

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

July 25, 2023

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Notice was duly published July 14, 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 July 25, 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-5510: In the Matter of the Application of Brian Kroksh, Marquette, seeking authority to receive advanced telecommunications capability service from the Hordville Exchange of the Hamilton Telephone Company. Motion made by Commissioner Eric Kamler, 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.

C-5512: In the Matter of the Joint Application of Maxsip Tel LLC, f/k/a Maxsip Telecom Corporation, Woodmere, New York, and TerraCom, Inc. Chattanooga, Tennessee, seeking approval of a transfer of control to Maxsip Tel LLC f/k/a Maxsip Telecom Corporation. Motion made by Commissioner Tim Schram, 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.

C-5513: In the Matter of the Application of Jim and Phyllis Edwards, Ord, seeking authority to receive advanced telecommunications service from the North Loup Exchange of Nebraska Central Telephone Company. 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.

C-5520/ PI-246: In the Matter of the Nebraska Public Service Commission, on its own motion, to require communications providers 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 regarding attestation of prohibited communications equipment. Motion passed with Commissioners

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

C-5461/ PI-244: In the Matter of the Nebraska Public Service Commission, on its own motion, to adopt safe harbor market rates for the leasing of dark fiber by agencies or political subdivisions of the state. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order setting a hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5511: In the Matter of the Application of Cozad Telephone Company, Cozad, Nebraska, seeking approval of an Interconnection Agreement with Teleport Communications America, LLC, Dallas, Texas. to enter an Order approving application; and

C-5514: In the Matter of the Application of Charter Fiberlink-Nebraska, LLC, Atlanta, Georgia seeking approval of a Local Traffic Exchange and Interconnection Agreement with Cozad Telephone Company, Cozad, Nebraska. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order approving application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-37.428: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Konica Minolta Business Solutions U.S.A., Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order dismissing the Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-99: In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request. to enter an Order granting extension of deadline for the Hallam and Plattsmouth Projects; and

NUSF-99.126: In the Matter of the Nebraska Public Service Commission, on its own Motion, to administer the Universal Service Fund High-Cost Program: Windstream Nebraska, Inc. Broadband Grant Request. Motion made by Commissioner Christian Mirch, seconded by Commissioner Eric Kamler to enter an Order granting extension of deadline for the Hallam 9E Project. 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. Commissioner Tim Schram presiding as Hearing Officer. Cullen Robbins discusses the Hearing Officer's Order entered on July 13, 2023, for a second Protective Order.

NUSF-117: In the Matter of the Nebraska Public Service Commission, on its own motion, to consider implementing a program to incentivize new

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fiber construction for E-Rate eligible entities. Commissioner Eric Kamler presiding as Hearing Officer. Cullen Robbins discusses the Hearing Officer's Order entered July 19, 2023, setting a hearing for August 21, 2023 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Report on telecommunications Complaints and Outages received by the Communications Department during the preceding month. Cullen Robbins informs the Commission of the Complaints and Outages received for June, 2023.

NATURAL GAS DEPARTMENT

NG-120: In the Matter of the Application of Tiger Natural Gas, Inc. d/b/a Legacy Natural Gas, Tulsa, Oklahoma, seeking authority to operate as a Competitive Natural Gas Provider in the State of Nebraska. 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.

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 Eric Kamler, seconded by Commissioner Tim Schram to enter Progression Order #80. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NG-102: In the Matter of the Commission, on its own motion, seeking to review policies and practices relating to the administration of customer choice programs for natural gas service offered within the State of Nebraska. to enter assessment order BA-6; and

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 Tim Schram, seconded by Commissioner Kevin Stocker to enter assessment order BA-5, BW-3 and BW-4. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Nichole Mulcahy reported a total number of 27 consumer complaints and inquiries received at the Commission during the second quarter of 2023. For each company: Black Hills Energy - 19; NorthWestern - 3; and Other Entities - 5.

TRANSPORTATION DEPARTMENT

B-1887.02: In the Matter of the Commission, on its own motion, to require J.A.I. 1 LLC, d/b/a Caring Hearts Transportation, Omaha, to show cause why the Commission should not revoke its Permit of Authority. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order to Dismiss Show Cause.

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

B-1901.03: In the Matter of the Commission, on its own motion, to require Safe & Reliable Transportation Services, Lincoln, to show cause why the Commission should not revoke its Certificate of Public Convenience and Necessity. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order to Show Cause and Schedule Hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1994.01: In the Matter of the Nebraska Public Service Commission, on its own motion, to require SNP Consulting Services, LLC, Elkhorn, to show cause why its permit of authority should not be revoked. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Sustaining Show Cause and Revoking Authority Granted in B-1994. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2078: In the Matter of the Application of Lexington Party Bus, LLC, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by Bus in Special Party and Charter service between points in Sherman, Keith, Lincoln, Custer, Dawson, Buffalo, Hall, Harlan, Chase, Howard, Adams, Kearney, Phelps, Gosper, Frontier, Red Willow, and Furnas 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 Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GRAIN DEPARTMENT

GD-3060: In the Matter of the Application of Dakota Growers Coop, Plankinton, South Dakota, seeking approval of Grain Dealer License. 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-3070: In the Matter of the Application of Advanced Sunflower, LLC, Huron, South Dakota, 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.

GD-3071: In the Matter of the Application of Jim Traub Trading LLC, Monticello, Illinois, seeking approval of Grain Dealer License. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim

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

GD-3072: In the Matter of the Application of Landus Cooperative, Inc., Des Moines, Iowa, seeking approval of Grain Dealer License. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GD-3032/ GDC-455: In the Matter of Terri Fritz, Director of the Nebraska Public Service Commission Grain Dealer Department, COMPLAINANT, vs. Norag LLC, Stilwell, Kansas, RESPONDENT. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order dismissing Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Terri Fritz to travel to and attend Association of Grain Regulatory Officials 2023 Annual Conference in Lexington, Kentucky from September 25 to September 28, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Robert Leigh to travel to and attend Association of Grain Regulatory Officials 2023 Annual Conference in Lexington, Kentucky from September 25 to September 28, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Bruce Liddy to travel to and attend Association of Grain Regulatory Officials 2023 Annual Conference in Lexington, Kentucky from September 25 to September 28, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to approve Commissioner Kevin Stocker to travel to and attend Association of Grain Regulatory Officials 2023 Annual Conference in Lexington, Kentucky from September 25 to September 28, 2023 with all expenses to be paid by the Commission. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric

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Kamler, Christian Mirch, Tim Schram and Dan Watermeier voting AYE, and Commissioner Kevin Stocker present not voting.

The meeting adjourned at 10:39 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 August 1, 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 31, 2023.



Chair



Executive Director