

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Notice was duly published June 17, 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 June 28, 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 10:01 a.m. with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room and Commissioner Rod Johnson 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:

## **COMMUNICATIONS DEPARTMENT**

**C-5391:** In the Matter of the Application of Lingo Telecom, LLC, Atlanta, Georgia, and BullsEye Telecom, Inc., Southfield, Michigan, seeking approval of a transfer of control. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order Granting Application. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**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 Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order Dismissing Complaint, in part. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**C-5397:** In the Matter of the Application of Community Internet Systems, Inc., Columbus, Nebraska, seeking authority to withdraw its local and interexchange certificates of authority and cancel its tariffs. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order Granting Withdrawal. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**C-5399:** In the Matter of the Application of Community Internet Systems, Inc., Columbus, Nebraska, and Applied Connective Technologies, LLC, Albion, Nebraska, seeking approval of a transfer of control. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter an Order Granting Application. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

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**C-5400:** In the Matter of the Application of Sheri Goeken and Emily Heine, Fordyce, each seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Mary Ridder, to enter an Order Granting Application. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**NUSF-131:** In the Matter of the Nebraska Public Service Commission, on its own motion, to establish reverse auction procedures and requirements. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order Issuing Reverse Auction Schedule and Procedures. Motion passed with Commissioners Mary Ridder, Tim Schram and Dan Watermeier voting AYE, Commissioner Crystal Rhoades voting NAY, and Commissioner Rod Johnson excused not voting.

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: Stream Communications, LLC, Lycamobile USA, Inc., Crexendo Business Solutions, Inc. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, that Complaints be opened against Stream Communications, LLC, Lycamobile USA, Inc., and Crexendo Business Solutions, Inc. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

## **STATE 911 DEPARTMENT**

**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 Crystal Rhoades, seconded by Commissioner Mary Ridder to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**911-042.30:** 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: Jefferson County. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**911-042.59:** 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 Norfolk. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram to enter an Order approving the use of set-aside funds. Motion passed with Commissioners

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

## **NATURAL GAS DEPARTMENT**

**NG-114:** In the Matter of the Application of NorthWestern Corporation d/b/a NorthWestern Energy, Sioux Falls, SouthDakota, seeking approval of corporate restructuring. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter a notice of assessment order. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**NG-115:** In the Matter of the Commission, to conduct a review of gas supply cost adjustment schedules implemented by NorthWestern Corporation d/b/a NorthWestern Energy, Sioux Falls, South Dakota, pursuant to Neb. Rev. Stat. § 66-1854. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Mary Ridder to enter an order opening the docket and initiating review, notice of assessment. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**NG-101.1:** In the Matter of the Commission, on its own motion, opening an investigatory docket for the purpose of general monitoring of issues regarding the natural gas industry and jurisdictional utilities in Nebraska. Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy;

**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;

**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; and

**NG-113:** 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 Crystal Rhoades, seconded by Commissioner Mary Ridder, to enter assessment orders NG-101.1/BA-21, NG-111.1/BA-23 and BA-24, NG-112.1/BA-15 and BA-16 and NG-113/BA-1. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**E-2503:** In the Matter of the Application of Southern Public Power District, Grand Island, Nebraska, seeking authority to construct, operate and maintain electric transmission lines in Hall and Merrick Counties. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter order granting the application. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim

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Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

## TRANSPORTATION DEPARTMENT

**B-1351:** In the Matter of Midwest Special Services, Inc., Curtis, seeking approval of a change in ownership through sale of stock, and change of existing authority, by consolidation of the authority granted to Midwest Transportation Specialists, Authority No. B-1691. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter an Order granting acquisition of control through stock transfer and consolidation of authorities B-1351 and B-1691. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**B-1402.01:** In the Matter of the Nebraska Public Service Commission, on its own motion, to require Kearney Cab Company, LLC d/b/a Kearney Cab Company, Kearney, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter an Order to show cause and schedule hearing. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**B-2019:** In the Matter of the Application of Justin Sanango d/b/a Just In Time Medical Transportation, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between points in Lancaster, Douglas, York, Seward and Hall counties, and between said counties, over irregular routes. RESTRICTIONS: HHS Designation: Yes. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter an Order granting application as amended. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**PI-230:** In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate insurance requirements for motor carriers providing intrastate transportation services within the state of Nebraska. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter an Order seeking comment. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**PI-242:** In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate fuel surcharges for motor carriers providing intrastate passenger transportation services within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an Order opening docket and

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seeking comment. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**B-1351.01r:** In the Matter of the Application of Midwest Special Services, Inc., Curtis, 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 Crystal Rhoades, to enter an Order granting rates on an emergency basis. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

**B-2055.01r:** In the Matter of the Application of Black Votes Matter Institute of Community Engagement d/b/a North Omaha Legacy Tours, 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 Crystal Rhoades, seconded by Commissioner Tim Schram, to enter an Order granting rates on an emergency basis. Motion passed with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Rod Johnson excused not voting.

## GENERAL ADMINISTRATION

Approval for Commissioner Mary Ridder to travel to and attend the NARUC Summer Summit, in San Diego, CA from July 18 to July 20, 2022, with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades Motion passed with Commissioners Mary Ridder, Tim Schram and Dan Watermeier voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Rod Johnson excused not voting.

Approval for Commissioner Tim Schram to travel to and attend the NARUC Summer Summit, in San Diego, CA from July 17 to July 19, 2022, with all expenses to be paid by the Commission. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades Motion passed with Commissioners Crystal Rhoades, Mary Ridder and Dan Watermeier voting AYE, Commissioner Tim Schram present not voting, and Commissioner Rod Johnson excused not voting.

Executive Director's recommendation to approve Dave Sankey to travel to, attend, and speak at NASNA Interoperability Workshop in Salt Lake City, Utah, from July 26 to July 28, 2022. All expenses will be directly covered by NASNA. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram Motion passed with Commissioners Mary Ridder, Tim Schram and Dan Watermeier voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Rod Johnson excused not voting.

Executive Director's recommendation to enter into an Independent Contractor Agreement with Kent E. Pribyl for the purposes of

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recreational vehicle retail outlet, modular housing unit factory, and manufactured home inspections in the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder Motion passed with Commissioners Mary Ridder, Tim Schram and Dan Watermeier voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Rod Johnson excused not voting.

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The meeting adjourned at 10:22 a.m. with Commissioners Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present and Commissioner Rod Johnson absent. The next regularly scheduled meeting will be held on July 12, 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 July 11, 2022.



Chair



Executive Director