

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

October 18, 2022

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Notice was duly published October 17, 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 October 18, 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, Tim Schram, Dan Watermeier, and Mary Ridder present in the Commission Hearing Room and Commissioner Crystal Rhoades 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-4328/PI-176: In the Matter of the Nebraska Public Service Commission, on its own Motion, to investigate issues related to the service quality associated with intrastate interexchange service including the origination, termination, and routing of interexchange calls. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order closing docket. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-4807/PI-202: In the Matter of the Nebraska Public Service Commission, on its own Motion, to investigate ways to accelerate the deployment of broadband consistent with Section 706 of the Telecommunications Act of 1996. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order closing docket. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5431: In the Matter of the Application of Michael Wood, Robert Haburchak, and Janet Schwager, Ewing, each seeking authority to receive advanced telecommunications service from the Ewing Exchange of Great Plains Communications. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter an Order granting withdrawal of application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5433: In the Matter of the Application of Dion Miller, Crofton, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc.;

C-5434: In the Matter of the Application of All Saints Church of Northeast Nebraska d/b/a St. Boniface Church of Menominee, Menominee, seeking authority to receive advanced telecommunications service from

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the Hartington Exchange of Hartington Telecommunications Co., Inc.;
and

C-5442: In the Matter of the Application of Jared and Angie Bowen, 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 Tim Schram, to enter Orders granting applications C-5433, C-5434 and C-5442. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

TRS-26: In the Matter of Cullen Robbins, Director of the Communications Department of the Nebraska Public Service Commission, Complainant, v. Konica Minolta Business Solutions USA, Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing Complaint. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5436: 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 FiberComm, L.C., Sioux City, Iowa;

C-5437: In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Resale Forbearance Amendment to its Interconnection Agreement with Metropolitan Telecommunications of Nebraska, Inc., New York, New York;
and

C-5438: In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Metropolitan Telecommunications of Nebraska, Inc., New York, New York. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter Orders granting applications C-5436 thru C-5438. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-37.412: In the Matter of Cullen Robbins, Director of the Communications Department of the Nebraska Public Service Commission, Complainant, v. Onvoy, LLC, Respondent;

NUSF-37.413: In the Matter of Cullen Robbins, Director of the Communications Department of the Nebraska Public Service Commission, Complainant, v. Konica Minolta Business Solutions USA, Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter Orders dismissing NUSF-37.412 and NUSF-37.413. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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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-13: In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act, Neb. Rev. Stat. §66-1801 et seq. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter Progression order #77. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE and Commissioner Crystal Rhoades excused not voting.

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 Rod Johnson, seconded by Commissioner Mary Ridder, to enter an order approving the tariffs and closing the docket. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE and Commissioner Crystal Rhoades excused not voting.

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; 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 Mary Ridder, seconded by Commissioner Rod Johnson, to enter assessment orders NG-112.2/BA-19 and BA-20 and NG-117/BA-2 and BA-3. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE and Commissioner Crystal Rhodes excused not voting.

Nichole Mulcahy reported a total number of 15 consumer complaints and inquiries received at the Commission during the third quarter of 2022. For each company: Black Hills Energy - 13; NorthWestern - 1; and Other Entities - 1.

TRANSPORTATION DEPARTMENT

B-1885: In the Matter of the Nebraska Public Service Commission, on its own motion, to require National Health Transport, Inc., Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order to show cause sustained, and Certificate revoked. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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B-1996: In the Matter of the Nebraska Public Service Commission, on its own motion, to require Nebraska Excellent Health Transportation Services, Omaha, Nebraska, to show cause why its Certificate of Public Convenience Necessity should not be revoked. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order dismissing show cause and granting extension of suspension to June 8, 2023. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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

B-2027.01: In the Matter of the Nebraska Public Service Commission, on its own motion, to require Legacy Party Express, LLC d/b/a Legacy Party Express, Aurora, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order to show cause and schedule hearing. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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

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 Rod Johnson, to enter an Order dismissing show cause. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

ML-39: In the Matter of the Application of Paula Shasteen d/b/a Shasteen Transfer & Storage, Scottsbluff, 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 Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order granting license

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

GRAIN DEPARTMENT MINUTES

GW-22 et al.: In the Matter of the attached list of completed warehouse license renewals for 3rd Quarter of 2022. Jamie Reyes reports on the 3rd Quarter grain warehouse renewal licenses.

GD-3057: In the Matter of the Application of C.B. Constantini Ltd, Vancouver, British Columbia, Canada, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue of 2018). Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson To enter an order granting application. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

GD-22 et al.: In the Matter of the attached list of completed grain dealer license renewals for the 3rd Quarter of 2022. Jamie Reyes reports on the 3rd Quarter grain dealer renewal licenses.

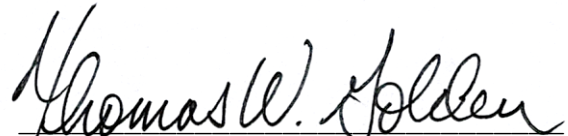
GENERAL ADMINISTRATION

Executive Director's recommendation to submit a deficit request. 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.

The meeting adjourned at 10:35 a.m. with Commissioners Rod Johnson, Tim Schram, Mary Ridder, and Dan Watermeier present and Commissioner Crystal Rhoades absent. The next regularly scheduled meeting will be held on October 25, 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 October 24, 2022.



Chair



Executive Director