

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 4, 2022

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Notice was duly published December 28, 2021 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 January 4, 2022 at 10:00 AM in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Dan Watermeier called the regularly scheduled meeting to order at 10:00 AM. with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room and Commissioner Crystal Rhoades present via Webex. Chair Watermeier 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:

Wednesday, January 5, 2022:

Hearing, 10:00 AM

GDC-446

Hearing Officer: Commissioner Tim Schram

Tuesday, January 11, 2022:

Commission Meeting, 10:00 AM

COMMUNICATIONS DEPARTMENT

FC-1370: In the Matter of Platte Valley Financial Services Companies, Inc., Complainant, v. United Telephone Company of the West d/b/a CenturyLink Nebraska, Respondent. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order denying motion for reconsideration and setting an answer date. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5069/PI-226: In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement LB 641 [2019]. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter a Nunc Pro Tunc Order. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5272: In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement the Nebraska Broadband Bridge Act. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order issuing Grant Awards and Results of Challenge. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

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C-5352: In the Matter of the Application of Network Innovations, Inc., and NI Topco, Inc., Chicago, Illinois, seeking approval of a transfer of control. Motion made by Commissioner Mary Ridder, 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-5355: In the Matter of the Application of GTT Communications, Inc., GTT Americas, LLC, and GC Pivotal, LLC d/b/a Global Capacity, McLean, Virginia, seeking approval of a transfer of control associated with the Joint Prepackaged Chapter 11 Plan of Reorganization of GTT Communications, Inc. and its Debtor Affiliates. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5356: In the Matter of the Application of Custom Teleconnect, Inc., Las Vegas, Nevada, seeking authority to withdraw its interexchange certificate of authority and cancel its tariff. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting withdrawal. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5353: In the Matter of the Application of Henderson Cooperative Telephone Company dba Mainstay Communications, Henderson, Nebraska, seeking approval of a Wireless Traffic Exchange Agreement with New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, Bedminster, New Jersey. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5354: In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Pinpoint Communications, Inc., Cambridge, Nebraska. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: inContact, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to grant inContact Inc.'s extension request to May 1, 2022, for the NUSF remittance audit, otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Lycamobile USA, Inc. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to grant Lycamobile USA, Inc.'s extension request to March 1, 2022, for the NUSF remittance audit, otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Public Communications Services, Inc. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to grant Public Communications Services' extension request to February 28, 2022, for the NUSF remittance audit, otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Mitel Cloud Services. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to grant Mitel Cloud Services' extension request to January 31, 2022, for the NUSF remittance audit, otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Metropolitan Telecommunications of NE, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to grant Metropolitan Telecommunications' extension request to May 31, 2022, for the NUSF remittance audit, otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-33/ In the Matter of the Nebraska Public Service Commission, on PI-68 its own Motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting audit waiver. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: Lycamobile USA, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, that a Complaint be opened against Lycamobile USA, Inc. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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Cullen Robbins informed the Commission of the telecommunications complaints and outages received by the Communications Department during the preceding month.

Outages for December 2021							
Carrier	Area	Outage Date	Completion Date	Duration	Lines Affected	Primary Cause	Comments
Windstream Nebraska, Inc.	Lincoln, York	Dec-15-21	Dec-17-21	1 d 23 h	1163	Cable Cut	A fiber cut between Council Bluffs, IA and Walnut, IA. Degraded service due to 264 trunks down in the Lincoln, NE DMS100 also affecting the York, NE E911 center unable to call out of other first responder offices. Winter Storm downed 17 MidAmerican Energy poles damaging Windstream 72-count aerial fiber. The power company estimated 1-2 weeks to complete repairs so Windstream's SSP contractor bored a new underground path to bypass the damaged poles then replaced 6500 ft of fiber for permanent repair. Trunks restored with fiber splicing in 48 hours 58 minutes.
Qwest Corporation	South Sioux City	Dec-17-21	Dec-18-21	1 d 5 h	141	Cable Cut	Copper cable was repaired to restore service.
Northeast Nebraska Telephone Company	Coleridge, Dixon, Winside, Allen, Clearwater, Craig, Decatur	Dec-27-21	Dec-27-21	0 d 2 h	1000	Equipment	Router Failure
Blair Telephone Company	Washington County and Burt County	Dec-27-21	Dec-27-21	0 d 5 h	200	Cable Cut	A contractor cut a fiber optic cable between Omaha and Blair on Highway 133 by Lakeland. The cut caused an outage of cable TV to Washington County and parts of Burt County, loss of dial tone and data service to several rural cabinets in southern Washington County, and loss of toll traffic to 4 trunk groups.

TRANSPORTATION DEPARTMENT

B-1933: In the Matter of the Nebraska Public Service Commission, on its own motion, to require Ride the Good Life d/b/a Ride the Good Life, LLC, Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order sustaining show cause and revoking Certificate B-1933. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1994.01: In the Matter of the Nebraska Public Service Commission, on its own motion, to require SNP Consulting Services, LLC, Elkhorn, to show cause why its permit of authority should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing show cause and granting suspension until December 15, 2022. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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B-2005.01: In the Matter of the Nebraska Public Service Commission, on its own motion, to require Extreme Nightlife, LLC, Lincoln, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order sustaining show cause and revoking Certificate B-2005. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2031: In the Matter of the Application of Safe Journeys Transit LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan and van in open class service between points in Douglas, Sarpy, and Lancaster counties, and between said counties, over irregular routes. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order granting application as amended. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

MT-0001.02: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to address certain carriers in non-compliance with annual renewal requirements. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order opening docket and scheduling show cause hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Jamie Reyes reported on the 2022 railroad employee carrier license renewal list.

BR-615/B-2027: In the Matter of Legacy Party Express, LLC, d/b/a Legacy Party Express, Aurora, seeking to 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 Mary Ridder, to enter an Order granting rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Executive Director's recommendation to ratify the 2022 Schedule of Fees. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Motion to approve Commissioners Rod Johnson and Dan Watermeier to travel to and attend the 2022 MARC (Mid-America Regulatory Conference) Commissioners' Retreat in San Antonio, TX, from January 6, 2022 to January 8, 2022, with up to \$1,000 in travel expenses to be reimbursed by MARC, excluding meals. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder. Motion passed with

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Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Executive Director's recommendation to approve Christian Nielsen and James Almond to travel to and attend the 2022 NENA (National Emergency Number Association) Standards & Best Practices Conference, in San Diego, CA, from January 17, 2022 to January 21, 2022, with all expenses to be paid by the Commission. Motion made by Commissioner Mary Ridder, 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.

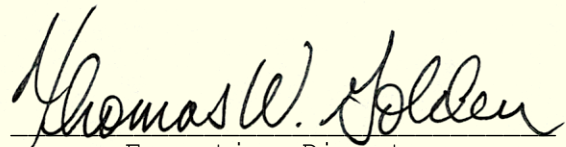
Executive Director's recommendation to approve Housing & Recreational Vehicle Department staff to travel to Kansas, Iowa, or South Dakota, as necessary for the performance of inspections, at any time during calendar year 2022. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. 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 approve Grain Warehouses & Dealers Department staff to travel to South Dakota or Kansas as necessary for the performance of inspections or examinations, at any time during calendar year 2022. 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.

The meeting adjourned at 10:31 AM with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room and Commissioner Crystal Rhoades present via Webex. The next regularly scheduled meeting will be held on January 11, 2022 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on January 10, 2022.



Chair



Executive Director