

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

December 6, 2022

Page 1

Notice was duly published December 1, 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 December 6, 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, Tim Schram, Dan Watermeier, and Mary Ridder present in the Commission Hearing Room. Commissioner Crystal Rhoades arrived later at 10:08 a.m. 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-5368: In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Nebraska Broadband Bridge Program in the 2022 program year. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order issuing grant awards and challenge results. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5461/PI-224: In the Matter of the Nebraska Public Service Commission, on its own motion, to adopt safe harbor market rates for the leasing of dark fiber by agencies or political subdivisions of the state. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order opening docket and seeking comments. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

C-5451: In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Mound, Minnesota, seeking approval of an Amendment to its Interconnection Agreement with CenturyLink Communications, LLC, Monroe, Louisiana. Motion made by Commissioner Mary Ridder, 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-5458: 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 Granite Telecommunications, LLC, Quincy, Massachusetts; and

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

December 6, 2022

Page 2

C-5459: In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Granite Telecommunications, LLC, Quincy, Massachusetts. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter Orders approving applications C-5458 and C-5459. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades excused not voting.

NUSF-1, PO #7: In the Matter of the Commission, on its own Motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Securus Technologies. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to approve Securus Technologies extension request to April 30, 2023, for the NUSF Remittance audit, otherwise due December 31, 2022. 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: Application to the Nebraska Broadband Program received from NE Colorado Cellular, Inc., d/b/a Viaero Wireless. Motion made by Commissioner Rod Johnson, seconded by Commissioner Mary Ridder, to enter an Order granting Motion for Extension of time. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: Broadview Networks, Inc. and Windstream New Edge, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, that Complaints be opened against Broadview Networks, Inc. and Windstream New Edge, LLC. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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

MOTORTRANSPORTATION DEPARTMENT

B-1714.02: In the Matter of the Application of Caring People Sudan, Omaha, seeking dismissal of the suspension of the Certificate of Public Convenience and Necessity issued in Docket No. B-1714. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order dismissing suspension and reinstating Permit B-1714. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1798.03: In the Matter of the Nebraska Public Service Commission, on its own motion, to require Triumph Transportation, Inc., Kearney,

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

December 6, 2022

Page 3

Nebraska, to show cause why its Certificate of Public Convenience and Necessity should not be suspended, changed, or revoked in whole or in part. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order amending show cause. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2007.02: In the Matter of the Application of N.H.A.A.D. LLC, d/b/a the NP Party Bus, North Platte, seeking an extension of authority as a common carrier to transport passengers by bus in charter service between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order granting extension of authority. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2034: In the Matter of the Application of Prime Ride, LLC, Greenwood Village, Colorado, seeking authority as a contract carrier 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 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-2061: In the Matter of the Application of 360 Transportation Services, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service between points in Douglas and Sarpy Counties 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, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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

In the Matter of the 2022 Annual Report to the Legislature on the status of the Implementation of LB-629 (2015). Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to approve filing the 2022 Annual Report to the Legislature on the status

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

December 6, 2022

Page 4

of the Implementation of LB 629 [2015]. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

GRAIN DEPARTMENT

GD-3062: In the Matter of the Application of Coda Manufacturing, LLC, Chapman, Nebraska, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue 2018). Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Motion to Adopt a Commissioner Code of Conduct. 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 voting NAY.

The meeting adjourned at 10:26 a.m. with Commissioners Rod Johnson, Tim Schram, Mary Ridder, Crystal Rhoades, and Dan Watermeier present. The next regularly scheduled meeting will be held on December 13, 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 December 12, 2022.



Chair



Executive Director