

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

April 9, 2019

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Notice was duly published April 2, 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 April 9, 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, Mary Ridder, Tim Schram and Dan Watermeier present and Commissioner Crystal Rhoades 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, April 9, 2019:

11:00 Commission Hearing Room, Lincoln
E-2463 In the Matter of the Application of Nebraska Public Power District, Columbus, Nebraska, seeking authority to construct, operate, and maintain electric transmission lines in Lincoln, Logan, Thomas, Blaine, Loup, Garfield, Holt, and Wheeler Counties. Commissioner Mary Ridder presiding as Hearing Officer.

Wednesday, April 10, 2019:

9:00 Commission Hearing Room, Lincoln
B-1985 In the Matter of the Application of Platinum Limos, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine between points in Sarpy, Saunders, Douglas and Lancaster Counties, and points between said counties, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Commissioner Tim Schram presiding as Hearing Officer.

Tuesday, April 16, 2019:

10:00 Commission Hearing Room, Lincoln
Commission Meeting

11:00 Commission Hearing Room, Lincoln
MCC-3197 Jamie L. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant v. D&N Event Center, North Platte, Nebraska, Respondent. Commissioner Rod Johnson presiding as Hearing Officer.

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COMMUNICATIONS DEPARTMENT

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. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order setting the surcharge. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5039 In the Matter of the application of Protocall, LLC, Olathe, Kansas, seeking authority to withdraw its interexchange certificate of authority and cancel its tariff. 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, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-37.372 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Lycamobile USA, Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing the Complaint. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-92.53 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 Tim Schram, to enter an Order granting application, in part. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-99.29 In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Universal Service Fund High-cost Program: Windstream Nebraska, Inc. Broadband Grant Request; and

NUSF-99.31 In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Universal Service Fund High-cost Program: Windstream Nebraska, Inc. Broadband Grant Request. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter Orders approving broadband requests for NUSF-99.29 (Fairbury NE 2A) and NUSF-99.31 (Fairbury SE 4B). Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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COMMUNICATIONS DEPARTMENT (Cont.)

Cullen Robbins informed the Commission that the next Nebraska Universal Service Fund (NUSF) Advisory Board Meeting will be Monday, April 29, 2019, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

STATE 911 DEPARTMENT

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; and

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: Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter Orders in Dockets 911-042.51, 911-042.52, and 911-042.53, approving the use of set-aside funds. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NATURAL GAS DEPARTMENT

NG-0013 PO-#63 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]. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter the quarterly progression order #63. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NG-0100 In the Matter of the Joint Application of Black Hills Gas Distribution, LLC, and Black Hills/Nebraska Gas Utility Company, LLC, Rapid City, South Dakota, seeking approval to consolidate the Nebraska tariffs, assets, liabilities, and operations of the two companies, and to rename the consolidated entity Black Hills Nebraska Gas, LLC. Commissioner Dan Watermeier presiding as Hearing Officer. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter a notice of assessment order. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

Nichole Mulcahy reported a total number of 13 consumer complaints and inquiries received at the Commission during the first quarter of 2019. For each company: Black Hills Energy - 4; Black Hills Distribution - 3; and NorthWestern - 0; and Other Entities - 6.

LEGISLATIVE

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

MCC- Jamie L. Reyes, Director, Motor Transportation
3196.01 Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant v. Alpha Life Improvement Services; Bus at the Yard d/b/a Luxury Limousine; Caring Hearts Transportation; Reliance Medical Transportation LLC; Heartland Party Bus; Jason's Limousine Service; Kelly DeSive; National Health Transport; Nebraska Taxi, LLC; Ollie the Trolley; Tree City Cab Company; Wings of Love; A & A Landscaping; American Eagle Van Lines, Inc.; Blair Moving; Ford Storage & Moving Co.; Middle West Movers; Nebraska Transport Co., Inc.; and Smoldt Moving & Storage, Inc., Respondents. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, Order dismissing in part. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

B-1992 In the Matter of the Application of Live Well Home Care, Sioux City, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class between points in Cedar, Cuming, Dakota, Dixon, and Thurston counties and points between said counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, Order granting application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

B-1969 In the Matter of the Application of WHC NE, LLC, d/b/a Airport Transportation, Omaha, seeking to amend its Certificate of Public Convenience and Necessity to provide for the transportation of passengers in open class using minibuses. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, Order granting vehicle restriction amendment. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

M-14207 In the Matter of The Billings Group dba Quick City Delivery, Omaha, seeking to acquire, through transfer, the authority granted to Inter City Courier Systems, Inc., dba Quick City Delivery, Omaha, in Certificate M-13498. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, Order dismissing application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

BR-543/ In the Matter of Red Star Transport, LLC, Omaha, seeking to
B-1963 establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, Order granting rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, 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 excused not voting.

DAS Central Finance \$ 8,170.58

The following invoices were paid between April 3, 2019 and April 8, 2019 and should be ratified:

Mary Ridder \$ 860.72

Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to approve the Executive Director's recommendation to go into closed session to discuss a personnel matter, the closed session being necessary for the protection of needless injury to the reputation of an individual. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting. The Commission entered into closed session at 10:20 a.m.

Chair Ridder restated that the purpose of the closed session is for the protection of needless injury to the reputation of an individual. The closed session discussion will be so limited.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting. The Commission returned to open session at 10:38 a.m.

The meeting adjourned at 10:38 a.m. with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present and Commissioner Crystal Rhoades excused. The next regularly scheduled meeting will be held on April 16, 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 15, 2019.



Chair



Executive Director