

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Notice was duly published April 14, 2020 on page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on April 21, 2020 at 10:00 AM in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Mary Ridder called the regularly scheduled meeting to order at 10:01 AM and stated that this meeting would be held via video conference and telephone, pursuant to the Governor's Executive Order No. 20-03 issued on March 17, 2020, which granted a limited waiver of the Open Meetings Act due to the COVID-19 state of emergency. Commissioners Tim Schram and Rod Johnson were present in the Commission Hearing Room. Commissioners Crystal Rhoades and Mary Ridder were present via video conference. Commissioner Dan Watermeier was present via telephone. Chair Ridder stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and on the Commission's website. Chair Ridder invited the public to address the Commission telephonically. No public comments were received. No further announcements were made.

Attention was called to the following proceedings:

Tuesday, April 21, 2020:

NUSF-117     Fiber construction for E-rate entities - **Hearing**  
1:30 p.m. - Commissioner Hearing Room  
Commissioner Mary Ridder - Hearing Officer  
Remote access to the hearing will be available via WebEx or by telephone. The Commission's Webex may be accessed by the following link: <http://tiny.cc/PSCWebex> (case sensitive). Those wishing to attend anonymously may use "anonymous" for their name and [a@b.com](mailto:a@b.com) for their email address. To attend by telephone, dial 415-655-0003, then enter 926 343 190 when prompted for an access code.

Wednesday, April 22, 2020:

PI-230        Motor Transportation - **Hearing**  
10:00 a.m. - Commission Hearing Room, Lincoln  
Commissioner Tim Schram - Hearing Officer  
Remote access to the hearing will be available via WebEx or by telephone. The Commission's Webex may be accessed by the following link: <http://tiny.cc/PSCWebex> (case sensitive). Those wishing to attend anonymously may use "anonymous" for their name and [a@b.com](mailto:a@b.com) for their email address. To attend by telephone, dial 415-655-0003, then enter 926 343 190 when prompted for an access code.

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Wednesday, April 29, 2020:

## **NUSF Advisory Board Meeting**

1:30 p.m. Commission Hearing Room, Lincoln

This meeting will be held in accordance with the Governor's Executive Order No. 20-03. As the meeting will be held electronically, and no quorum of the public body will be physically present together, there will be no public in-person attendance. Remote access to the meeting will be available via WebEx at the following link:

<http://tiny.cc/PSCWebex> (case sensitive). Those wishing to attend anonymously may use "anonymous" for their name and "a&b.com" for their email address. To attend by telephone, dial 415-655-0003, then enter 927 672 060 when prompted for an access code.

Tuesday, May 5, 2020:

## **Commission Meeting**

10:00 a.m. - Commission Hearing Room

This meeting will be held in accordance with the Governor's Executive Order No. 20-03. As the meeting will be held electronically, and no quorum of the public body will be physically present together, there will be no public in-person attendance. Remote access to the meeting will be available via Webex or by telephone. The Commission's Webex may be accessed by the following link:

<http://tiny.cc/PSCWebex> (case sensitive). Those wishing to attend anonymously may use "anonymous" for their name and "a@b.com" for their email address. To attend by telephone, dial 415-655-0003, then enter 926 343 190 when prompted for an access code.

MCC- Motor Transportation - **Hearing**

3196.02 11:00 a.m. - Commission Hearing Room, Lincoln

Commissioner Dan Watermeier- Hearing Officer

Remote access to the hearing will be available via WebEx or by telephone. The Commission's Webex may be accessed by the following link: <http://tiny.cc/PSCWebex> (case sensitive). Those wishing to attend anonymously may use "anonymous" for their name and [a@b.com](http://a@b.com) for their email address. To attend by telephone, dial 415-655-0003, then enter 926 343 190 when prompted for an access code.

## COMMUNICATIONS DEPARTMENT

C-5104 In the Matter of the Application of Fusion Connect, Inc., and Fusion, LLC, Atlanta, Georgia, seeking to transfer control of a certificated carrier. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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C-5105 In the Matter of the Application of Enhanced Communications Network, Inc., West Covina, California, seeking authority to withdraw its interexchange certificate of authority and cancel its tariff. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5106 In the Matter of the Application of Consolidated Telephone Company, Lincoln, Nebraska, seeking approval of a Traffic Exchange Agreement with Level 3 Communications, LLC, Broomfield, Colorado, and

C-5107 In the Matter of the Application of Consolidated Telecom, Inc., Lincoln, Nebraska, seeking approval of a Network Interconnection Agreement with Level 3 Communications, LLC, Broomfield, Colorado. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter Orders approving applications C-5106 and C-5107. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5108 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, seeking modification to the Performance Indicator Definitions and Performance Assurance Plan portions of its interconnection agreements. Motion made by Commissioner Rod Johnson, 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.

Cullen Robbins requested approval for a letter granting Sprint's request for a waiver of certain TRS requirements. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve Sprint's request for waiver. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

NUSF-1, In the Matter of the Commission, on its own Motion,  
PO #20 seeking to establish guidelines for administration of the  
Nebraska Universal Service Fund: Motion made by  
Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter an Order updating policies for determining monthly and quarterly filing and, clarifying what monthly variances require departmental approval. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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NUSF-4, PO #26 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 to be effective fiscal year beginning July 1, 2020. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Crystal Rhoades, to enter an Order setting a Hearing for May 20, 2020, at 10:00 a.m. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-57 In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Telehealth Program. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order seeking Reply Comments, due on or before June 9, 2020. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## NATURAL GAS DEPARTMENT

NG-13 In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act, Neb. Rev. Stat. §66-1801 et seq. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter progression order #67. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NG-49.3 In the Matter of CenterPoint Energy Services, Inc., Houston, Texas, seeking approval of a transfer of control to Athena Energy Services Buyer, LLC, Summit, New Jersey. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NG-105 In the Matter of Emporia Renewable Energy Corp., Littleton, Colorado, seeking to withdraw its authority as a competitive natural gas provider in the State of Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, approve sending a letter to the Nebraska Congressional Delegation. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

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- NG-78.7 In the Matter of the Application of Black Hills Gas Distribution, LLC d/b/a Black Hills Energy, for authority to adjust the System Safety and Integrity charges (2020). Commissioner Rod Johnson presiding as Hearing Officer;
- NG-101/  
PI-224 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. Commissioner Rod Johnson residing as Hearing Officer; and
- NG-101.1 Black Hills/Nebraska Gas Utility Company, LLC, and B Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter assessment orders NG-78.7/BA-23 and NG-101.1/BA-10. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- E-2472 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Dawes County; and
- E-2473 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Dawes and Sheridan Counties. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter orders granting the applications. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Nichole Mulcahy reported a total number of 12 consumer complaints and inquiries received at the Commission during the first quarter of 2020. For each company: Black Hills Energy - 6; United Energy Trading - 1; Black Hills Energy Services - 1; and NorthWestern - 0; and Other Entities - 4.

## TRANSPORTATION DEPARTMENT

- B-1320 In the Matter of the Application of Ronald D. Allgood, d/b/a Tree City Cab, Nebraska City, seeking to suspend its Certificate of Public Convenience and Necessity issued in Docket No. B-1320 until September 1, 2020;
- B-1936 In the Matter of the Application of Christopher M. Beerbohm, Fremont, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1936 until June 1, 2020; and

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B-1963        In the Matter of the Application of Red Star Transport, LLC, Atkinson, seeking to suspend its Certificate of Public Convenience and Necessity issued in Docket No. B-1963 until June 18, 2020. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Dan Watermeier, to enter an Orders B-1320, B-1936, and B-1963 granting suspensions. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2003        In the Matter of the Application of Thomas Transportation, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service between all points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, 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.

MCC-         Jamie L. Reyes, Director Motor Transportation Department, 3196.02        Nebraska Public Service Commission, Lincoln, Nebraska, Complainant v. Alpha Life Improvement Services; Big A Holdings, LLC dba OMALiNK; Big O's Party Bus, LLC; Black Diamond S&S; Bus at the Yard d/b/a Luxury Limousine; Careem Transportation, LLC; Daniel's Moving & Storage of Omaha, LLC; Denver Coach, Inc.; First Student dba First Student, Inc.; Ford Storage & Moving Co.; Good Times Limousine, Inc.; Kelly DeSive; King's Moving; Modest Movers, LLC dba Middle West Movers; Nebraska Taxi, LLC; Night Life Limousine, LLC; Omaha Omaha Handicap Transportation Services; Rapid Shuttle Service; Roadrunner Bus, LLC; Ronald D. Allgood dba Tree City Cab Company; Siouxland Paramedics, Inc.; Smiley's; T and T Party Bus, LLC dba T & T Limousines; The Wine Bus, LLC; and Xtreme Ride, LLC, Respondents. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing in part. Jamie Reyes reported that the Hearing Officer entered an Order on April 15, 2020 informing Respondents that the May 5, 2020 hearing will take place via WebEx in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

PI-230        In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate insurance requirements for motor carriers providing intrastate transportation services within the state of Nebraska. Jamie reports that the Hearing Officer entered an order on April 8, 2020 informing parties that the April 22, 2020 hearing will be conducted via WebEx in the Commission Hearing Room.

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BR-577/  
B-2005 In the Matter of the Application of Extreme Nightlife, LLC, Lincoln, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3; and

TR-216/  
B-1874 In the Matter of the Application of Yellow Cab Beatrice, Inc., Beatrice, 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 Dan Watermeier, seconded by Commissioner Crystal Rhoades, to enter Orders granting rates in BR-577/B-2005 and TR-216/B-1874. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## GRAIN WAREHOUSE DEPARTMENT

GW-2185 In the Matter of the Application of Pride Enterprises, Inc. dba Pride Grain, Long Pine, Nebraska, requesting a \$100,000 deductible on its stock insurance. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

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 2020-2021 storage year. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson to enter an order setting a hearing in this matter for May 20, 2020 at 1:00 p.m., via WebEx in the Commission Hearing Room. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

GW-20 etal In the matter of the attached list of completed list of warehouse license renewals for the 1st quarter of 2020. Mike Bartels reported on the 1st quarter grain warehouse renewal list.

GDC-444 In the Matter of the Complaint of Mike Bartels, Director of the Nebraska Public Service Commission Grain Warehouse Department, Complainant, vs. Organic Producers Iowa Nebraska South Dakota Cooperative, North Bend, Nebraska, Respondent. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an order dismissing complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

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GD-3040 In the Matter of the Application of Indigo Marketplace, LLC, Charlestown, Massachusetts, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue of 2018). Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier to enter an order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

GD-3029 In the Matter of Indigo Ag, Inc., Charlestown, Massachusetts. Mike Bartels reported the grain dealer license is cancelled effective April 21, 2020.

GD-153 In the Matter of the attached list of completed list et al. of dealer license renewals for the 1st quarter of 2020. Mike Bartels reported on the 1st quarter grain dealer renewal list.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commission invoices. No invoices were presented to the Commission for approval.

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The meeting adjourned at 10:30 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on May 5, 2020 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on May 4, 2020.

  
Chair

  
Executive Director