

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

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Notice was duly published August 4, 2022 on page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on August 16, 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. Maria Rowan and Cullen Robbins were announced as Employees of the Year.

Attention was called to the following proceedings:

## **COMMUNICATIONS DEPARTMENT**

- C-5401:** In the Matter of the Application of Janet Gehlsen, Crofton, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco;
- C-5402:** In the Matter of the Application of Michael Magorian, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Company, Inc.;
- C-5403:** In the Matter of the Application of Janice Schiferl and Debby Larson, Fordyce, each seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco;
- C-5404:** In the Matter of the Application of Lucas Kleinschmit, Fordyce, seeking authority to receive advanced service from the Hartington Exchange of Hartelco;
- C-5407:** In the Matter of the Application of Jerome Thoene, Josh and Jarinda Sudbeck, Fordyce, each seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco;
- C-5410:** In the Matter of the Application of Karla Sudbeck and William Suing, Fordyce, each seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco;
- C-5411:** In the Matter of the Application of Sheila Loecker and Joan Jansen, Fordyce, each seeking authority to receive advanced service from the Hartington Exchange of Hartington Telecommunications Co., Inc.;
- C-5412:** In the Matter of the Application of Tanner Keiser, St. Helena, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco; and
- C-5414:** In the Matter of the Application of Susann Cayouette, Minden, seeking authority to receive advanced telecommunications service from the Gibbon Exchange of Nebraska Central Telephone Company. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter Orders granting applications C-5401, C-5402, C-5403, C-5404, C-5407, C-5410, C-5411, C-5412 and C-5414. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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**C-5415:** In the Matter of the Joint Application of Arlington Company, the Blair Telephone Company, Eastern Nebraska Telephone Company, Rock County Telephone Company and HunTel CableVision, Inc. d/b/a American Broadband Nebraska Communications, Inc., Blair, Nebraska, seeking authority to obtain debt financing. 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.

**C-5418:** In the Matter of the Application of Duane Hoesing, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**C-5419:** In the Matter of the Application of IP Pathways, LLC, Urbandale, Iowa, seeking authority to operate as an interexchange carrier of telecommunications services within the State of Nebraska. Motion made by Commissioner Tim Schram, 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.

**C-5421:** In the Matter of the Application of Jerome Eickhoff, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc.;

**C-5422:** In the Matter of the Application of Jerome and Doris Gacke, Marquette, seeking authority to receive advanced telecommunications capability service from the Marquette exchange of the Hamilton Telephone Company;

**C-5423:** In the Matter of the Application of Brett Zavadil, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc.;

**C-5424:** In the Matter of the Application of Racheal Haberman, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc.;

**C-5425:** In the Matter of the Application of Chris Edwards, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc.;  
and

**C-5426:** In the Matter of the Application of Terry Zavadil, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter Orders granting applications C-5421 thru C-5426. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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**BEAD-1:** In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Precision Agriculture Infrastructure Grant Act. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order opening docket and seeking comments due September 30, 2022, with reply comments due October 28, 2022. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**C-5416:** In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Ymax Communications Corp., West Palm Beach, Florida;

**C-5417:** 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 Ymax Communications Corp., West Palm Beach, Florida. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter Orders approving applications C-5416 and C-5417. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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

**NUSF-37.409:** In the Matter of Cullen Robbins, Director, Nebraska Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Inmate Calling Solutions, LLC, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing the Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**NUSF-92.61:** In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: United States Cellular Corporation;

**NUSF-92.62:** In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter Orders granting applications NUSF-92.61 and NUSF-92.62, in part. 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: Sangoma US, Inc. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, that a Complaint be opened against Sangoma US, 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.

## NATURAL GAS DEPARTMENT

**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 Energy. To enter assessment order BA-22;

**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. To enter assessment order BA-3; and

**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 Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter assessment orders NG-101.1/BA-22, NG-113/BA-3 and NG-115/BA-1. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**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. Nichole Mulcahy informed the Commission a Hearing Officer order was entered August 2, 2022, setting a procedural schedule and scheduling a hearing for January 31, 2023, at 1:30 p.m. in Commission Hearing Room and via WebEx.

## TRANSPORTATION DEPARTMENT

**B-1901.01:** In the Matter of the Application of Mike's Handy Van, LLC, Lincoln, seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van, sedan, and electric vehicles in open class service between all points in Nebraska over irregular routes; and seeking recognition of a name change to Safe & Reliable Transportation Services. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order bifurcating issues and granting name change. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**ML-41:** In the Matter of the Application of Senior Moving Services, LLC, Valley, Nebraska, seeking to reinstate its license to provide household goods moving services in Nebraska intrastate commerce between all points in Nebraska over irregular routes. Motion made by

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Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an Order granting license reinstatement. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**TNC-2:** In the Matter of the Commission, on its own motion, seeking to determine the annual fee for Transportation Network Companies. Motion made by Commissioner Crystal Rhoades, 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.

**B-1582.02r:** In the Matter of Action Taxi & Limo, 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. to enter an order granting rates on an emergency basis; and

**B-1902.02r:** In the Matter of the Application of AA Cabbies, Inc., d/b/a Siouxland Taxi, 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 Rod Johnson, seconded by Commissioner Crystal Rhoades, 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.

**B-2043.01r:** In the Matter of the Application of Flatland Rentals, LLC, Lincoln, 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 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.

## GRAIN WAREHOUSE DEPARTMENT

**Schedule "A" and "E" Rates:** In the Matter of the Commission, on its own motion, seeking to determine reasonable A and E storage rates and charges for Public Grain Warehouses for the 2021-2022 storage year. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order setting Schedule "A" and "E" storage rates for the 2022-2023 storage year. Motion passed with Commissioners Rod Johnson, Crystal Rhoades and Mary Ridder voting AYE, Commissioner Tim Schram voting NAY, and Commissioner Dan Watermeier present not voting.

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

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## GENERAL ADMINISTRATION

Executive Director's recommendation to enter into an Independent Contractor Agreement with Chris Rodarte for the purposes of Modular Housing Unit Factory Inspection in the State of Nebraska. 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.

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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 August 30, 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 August 29, 2022.



Chair



Executive Director