

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

May 19, 2020

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Notice was duly published May 12, 2020 on page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on May 19, 2020 at 10:06 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 Dan Watermeier were present in the Commission Hearing Room. Commissioners Crystal Rhoades and Mary Ridder were present via video conference. Commissioner Rod Johnson 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, May 19, 2020:

Rule & Reverse Auction & Wireless Registry - **Hearing**  
Reg 202 1:30 pm. - via WebEx in the Commission Hearing Room  
Commissioner Rod Johnson presiding as Hearing Officer.  
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). To attend by telephone, dial 415-655-0003, then enter 926 343 190 when prompted for an access code.

Wednesday, May 20, 2020:

NUSF-4 NUSF Surcharge for FY 2020/2021 - **Hearing**  
PO #26 10:00 a.m. - Commission 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). To attend by phone, dial (415) 655-0003 and enter the access code "926 343 190" when prompted.

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Wednesday, May 20, 2020:

Schedules Grain Warehouse Department - **Hearing**  
"A" & "E" 1:00 p.m. - Commission Hearing Room  
Rates Commissioner Rod Johnson - Hearing Officer.  
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. Information for connecting may be accessed at the following link: <http://tiny.cc/PSCWebex> (case sensitive). To attend by phone, dial (415) 655-0003 and enter the access code "926 343 190" when prompted.

Tuesday, June 2, 2020:

## **Commission Meeting**

10:00 a.m. - Commission Hearing Room

### COMMUNICATIONS DEPARTMENT

C-5122/ DC-96 In the Matter of the Nebraska Public Service Commission, on its own motion, regarding the 2019 Annual Report filings.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order opening docket and scheduling a Show Cause Hearing for August 11, 2020, at 11:00 a.m. CDT. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5110 In the Matter of the Application of Arapahoe Telephone Company, Arapahoe, Nebraska, seeking approval of a Network Interconnection Agreement with Charter Fiberlink - Nebraska, LLC, St. Louis, Missouri;

C-5111 In the Matter of the Application of Hamilton Telephone Company, Aurora, Nebraska, seeking approval of a Network Interconnection Agreement with Charter Fiberlink - Nebraska, LLC, St. Louis, Missouri;

C-5112 In the Matter of the Application of Great Plains Communications, LLC, Blair, Nebraska, seeking approval of a Network Interconnection Agreement with Charter Fiberlink - Nebraska, LLC, St. Louis, Missouri;

C-5113 In the Matter of the Application of Nebraska Central Telephone Company, Gibbon, Nebraska, seeking approval of a Network Interconnection Agreement with Charter Fiberlink - Nebraska, LLC, St. Louis, Missouri;

C-5115 In the Matter of the Application of Charter Fiberlink - Nebraska, LLC, St. Louis, Missouri, seeking approval of an Extended Area Service Interconnection Agreement with Sodtown Telephone Company, Ravenna, Nebraska;

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## COMMUNICATIONS DEPARTMENT (Cont.)

C-5116 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Resale Forbearance Amendment to the Interconnection Agreement with Teleport Communications America, LLC, Bedminster, New Jersey, for the State of Nebraska, previously approved in Docket C-3095.

C-5117 In the Matter of the Application of United Telephone Company of the West dba CenturyLink, Denver, Colorado, seeking approval of a Resale Forbearance Amendment to the Interconnection Agreement with BullsEye Telecom, Inc., Southfield, Michigan, for the State of Nebraska, previously approved in Docket C-3179.

C-5118 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of a Resale Forbearance Amendment to the Interconnection Agreement with BullsEye Telecom, Inc., Southfield, Michigan, for the State of Nebraska. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter orders granting applications C-5110, C-5111, C-5112, C-5113, C-5115, C-5116, C-5117 and C-5118. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram, Dan Watermeier and Crystal Rhoades 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: Telmate, LLC. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to grant Telmate's audit extension request to May 31, 2020, for the NUSF remittance audit, otherwise due December 31, 2019. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-37.380 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Voyant Communications, LLC, Respondent(s). Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-117 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 Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order of Opinions and Findings creating E-rate special construction matching program. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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## COMMUNICATIONS DEPARTMENT (Cont.)

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: DSCI, LLC and Ooma, Inc. Motion made bypassed with Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, that complaints be opened for DSCI, LLC and Ooma, Inc. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## STATE 911 DEPARTMENT

911-042.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Grand Island. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

911-042.35 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Burt County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

911-042.73 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Sheridan County. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## NATURAL GAS DEPARTMENT

NG-106 In the Matter of the Application of KALM Energy, LLC, Lincoln, Nebraska, seeking authority to operate as a Competitive Natural Gas Provider in the State of Nebraska. Motion made by Commissioner Dan Watermeier, 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.

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## NATURAL GAS DEPARTMENT (Cont.)

- NG-84 In the Matter of the Joint Application of SourceGas Distribution, LLC, SourceGas Holdings, LLC, both of Golden, Colorado, and Black Hills Utility Holdings, Inc., Papillion, Nebraska, seeking Necessary Authorizations and Approvals for Black Hills Holdings, Inc. to Acquire SourceGas Holdings, LLC;
- NG-88 In the Matter of the Application of SourceGas Distribution, LLC, Golden, Colorado, seeking approval of the Regulatory Treatment of the Net Buyout Costs of Two Gas Supply-Related Contracts, the Costs Associated with Financing the Buyout Costs, and Other Specified Relief.
- NG-101 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.
- NG-101.1 Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy.
- NG-107 In the Matter of the Application of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy for a deferred accounting order to record and preserve costs related to the Covid-19 pandemic. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter assessment orders NG-84/BA-14; NG-88/BA-8; NG-101.1/BA-11 and NG-107/BA-1. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

- B-1375 In the Matter of the Application of Dashabout Roadrunner, Inc., Akron, Colorado, seeking suspension of the Certificate of Public Convenience and Necessity issued in Application No. B-1375 until September 22, 2020. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting extension of suspension. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- B-1961 In the Matter of the Application of Star Limo Party Bus, LLC, Omaha, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1961 until July 1, 2020. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter an Order granting suspension. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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TRANSPORTATION DEPARTMENT (Cont.)

B-1982 In the Matter of the Application of NOVA Medical Trans, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between points in Douglas and Lancaster counties, and points between said counties, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Dan Watermeier, to enter an Order dismissing application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

PI-231 In the Matter of the Commission, on its own motion, responding to the COVID-19 state of emergency. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier to enter Progression Order #1. 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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The meeting adjourned at 10:47 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on June 2, 2020 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on June 1, 2020.

  
Chair

  
Executive Director