

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

September 13, 2022

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Notice was duly published September 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 September 13, 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 10:02 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:

## **COMMUNICATIONS DEPARTMENT**

**C-3206:** In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram to enter an Order Closing Docket. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**C-5303/PI-240:** In the Matter of the Nebraska Public Service Commission, on its own Motion, to determine whether adequate service quality is being provided by carriers operating within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades to enter an Order setting a public hearing for October 26, 2022, 10:00 a.m. to 4:00 p.m., at the Center for Advanced Manufacturing, Room 120, Metropolitan Community College, South Campus, 2909 Edward Babe Gomez Avenue, Omaha, NE. 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 Crystal Rhoades to enter an Order Sustaining Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**C-5430:** In the Matter of the Application of Great Plains Communications, LLC, Blair, Nebraska, seeking approval of an Interconnection Agreement with Midstate's Data Transport, LLC, d/b/a Stealth Broadband, Blair, Nebraska. 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.

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**NUSF-37.406:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, complainant, v. Stream Communications, LLC, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades 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-106/911-066/PI-206:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the adequacy of wireless services in Cass County, Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades to enter an Order closing docket. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Select Communications, LLC. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson Cullen Robbins requests Commission approval to open a NUSF remittance Complaint against Select Communications, LLC. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Report on telecommunications complaints and outages received by the Communications Department during the preceding month. Cullen Robbins informed the Commission of the complaints and outages received in August, 2022.

## **STATE 911 DEPARTMENT**

**911-002:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder to enter an Order scheduling a Hearing for September 28, 2022 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**911-018/PI-117:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order granting and denying audit waiver requests. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**911-042.24:** 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: Fillmore County. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson to enter an Order approving the use of set-aside funds for an Eventide logging recorder.

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

**911-042.38:** 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: Washington County. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder to enter an Order approving the use of set-aside funds to purchase CAD equipment. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**911-042.43:** 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: Cedar County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an Order approving the use of set-aside funds to purchase computer workstations to house mapping software. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**NUSF-106/911-066/PI-206:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the adequacy of wireless services at Lake WaConDa in Cass County, Nebraska. To enter an Order closing docket.

## NATURAL GAS DEPARTMENT

**NG-112.2:** In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2023 System Safety and Integrity Rider, to enter assessment order BA-17 and BA-18;

**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-4; and

**NG-117:** In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval to implement a voluntary renewable natural gas and carbon offset program. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter assessment order NG-112.2/BA-17 and BA-18, NG-113/BA-4 and NG-117/BA-1. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**NG-112.2:** In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2023 System Safety and Integrity Rider. Nichole Mulcahy informed the Commission a hearing officer order was entered setting a procedural

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schedule for the docket and scheduling a hearing on November 9, 2022, at 1:30 p.m. CDT in the Commission Hearing Room and via Webex.

## **TRANSPORTATION DEPARTMENT**

**B-1738:** In the Matter of the Application of Panda Transportation, Inc., Valentine, dismissing the suspension of the Certificate of Public Convenience and Necessity issued in Docket No. B-1738. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order dismissing suspension and reinstating Certificate B-1738. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**B-1921:** In the Matter of the Nebraska Public Service Commission, on its own motion, to require Alpha Life Improvement Services, Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order to show cause and set hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**B-1952:** In the Matter of Transition-n-More, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class between points in Douglas and Sarpy counties, and between said counties, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their luggage is not authorized. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Order dismissing application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**B-2016:** In the Matter of the Application of Adams Priority Transportation, LLC, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Douglas County over irregular routes. HHS Designation: Yes. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter an Order of pending dismissal. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**B-2033:** In the Matter of the Application of The Drunken Express, LLC, Pender, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party service over between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order of pending dismissal. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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**B-2047:** In the Matter of the Application of Shiloh Center, LLC, Fremont, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between all points in Nebraska over irregular routes pursuant to service contracts with Shiloh Place, LLC and Shiloh Center Adult Day Services. RESTRICTIONS: Limited to residents of Shiloh Place Assisted Living and participants/clients of Shiloh Center Adult Day Services. HHS Designation: Yes- limited to clients transported pursuant to contract. Motion made by Commissioner Mary Ridder, seconded by Commissioner Crystal Rhoades, to enter an Order dismissing application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**T-5:** In the Matter of the Application of Kidcaboo, LLC, Mechanicsburg, PA, seeking authority to operate as a transportation network company in the State of Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**ML-1:** In the Matter of the Nebraska Public Service Commission, on its own motion, to require NCM Transport Co., Inc. d/b/a Budget Movers, Omaha, to show cause why the Commission should not revoke its License. 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.

**FRA-2021-0032:** Federal Railroad Administration Notice of Proposed Rulemaking. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, Dillon Keiffer-Johnson requests Commissioners' approval to submit comments to the FRA regarding its proposed rulemaking on two-person train crew requirements. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**BR-609/B-1952:** In the Matter of Transition-N-More, 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 dismissing application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

**B-1665.01r:** In the Matter of the Application of Jim Blundell, d/b/a M & G Taxi, York, seeking to amend 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 Mary Ridder, to enter an Order granting rates. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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## GRAIN WAREHOUSE DEPARTMENT

**GW-1033/GWC-451:** In the Matter of Terri Fritz, Grain Director, Grain Warehouse Department, Nebraska Public Service Commission, COMPLAINANT, v. Fordyce Farmers Non-Stock Cooperative, Fordyce, Nebraska, RESPONDENT. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an Order dismissing complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## GENERAL ADMINISTRATION

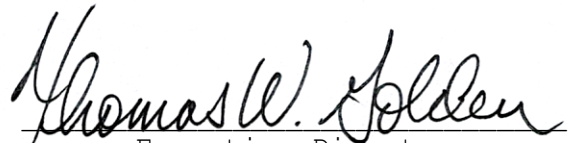
Executive Director's recommendation to approve submitting the Commission's budget request for the 2023-2025 biennium. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder. The motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

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The meeting adjourned at 10:37a.m. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on September 27, 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 September 26, 2022.



Chair



Executive Director