

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

June 6, 2023

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Notice was duly published May 18, 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 June 6, 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, 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 offered. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

C-5500: In the Matter of the Application of Cathy Schmidt, 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 granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5502/ DC-102: In the Matter of Nebraska Public Service Commission Communications Department, on its own motion, regarding the 2022 Annual Report filings. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order dismissing the Complaint, in part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5503: In the Matter of the Application of Southeast Nebraska Communications, Inc., Falls City, Nebraska, seeking approval of an Interconnection Agreement with Teleport Communications of America, LLC, Dallas, Texas. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order approving application. Motion passed with Commissioners 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: Ucomtel, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Cullen Robbins seeks Commission approval to grant an audit extension request, to June 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.

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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: Combined Public Communications. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram Cullen Robbins seeks Commission approval to grant a 2nd audit extension request, to July 31, 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-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: Great Plains Communications. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Christian Mirch Cullen Robbins seeks Commission approval to grant an audit extension request, to August 1, 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-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: Intrado Communications LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch Cullen Robbins seeks Commission approval to grant an audit extension request, to July 31, 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, PO #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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order setting the surcharge. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

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. to enter assessment order BA-26; and

NG-119: In the Matter of the Commission, to conduct a review of gas supply cost adjustment schedules implemented by Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, pursuant to Neb. Rev. Stat. § 66-1854. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter assessment order BA-2.

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Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

E-2516: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Johnson County. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an order granting the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

B-1623.01: In the Matter of the Application of Doc Holiday Express Company, d/b/a Holiday Express, Grand Island, seeking to extend its authority as a common carrier in Nebraska intrastate commerce by adding the transportation of passengers in limousine and special party service between all points in Nebraska over irregular routes, and removing restrictions on its charter service. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler Order Dismissing Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1921.01: In the Matter of the Application of Alpha Life Improvement Services, Omaha, seeking approval of a name change to Nebraska Neurobehavioral Services d/b/a NNBS Medical Transportation. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order of Pending Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1929.01: In the Matter of the Application of Prime Time Shuttle Service, Lincoln, seeking approval of a name change to Revel Events, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Order of Pending Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2053: In the Matter of the Application of Jackrabbit Transportation, LLC, d/b/a The Dapper Van, Saint Paul, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van and bus in charter service between points in Adams, Antelope, Boone, Buffalo, Clay, Custer, Dawson, Garfield, Greeley, Hall, Hamilton, Holt, Howard, Kearney, Loup, Madison, Merrick, Nance, Phelps, Platte, Polk, Sherman, Valley, Wheeler, and York counties, and between said counties, over irregular routes. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler Order of Pending Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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B-2072: In the Matter of the Application of We Travel, LLC, Scottsbluff, seeking authority as a contract carrier between all points in Nebraska over irregular routes pursuant to a contract with the Administrative Office of the Courts and Probation. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Christian Mirch Order Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2066.01r: In the Matter of the Application of SLCT Transport d/b/a Snowleopard Medical Transport, Bennington, 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. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GW-22: In the Matter of the Application of Ag Valley Cooperative, Non-Stock, Edison, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-378: In the Matter of the Application of Battle Creek Cooperative, Non-Stock, Battle Creek, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-471: In the Matter of Farmers Union Cooperative Company, Friend, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application.75000.

GW-535: In the Matter of the Application of Farmers Union Coop Supply Co., Clarkson, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-537: In the Matter of the Application of Cooperative Supply Inc., Dodge, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-553: In the Matter of the Application of Kroecker Grain & Lumber Co., Inc., Henderson, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-2127: In the Matter of the Application of The Scoular Co., Salina, Kansas, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-2129: In the Matter of the Application of The Scoular Co., Salina, Kansas, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-2132: In the Matter of the Application of The Scoular Co., Salina, Kansas, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-2148: In the Matter of the Application of The Scoular Co., Salina, Kansas, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

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GW-2179: In the Matter of the Application of The Scoular Co., Salina, Kansas, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-2184: In the Matter of the Application of The Andersons, Inc., Maumee, Ohio, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application;

GW-2185: In the Matter of the Application of Pride Grain LLC, Long Pine, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. to enter an order granting application; and

GW-2187: In the Matter of the Application of Richardson Milling Inc., Winnipeg, Manitoba, Canada, requesting a deductible on its stock insurance higher than \$10,000. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an order granting application.250000. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-2976/ GDC-453: In the Matter of Terri Fritz, Director of the Nebraska Public Service Commission Grain Dealer Department, COMPLAINANT, vs. Lackawanna Products Corp., RESPONDENT. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order of Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-3032/ GDC-454: In the Matter of Terri Fritz, Director of the Nebraska Public Service Commission Grain Dealer Department, COMPLAINANT, vs. Norag LLC, RESPONDENT. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order of Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-3055: In the Matter of the Application of All Star Trading, Oak Brook, Illinois, seeking approval of Grain Dealer License. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to adopt a resolution concerning the passage of Nebraska Legislative Bill 683 [2023]. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter a resolution concerning the passage of LB 683 [2023]. Motion to amend the resolution made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler, to amend specific language within the Resolution. First amendment passed with Commissioners Eric Kamler, Tim Schram, and Dan Watermeier voting AYE, and Commissioners Christian Mirch and Kevin Stocker present not voting. Motion to amend the resolution made by Commissioner Kevin Stocker, seconded by Commissioner Dan Watermeier,

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to amend certain formatting within the Resolution. Second amendment passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Christian Mirch present not voting. Motion to adopt the resolution passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Christian Mirch present not voting.

LEGISLATIVE

Discussion on pending legislation. No Motion was made.

The meeting adjourned at 10:44 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 June 13, 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 June 12, 2023.



Chair



Executive Director