

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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Notice was duly published March 19, 2019 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 March 26, 2019 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

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

Tuesday, March 26, 2019:

11:00 Commission Hearing Room, Lincoln  
C-5032 In the Matter of the Commission, on its own motion, to determine the surcharge for the statewide Telecommunications Relay System to be effective July 1, 2019. Commissioner Tim Schram presiding as Hearing Officer.

1:30 Commission Hearing Room, Lincoln  
DR-0009/  
B-1829 In the Matter of the Petition for Declaratory Ruling of Golden Plains Services, Inc. d/b/a GPS Transportation, Lincoln, seeking determination that Neb.Admin.Code, Title 291, Chap. 3, §001.01(E) and §001.01(F) permit on-demand transportation services for open class carriers that were engaging in on-demand transportation services prior to changes approved in Rule and Regulation Docket No. 199 effective January 16, 2019; search all open class carriers for any and all carriers that have provided on-demand services and would be adversely affected by the rule changes approved in Rule and Regulation Docket No. 199; investigate and schedule a hearing on the effect on carriers of any service classification regarding the observation of precedent; and define the criteria for observing precedent when a change is made to rules and regulations. Commissioner Rod Johnson presiding as Hearing Officer.

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Wednesday, March 27, 2019:

10:00 Commission Hearing Room, Lincoln  
B-1990 In the Matter of the Application of Meeting & Event Design, Inc., d/b/a Tuk Tuk Omaha, Omaha, Nebraska, seeking authority as a Common Carrier in Nebraska intrastate commerce in the transportation of passengers by low speed vehicle between points in Douglas and Sarpy Counties and points between said counties over irregular routes. RESTRICTION: Transportation of railroad train crews and their baggage is not permitted. HHS Designation: No. Commissioner Crystal Rhoades presiding as Hearing Officer.

Tuesday, April 2, 2019:

10:00 Commission Hearing Room, Lincoln  
Commission Meeting

COMMUNICATIONS DEPARTMENT

C-5038 In the Matter of the Joint Application of BCM One, Inc., New York, New York, for authority to obtain debt financing. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Mary Ridder and Dan Watermeier voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Tim Schram excused not voting.

FC-1367 In the Matter of Platte Valley Financial Services Companies, Inc. and Affiliates, Complainant, v. CenturyLink Communications, LLC, Defendant. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an Order scheduling an Oral Argument on April 23, 2019, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Dan Watermeier voting AYE, and Commissioner Tim Schram excused not voting.

C-5040 In the Matter of the Application of Qwest corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of a Reciprocal Compensation Bill and Keep Amendment to the Interconnection Agreement with Level 3 Communications, LLC, Broomfield, Colorado. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Dan Watermeier voting AYE, and Commissioner Tim Schram excused not voting.

NUSF- In the Matter of Cullen Robbins, Director of the Nebraska  
37.364 Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. IDT America Corporation, Respondent; and

COMMUNICATIONS DEPARTMENT (Cont.)

NUSF- 37.365 In the Matter of Cullen Robbins, Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. ILOKA, Inc., Respondent. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter Orders dismissing Complaints NUSF-37.364 and NUSF-37.365. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Dan Watermeier voting AYE, and Commissioner Tim Schram excused not voting.

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. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an Order granting request for extension of time to complete project. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Dan Watermeier voting AYE, and Commissioner Tim Schram excused not voting. Commissioner Tim Schram entered the Commission at 10:07 a.m.

NUSF-108, PO #4 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. Commissioner Mary Ridder presiding as Hearing Officer. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Crystal Rhoades, to enter an Order scheduling a Hearing on April 30, 2019, at 1:30 pm in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins discussed a NUSF Late-Filed/Late-Paid Carrier: Alltel Corporation. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, that the previously levied late-fees be waived for Alltel Corporation. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins informed the Commission that a hearing has been scheduled for April 24, 2019, at 11:00 a.m. at the Doniphan Event Center, 103 W Pine Street, Doniphan, for the following applications: C-5018; C-5022; C-5024; C-5026; C-5027; C-5035 and C-5036. Commissioner Rod Johnson presiding as Hearing Officer.

RULES AND REGULATIONS

RR 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. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order adopting the rules and issuing a revised certificate of adoption. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

LEGISLATIVE

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1375 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Dashabout Roadrunner, Inc., Akron, Colorado, to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, Order dismissing show cause proceeding and granting suspension. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

BR-558/ In the Matter of the Application of Rapid Shuttle Service,  
B-1945 LLC, Papillion, seeking to establish its rates and charges, the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, Order granting rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GRAIN WAREHOUSE DEPARTMENT

GW-20 In the Matter of the attached list of completed list of etal warehouse license renewal for the 1st quarter of 2019: Mike Bartels reported on the 1st quarter grain warehouse renewal licenses.

GW-553 In the Matter of Kroeker Grain & Lumber Co., Inc., Henderson, Nebraska: Mike Bartels reported on shortage of corn.

GW-2132 In the Matter of The Scoular Company, Sidney, Nebraska: Mike Bartels reported on shortage of millet.

GW-2148 In the Matter of The Scoular Company, Fremont, Nebraska: Mike Bartels reported on shortage of organic corn.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2185 In the Matter of the Application of Pride Enterprises, Inc. dba Pride Grain, Long Pine, Nebraska, requesting a \$75,000 deductible on its stock insurance. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

Grain Dealer Division

GD-153 In the Matter of the attached list of completed list of etal grain dealer license renewals for 1st quarter of 2019. Mike Bartels reported on the 1st quarter grain dealer renewal licenses.

GENERAL ADMINISTRATION

Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to approve the Executive Director's recommendation to approve offering an Intent to Award the contract for provision of Telecommunications Relay Services to Sprint Communications Company, LP. Motion passed with Commissioners Mary Ridder, Tim Schram and Dan Watermeier voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson present not voting.

Commissioner Rhoades asked that the following be added to the minutes:

"I voted no on extending the contract to Sprint because on March 19, 2019 the Commission opened a complaint against the carrier for overcharging every customer, on every line, in Douglas County. Sprint has been advised by the Commission and their own legal counsel that they have been overcharging at a rate of .05 per month, per line, since 2013. To date they have refused to correct the billing error. It would be irresponsible to grant them an additional contract with the state given that they have an open complaint and are actively refusing to remedy the situation.

GENERAL ADMINISTRATION (Cont.)

"Additionally, there is no way to determine if the services provided by Sprint are the best value. The committee evaluating the RFP did not adequately define how costs should be submitted to the Commission for cost comparison. So one carrier included the outreach cost in price per call and the other carrier did not and instead included the outreach cost as a separate charge making an apples to apples price comparison impossible. I have asked the staff to ensure they do not repeat this error and refine the RFP process to allow for a direct cost comparison. However, on a price per minute basis it should be noted the cost provided by Hamilton Communications was .76 cents less than what Sprint proposed."

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The meeting adjourned at 10:39 a.m. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on April 2, 2019 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 1, 2019.



Chair



Executive Director