Fund should be made available to public safety answering points for costs to implement Text-to-911 solutions: Nemaha County; and
- 911-060.64 In the Matter of the Commission, on its own motion, seeking to investigate and determine whether additional funds from the Enhanced Wireless 911 Fund should be made available to public safety answering points for costs to implement Text-to-911 solutions: Sarpy County: Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter Orders approving funding for Dockets 911-042.64, 911-60.01 and 911-060.64. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

The Commission was informed the next Wireless 911 Advisory Board meeting is scheduled for Monday, May 8, 2017, at 10:00 a.m., 261 S. 8th Street, Seward, Nebraska.

Dave Sankey discussed the Topeka, Kansas meeting that took place January 2017, and gave an overview of the Next-Generation 911 visit.

NATURAL GAS DEPARTMENT

NG-0049.2 In the Matter of CenterPoint Energy Services Retail, LLC, Houston, Texas, seeking authority to withdraw its Competitive Natural Gas Provider Certificate: Motion made by Commissioner Mary Ridder, seconded by Commissioner Frank Landis, to enter an order granting withdrawal. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

NG-0091 In the Matter of BP Energy Company, Omaha, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter an order granting authority. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

- NG-0078.2 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; and
- NG-0090 In the Matter of Black Hills/Nebraska Gas Utility, LLC, d/b/a Black Hills Energy, Papillion, seeking approval of a Farm Tap Safety Proposal and Associated Tariff. Commissioner Rod Johnson presiding as Hearing Officer:
- Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter assessments orders. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

RULES AND REGULATIONS

- Rule and Regulation #198 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 7, Transmission Lines Rules and Regulations, to adopt the 2017 edition of the National Electrical Safety Code as the official rules of the Commission for the construction, operation, and maintenance of overhead and under-ground electric transmission lines: Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter an order adopting Rule and Regulation # 198. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

LEGISLATIVE

Nichole Mulcahy stated that the hearings on LB 524 and LB 621 are set for March 17, 2017 and that the hearing on LB 611 is set for March 11, 2017.

TRANSPORTATION DEPARTMENT

- B-1919 In the Matter of the Application of Galaxy Shuttle Party Bus, Omaha, seeking authority to operate as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party and charter between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their luggage is not authorized. HHS Designation: No: Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

February 22, 2017

Page 9697

TRANSPORTATION DEPARTMENT (Cont.)

B-1947 In the Matter of the Application of Rockstar Transportation, LLC, Omaha, seeking authority to operate as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party and charter between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

T-3 In the Matter of the Application of Liberty Mobility Now, Inc., Lincoln, seeking approval for a permit to operate as a Transportation Network Company in the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

BR-516/ In the Matter of Galaxy Shuttle Party Bus, Omaha, seeking  
B-1919 to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3 (Supp. 2015); and

BR-522/ In the Matter of Rockstar Transportation, LLC, Omaha,  
B-1947 seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3 (Supp. 2015): Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter orders granting the rates. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

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

DAS State Accounting-Personnel	\$	1,913.94
Brown Brothers		770.00
Crystal Rhoades		772.07

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

February 22, 2017

Page 9698

GENERAL ADMINISTRATION (Cont.)

The following invoices were paid between 2/8/17 and 2/21/17 and should be ratified:

Cornhusker State Industries	\$	1,294.00
DAS Accounting-Central Finance-IM Services		3,049.09
DAS Accounting-Central Finance-Personnel		1,562.61
Sprint Relay		27,921.48
Tim Schram		654.84

Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to approve the Executive Director's recommendation to approve a Consulting Services Agreement with Donald G. Blankenau, with Blankenau Wilmoth Jarecke LLP, for the provision of legal consulting services. Motion passed with Commissioners Frank Landis, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Mary Ridder, to approve the Executive Director's recommendation to hire a Grain Examiner. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Mary Ridder, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to hire temporary staff. Motion passed with Commissioners Frank Landis, Mary Ridder, Crystal Rhoades and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

Commissioners' discussion of matters unrelated to open Commission proceedings.

\*\*\*\*\*

The meeting adjourned at 10:43 a.m. with Commissioners Frank Landis, Crystal Rhoades, Mary Ridder, and Tim Schram present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on February 28, 2017 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 27, 2017.




---

Chairman
 Executive Director