

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 18, 2023

Page 1

Notice was duly published January 5, 2023 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 January 10, 2023 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 Kevin Stocker, Eric Kamler, 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:

ELECTION OF COMMISSION OFFICERS

Election of Commission Chair. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to elect Dan Watermeier. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Election of Commission Vice Chair. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to elect Tim Schram. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

COMMUNICATIONS DEPARTMENT

C-5069/ PI-226: In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement LB 641 [2019]. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order approving Grant Award for the fourth year. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

C-5409/ DC-101: In the Matter of Cullen Robbins, Director of the Telecommunications and Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Windstream Nebraska, Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order of dismissal. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

C-5468: In the Matter of the Application of X2Comm, Inc., Flemington, New Jersey, seeking authority to withdraw its interexchange certificate of authority and cancel its tariff. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order granting withdrawal of IXC authority. Motion passed

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 18, 2023

Page 2

with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

C-5469: In the Matter of the Application of Kirk and Misty Eberle, Bradshaw, seeking authority to receive advanced telecommunications capability service from the Hampton exchange of the Hamilton Telephone Company. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

C-5473: In the Matter of the Commission, on its own motion, to determine the surcharge for the statewide Telecommunications Relay System, to be effective July 1, 2023. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order opening docket and setting a hearing on Tuesday, March 14, 2023 at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

C-5272: In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement the Nebraska Broadband Bridge Act. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting Motion to Return Grant Funding. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

C-5464: In the Matter of the Application of Nebraska Central Telephone Company, Aurora, Nebraska, seeking approval of an Interconnection Agreement with Teleport Communications America, LLC, Arlington Heights, Illinois. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

NUSF-92.58: 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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting Motion for Extension of Time. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

NUSF Docket Status.

CPF-1: In the Matter of the Nebraska Public Service Commission, on its own motion, to administer federal Capital Projects Funds for broadband development in Nebraska. Cullen Robbins informs the Commission that a workshop has been scheduled in this matter for January 24, 2023 at 11:00 a.m. in the Commission Hearing Room.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 18, 2023

Page 3

Report on telecommunications Complaints and Outages received by the Communications Department during the preceding month. Cullen Robbins informs the Commission of the Complaints and Outages received for December, 2022.

LEGISLATIVE

Jamie Reyes discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1993.01: In the Matter of the Application of Dak Family Transportation, LLC, Lincoln, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1993 until January 1, 2024. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order Granting Suspension Until January 1, 2024. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

ML-56: In the Matter of the Application of Maxx Moving Hauling and 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 Eric Kamler Order Granting License. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

B-2019.01r: In the Matter of the Application of Justin Sanango d/b/a Just In Time Medical Transportation, 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 Eric Kamler, seconded by Commissioner Kevin Stocker Order Granting Rates. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

B-2044.01r: In the Matter of the Application of Legacy Services Transportation, 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 Kevin Stocker Order Granting Rates on an Emergency Basis. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

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 Eric Kamler, seconded by Commissioner Dan Watermeier to enter an order

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 18, 2023

Page 4

closing the review and cancelling the hearing. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

P-12.33: In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, notice of intent to extend its service area for purposes of serving various Facebook data facilities located on Facebook property south of Capehart Road and West of Highway 50 Sarpy County, Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an order closing the docket. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker 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. to enter assessment order BA-25.

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. to enter assessment order BW-3.

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 Tim Schram, seconded by Commissioner Eric Kamler to enter assessment order BA-7. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

E-2506: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Jefferson County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an order granting the application. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

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/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy. Nichole Mulcahy informed the Commission of the next status meeting on January 24, 2023, at 2:00p.m. in the Commission Hearing Room and via Webex.

NG-101.2: 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. NorthWestern Corporation d/b/a NorthWestern Energy. Nichole Mulcahy informed the Commission of the next status meeting on January 25, 2023, at 2:00p.m. in the Commission Hearing Room and via Webex.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 18, 2023

Page 5

Nichole Mulcahy reported a total number of 28 consumer complaints and inquiries received at the Commission during the fourth quarter of 2022. For each company: Black Hills Energy - 28; NorthWestern - 0; and Other Entities - 0.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Dan Watermeier to travel to and attend the MARC Commissioners Only Retreat in Houston, TX from January 12 to January 14, 2023 with lodging paid by MARC and costs of trip to be reimbursed by MARC, up to \$1,000. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Carrie Gans to travel to and attend the Winter 2023 SBLN Summit in Washington, D.C. from February 6 to February 9, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Shana Knutson to travel to and attend the Winter 2023 SBLN Summit in Washington, D.C. from February 6 to February 9, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Cullen Robbins to travel to and attend the NARUC Winter Policy Summit in Washington, D.C. from February 11 to February 14, 2023 with expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Sallie Dietrich to travel to and attend the NARUC Winter Policy Summit in Washington, D.C. from February 11 to February 14, 2023 with expenses to be paid by the Commission. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Tim Schram to travel to and attend the NARUC Winter Policy Summit in Washington, D.C. from February 12 to February 14, 2023 with expenses to be paid by the Commission. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Eric Kamler to travel to and attend the NARUC Winter Policy Summit in Washington, D.C. from

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 18, 2023

Page 6

February 12 to February 15, 2023 with expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

The meeting adjourned at 10:38 a.m. with Commissioners Kevin Stocker, Eric Kamler, Tim Schram, and Dan Watermeier present. The next regularly scheduled meeting will be held on January 24, 2023 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 23, 2023.



Chair



Executive Director