

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

April 12, 2022

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Notice was duly published April 5, 2022 on page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on April 12, 2022 at 10:00 a.m. 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 a.m. with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room and Commissioner Crystal Rhoades absent. 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:

Tuesday, April 12, 2022:

11:00 a.m., **Hearing**, MCC-3196.04, Annual Renewal Complaint
Hearing Officer: Commissioner Dan Watermeier

Wednesday, April 20, 2022:

1:00 p.m., **Quarterly Status Meeting**, NG-101.2/PI-224, NorthWestern Energy
Hearing Officer: Commissioner Rod Johnson

Friday, April 22, 2022:

10:00 a.m., **NUSF Advisory Board Meeting**

Tuesday, April 26, 2022:

10:00 a.m., **Commission Meeting**

2:00 p.m., **Quarterly Status Meeting**, NG-101.1/PI-224, Black Hills Energy
Hearing Officer: Commissioner Rod Johnson

COMMUNICATIONS DEPARTMENT

C-5360: 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, 2022. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order setting surcharge rate. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5377: In the Matter of the Application of ExteNet Systems, Inc., Lisle, Illinois, seeking authority to change its name to ExteNet Systems, LLC. Motion made by Commissioner Mary Ridder, seconded by

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Commissioner Rod Johnson, 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.

C-5379/NUSF-132: In the Matter of the Application of HunTel CableVision, Inc., Blair, Nebraska, seeking expansion of its designation as an Eligible Telecommunications Carrier in the State of Nebraska. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, 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.

C-5380: In the Matter of the Application of BCE Nexxia Corporation, Schaumburg, Illinois, seeking authority to add the trade name BCE Global-USA. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, 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-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. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order setting the surcharge Hearing for May 3, 2022, at 1:30 p.m. in the Commission Hearing Room, Lincoln and via videoconference. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-37.396: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Lycamobile USA, Inc., Respondent;

NUSF-37.397: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Crexendo Business Solutions, Inc., Respondent; and

NUSF-37.398: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Star2Star Communications, LLC, Respondent. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter Orders dismissing the complaints NUSF-37.396 thru NUSF-37.398. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-92.56: 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 NE Colorado Cellular, Inc., d/b/a Viaero Wireless. Motion made by Commissioner Mary Ridder, seconded by

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Commissioner Rod Johnson, to enter an Order granting Motion for Extension of Time. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Cullen Robbins sought Commission approval for an NUSF Advisory Board Member Appointment. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to appoint Andrew Vinton to the Board, representing Telecom Carriers for the term of 1/1/2022 thru 12/31/2024. Mr. Vinton is the Manager of Government & Regulatory Relations/Legal Counsel for Allo Communications. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Cullen Robbins sought Commission approval for an NUSF Advisory Board Member Appointment. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to appoint Chris Johnson to the Board, representing Telecom Carriers for the term of 1/1/2022 thru 12/31/2024. Mr. Johnson is the General Manager of Mainstay Communications. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Cullen Robbins sought Commission approval for an NUSF Advisory Board Members' Term Extension. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to extend Christa Porter's term for three years on the NUSF Advisory Board, representing Libraries, effective 1/1/2022 thru 12/31/2024. Ms. Porter is the Library Development Director for the Nebraska Library Commission. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: ANPI Business, LLC and Comtech 21, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, that Complaints be opened against ANPI Business, LLC, and Comtech 21, LLC. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Commissioner Mary Ridder exited the room at 10:11 a.m.

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

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| Outages for March 2022 | | | | | | | |
|------------------------|-------------------------------------|------------------------|------------------------|----------------------------|-------------------------|---------------|---|
| Short Name | Area | Time of Outage | Time Service Restored | Outage Duration | Count of Affected Lines | Primary Cause | Comments |
| CenturyLink | Pender | 2022-03-01 11:32:00 | 2022-03-01 21:47:00 | 10 hours 15 minutes | 247 | Equipment | Pender switch not processing toll calls. Field Operations cleared the equipment. |
| Windstream | Geneva | 2022-03-04 00:28:00 | 2022-03-04 11:58:00 | 11 hours 30 minutes | 0 | Equipment | An Overture HN4K is down in Geneva, NE affecting Fillmore County E911. Field technician dispatched for troubleshooting as the device is unreachable remotely. |
| CenturyLink | Chappell | 2022-03-11 17:54:00 | 2022-03-11 21:10:00 | 3 hours 16 minutes | 351 | Equipment | Toll Switch Isolated. Restored prior to isolation. |
| CenturyLink | Wakefield & Laurel | 2022-03-11 22:04:00 | 2022-03-11 23:41:00 | 1 hours 37 minutes | 1891 | Equipment | Wakefield and Laurel switches were not processing toll calls. Equipment reboot restored service |
| ConsTele | Brownlee, Seneca, Halsey and Purdum | 2022-03-16 15:40:00 | 2022-03-16 20:00:00 | 4 hours 20 minutes | 91 | Cable Cut | Alpha Utility contractor was doing work and cut a fiber line. There were locates done. They replaced damaged fiber cable to restore service. |
| Glenwood | Franklin | 2022-03-17 03:00:00 | 2022-03-17 09:00:00 | 6 hours 0 minutes | 77 | Equipment | Failed PME card - Franklin - Cyan |
| Diller | Virginia | 2022-03-31 15:00:00 | 2022-03-31 23:45:00 | 8 hours 45 minutes | 34 | Cable Cut | Contractor bored through fiber. Bauer Underground Inc. cut cable, locates were made and correct. Fiber was repaired to restore service. |

STATE 911 DEPARTMENT

911-042.57: 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 Alliance. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order approving the use of set-aside funds to upgrade call handling equipment. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

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 the use of set-aside funds to upgrade call handling equipment. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

NATURAL GAS DEPARTMENT

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. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to

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enter an order approving request to withdraw authority. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

E-2500: In the Matter of the Application of Loup River Public Power District, Columbus, Nebraska, seeking authority to construct, operate and maintain an electric transmission line in Boone County.

E-2501: In the Matter of the Application of Nebraska Public Power District, Columbus, Nebraska, seeking authority to construct, operate and maintain electric transmission lines in Cherry County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter orders granting the applications. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

Nichole Mulcahy reported a total number of 20 consumer complaints and inquiries received at the Commission during the first quarter of 2022. For each company: Black Hills Energy - 15; NorthWestern - 4; and Other Entities - 1.

LEGISLATIVE

Jamie Reyes discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-2051: In the Matter of the Application of LTC Holdings LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine in limousine service and by bus in special party and charter service between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

MCC-3196.04: Dillon T. Keiffer-Johnson, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska COMPLAINANT, v. 9 Line Medical Solutions, LLC; Big A Holdings d/b/a OMALiNK; Black Diamond S & S; Christopher M. Beerbohm; Davis Entertainment d/b/a Ollie The Trolley; Executive Coach, LLC; Kearney Cab Company; Lunjini Medical Transportation, LLC; Ronald D Allgood d/b/a Tree City Cab; Serving Nebraska Health Transportation; The Happy Bus, LLC; and Thomas Transportation. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order to dismiss, in part. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

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B-1705.01r: In the Matter of the Application of Champion Homes of Hastings, LLC, Hastings, 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 Tim Schram, to enter an Order granting rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

B-2031.01r: In the Matter of the Application of Safe Journeys Transit, LLC, Omaha, 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 Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting rates. Motion passed with Commissioners Rod Johnson, Tim Schram and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Mary Ridder excused not voting.

GRAIN WAREHOUSE DEPARTMENT

GW-153 et al.: In the Matter of the attached list of completed warehouse license renewals for the 1st Quarter of 2022. Terri Fritz reported on the 1st Quarter grain warehouse renewal licenses.

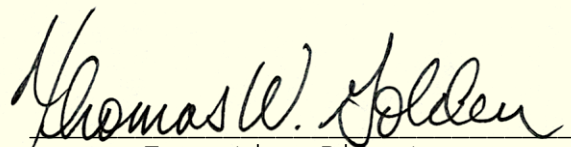
GW-2192: In the Matter of Wellington Technologies, LLC dba Booth Feeds, Beatrice, Nebraska. Terri Fritz reported on shortages and oversold positions from exam on March 31, 2022.

GD-153 et al.: In the Matter of the attached list of completed grain dealer license renewals for the 1st Quarter of 2022. Terri Fritz reports on the 1st Quarter grain dealer renewal licenses.

The meeting adjourned at 10:29 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 26, 2022 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 25, 2022.



Chair



Executive Director