

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

November 28, 2023

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Notice was duly published November 16, 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 28, 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 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. Dave Pace offered public comment regarding Norag, LLC. No announcements were made.

Attention was called to the following proceedings:

COMMUNICATIONS DEPARTMENT

C-5303/PI-240: In the Matter of the Nebraska Public Service Commission, on its own motion, to determine whether adequate service quality is being provided by carriers operating within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Christian Mirch to enter an Order seeking further comment and setting hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5501: In the Matter of the Application of Hemingford Cooperative Telephone Company, Hemingford, Nebraska, seeking a waiver of the requirement of 291 Neb. Admin. Code § 5-002.06 regarding public pay stations. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting withdrawal of application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5531: In the Matter of the Application of Quick Current-Nebraska LLC, Walthill, Nebraska, seeking authority to provide competitive local exchange and interexchange telecommunications services within the State of Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order granting application for authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5535: In the Matter of the Application of Larry Cooper, Polk, seeking authority to receive advanced telecommunications capability service from the Hordville Exchange of the Hamilton Telephone Company. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting boundary change. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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AD-723r: In the Matter of the Application of Broadnet Teleservices, LLC, Highland Ranch, Colorado, seeking authority to register the connection of an automatic dialing-announcing device in Aurora, Colorado. 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.

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: SIP.US, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to grant an audit extension request to June 30, 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.

NUSF-37.435: In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. AMP Networks, LLC, 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.

NUSF-139: In the Matter of the Nebraska Public Service Commission, on its own Motion, to consider appropriate modifications to the high-cost distribution and reporting mechanisms in its Universal Service Fund program in light of federal and state infrastructure grants. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order outlining findings and conclusions and commencing challenge process. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF Advisory Board Reappointments: Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to reappoint Ben Backus, Gene Hand, Al Lubeck and Rod Triplett, for an additional three years on the NUSF Advisory Board, otherwise expiring December 31, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NUSF Advisory Board New Appointments: Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram Cullen Robbins seeks Commission approval to appoint Tonya Mayer from Hemingford Co-Operative Telephone Company as Telecom Carrier representative, for a three year term and, Victor Kapustin as Commission representative, for a three year term. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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Comtech 21, LLC and Quality Voice & Data, Inc.: Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to open NUSF Remittance Complaints against Comtech 21, LLC and Quality Voice & Data, Inc. 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. Cullen Robbins informs the Commission that a workshop has been set for Monday, December 4, 2024 to assist potential participants with the revised reverse auction process for the 2024 Auction. Also, Cullen Robbins updates the Commission that application materials and bidding unit information have been posted to the Commission website.

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. Cullen Robbins updates the Commission on application materials now available on the Commission website.

NATURAL GAS DEPARTMENT

NG-101.1: 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. Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy. to enter assessment order BA-31;

NG-101.2: 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. NorthWestern Corporation d/b/a NorthWestern Energy. to enter assessment order BA-32;

NG-112.3: In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2024 Systems Safety and Integrity Rider. to enter assessment orders BA-30 and BA-31; 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 orders BA-11 and BA-12. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

E-2522: In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Dakota County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an order granting the application. Motion passed with

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

TRANSPORTATION DEPARTMENT

B-1867.01: In the Matter of the Application of Accent Chauffeured Transportation, Omaha, seeking revocation and cancellation of the common carrier authority in Certificate Number B-1867. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Granting Cancellation of Certificate No. B-1867. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2065.04: In the Matter of the Application of Eastside Transportation, LLC, Lincoln, to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service in Lancaster, Gage, Seward, Saunders, Cass, Douglas, Sarpy, Adams, Platte, York, Hall, Kearney, and Madison counties, on the one hand, and on the other hand, points in Nebraska over irregular routes. HHS Designation: Yes. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order of Pending Dismissal. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-1747.03r: 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 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.

GRAIN DEPARTMENT

GD-2875: In the Matter of Frenchman Valley Farmers Cooperative, Inc. dba Southwest Grain or dba Plains Grain, Imperial, Nebraska seeking to change its name to Frenchman Valley Farmers Cooperative, Inc. dba Plains Grain. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting name change. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Complaint & Administrative Fining Policy: Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram Terri Fritz, Grain Director, Grain Department's seeks Commission approval to adopt Complaint & Administrative Fining Policy effective November 28, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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GENERAL ADMINISTRATION

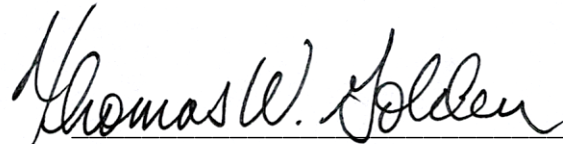
Executive Director's recommendation to replace one vehicle in the Housing Department. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to adopt a Security Camera Surveillance and Use Policy. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

The meeting adjourned at 10:29 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 December 5, 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 December 4, 2023.



Chair



Executive Director