

Notice was duly published August 4, 2020 on page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on August 11, 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, 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:

Tuesday, August 11, 2020:

C-5122/ Communications Annual Report - Hearing
DC-96 11:00 a.m. Commission Hearing Room
Commissioner Rod Johnson, presiding as Hearing Officer

Wednesday, August 19, 2020:

Enhanced Wireless 911 Advisory Board Meeting

10:00 a.m. - Commission Hearing Room
Remote access to the meeting will be available via WebEx or by telephone. Information for connecting may be accessed at the following link: <http://tiny.cc/State911DeptWebex> (case sensitive. Those wishing to attend anonymously may use "anonymous" for their name and "a@b.com" for their email address. To attend by telephone, dial 415-655-0003, then enter 929 828 733 when prompted for an access code.

Tuesday, August 25, 2020:

Commission Meeting
10:00 a.m. - Commission Hearing Room

COMMUNICATIONS DEPARTMENT

C-5122/DC-96 In the Matter of the Nebraska Public Service Commission Communications Department, on its own motion, regarding the 2019 Annual Report filings. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order dismissing the Complaint, in part. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

- C-5136 In the Matter of the Application of Norman Anderson, Central City, Nebraska, seeking authority to receive advanced telecommunications capability service from the Hordville exchange of Hamilton Telephone Company; and
- C-5137 In the Matter of the Application of Gary & Diane Clayton, Central City, seeking authority to receive telephone service from the Hordville exchange of the Hamilton Telephone Company.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter Orders granting applications C-5136 and C-5137. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

Cullen Robbins informed the Commission that a request was received from Cox Communications to override the denial by the Pooling Administrator for 1 thousands block of telephone numbers in the Fremont rate center. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve sending a letter to the Pooling Administrator. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

AD-687r In the Matter of the Application of Target Marketing USA, Inc., Mission Viejo, California, seeking authority to register the connection of an automatic dialing-announcing device in California.

AD-688r In the Matter of the Application of Target Marketing USA, Inc., Mission Viejo, California, seeking authority to register the connection of an automatic dialing-announcing device in California. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Orders granting applications AD-687r and AD-688r. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5142 In the Matter of the Application of Blair Telephone Company, Blair, Nebraska, seeking approval of an Interconnection Agreement with Teleport Communications America, LLC, Englewood, California. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order approving application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

C-5143 In the Matter of the Application of Qwest Corporation dba CenturyLink QC, Denver, Colorado, seeking approval of a Resale Forbearance Amendment to their Interconnection Agreement with Onvoy, LLC, Chicago, Illinois, previously approved in Docket C-4278. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-32.17 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of certain telecommunications companies to comply with Commission rules or Orders and to impose administrative fines. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order initiating Show Cause and setting a Hearing for October 6, 2020, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-37.388 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Legacy Long Distance International, Inc., Respondent; and

NUSF-37.389 In the Matter of Cullen Robbins, Director, Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. PNG Communications, Respondent. Motion made by Commissioner Rod Johnson, seconded by Commissioner Dan Watermeier, to enter Orders dismissing Complaints NUSF-37.388 and NUSF-37.389. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-61.16 In the Matter of the Nebraska Public Service Commission, seeking to review traffic studies to determine the appropriate percentage of assessable revenues subject to the Nebraska Universal Service Fund: New Cingular Wireless PCS, LLC and Cricket Wireless, LLC request for approval of Traffic Study. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Tim Schram, to enter an Order approving traffic study. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

NUSF-99.21 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 Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order approving modification of funding amount. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

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

Outages for July 2020							
Carrier	Area	Outage Date	Completion Date	Duration	Lines Affected	Primary Cause	Comments
Windstream Nebraska, Inc.	Omaha, Albany, Missouri	Jul-10-20	Jul-10-20	0 d 5 h	608	Cable Cut	608 voice lines were impacted in Albany, MO due to fiber damage on 288-count buried fiber cable in Omaha, NE. Fiber damage in Omaha was caused by a local mowing and damaged the fiber cable at the transition from buried to aerial.
Windstream Nebraska, Inc.	Lincoln	Jul-14-20	Jul-15-20	0 d 18 h	955	Cable Cut	955 voice lines were impacted in Lincoln, NE due to fiber damage on 24-count buried fiber cable in Pleasant Dale, NE. Damage caused by local construction digging which damaged the buried 24-count fiber cable. Windstream requested an emergency locate to ensure no additional impact during repairs.
Qwest Corporation	Clarkson, Howells & Fremont	Jul-21-20	Jul-21-20	0 d 9 h	610	Cable Cut	The cut was actually in Fremont, but impacted the transport and calls for both Clarkson and Howells. 72 fiber cut by Bauer Underground...did not appear to be located per CenturyLink's cable tech that was called to the area. We will bill Bauer Underground for the cost of the repair.
K & M Telephone Company, Inc.	Chambers & Inland	Jul-29-20	Jul-29-20	0 d 11 h	500	Cable Cut	CenturyLink fiber cut 1/2 mile east of O'Neill. This outage affected the Long Distance and EAS. CenturyLink states: The City of O'Neill cut our fiber. They began digging before locate ticket was completed. We are working to repair the cut.

LEGISLATIVE

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1738 In the Matter of the Application of Panda Transportation, Inc., Valentine, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1738 until July 31, 2021. Motion made by Commissioner Dan Watermeier, seconded by Commissioner Rod Johnson, to enter an Order granting suspension until July 31, 2021. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting AYE.

B-2002, In the Matter of the Application of Oceans Enterprise, LLC
Supp. 1 d/b/a Oceans Drive Transportation, Omaha, seeking to extend
its authority as a common carrier in Nebraska intrastate
commerce in the transportation of passengers by van in open class
between all points in Nebraska over irregular routes. RESTRICTIONS:
The transportation of railroad train crews and their baggage is not
authorized. HHS Designation: Yes. Motion made by Commissioner Tim
Schram, seconded by Commissioner Dan Watermeier, to enter an Order
granting Supplement 1. Motion passed with Commissioners Rod Johnson,
Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting
AYE.

GRAIN WAREHOUSE DEPARTMENT

GW-1766 In the Matter of the Application of Grain States Soya,
Incorporated, West Point, Nebraska, requesting a \$25,000 deductible on
its stock insurance. 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.

GW-2198 In the Matter of NSG Logistics, LLC, Gothenburg, Nebraska,
seeking authority as a grain warehouse pursuant to Neb. Rev. Stat. §
88-528 (Reissue of 2008). Motion made by Commissioner Rod Johnson,
seconded by Commissioner Tim Schram to enter an order granting the
Grain Warehouse License. Motion passed with Commissioners Rod Johnson,
Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier voting
AYE.

GW-1954 In the Matter of Nebraska Salt & Grain Co., Gothenburg,
Nebraska: Mike Bartels reports that the grain warehouse license will
cancel on August 21, 2020.

Grain Dealer Division

GD-2198 In the Matter of NSG Logistics, LLC, Gothenburg, Nebraska,
seeking authority to operate as a grain dealer pursuant to Neb. Rev.
Stat. § 75-903 (Reissue of 2018). Motion made by Commissioner Tim
Schram, seconded by Commissioner Rod Johnson to enter an order
granting the Grain Dealer License. Motion passed with Commissioners
Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan
Watermeier voting AYE.

GD-3039 In the Matter of Calyxt, Inc., Roseville, Minnesota,
seeking authority to operate as a grain dealer pursuant to Neb. Rev.
Stat. § 75-903 (Reissue of 2018). Motion made by Commissioner Rod
Johnson, seconded by Commissioner Dan Watermeier to enter an order
granting the Grain Dealer License. Motion passed with Commissioners
Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan
Watermeier voting AYE.

GD-1954 In the Matter of Nebraska Salt & Grain Co., Gothenburg, Nebraska: Mike Bartels reports that the grain dealer license will cancel on August 21, 2020.

GD-2880 In the Matter of Lansing Trade Group, LLC, Overland Park, Kansas: Mike Bartels reports that the grain dealer license was cancelled as of August 1, 2020.

GENERAL ADMINISTRATION

GA Executive Director's recommendation to enter into an Independent Contractor Agreement with Chris Rodarte for the purposes of modular housing unit factory inspection. Motion made by Commissioner Tim Schram, seconded by Commissioner Dan Watermeier. Motion passed with Commissioners Rod Johnson, Mary Ridder, Tim Schram and Dan Watermeier voting AYE, and Commissioner Crystal Rhoades present not voting.

The meeting adjourned at 10:27 AM with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, Tim Schram and Dan Watermeier present. The next regularly scheduled meeting will be held on August 25, 2020 at 10:00 AM with an agenda to be available in the office of the Executive Director at 10:00 AM on August 24, 2020.

Chair

Executive Director