

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Notice was duly published June 2, 2022 on page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on June 7, 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, June 28, 2022:

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

1:30 p.m., **Workshop**, NG-102/PI-225, Choice Gas Program Review  
Hearing Officer: Commissioner Mary Ridder

## **COMMUNICATIONS DEPARTMENT**

**C-5394:** In the Matter of the Application of Kirk Olson, North, seeking authority to receive advanced telecommunications capability service from the Hershey Exchange of Hershey Cooperative Telephone Company. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson to enter 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 Nebraska Public Service Commission Communications Department, on its own motion, regarding the 2021 Annual Report filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order dismissing Complaint, in part. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**C-5396:** In the Matter of the Application of United Telecom, Inc. Gardena, California, seeking authority to withdraw its interexchange certificate of authority and cancel its tariff. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order approving withdrawal. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**C-5398:** In the Matter of the Application of Arlington Telephone Company, Blair, Nebraska, seeking approval of an Interconnection Agreement with Level 3 Communications, LLC, Broomfield, Colorado.

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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.

**TRS-24:** Cullen Robbins, Director of the Communications Department of the Nebraska Public Service Commission, Complainant v. Star2Star Communications LLC, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order of dismissing Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**NUSF-99.120:** 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. to enter Order granting Motion for Extension of Time;

**NUSF-99.121:** 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. to enter Order granting Motion for Extension of Time; and

**NUSF-99.125:** 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 Mary Ridder, seconded by Commissioner Tim Schram to enter Order granting Motion for Extension of Time. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**NUSF-133:** In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement standards for the verification of broadband service provider coverage and speed data. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order setting a Hearing for July 26, 2022 at 1:30 p.m. in the Commission Hearing Room and via videoconference. 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 May 2022							
Short Name	Area	Time of Outage	Time Service Restored	Outage Duration	Count of Affected Lines	Primary Cause	Comments
CenturyLink	Atkinson	2022-05-05 00:19:00	2022-05-05 12:19:00	0 days 12 hours 0 minutes	484	Equipment	Atkinson switch is not processing toll calls. Services were restored after an automatic equipment reset.
CenturyLink	Pierce	2022-05-18 16:56:00	2022-05-19 02:25:00	0 days 9 hours 29 minutes	2334	Equipment	911 impact - Fiber Cut The fiber between Pierce and CenturyLink in Norfolk was cut in Norfolk by a construction company. Our location contractor did not accurately locate the fiber, so they are charging them for the cost of the repairs.
Pierce	Pierce County	2022-05-18 16:30:00	2022-05-19 00:30:00	0 days 8 hours 0 minutes	800	Cable Cut	Fiber Cut in Norfolk of Lumen Facilities - Porter Construction cut fiber optic cable. Lumen spliced in new cable.
CenturyLink	Gothenburg	2022-05-23 12:24:00	2022-05-24 12:28:00	1 days 0 hours 4 minutes	397	Damaged Cable	Cable Cut. 50 pair and 25 pair copper cable was cut. Locates were requested but no markings were visible. Cable was spliced.
CenturyLink	Gretna	2022-05-23 15:09:00	2022-05-24 15:09:00	1 days 0 hours 0 minutes	126	Damaged Cable	Service was restored.
SENC	All of Southeast Nebraska Communications service territory.	2022-05-26 01:00:00	2022-05-26 13:00:00	0 days 12 hours 0 minutes	2000	Damaged Cable	Windstream fiber optic cable damaged due to heavy rains. Fiber optic cable was repaired by Windstream.
Windstream	Peru, Brownville, Nemaha, Falls City	May-26-22	May-26-22	12 hours	382	Fiber Cut	Flooding damaged cable that was routed along a bridge over the Little Nemaha River. Crews ran temporary cable to restore service until a permanent repair can be made

**STATE 911 DEPARTMENT**

**911-042.19:** 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: Saline County;

**911-042.28:** 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: Seward County; and

**911-042.56:** 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: York County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter Orders approving funding for equipment and software 911-042.19, 911-042.28 and 911-042.56. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**911-042.22:** 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 Columbus. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder to enter an Order approving the use of set-aside funds for back-up center call handling

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equipment. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

**B-2024:** In the Matter of the Application of Families and Connections Transporting Services, LLC, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers in open class service within Douglas and Sarpy Counties, and between said counties, over irregular routes pursuant to a contract with the Nebraska Department of Health and Human Services, a Medicaid-managed care organization under contract with NDHHS, or another agent working on behalf of NDHHS. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order withdrawing application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**B-2047.01r:** In the Matter of the Application of Shiloh Center, LLC, Fremont, 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. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## GRAIN WAREHOUSE DEPARTMENT

**GDC-448/GD-3031:** In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, v. Mercaris Corporation, Silver Spring Maryland, RESPONDENT. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson to enter an Order scheduling hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**GDC-448/GD-3031:** In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, v. Mercaris Corporation, Silver Spring Maryland, RESPONDENT. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram to enter an Order temporarily suspending Grain Dealer's License. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## GENERAL ADMINISTRATION

Approval for Commissioner Crystal Rhoades to travel to and attend the Mid-America Regulatory Conference (MARC) Annual Meeting, in Chicago, IL, from June 19 to June 21, 2022, with all expenses to be paid by the

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Commission, and \$1,000 to be reimbursed by MARC. 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.

Approval for Commissioner Tim Schram to travel to and attend the Mid-America Regulatory Conference (MARC) Annual Meeting, in Chicago, IL, from June 19 to June 20, 2022, with all expenses to be paid by the Commission, and \$1,000 to be reimbursed by MARC. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder. Motion passed with Commissioners Rod Johnson, Mary Ridder and Dan Watermeier voting AYE, and Commissioners Crystal Rhoades and Tim Schram present not voting.

Approval for Commissioner Dan Watermeier to travel to and attend the Mid-America Regulatory Conference (MARC) Annual Meeting, in Chicago, IL, from June 19 to June 21, 2022, with all expenses to be paid by the Commission, and \$1,000 to be reimbursed by MARC. 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 present not voting.

Executive Director's recommendation to approve Dohee Kim to travel to and attend the ESRI User Conference, in San Diego, CA, from July 10 to July 15, 2022, with all expenses to be paid by the Commission. Registration costs will be covered by the State's contract with ESRI. 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 Christian Nielsen to travel to and attend the ESRI User Conference, in San Diego, CA, from July 10 to July 16, 2022, with all expenses to be paid by the Commission. Registration costs may be covered by the State's contract with ESRI. Motion made by Commissioner Mary Ridder, 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.

Approval for Commissioner Crystal Rhoades to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Summit, in San Diego, CA, from July 16 to July 20, 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 present not voting.

Approval for Commissioner Dan Watermeier to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Summit, in San Diego, CA, from July 16 to July 19, 2022, with

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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 approve Cullen Robbins to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Summit, in San Diego, CA, from July 16 to July 20, 2022, with all expenses to be paid by the Commission.

Executive Director's recommendation to approve Sallie Dietrich to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Summit, in San Diego, CA, from July 16 to July 20, 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 present not voting.

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The meeting adjourned at 10:33 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 June 28, 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 June 27, 2022.



Chair



Executive Director