

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

May 10, 2022

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Notice was duly published May 3, 2022 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 May 10, 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, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room. 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, May 10, 2022:

11:00 a.m., **Hearing**, Schedule "A" and "E" Rates and Charges
Hearing Officer: Commissioner Tim Schram

Wednesday, May 18, 2022:

10:00 a.m., **Advisory Board Meeting**, Enhanced Wireless 911
<https://psc.nebraska.gov/911DeptStream>

1:00 p.m., **Advisory Committee Meeting**, 911 Service System
<https://psc.nebraska.gov/911DeptStream>

Tuesday, May 24, 2022:

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

COMMUNICATIONS DEPARTMENT

C-5368: In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Nebraska Broadband Bridge Program in the 2022 program year. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter an Order issuing 2022 grant application schedule and application materials. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

C-5382: In the Matter of the Application of Lyle Klug, Charles Sudbeck, and Michael Pick, St. Helena, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco. Motion made by Commissioner Rod Johnson, 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-5395/DC-100: In the Matter of the Nebraska Public Service Commission regarding the 2021 Annual Report Filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order

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Opening Docket, Order to Show Cause and Notice of Hearing scheduled for July 12, 2022, at 11:00 a.m., in the Commission Hearing Room, Lincoln and by WebEx. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

AD-713r: In the Matter of the Application of Niche Markets, Iowa City, Iowa, seeking authority to register the connection of an automatic dialing-announcing device in Reston, Virginia. 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.

Cullen Robbins discussed a TRS Late-Filed Carrier remittance: Star2Star Communications, LLC. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, that a Complaint be opened against Star2Star Communications, LLC. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-37.402: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Prairie Hills Wireless, LLC, Respondent; and

NUSF-37.403: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. CBTS Technology Solutions, LLC, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter Orders dismissing the complaints NUSF-37.402 and NUSF-37.403. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-99.11: 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.;

NUSF-99.13: 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.;

NUSF-99.17: 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.;

NUSF-99.22: 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.;

NUSF-99.27: 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.;

NUSF-99.28: 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.;

NUSF-99.33: In the Matter of the Nebraska Public Service Commission,

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on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska Inc.;

NUSF-99.34: 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.;

NUSF-99.35: 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.;

NUSF-99.42: 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.;

NUSF-99.43: 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.;

NUSF-99.51: 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.;

NUSF-99.54: 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.; and

NUSF-99.55: 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., Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter Orders approving reimbursements for NUSF-99.11, NUSF-99.13, NUSF-99.17, NUSF-19.22, NUSF-99.27, NUSF-99.28, NUSF-99.33, NUSF-99.34, NUSF-99.35, NUSF-99.42, NUSF-99.43, NUSF-99.51, NUSF-99.54 and NUSF-99.55. 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: Konica Minolta Business Solutions USA, Inc.; Gabb Wireless, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, that Complaints be opened against Konica Minolta Business Solutions USA, Inc. and Gabb Wireless, Inc. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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 April 2022							
Short Name	Area	Time of Outage	Time Service Restored	Outage Duration	Count of Affected Lines	Primary Cause	Comments
CenturyLink	Clarkson	2022-04-01 00:45:00	2022-04-01 04:10:00	0 days 3 hours 25 minutes	226	Equipment	A portion of the Clarkson switch is not processing toll calls. They replaced a failed card.
CenturyLink	Grand Island	2022-04-20 09:59:00	2022-04-20 11:04:00	1 hours 5 minutes	3756	Equipment	A portion of the Grand Island switch is not processing toll calls. There were 2 issues that caused a dual failure for this outage. A third party corrected an issue in their network. CenturyLink also had a failed card at the Grand Island central office. Once the card was replaced, service was restored. Once the traffic was coming to Grand Island again, our network technicians immediately identified the card issue and got it replaced.
Hershey	Hershey	2022-04-20 09:54:00	2022-04-20 11:04:00	1 hours 10 minutes	377	Other	The exchange of Hershey was affected by an isolation event caused by an unknown SS7 failure on the Lumen Network. The outage resulted in a complete loss of long distance service including 911 services.
Consolidated	All Areas	2022-04-20 09:54:00	2022-04-20 11:04:00	1 hour 10 minutes	3380	Other	Centurylink outage caused outage in Consolidated areas.
CenturyLink	Omaha	2022-04-21 14:01:00	2022-04-27 13:07:00	5 days 23 hours 6 minutes	202	Cable Cut	Cable Repaired.

STATE 911 DEPARTMENT

911-019/PI-118: In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2206] and to establish a permanent funding mechanism for Enhanced Wireless 911 service; and,

911-073/PI-232: In the Matter of the Nebraska Public Service Commission, on its own motion, to consider recommendations of the Service System Advisory Committee for creation of a new funding system for Next Generation 911. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order approving PSAP payments. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

Director Sankey recommends and seeks Commission appointment of William Muldoon of Sarpy County to fill the vacant County Official position on the 911 Service System Advisory Committee, and Jon Osborne of Lumen to fill the vacant position of Telecommunications Representative. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder to approve the appointment of William Muldoon and Jon Osborne to the 911 Service System Advisory Committee. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

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NATURAL GAS DEPARTMENT

NG-113/PI-241: In the Matter of the Commission, on its own motion, seeking to investigate whether jurisdictional utilities should add a tariff provision addressing customer requests for voluntary removal or relocation of natural gas facilities. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an order opening the docket, with comments due July 20, 2022, and setting the workshop for Wednesday, July 27, 2022, at 9:00 a.m. to Noon in the Commission Hearing Room and via Webex. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NG-111.1: In the Matter of the Commission, on its own motion, seeking to investigate the effect of the February 2021 cold weather event upon the cost of gas supply purchased by Nebraska gas utilities. Black Hills Nebraska Gas, LLC; and

NG-112.1: In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2022 System Safety and Integrity Rider. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter assessment orders NG-111.1/BA-22 and NG-112.1/BA-14. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

E-2502: In the Matter of the Application of Norris Public Power District, Beatrice, Nebraska, seeking authority to construct, operate and maintain electric transmission lines in Gage County. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

TRANSPORTATION DEPARTMENT

B-1702: In the Matter of the Application of Fremont Cab Services, LLC, Fremont, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1702. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order granting suspension until January 1, 2023. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

MR-1025/PI-238: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the use of differential rates and charges by motor carriers providing intrastate passenger transportation services. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order issuing amended guidance. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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B-1250.01r: In the Matter of Omaha Ambulance Service, Inc, 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 Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting rates. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1817.01r: In the Matter of the Application of Medics At Home, Inc., 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, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1894.02r: In the Matter of the Application of E Z Cabs, Inc., Sioux City, Iowa, 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 Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order granting rates on emergency basis. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2042.01r: In the Matter of the Application of Memories Limousine Service, LLC, Scottsbluff, 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 on an emergency basis. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GRAIN WAREHOUSE DEPARTMENT

GDC-446: In the Matter of Terri Fritz, Grain Program Manager, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, v. Banghart Properties, LLC, a.k.a Fearless Grain Marketing Storage and Arbitrage, a.k.a Fearless Grain Marketing, a.k.a Fearless Grain, Gettysburg, South Dakota, RESPONDENT. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram to enter an order on motion for reconsideration. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

GW-340/GWC-447: In the Matter of Terri Fritz, Director of the Nebraska Public Service Commission Grain Warehouse Department, Complainant, vs. Union Grain Company, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder to enter an order to show cause and schedule hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

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GW-22: In the Matter of Ag Valley Cooperative, Non-Stock, Edison, Nebraska: Terri Fritz reported on shortage of Sunflower-Oil.

GW-2192: In the Matter of Wellington Technologies, LLC dba Booth Feeds, Beatrice, Nebraska: Terri Fritz reported that the grain warehouse license was canceled on April 22, 2022.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Nichole Mulcahy to travel to and attend the Financial Research Institute (FRI) Regulated Utilities Leadership Institute Program from June 6 through June 9, 2022 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 excused not voting.

Executive Director's recommendation to approve Steve Stovall to travel to and attend the National Association for State Relay Administration (NASRA) Annual Conference from July 17 through July 20, 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 excused not voting.

Executive Director's recommendation to approve Lenora Isom to travel to and attend the Housing and Urban Development (HUD) State Administrative Agency 2022 National Meeting from June 13 through June 17, 2022, with all expenses to be paid by HUD. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused 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 24, 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 May 23, 2022.



Chair



Executive Director