

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Minutes

January 17, 2024

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Notice was duly published January 15, 2024 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 January 17, 2024 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, Eric Kamler, Christian Mirch, 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. Emily Haxby offered public comment. 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 Tim Schram, seconded by Commissioner Eric Kamler to enter an Order clarifying safe harbor rates. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

C-5538: In the Matter of the Application of Intrado Communications, LLC, of Lancaster, Texas, seeking authority to change its name to Hypercube Networks, LLC. 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.

C-5545: In the Matter of the Application of Consolidated Telephone Company, Consolidated Telco, Inc., and Consolidated Telecom, Inc., Lincoln, 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 Tim Schram to enter an Order approving pay station waiver. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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

NUSF-108: In the Matter of the Nebraska Public Service Commission, on its own Motion, to make adjustments to its High-Cost Distribution

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Mechanism and make revisions to its reporting requirements: Dalton Extension Request. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order granting extension of time to complete the Lodgepole South, Dalton South, Gurley East 2021, Dix North, and Bushnell projects. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

STATE 911 DEPARTMENT

911-018/PI-117: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: Dish Wireless, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker Director Sankey seeks Commission approval to grant an audit extension request to January 31, 2024, for the 2021 Enhanced Wireless 911 remittance audit, otherwise due December 31, 2023. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

NATURAL GAS DEPARTMENT

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 Kevin Stocker to enter Progression Order #82. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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 order BA-34; 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-14. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

TRANSPORTATION DEPARTMENT

MT-0001.04: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to address certain carriers in non-compliance with annual renewal requirements. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order to Dismiss, In Part. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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B-2044.02: In the Matter of the Application of Legacy Services Transportation, Omaha, seeking to extend its authority by removing all current restrictions and to extend its authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers in open class service in Dodge County over irregular. HHS Designation: Yes. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter an Order Granting Extension of Authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

B-2084: In the Matter of the Application of Kohll's RxSAKRX, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by van between points in and between Dodge, Washington, Saunders, Douglas, Sarpy, Lancaster, Cass, Seward, Saline, and Butler counties over irregular routes. HHS Designation: No. 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-1433.02r: In the Matter of the Application of B.J.Z., Inc., d/b/a Checker Cab Company, Norfolk, 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 Tim Schram 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

GW-405: In the Matter of the Application of Farmers Cooperative, Pilger, Nebraska requesting a deductible on its stock insurance higher than \$10,000. 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.

RULES AND REGULATIONS

R&R 211: In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules modifying driver requirements for licensees transporting employees of railroad carriers. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order Opening Docket, Seeking Comment, and Setting Hearing. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

LEGISLATIVE REPORT

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LB 929: Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to hold a neutral position, and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

LB 1031: Discussion and action on pending legislation. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to hold a neutral position, and provide testimony. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

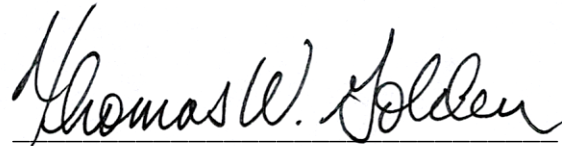
GENERAL ADMINISTRATION

Executive Director's recommendation to approve Joshua Smith to travel to and attend the FRA General Fundamentals Training in Pueblo, Colorado from January 22, 2024 to January 26, 2024 with 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.

The meeting adjourned at 10:39 a.m. with Commissioners, Tim Schram, Eric Kamler, Christian Mirch, Kevin Stocker, and Dan Watermeier present. The next regularly scheduled meeting will be held on January 23, 2024 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 22, 2024.



Chair



Executive Director