

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

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Notice was duly published November 3, 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 November 7, 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 10:01 a.m. with Commissioners Tim Schram, Christian Mirch, Eric Kamler, Kevin Stocker, 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 comment was made. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

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 Eric Kamler, seconded by Commissioner Tim Schram to enter an Order adopting safe harbor market rates for dark fiber leases. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5493/PI-245: In the Matter of the Nebraska Public Service Commission, on its own motion, to require certificated local exchange carriers, interexchange carriers, and eligible telecommunications carriers in Nebraska to attest as to whether they are using or deploying communications equipment prohibited by the Federal Communications Commission; and

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 consolidating dockets and publishing updated list of entities using or deploying prohibited equipment. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5532: In the Matter of the Application of Mobilitie, LLC, Newport Beach, California, seeking authority to change its name to Boldyn Networks US, LLC. 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.

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C-5533: In the Matter of the Application of Jason and Sheila Schneider and Jared Bunting, Aurora, and Dale Haseloh, Gina Bowden, Delores Kauk, and LaVonne Taylor, Harvard, each seeking authority to receive advanced telecommunications capability service from the Stockham Exchange of the Hamilton Telephone Company. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an Order granting application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5534: In the Matter of the Application of Hamilton Telephone Company, Aurora, Nebraska, seeking a waiver of the requirement of 291 Neb. Admin. Code § 5-002.06 regarding public pay stations. 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.

CPF-2: In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the second round of federal Capital Projects Funds for broadband development in Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order on Findings and Conclusions and adopt procedural schedule for next grant cycle. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, 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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order disqualifying CenturyLink entities from challenge process. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Christian Mirch voting NAY.

C-5484: In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Nebraska Broadband Bridge Program in the 2023 program year. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order issuing partial challenge determinations and reclassification of applications. Motion passed with Commissioners Eric Kamler, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE, and Commissioner Christian Mirch present not voting.

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: CallShaper, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to grant an audit extension request to March 1, 2024, for the NUSF Remittance audit, otherwise due December 31, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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NUSF-33: 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 Eric Kamler, seconded by Commissioner Tim Schram to enter an Order approving and denying audit waivers. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-37.433: In the Matter of Carrie Gans, Assistant Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Estech Systems, Inc., Respondent. Motion made by Commissioner Tim Schram, 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.

NUSF-37.437: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. CallShaper, LLC, Respondent. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order dismissing Complaint. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92.63: 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 Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order granting application, in part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-92 PO #14: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order seeking comments due November 30, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF-131 PO #2: In the Matter of the Nebraska Public Service Commission, on its own motion, to establish reverse auction procedures and requirements. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order revising reverse auction procedures and issuing 2024 reverse auction schedule. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Report on telecommunications Complaints and Outages received by the Communications Department during the preceding month. Cullen Robbins

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informs the Commission of Complaints and Outages received for October, 2023.

HOUSING & RECREATIONAL VEHICLES DEPARTMENT

MANF-16: In the Matter of the Commission, on its own Motion, seeking to determine the seal fee amount for the Manufactured Home Program. to enter an Order Setting Fee;

MODF-17: In the Matter of the Commission, on its own Motion, seeking to determine the seal fee amount for the Modular Housing Program. to enter an Order Setting Fee; and

RVF-17: In the Matter of the Commission, on its own Motion, seeking to determine the fees for the Recreational Vehicle Program. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Setting Fee. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

MCC-3200: Dillon Keiffer-Johnson, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, v. Buffalo Cab Services, LLC, d/b/a Cab Service, Kearney, Respondent. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order Approving Stipulation. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1984.01: In the Matter of the Application of Hope Park Transport, LLC, Lincoln, seeking to extend its authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service in and between points in Lancaster, Seward, and Saline counties over irregular routes pursuant to contracts with Aster Hill, Prescott Place, Integrated Behavioral Health Services, and 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 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.

B-2006.02: In the Matter of the Nebraska Public Service Commission, on its own motion, to require My Princess' Limo Services, LLC, Madison, to show cause why its Certificate of Public Convenience Necessity should not be revoked. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Sustaining Show Cause and Revoking Certificate B-2006. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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B-2038: In the Matter of the Application of Jurnile Family, LLC, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between Douglas, Dodge, Lancaster, Sarpy, Washington Counties, and between said counties 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 Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Denying Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2051.02: In the Matter of the Nebraska Public Service Commission, on its own motion, to require LTC Holdings LLC, Lincoln, to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Dismissing Show Cause and Granting Suspension. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2064.02: In the Matter of the Application of Catch a Ride Taxi and Transportation, LLC, Kearney, seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in taxicab service between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Application as Amended. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2067: In the Matter of the Application of Lionsgate Security Solutions Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service by van, sedan, and SUV between all points in Nebraska over irregular routes. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Granting Application as Amended. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2077: In the Matter of the Application of Integrity Ride, LLC, Lincoln, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by van and SUV between points in Lancaster, Saunders, Douglas, Otoe, Sarpy, and Cass 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 Christian Mirch, seconded by Commissioner Kevin Stocker to enter an Order

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

B-1798.02r: In the Matter of the Application of Triumph Transportation, Inc., Kearney, 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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Rates on an Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1802.03r: In the Matter of the Application of Camelot Transportation, Inc., Kearney, 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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Rates on an Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1999.02r: In the Matter of the Application of Mike's Capital Cab LLC, Lincoln, seeking to amend its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order Amending Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2029.01r: In the Matter of the Application of CareOne Transport Systems, LLC, d/b/a CareOne, Omaha, seeking to amend 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 Kevin Stocker to enter an Order Amending Rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2081.01r: In the Matter of the Application of Rollin' Transportation, LLC, Clearwater, 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 Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Rates on an Emergency Basis. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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The meeting adjourned at 10:38 a.m. with Commissioners, Tim Schram, Christian Mirch, Commissioner Eric Kamler, Kevin Stocker, and Dan Watermeier present. The next regularly scheduled meeting will be held on November 28, 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 November 27, 2023.



Chair



Executive Director