

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

September 14, 2021

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Notice was duly published September 7, 2021 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 September 14, 2021 at 10:00 AM 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 AM. with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier present in the Commission Hearing Room and Commissioner Crystal Rhoades present via Webex. 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:

Tuesday, September 14, 2021:

- 11:00 AM **Hearing**
TNC-2
Annual Fee for Transportation Network Companies
Commission Hearing Room and WebEx
Hearing Officer: Commissioner Tim Schram
- 1:00 PM **Hearing**
MANF-14, Manufactured Homes Program - Seal Fees
MODF-15, Modular Housing Program - Seal Fees
RVF-15, Recreational Vehicle Program - Fees
Commission Hearing Room & WebEx
Hearing Officer: Commissioner Crystal Rhoades
- 1:30 PM **Hearing**
B-1989 Ambassador Transportation
To Show Cause
Commission Hearing Room and WebEx
Hearing Officer: Commissioner Rod Johnson

Tuesday, September 21, 2021

- 11:00 AM **Hearing**
GDC-445/GD-3022
To Show Cause - Grain Dealer's License Fine & Revocation
Commission Hearing Room & Webex
Hearing Officer: Commissioner Rod Johnson

Tuesday, September 28, 2021

Commission Meeting

10:00 a.m. - Commission Hearing Room

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COMMUNICATIONS DEPARTMENT

C-5319 In the Matter of the Application of James and Rebecca Hunke, Hartington, Nebraska, seeking authority to receive advanced telecommunications service from the Hartington Exchange of Hartelco. 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.

C-5272 In the Matter of the Nebraska Public Service Commission, on its own Motion, to implement the Nebraska Broadband Bridge Act. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter a Nunc Pro Tunc order correcting Attachment A. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

C-5310 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with QuantumShift Communications, Inc. d/b/a vCom Solutions, San Ramon, California;

C-5311 In the Matter of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with QuantumShift Communications, Inc., d/b/a vCom Solutions, San Ramon, California;

C-5314 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Great Plains Broadband, LLC, Blair, Nebraska;

C-5315 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Great Plains Broadband, LLC, Blair, Nebraska;

C-5316 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Bandwidth.com CLEC, LLC, Cary, North Carolina;

C-5317 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado seeking approval of an Unbundled Network Elements Resale Forbearance Amendment to its Interconnection Agreement with Bandwidth.com CLEC, LLC, Cary, North Carolina;

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- C-5318 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Airus, Inc., Chicago, Illinois;
- C-5228 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with CenturyLink Communications, LLC, Broomfield, Colorado; and
- C-5229 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of an FCC Modernizing Unbundling and Resale Requirements Amendment to its Interconnection Agreement with Level 3 Communications, LLC, Broomfield, Colorado. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Orders approving applications C-5310, C-5311, C-5314 thru C-5318, C-5228 and C-5229. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- C-5230 In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Mound, Minnesota, seeking approval of a Interconnection Agreement with Allo Communications, LLC, Lincoln, Nebraska. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order approving the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.
- NUSF-25, In the Matter of the Nebraska Public Service P.O. #43 Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support; and
- NUSF-66 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support, to enter Orders certifying eligible Nebraska telecommunications carriers for federal High-Cost support. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins informed the Commission of the telecommunications complaints and outages received by the Communications Department during the preceding month.

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Outages for August 2021							
Carrier	Area	Outage Date	Completion Date	Duration	Lines Affected	Primary Cause	Comments
Qwest Corporation	Farwell, Silver Creek, Atlanta	Aug-07-21	Aug-08-21	0 d 3 h	228	Equipment	The Silver Creek, Atlanta and Farwell switches are not processing toll calls. The switches reset (or maybe "rebooted") themselves – it usually comes after a brief power incident.
Windstream Nebraska, Inc.	Lincoln, Firth, Hallam, Cortland, Hickman	Aug-13-21	Aug-13-21	0 d 3 h	828	Equipment	Planned fiber maintenance in Lincoln impacted the Firth, Hallam, Cortland, and Hickman remotes off the Lincoln switch. 8-fiber strand cable was relocated due to conflict with a city road move for a roundabout at 14th & Old Cheney. Service restored when the maintenance splice procedure completed.
Qwest Corporation	Scottsbluff	Aug-20-21	Aug-21-21	0 d 5 h	169	Equipment	Scottsbluff switch is not processing toll calls. Restored after a transport outage resolved.
Qwest Corporation	Pender	Aug-25-21	Aug-25-21	0 d 6 h	280	Equipment	The Pender switch is not processing toll calls. Service restored - waiting for details about cause.
Windstream Nebraska, Inc.	Butler	Aug-26-21	Aug-26-21	0 d 2 h	1	Equipment	Butler County PSAP reported 911 phones down and per Motorola engaged Windstream to have calls rerouted. Windstream translations rerouted 911 to Saunders County until the PSAP issue cleared then the forwarding to Saunders County was removed.

NATURAL GAS DEPARTMENT

E-2493 In the Matter of the Application of Norris Public Power District, Beatrice, Nebraska, seeking authority to construct, operate and maintain electric transmission lines in Butler and Seward Counties. Motion made by Commissioner Mary Ridder, 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.

NG-112.1 In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2022 System Safety and Integrity Rider. Nichole Mulcahy informed the Commission the hearing was set for November 17, 2021, at 1:30 p.m. in the Commission hearing room and via Webex.

TRANSPORTATION DEPARTMENT

B-1577 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Laidback Limousine, Inc., Omaha, to show cause why its Certificate of Public Convenience and Necessity issued in Docket No. B-1577 should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order sustaining show cause and revoking certificate B-1577. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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B-1618 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Royal Limousine, Inc., Omaha, to show cause why its Certificate of Public Convenience and Necessity issued in Docket No. B-1618 should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order sustaining show cause and revoking certificate B-1618. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1738 In the Matter of the Application of Panda Transportation, Inc., Valentine, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1738 until July 31, 2022. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting extension of suspension until July 31, 2022. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1807 In the Matter of Special Day Limousine, LLC, Yankton, South Dakota, seeking approval to change an existing operation by transfer of membership interest and extend authority to provide transportation services between all points in Nebraska over irregular routes. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order granting membership interest transfer and extension of authority. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1909 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Bus at the Yard, d/b/a Luxury Limousine, Lincoln, to show cause why its Certificate of Public Convenience and Necessity issued in Docket No. B-1909 should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order dismissing show cause. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Tim Schram and Dan Watermeier voting AYE, and Commissioner Mary Ridder voting NAY.

Jamie Reyes requests Commission approval to file a motor carrier complaint against Bus at the Yard d/b/a Luxury Limousine. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to file Motor Carrier Complaint 3198. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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MCC-3198 Jamie L. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant, vs. Bus at the Yard d/b/a Luxury Limousine, Lincoln, Nebraska, Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order to show cause, schedule hearing, and issue temporary suspension of services. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

MR-1025/ In the Matter of the Nebraska Public Service Commission, on
PI-238 its own motion, seeking to investigate the use of differential rates and charges by motor carriers providing intrastate passenger transportation services. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order issuing findings and setting compliance deadline. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

BR-617/ In the Matter of Blair Blue Community Transportation, LLC,
B-1958 Blair, seeking to establish its rates and charges subject Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order nunc pro tunc. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

TNC-2 In the Matter of the Commission, on its own motion, seeking to determine the annual fee for Transportation Network Companies. Jamie Reyes reports that the Hearing Officer entered an Order rescheduling the hearing to Tuesday, September 28, 2021 at 11:00 a.m. in the Commission Hearing Room and via WebEx.

GENERAL ADMINISTRATION

Deputy Director's recommendation to approve David Sankey to travel to and attend the National Association of State 911 Administrators (NASNA) Interim Meeting, in Los Angeles, California, with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

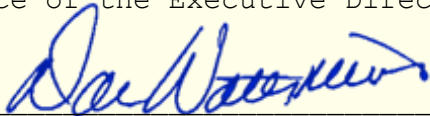
Deputy Director's recommendation to approve Terri Fritz to travel to and attend the Association of Grain Regulatory Officials (AGRO) 2021 Annual Conference in Minneapolis, Minnesota, with all expenses to be paid by the Commission. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

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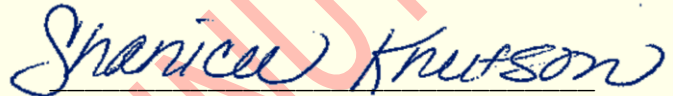
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Deputy Director's recommendation to ratify the Policy Memorandum for NPSC Motor Transportation Department Personnel Possessing State Deputy Sheriff Credentials. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

The meeting adjourned at 10:16 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on September 28, 2021 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on September 27, 2021.



Chair



Deputy Director

PRELIMINARY MINUTES