

PRELIMINARY MINUTES

Notice was duly published May 26, 2020 on page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on June 2, 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 10:02 AM. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. 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:

Wednesday, June 3, 2020:

NUSF-99.81 thru NUSF-99.117

Windstream Nebraska, Inc. Broadband Grants - **Hearing**
10:00 a.m. - Commission Hearing Room, Lincoln
Commissioner Crystal Rhoades - Hearing Officer
Remote access to the hearing will be available via
WebEx or by telephone. The Commission's WebEx may be
Accessed by the following link: <http://tiny.cc/PSCWebex>
(case sensitive). To attend by phone, dial 415-655-0003
and enter the access code of "926 343 190" when prompted.

Tuesday, June 16, 2020:

Commission Meeting

10:00 a.m. - Commission Hearing Room

COMMUNICATIONS DEPARTMENT

C-5109 In the Matter of the Application of Hamilton NG911, Inc., Aurora, Nebraska, seeking authority to provide competitive local exchange telecommunications services within the State of Nebraska. 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, Tim Schram and Dan Watermeier voting AYE.

C-5114 In the Matter of the Application of Velocity Fiber, LLC, Lenexa, Kansas, seeking authority to provide competitive facilities-based and resold competitive local exchange and interexchange services within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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COMMUNICATIONS DEPARTMENT (Cont.)

C-5120 In the Matter of the Application of Near North Partners, LLC, Mankato, Minnesota, seeking to withdraw its interexchange certificate of authority and cancel its tariff. 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, Tim Schram and Dan Watermeier voting AYE.

C-5127 In the Matter of the Application of Synergem Technologies, Inc., Mount Airy, North Carolina, seeking authority to provide competitive local exchange and interexchange telecommunications services within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting withdrawal of the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins sought Commission approval to send letters to Sprint/T-Mobile regarding a waiver extension of TRS service standards. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve sending of letters. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades voting NAY.

NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act effective fiscal year beginning July 1, 2020. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter an Order setting the surcharge for FY 2020/2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-37.373 In the Matter of Cullen Robbins Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. LCR Telecommunications, Inc., Respondent. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order dismissing the Complaint. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

PRELIMINARY MINUTES

COMMUNICATIONS DEPARTMENT (Cont.)

NUSF-92.55 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.

NUSF-92.56 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: NE Colorado Cellular, Inc., d/b/a Viaero. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter Orders granting applications NUSF-92.55 and NUSF-92.56. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-99.118 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.

NUSF-99.119 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.

NUSF-99.120 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.

NUSF-99.121 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.

NUSF-99.122 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.

NUSF-99.125 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 Dan Watermeier, seconded by Commissioner Rod Johnson, to enter Orders granting applications NUSF-99.118 (Octavia 1G Exchange), NUSF-99.119 (Octavia 1F Exchange), NUSF-99.120 (Seward 9F Exchange), NUSF-99.121 (Wymore COA Exchange), NUSF-99.122 (Yutan 6F Exchange), NUSF-99.125 (Juanita Exchange) projects. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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COMMUNICATIONS DEPARTMENT (Cont.)

Cullen Robbins discussed NUSF Late-Filed Carrier Remittances: Local Access, LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, that a complaint be opened for Local Access, LLC. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

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

Outages for May 2020							
Carrier	Area	Outage Date	Completion Date	Duration	Lines Affected	Primary Cause	Comments
Qwest Corporation	Omaha	May-05-20	May-06-20	0 d 22 h	659		Locates were there and visible, but were not accurate. USIC is responsible for the inaccurate locates. HMW Construction cut part-way through our cable at 98th and Nicholas. Since it was only a partial cut and HMW immediately contacted us, repairs were completed very quickly.
Qwest Corporation	Cairo	May-05-20	May-06-20	0 d 12 h	157	Equipment	A portion of Cairo switch not processing toll calls. Fiber cable repaired. Locates were completed on time and were accurate. Excavator, Bauer Underground, was responsible. Telcom (our fiber repair contractor) and USIC were both notified about 1:30 pm and headed to the site. USIC called me at 3:38 pm and the locates were correct and the damage site was identified. Telcom called me about 6:30 pm and they were at the site and digging. The fiber is about 8-9' deep so they will need to take the additional safety precautions working in that deep of an excavation. TELCOM worked through the night and services were restored and alarms cleared at 9:04 am.
Qwest Corporation	Omaha	May-10-20	May-12-20	0 d 13 h	224	Damaged Cable	Only callers on local loop were impacted. Fiber was spliced to repair service
Blair Telephone Company	Entire area	May-22-20	May-22-20	0 d 0 h	8466	Other	Planned Maintenance. Lasted 20-25 min. Event started at midnight
Qwest Corporation	Omaha	May-27-20	May-27-20	0 d 6 h	1070	Equipment	Toll Switch - A portion of the Omaha switch was not processing toll calls. Cleared before isolation.

NATURAL GAS DEPARTMENT

NG-108 In the Matter of the Application of HealthTrust Purchasing Group, L.P., Nashville, Tennessee, seeking a Competitive Natural Gas Provider certificate to operate as an aggregator in the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NG-109 In the Matter of the Application of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a general rate increase. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter a notice of assessment order. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

PRELIMINARY MINUTES

NATURAL GAS DEPARTMENT (Cont.)

E-2475 In the Matter of the Application of Lincoln Electric System, Lincoln, Nebraska, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Nichole Mulcahy reported a total number of 3 consumer complaints and inquiries received at the Commission during the first quarter of 2020. For each company: Black Hills Energy - 3; Black Hills Distribution - 0; and NorthWestern - 0; and Other Entities - 0.

TRANSPORTATION DEPARTMENT

B-1931 In the Matter of the Application of The Wine Bus, LLC Gibbon, seeking revocation and cancellation of its Certificate of Public Convenience and Necessity issued in Docket No. B-1931. No Motion was made to enter an Order cancelling application; and

B-1950 In the Matter of the Application of Bar Crawler Party Bus, Omaha, seeking revocation and cancellation of its Certificate of Public Convenience and Necessity issued in Docket No. B-1950. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an Orders B-1931 and B-1950 cancelling the applications. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

M-14254 In the Matter of the Application of Swift Fox Movers, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between all points in Nebraska over irregular routes. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

PI-227/
B-1679 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the safety procedures of RailCrew Xpress Corp., Lenexa, Kansas. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an Order releasing findings and closing docket. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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GRAIN WAREHOUSE DEPARTMENT

Schedule "A" & "E" Rates In the Matter of the Commission, on its own motion, seeking to determine reasonable A & E storage rates and charges for Public Grain Warehouses for the 2020-2021 storage year. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram to enter an order setting A & E storage rates for 2020-2021 year. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

GW-2184 In the Matter of the Application of The Andersons, Inc., Maumee, Ohio, requesting a \$250,000 deductible on its stock insurance. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier to enter an order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram, and Dan Watermeier voting AYE.

GW-1743 In the Matter of Farmers/Ranchers Cooperative Association of Ainsworth, Nebraska: Mike Bartels reported on the cancellation of grain warehouse license effective June 1, 2020.

GENERAL ADMINISTRATION

Executive Director's recommendation to enter into an Independent Contractor Agreement with Kent E. Pribyl for the purposes of Recreational Vehicle Retail Outlet, Modular Housing Unit Factory, and Manufactured Home Factory Inspections in the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

Executive Director's recommendation to enter into an Independent Contractor Agreement with Ted Burkey for the Purposes of Recreational Vehicle Plan Review. . Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

PI-231 In the Matter of the Commission, on its own motion, responding to the COVID-19 state of emergency. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades. to enter Progression Order #2. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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The meeting adjourned at 10:34 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on June 16, 2020 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on June 15, 2020.

Chair

Executive Director