

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

May 21, 2019

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Notice was duly published May 14, 2019 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 May 14, 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, Tim Schram and Dan Watermeier present. 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, May 21, 2019:

10:00 Commission Hearing Room, Lincoln
Commission Meeting

1:30 Commission Hearing Room, Lincoln
Schedule In the Matter of the Commission, on its own motion, seeking
"A" and to determine reasonable A and E storage rates and charges
"E" Rates for Public Grain Warehouses for the 2019-2020 storage year.
Commissioner Rod Johnson presiding as Hearing Officer.

Wednesday, May 22, 2019:

10:00 Commission Hearing Room, Lincoln
NUSF-4 In the Matter of the Commission, on its own Motion, seeking
to determine the level of the fund necessary to carry out
the Nebraska Telecommunications Universal Service Fund Act
beginning July 1, 2019. Commissioner Ridder presiding as
Hearing Officer.

Wednesday, May 29, 2019:

1:00 Commission Hearing Room, Lincoln
B-1984 In the Matter of the Application of Hope Park Transport,
LLC, Lincoln, seeking authority as a contract carrier in
Nebraska intrastate commerce in the transportation of
clients by van, in open class, to and from medical
appointments, behavioral health appointments and/or day
center programs within Lancaster County pursuant to service
contracts with Prescott Place, Integrated Behavioral Health
Services, and Bel Air Homes. Commissioner Schram presiding
as Hearing Officer.

Tuesday, June 4, 2019:

10:00 Commission Hearing Room, Lincoln
Commission Meeting

11:00 Commission Hearing Room, Lincoln
M-14229 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require NST Holdings, LLC, d/b/a Aardvark Moving Company, Omaha, to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked. Commissioner Ridder presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

- C-5018 In the Matter of the Application of Eugene Griess, Sutton, seeking authority to receive advanced telecommunications service from the Aurora Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer.
- C-5022 In the Matter of the Application of Kevin Rainforth, Doniphan, seeking authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer.
- C-5024 In the Matter of Judy M. Rainforth, Prosser, seeking authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer.
- C-5026 In the Matter of the Application of Patricia Rainforth, Doniphan, seeking authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer.
- C-5027 In the Matter of the Application of Matthew Oman, Doniphan, seeking authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer.
- C-5035 In the Matter of the Application of Levi Ochsner, Sutton, seeking authority to receive advanced telecommunications service from the Stockham Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer.
- C-5036 In the Matter of the Application of Adam Hayman, Doniphan, seeking authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company. Commissioner Rod Johnson presiding as Hearing Officer. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Crystal Rhoades to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

COMMUNICATIONS DEPARTMENT, Cont.

C-5044 In the Matter of the Application of Communications Venture Corporation d/b/a INdigital, Inc., Fort Wayne, Indiana, seeking authority to operate as an interexchange carrier of telecommunications Services within the State of Nebraska.

C-5045 In the Matter of the Application of Communications Venture Corporation d/b/a INdigital, Inc., Fort Wayne, Indiana, seeking authority to provide competitive local exchange telecommunications services within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5047 In the Matter of the Application of Northeast Nebraska Telephone Company and Clarks Telecommunications Co., seeking approval of the merger of Clarks Telecommunications Co. with NNTC; the transfer of the customer base of Clarks Telecommunications Co. to NNTC; the withdrawal of the authority granted to Clarks Telecommunications Co. and the cancellation of its tariff. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins seeks Commission approval to waive late-fees for late-filed TRS remittances from Zito Media Midwest, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to approve waiver for late-filed TRS remittances. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder voting NAY.

STATE 911 DEPARTMENT

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. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an Order approving funding for computer aided dispatch. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

STATE 911 DEPARTMENT, Cont.

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. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order approving funding for GIS equipment and software. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order approving funding for call handling equipment. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

E-2435 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate, and maintain an electric transmission line in Saline County. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an extension order. 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-1646 In the Matter of the Application of Thuc Van Ngo, d/b/a South Sioux Taxi, South Sioux City, seeking suspension of the Certificate of Public Convenience and Necessity issued in Application No. B-1646 until October 1, 2019. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an Order Suspending Certificate. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT, Cont.

- B-1901, In the Matter of the Application of Mike's Handy Van,
Sup. 1 Lincoln, seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van and sedan in open class service between all points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order Dismissing Application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- B-1981 In the Matter of the Application of Everest Homecare Services, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service between points in Douglas and Sarpy counties, and points between said counties, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order Dismissing Application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- 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. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order Declining issuance of Declaratory Order. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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GENERAL ADMINISTRATION

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

Rod Johnson \$ 1,207.56

Executive Director's recommendation to authorize Dave Sankey to travel to and attend the Region VII FirstNet Forum, in Altoona, Iowa, on May 29 and 30, 2019, with registration and lodging to be paid by the Iowa Statewide Interoperable Communications Board and all other expenses to be paid by the Commission. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Executive Director's recommendation to authorize Mike Bartels and Terri Fritz to travel to and attend the 2019 Association of Grain Regulatory Officials (AGRO) conference in Savanna, Georgia, from July 28 to July 31, 2019, with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Executive Director's recommendation to authorize Robert Leigh to travel to and attend the 2019 Association of Grain Regulatory Officials (AGRO) conference in Savanna, Georgia, from July 28 to July 31, 2019, with all expenses to be paid by AGRO. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

The meeting adjourned at 10:28 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 May 21, 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 May 20, 2019.

Mary Ridder
Chair

Crystal Rhoades
Executive Director