

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

November 8, 2022

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Notice was duly published October 27, 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 November 8, 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 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

FC-1370: Platte Valley Financial Services Companies, Inc., Complainant v. United Telephone Company of the West d/b/a CenturyLink Nebraska; CenturyLink Communications, LLC; and Qwest Corporation d/b/a CenturyLink QC, Respondents. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting withdrawal of amended complaint, with prejudice. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5385/NUSF-135: In the Matter of the Application of AirVoice Wireless, LLC, d/b/a AirTalk Wireless, Houston, Texas, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter an Order granting application for ETC status. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5447: In the Matter of the Application of Legent Comm LLC d/b/a DC Communications, Las Vegas, Nevada, 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, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5448: In the Matter of the Application of Betty Tramp and Geri Wiepen-Friederich, Crofton, each 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 Mary Ridder, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Mary

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

C-5449/NUSF-136: In the Matter of the Application of Midstates Data Transport, LLC, Norfolk, Nebraska, seeking to amend its Eligible Telecommunications Carrier designated service area. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting ETC designated service area. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-33/PI-68: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to investigate the audit requirements related to the Nebraska Universal Service fund. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order approving and denying audit waiver requests. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-92.56: In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: NE Colorado Cellular, Inc., d/b/a Viera Wireless. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting extension of time. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-108: In the Matter of the Nebraska Public Service Commission, on its own Motion, to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order authorizing 2023 high-cost wireline support and commencing challenge process. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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

Cullen Robbins informed the Commission of the telecommunications complaints and outages received by the Communications Department during the preceding month.

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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 Rod Johnson to enter an Order setting the wireless surcharge rate for calendar year 2023. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

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 Tim Schram to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

911-060/PI-191 P.O.#5: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate and determine whether additional funds from Enhanced Wireless 911 Fund should be made available to public safety answering points for costs to implement text to 911 solutions. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder to enter an Order providing PSAP funding for Text-to-911 costs. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

911-071/C-5028 PI-222: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the CenturyLink 911 Service Outage which began on December 27, 2018, and impacted Nebraska and several other states. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder 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.

TRANSPORTATION DEPARTMENT

B-2034: In the Matter of the Application of Prime Ride, LLC, Greenwood Village, Colorado, 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 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 Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order of pending dismissal. 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-2039: In the Matter of the Application of The Amazing Party Bus, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party service between all points in Nebraska over irregular routes. HHS Designation: No. 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-2050: In the Matter of the Application of LeRezo, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between all points in Nebraska over irregular routes. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting application as amended. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

B-2064: In the Matter of the Application of Catch a Ride Taxi and Transportation, LLC, Kearney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in taxicab service between points between Buffalo, Kearney, and Phelps Counties, and between said counties over irregular routes. HHS Designation: No. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order to schedule hearing. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

ML-49: In the Matter of the Application of King's Moving, Gretna, 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 Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order pending dismissal. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

ML-55: In the Matter of the Application of U-BookIT Moving & Delivery, Omaha, seeking a license to provide household goods moving services in Nebraska intrastate commerce between all points in Nebraska over irregular routes. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order granting license. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

B-2039.01r: In the Matter of the Application of The Amazing Party Bus, LLC, 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 Tim Schram, seconded by Commissioner Rod Johnson,

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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.

RULES AND REGULATIONS

R&R 209: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 4, Railroad Rules and Regulations. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson to enter Order opening docket, releasing proposed rules, and seeking comment. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve a 2-year renewal of the contract with Bates White, LLC, for natural gas consulting services. 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 excused not voting.

Executive Director's recommendation to approve Steve Kelso to travel to and attend the Missouri Association of Building & Fire Officials Educational Conference in Orange Beach, Missouri from November 8 to November 12, 2022 with all expenses to be paid by the Commission. 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 excused not voting.

Executive Director's recommendation to approve Cullen Robbins to travel to and attend the NARUC Annual Meeting in New Orleans, Louisiana from November 12 through November 15, 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 excused not voting.

Executive Director's recommendation to approve Commissioner Crystal Rhoades to travel to and attend the NARUC Annual Meeting in New Orleans, Louisiana from November 12 through November 16, 2022 with all expenses to be paid by the Commission. 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 excused not voting.

Executive Director's recommendation to approve Sallie Dietrich to travel to and attend the NARUC Annual Meeting in New Orleans, Louisiana from November 12 through November 15, 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

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

Executive Director's recommendation to approve Commissioner Dan Watermeier to travel to and attend the NARUC Annual Meeting in New Orleans, Louisiana from November 13 through November 15, 2022 with all expenses to be paid by the Commission. 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 excused not voting.

Executive Director's recommendation to approve the Schedule of Commission Meetings for January through March 2023. 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 excused not voting.

Open Session:

Executive Director's recommendation for a motion to go into closed session to discuss personnel matters, the closed session being necessary for the prevention of needless injury to the reputation of an individual. 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 excused not voting.

The Commission entered into closed session at 10:31.

Closed Session:

Chair Watermeier restated that the purpose of the closed session is to discuss personnel matters. The closed session being necessary for the prevention of needless injury to the reputation of an individual. The closed session discussion will be so limited.

Open Session:

Executive Director's recommendation for a motion to return to open session. 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 Commission returned to open session at 10:39.

Executive Director's recommendation to terminate an employee. 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 excused not voting.

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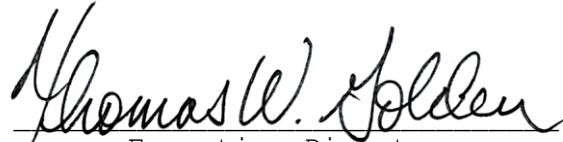
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The meeting adjourned at 10:40 a.m. with Commissioners Rod Johnson, Tim Schram, Mary Ridder, and Dan Watermeier present, and Commissioner Crystal Rhoades absent. The next regularly scheduled meeting will be held on November 29, 2022 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on November 28, 2022.



Chair



Executive Director