

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Notice was duly published November 30, 2021 on 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on December 7, 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 10:01 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, December 7, 2021:

1:30 PM **Hearing**
 B-1997 Richwood Enterprises dba Richwood Transport
 Commission Hearing Room and WebEx
 Hearing Officer: Rod Johnson

Tuesday, December 14, 2021:

Commission Meeting
10:00 AM Commission Hearing Room

COMMUNICATIONS DEPARTMENT

C-5341 In the Matter of the application of Clear Rate Communications, Inc., Troy, Michigan, seeking authority to change its name to Clear Rate Communications, LLC. 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.

FC-1370 In the Matter of Platte Valley Financial Services Companies, Inc., Complainant, v. United Telephone Company of the West d/b/a CenturyLink Nebraska, Respondent. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting Motion for Leave to Amend Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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- AD-702r In the Matter of the Application of Broadnet Teleservices, LLC, Highlands Ranch, Colorado, seeking authority to register the connection of an automatic dialing-announcing device in Aurora, Colorado. 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.
- C-5340 In the Matter of the Application of Blair Telephone Company, Blair, Nebraska, seeking approval of an Interconnection Agreement with Peerless Network of Nebraska, LLC, Chicago, Illinois. Motion made by Commissioner Mary Ridder, 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.
- C-5343 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 ACN Communication Services, LLC, Concord, North Carolina;
- C-5344 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 ACN Communication Services, LLC, Concord, North Carolina; and
- C-5345 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Batch Hot Cut Removal Amendment to their Interconnection Agreement with ACN Communication Services, LLC, Concord, North Carolina. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter Orders approving applications C-5343 thru C-5345. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram 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: Inmate Calling Solutions, LLC dba ICSolutions;
- 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: AccessLine Communications Corporation; and
- 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: Ooma, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to grant Ooma, Inc.'s, Inmate Calling Solutions, LLC dba ICSolutions, and AccessLine Communications Corporations extension requests to January 31, 2022, for the NUSF remittance audits, otherwise due December 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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NUSF-33/ PI-68 In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order approving late-filed waiver requests, in part. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-37.395 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Spiral Communications, LLC, Respondent. 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 and Tim Schram voting AYE.

NUSF-92.59 In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter an Order granting, in part. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-92.60 In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from United States Cellular Corporation. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order granting, in part. 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.

Outages for November 2021							
Carrier	Area	Outage Date	Completion Date	Duration	Lines Affected	Primary Cause	Comments
Windstream Nebraska, Inc.	Lincoln	Nov-03-21	Nov-03-21	0 d 1 h	519	Equipment	Fairbury remotes out of the Lincoln DMS100 were down affecting 539 voice lines. Technicians repaired/reset equipment to restore service.
Cox Nebraska Telcom, LLC	Omaha	Nov-30-21	Nov-30-21	0 d 8 h	7524	Equipment	A hardware chassis experienced degradation which was restarted to restore service. Took several reboots and repairs to restore. Cox continues to investigate the root cause the equipment malfunction.

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STATE 911 DEPARTMENT

911-042.19 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: Saline County. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to enter an Order Approving Funding. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

911-042.50 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: Chase County to enter an Order Approving Funding; and

911-042.50 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: Chase County. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram, to enter Orders Amending Funding. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

911-073/
PI-232 In the Matter of the Nebraska Public Service Commission, on its own motion, to consider recommendations of the Service System Advisory Committee for creation of a new funding system for Next Generation 911. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order Adopting Implementation Plan for NG911 PSAP Funding. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

TRANSPORTATION DEPARTMENT

B-1714.01 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Caring People Sudan, Omaha, to show cause why its Permit of Authority should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order dismissing show cause and granting suspension. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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B-1745.02 In the Matter of the Nebraska Public Service Commission, on its own motion, to require WADDI, LLC d/b/a Wings of Love, LLC, Omaha, to show cause why its Permit of Authority should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing show cause and cancelling hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2025.01 In the Matter of the Application of FADI, LLC, Bennington, seeking authority to add HHS Designation to its existing authority providing transportation to passengers by sedan and van in open class service between points in Douglas, Dodge, Sarpy, Washington, and Cass counties, and between said counties, over irregular routes. 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.

B-2026 In the Matter of the Application of Mallay Transport, LLC, Lincoln, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers in open class service within Douglas and Lancaster Counties, and between said counties, over irregular routes 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 Mary Ridder, 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.

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. Motion made by Commissioner Mary Ridder, seconded by Commissioner Rod Johnson, to send a letter requesting an Attorney General's Opinion on the Commission's authority to establish minimum uninsured/underinsured motor carrier insurance requirements for licensees transporting railroad employees. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-1747.01r In the Matter of the Application of Standfast Transportation, Omaha, 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 Mary Ridder, to enter an Order granting rates. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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B-1876.01r In the Matter of the Application of Omaha Omaha Handicap Transportation Services, Inc., Omaha, seeking to amend its rates and charges subject to the Provisions of Neb. Rev. Stat. (Reissue 2014), Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Mary Ridder, to enter an Order granting rates. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Deputy Director's recommendation to approve the 2022 Schedule of Commission Meetings. Motion made by Commissioner Mary Ridder, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Chair's recommendation to offer make an offer of employment for the Executive Director position. 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.

The meeting adjourned at 10:25 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on December 14, 2021 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on December 13, 2021.



Chair



Deputy Director