

PRELIMINARY MINUTES

Notice was duly published December 31, 2020 on page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on January 7, 2020 at 10:00 AM in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Mary Ridder called the regularly scheduled meeting to order at 10:00 AM. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, and Tim Schram present and Dan Watermeier absent. Chair Ridder 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, January 14, 2020

Commission Meeting

10:00 a.m. - Commission Hearing Room

B-1679/ RailCrew Xpress Corporation, Lenexa KS - **Hearing**
PI-227 1:30 p.m. - Commission Hearing Room
Commissioner Dan Watermeier - Hearing Officer

COMMUNICATIONS DEPARTMENT

C-5081 In the Matter of the Application of Vesta Solutions, Inc., Temecula, California, seeking authority to provide competitive local exchange telecommunications services within the State of Nebraska. 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 and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

C-5083 In the Matter of the Application of Securus Technologies, Inc., Carrollton, Texas, seeking a name change to Securus Technologies, 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 and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

C-5084 In the Matter of the Application of DCT Telecom Group, Inc., Cleveland, Ohio, for approval of a transfer of control and Pro Forma Restructuring and name change to DCT Telecom Group, 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 and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

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COMMUNICATIONS DEPARTMENT (Cont.)

C-5085 In the Matter of the Application of Operator Service Company, LLC, San Antonio, Texas, seeking authority to withdraw its interexchange certificate of authority and cancel its tariff. 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 and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

Cullen Robbins discussed and sought Commission approval to write a letter to the Nebraska 811 Board regarding 3rd party contractors related to outages. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve a letter to the Nebraska 811 Board. Motion passed with Commissioners Rod Johnson, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Dan Watermeier excused not voting.

C-5086 In the Matter of the Application of United Telephone Company of the West d/b/a CenturyLink, Denver, Colorado, seeking approval of a Commercial Mobile Radio Services (CMRS) Interconnection Agreement with CSC Wireless, LLC d/b/a Altice Mobile, Plano, Texas; and

C-5087 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of a Type 2 Wireless Interconnection Agreement with CSC Wireless, LLC, d/b/a Altice Mobile, Plano, Texas. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Orders granting applications C-5086 and C-5087. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: American Messaging Services, LLC, and Ooma, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to grant American Messaging's extension request to January 30, 2020, and Ooma, Incorporated's request to January 31, 2020, for the 2018 remittance audits, otherwise due December 31, 2019. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

NUSF-108, In the Matter of the Nebraska Public Service Commission, on P. O. #5 its own Motion, to make adjustments to its high-cost distribution mechanism and make revisions to its reporting requirements. Commissioner Ridder presiding as Hearing Officer. Discussion of Hearing Officer's Order granting extension of comment period, from January 17, 2020 to February 17, 2020, with reply comments due March 6, 2020.

PRELIMINARY MINUTES

COMMUNICATIONS DEPARTMENT (Cont.)

Cullen Robbins informed the Commission of the telecommunications complaints and outages received by the Communications Department during the preceding month.

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; and

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 Rod Johnson, seconded by Commissioner Crystal Rhoades to enter an Order approving the use of set-aside funds for Dockets 911-042.19, and 911-042.19. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

911-042.67 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: Pierce County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades to enter an Order approving the use of set-aside funds. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

Director Dave Sankey informed the Commission that Governor Ricketts has reappointed Isaac Brown and Carolyn Petersen of the Wireless 911 Advisory Board for a two-year term.

LEGISLATIVE

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1332 In the Matter of the Application of Qualified Developments, Inc., Ainsworth, seeking to cancel and revoke its Certificate of Public Convenience and Necessity issued in Application B-1332. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order cancelling certificate. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

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TRANSPORTATION DEPARTMENT (Cont.)

B-1865 In the Matter of the Application of Dal Enterprises, LLC, North Platte, seeking to suspend its Certificate of Public Convenience and Necessity issued in Docket No. B-1865 until March 3, 2020. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order granting extension of suspension. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

B-2005 In the Matter of the Application of Extreme Nightlife, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party and charter service between all points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. No Motion was made to enter an Order granting application.

MT-0001 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 Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order opening docket and scheduling show cause hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

BR-575/
B-1993 In the Matter of the Application of Dak Family Transportation, LLC, Lincoln, 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 Rod Johnson, seconded by Commissioner Tim Schram, to enter an Order granting rates. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

PI-228 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the blocking of railroad crossings in Hall County, Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an Order scheduling hearing. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

Jamie Reyes discusses the Federal Railroad Administration's new blocked crossing reporting portal.

PRELIMINARY MINUTES

GRAIN WAREHOUSE DEPARTMENT

GW-615 In the Matter of the attached list of completed list of
et al. warehouse license renewals for the 4th quarter of
2019: Dillon Keiffer-Johnson reported on the 4th quarter
grain warehouse renewal licenses.

GW-19 In the Matter of the Application of J. E. Meuret Grain
Co., Inc., Brunswick, Nebraska, requesting a \$25,000
deductible on its stock insurance. Motion made by Commissioner Rod
Johnson, seconded by Commissioner Crystal Rhoades to enter an order
granting application. Motion passed with Commissioners Rod Johnson,
Crystal Rhoades, Mary Ridder, and Tim Schram voting AYE, and
Commissioner Dan Watermeier excused not voting.

Grain Dealer Division

GD-1036 In the Matter of the attached list of completed list of
et al. grain dealer license renewals for the 4th quarter of 2019:
Dillon Keiffer-Johnson reported on the 4th quarter grain
dealer renewal licenses.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commission
invoices. Motion made by Commissioner Tim Schram, seconded by
Commissioner Rod Johnson. Motion passed with Commissioners Rod
Johnson, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal
Rhoades present not voting, and Commissioner Dan Watermeier excused
not voting.

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|-------------------------------------|----|-----------|
| Intrado (West Safety Services Inc.) | \$ | 13,751.66 |
| Ag-Express | | 5,824.00 |
| Tim Schram | | 394.40 |

The following invoices were paid between 12/26/19 and 1/3/20 and
should be ratified:

| | | |
|-----------------|----|--------|
| Crystal Rhoades | \$ | 708.18 |
| Dan Watermeier | | 150.27 |

Executive Director's recommendation to approve Commissioner
Crystal Rhoades to travel to and attend the 2020 Mid-America
Regulatory conference (MARC) Commissioner Only Meeting, in Austin, TX
from January 9 through 11, 2020. Motion made by Commissioner Tim
Schram, seconded by Commissioner Rod Johnson. Motion passed with
Commissioners Rod Johnson, Mary Ridder and Tim Schram voting AYE,
Commissioner Crystal Rhoades present not voting, and Commissioner Dan
Watermeier excused not voting.

PRELIMINARY MINUTES

GENERAL ADMINISTRATION (Cont.)

Executive Director's recommendation to approve Grain Warehouses & Dealers Department staff to travel to or lodge in South Dakota or Kansas as necessary for the performance of inspections or examinations, at any time in calendar year 2020. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Dan Watermeier excused not voting.

Executive Director's recommendation to approve Housing & Recreational Vehicle Department staff to travel to Kansas, Iowa, or South Dakota, as necessary for the performance of inspections, at any time in calendar year 2020. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram. Motion passed with Commissioners Rod Johnson, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Dan Watermeier excused not voting.

The meeting adjourned at 10:40 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on January 14, 2020 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on January 13, 2020.

Chair

Executive Director