

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

April 11, 2023

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Notice was duly published March 31, 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 April 11, 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 10:02 a.m. with Commissioners Kevin Stocker, Tim Schram, Christian Mirch, Eric Kamler, 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-5490: In the Matter of the Application of Dennis Bruening, St. Helena, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5491: In the Matter of the Aaron Purvis, Marquette, seeking authority to receive advanced telecommunications service from the Marquette exchange of Hamilton Telephone Company. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Cullen Robbins informed the Commission that a request was received from Somos, Inc., regarding a denial of a numbering request from NNTC. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to approve sending a letter to the Pooling Administrator. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5487: In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with Wide Voice, LLC, Las Vegas, Nevada. to enter an Order granting application; and

C-5488: In the Matter of the Application to Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado seeking approval of a Carrier Partner for Interconnected VoIP Provider Amendment to its Interconnection Agreement with Wide Voice, LLC, Las Vegas, Nevada. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order granting application. Motion passed with Commissioners

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Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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: Gabb Wireless, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch Cullen Robbins seeks Commission approval to grant a second audit extension request, to April 30, 2023 for the NUSF Remittance audit, otherwise due December 31, 2022. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-4, P.O. #29: In the Matter of the Commission on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act beginning July 1, 2023. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an Order setting a hearing for May 9, 2023 at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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

NUSF-117, PO #1: In the Matter of the Nebraska Public Service Commission, on its own Motion, to consider implementing a program to incentivize new fiber construction for E-rate eligible entities. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an Order seeking comments due May 26, 2023, with reply comments due June 16, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NetZero Wireless, Inc. and Time2Market Cloud Services, LLC: Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to open NUSF Remittance Complaints against NetZero Wireless, Inc., and Time2Market Cloud Services. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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NATURAL GAS DEPARTMENT

E-2511: In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an order granting the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NG-118: In the Matter of the Commission, on its own motion, seeking to open a docket to review proposed cleanup and updates to Title 291, Chapter 9, Natural Gas and Oil Pipeline Rules and Regulations. Nichole Mulcahy informed the Commission a second workshop has been set for May 24, 2023, at 9:30 am to 11:30am in the Commission Hearing Room and via videoconference.

Nichole Mulcahy reported a total number of 49 consumer complaints and inquiries received at the Commission during the first quarter of 2023. For each company: Black Hills Energy - 47; NorthWestern - 1; and Other Entities - 1.

TRANSPORTATION DEPARTMENT

MCC-3196.05: Dillon Keiffer-Johnson, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, COMPLAINANT, vs. Careem Transportation, LLC; Cornbelt Development d/b/a Travel Plus Limousines; Dashabout Roadrunner, Inc. d/b/a Buffalo Springs Ranch; Davis Entertainment, LLC d/b/a Ollie the Trolley; Kearney Cab Company; Lunjini Medical Transportation, LLC; Nebraska Urban Indian Health Coalition; Night Life Limousine, LLC; Omaha Omaha Handicap Transportation Service; Safe Journey Transit, LLC; and Serving Nebraska Health Transportation Agency, RESPONDENTS. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter Order to Dismiss, In Part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2062.01r: In the Matter of the Application of Courtesy Care Transportation, 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 Christian Mirch, seconded by Commissioner Tim Schram to enter Order Granting Rates on an Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

Schedule "A" and "E" Rates: In the Matter of the Commission, on its own motion, seeking to determine reasonable A and E storage rates and charges for Public Grain Warehouses for the 2023-2024 storage year.

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Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an order seeking comments and scheduling hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GW-153 et al.: In the Matter of the attached list of completed warehouse license renewals for 1st Quarter of 2023. Terri Fritz reports on the 1st Quarter grain warehouse renewal licenses.

GD-153 et al.: In the Matter of the attached list of completed grain dealer license renewals for the 1st Quarter of 2023. Terri Fritz reports on the 1st Quarter grain dealer renewal licenses.

LEGISLATIVE

Discussion on pending legislation. No Motion was made.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commissioner Kevin Stocker to travel to and attend the NARUC New Commissioner Orientation in Washington, DC from April 30, 2023 to May 3, 2023 with all expenses to be reimbursed by NARUC Stipend. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, and Dan Watermeier voting AYE, and Commissioner Kevin Stocker present not voting.

Executive Director's recommendation to approve Commissioner Christian Mirch to travel to and attend the NARUC New Commissioner Orientation in Washington, DC from April 30, 2023 to May 3, 2023 with all expenses to be reimbursed by NARUC Stipend. 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, and Commissioner Christian Mirch present not voting.

Executive Director's recommendation to reschedule the April 18, 2023 Commission Meeting to April 19, 2023. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Open Session:

Executive Director's recommendation to go into closed session to discuss strategies concerning active litigation. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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The Commission entered into closed session at 10:27 a.m.

Closed Session:

Chairman Watermeier restated that the purpose of the closed session is to discuss strategies concerning active litigation. The closed session discussion will be so limited.

Open Session:

Executive Director's recommendation to return to open session. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

The Commission returned to open session at 10:58 a.m.

Executive Director's recommendation to vote on strategies discussed concerning active litigation. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to reject the settlement offer in re. Matter of Public Service Commission v. Banghart Properties, LLC, A-22-0427, an appeal of the originating case of Terri Fritz v. Banghart Properties, LLC, GDC-446. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

The meeting adjourned at 10:59 a.m. with Commissioners Kevin Stocker, Tim Schram, Christian Mirch, Eric Kamler, and Dan Watermeier present. The next regularly scheduled meeting will be held on April 19, 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 April 18, 2023.



Chair



Executive Director