

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

June 27, 2023

Page 1

Notice was duly published June 15, 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 27, 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-5493/ PI-245:** In the Matter of the Nebraska Public Service Commission, on its own motion, to require certificated local exchange carriers, interexchange carriers, and eligible telecommunications carriers in Nebraska to attest as to whether they are using or deploying communications equipment prohibited by the Federal Communications Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order publishing a list of carriers using or deploying prohibited equipment. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5504:** In the Matter of the Application of M.B. Jacobson, LLC, North Platte, seeking authority to receive advanced telecommunications capability service from the Stockham Exchange of the Hamilton Telephone Company. to enter an Order approving application;

**C-5506:** In the Matter of the Application of Dan Gothier, Fordyce, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartington Telecommunications Co., Inc. to enter an Order approving application; and

**C-5507:** In the Matter of the Application of Neil Andreasen, Hordville, seeking authority to receive advanced telecommunications capability service from the Hordville exchange of the Hamilton Telephone Company. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting the application. Motion passed with Commissioners Eric Kamler, Christian Mirch, 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: ALLO Communications LLC Deadline Extension Request. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order granting ALLO's request for an Extension of the Deadline to complete the Sprague Project. Motion passed with

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

June 27, 2023

Page 2

Commissioners Eric Kamler, Christian Mirch, 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: Elsie Communications, LLC. to enter an Order granting Elsie Communications, LLC's request for an Extension of Deadline to complete the Elsie and Grinton Broadband Infrastructure Improvements Project; and

**C-5272:** In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Nebraska Broadband Bridge Act: Dalton Telephone Company Deadline Extension Requests. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting Dalton Telephone Company's request for an Extension of Deadline to complete the Potter and Dalton Projects. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**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. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order issuing grant awards and Challenge Results. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5505:** In the Matter of Application of Pierce Telephone Company, Pierce, Nebraska, seeking approval of a Wireless Traffic Exchange Agreement with AT&T Mobility, Bedminster, New Jersey. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order approving the 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: BCM One, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler 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-37.423:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. BT Americas Inc., Respondent. to enter an Order dismissing Complaint; and

**NUSF-37.424:** In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Vyve Business Services, LLC, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order dismissing Complaint. Motion passed with

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

June 27, 2023

Page 3

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

Crexendo Business Solutions, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Cullen Robbins seeks Commission approval to open a NUSF Remittance Complaint against Crexendo Business Solutions. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Cullen Robbins informs the Commission that a Hearing Officer's Order in NUSF-57, Progression Order #7, was entered on June 14, 2023, scheduling a workshop on July 12, 2023 at 1:00 p.m. CST in the Commission Hearing Room, Lincoln. The workshop will also be available via WebEx.

## NATURAL GAS DEPARTMENT

**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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter assessment order BA-3 and BA-4. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

**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 to enter an Order Dismissing Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-1921:** In the Matter of the Nebraska Public Service Commission, on its own motion, to require Alpha Life Improvement Services, Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order to Show Cause and Set Hearing. 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 Eric Kamler, seconded by Commissioner Tim Schram to enter an Order Approving Name Change. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

June 27, 2023

Page 4

**B-2038:** In the Matter of the Application of Jurnile Family, LLC, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between Douglas, Dodge, Lancaster, Sarpy, Washington Counties, and between said counties 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 Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order Scheduling Hearing. 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 to enter an Order Dismissing Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**ML-55:** In the Matter of the Nebraska Public Service Commission, on its own motion, to require U-BookIT Moving & Delivery, Omaha, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Show Cause and Schedule Hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## GRAIN DEPARTMENT

**GW-153:** In the Matter of the Application of Frontier Cooperative Company, Lincoln, Nebraska, requesting a deductible on its stock insurance higher than \$10,000. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**GD-3067:** In the Matter of the Application of Home City Grain, Inc., Home, Kansas, 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.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

June 27, 2023

Page 5

## 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 in its entirety. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order scheduling hearing for Tuesday, August 1, 2023 at 2:00 p.m. CST. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Christian Mirch voting NAY.

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The meeting adjourned at 10:33 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 July 11, 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 July 10, 2023.



Chair



Executive Director