

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

January 12, 2016

Page 9432

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. Chairman Vap announced 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 and no announcements were made.

GENERAL ADMINISTRATION

Notice was duly published January 5, 2016 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 12, 2016 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Frank Landis nominated Commissioner Tim Schram as Commission Chairman for 2016. Upon agreement of all Commissioners, Commissioner Tim Schram was elected as Chairman. Chairman Schram conducted the meeting moving forward.

Commissioner Jerry Vap nominated Commissioner Rod Johnson as Commission Vice Chairman for 2016. Upon agreement of all Commissioners, Commissioner Rod Johnson was elected as Vice Chairman.

Attention was called to the following proceeding:

Tuesday, January 12, 2015:

1:30 Commission Hearing Room, Lincoln
NG-0084 In the Matter of the Joint Application of SourceGas Distribution, LLC, SourceGas Holdings, LLC, both of Golden, Colorado and Black Hills Utility Holdings, Inc., Papillion, Nebraska, seeking necessary authorizations and approvals for Black Hills holdings, Inc. to acquire SourceGas holdings, LLC. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in December 2015. She reported that there were a total of 51 complaints: 45 - wireline and 6 - wireless. The complaints were categorized as follows: 14 billing, 9 service and 28 miscellaneous issues.

AD-607r In the Matter of the Application of Global Connect, Mays Landing, New Jersey, seeking authority to register the connection of an automatic dialing-announcing device in California;

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

January 12, 2016

Page 9433

COMMUNICATIONS DEPARTMENT (Cont.)

- AD-608r In the Matter of the Application of Global Connect, Mays Landing, New Jersey, seeking authority to register the connection of an automatic dialing-announcing device in Virginia; and
- AD-609 In the Matter of the Application of TPUSA - FHCS, Inc., Dallas, Texas seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter orders granting applications AD-607r, AD-608r and AD-609. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- 911-042.05 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: City of South Sioux City; and
- 911-042.21 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: Cuming County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter orders denying funding in Dockets 911-042.05 and 911-042.21: Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- 911-042.07 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: Johnson County;
- 911-042.08 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: Falls City;
- 911-042.24 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: Fillmore County;
- 911-042.28 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: Seward County;

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.30 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: Jefferson County;

911-042.36 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: Nuckolls County;

911-042.39 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: Cass County;

911-042.41 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: City of Beatrice;

911-042.56 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: York County;

911-042.60 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: Thayer County;

911-042.61 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: Otoe County;

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter Nunc Pro Tunc orders in Dockets 911-042.07, 911-042.08, 911-042.24, 911-042.28, 911-042.30, 911-042.36, 911-042.39, 911-042.41, 911-042.56, 911-042.60, and 911-042.61: Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

911-042.10 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: Buffalo County;

911-042.64 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: Sarpy County;

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.70 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: EDS 911:

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders approving funding in Dockets 911-042.10, 911-042.64, and 911-042.70: Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek informed the Commission that the next Wireless E911 Advisory Board-Working Group meeting has been scheduled for February 1, 2016 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Sue Vanicek informed the Commission that the next Wireless E911 Advisory Board meeting has been scheduled for February 8, 2016 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

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: SBC Long Distance: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant SBC Long Distance's request for an extension to February 29, 2016, for the Remittance Audit that was due December 31, 2015. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap 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: Orbitcom, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap to accept the Agreed Upon Procedure language as presented. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

NUSF-37. 323 In the Matter of Sue Vanicek Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Bandwidth.com, Inc., Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0078.2 In the Matter of the Application of SourceGas Distribution LLC, Golden, Colorado, seeking an order authorizing it to increase the System Safety and Integrity Rider Charge. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades; to enter an order approving stipulation and granting increase in charge as stipulated. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

NG-0088 In the Matter of the Application of SourceGas Distribution, LLC, Golden, Colorado, seeking Approval of the Regulatory Treatment of the Net Buyout Costs of Two Gas Supply-Related Contracts, the Costs Associated with Financing the Buyout Costs, and Other Specified Relief. Commissioner Jerry Vap designated as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter Notice of Assessment and Protective Orders. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

NG-0078.2 In the Matter of the Application of SourceGas Distribution
 BE-003 LLC, Golden, Colorado, seeking an order authorizing it to
 BE-004 increase the System Safety and Integrity Rider Charge;
 NG-0084 In the Matter of the Joint Application of SourceGas
 BE-007 Distribution, LLC, SourceGas Holdings, LLC, both of Golden,
 BE-008 Colorado, and Black Hills Utility Holdings, Inc.,
 Papillion, Nebraska, seeking Necessary Authorizations and
 Approvals for Black Hills Holdings, Inc. to Acquire
 SourceGas Holdings, LLC.; and
 NG-0086 In the Matter of the Application of Black Hills/Nebraska
 BE-002 Gas Utility Company, LLC, d/b/a Black Hills Energy,
 BE-003 Papillion, seeking Approval of its Cost of Service Gas
 Hedge Agreement With Black Hills Utility Holdings, Inc.
 Commissioner Frank Landis presiding as Hearing Officer:
 Motion made by Commissioner Rod Johnson, seconded by Commissioner
 Frank Landis, to enter Assessment Orders BE-003 and BE-004 Docket NG-
 0078.2; BE-007 and BE-008 in NG-0084; and BE-002 and BE-003 in NG-
 0086. Motion passed with Commissioners Rod Johnson, Frank Landis,
 Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Nichole Mulcahy reported a total number of 13 consumer complaints and inquiries received at the Commission during December. For each company: Black Hills - 3; SourceGas - 2; and NorthWestern - 0; and Other Entities - 8.

Nichole Mulcahy reported a total number of 49 consumer complaints and inquiries received at the Commission between July 2015 and December 2015. For each company: Black Hills - 13; SourceGas - 18; and NorthWestern - 2; and Other Entities - 16.

LEGISLATIVE

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1921 In the Matter of Alpha Life Improvement Services, Omaha, seeking to acquire, through transfer, the authority granted to Midlands Services Link, Inc., Omaha, in Certificate B-1494: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order granting the application and cancelling Certificate B-1494. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TR-192 In the Matter of the Prescription of Reasonable rates and Charges for Motor Carriers Passengers and Property for Hire subject to the Provisions of Neb. Rev. Stat. (Reissue 1996), Chapter 75, Articles 1 and 3: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter a Nunc Pro Tunc order. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: Mark Breiner reported to the Commission that Tariff 7F fuel surcharge decreased to \$0.34 and the Tariff 22 fuel surcharge decreased to \$0.00.

Commissioner Tim Schram asked for an update on outstanding dockets within the department.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of the application of J. E. Meuret Grain Co., Inc., Brunswick, Nebraska, requesting a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

GW-852 In the Matter of the application of Spalding Cooperative Elevator Company, Spalding, Nebraska, requesting a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

January 12, 2016

Page 9438

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2126 In the Matter of Chris Schrader dba CST Grain, Parks, Nebraska: Mike Bartels reported that the dealer license was cancelled as of January 1, 2016.

GD-2909 In the Matter of Peewee Grain LLC, Humphrey, Nebraska: Mark Bartels reported that the dealer license was cancelled as of December 31, 2015.

GD-2984 In the Matter of Double T Grain L.L.C., Roff, Oklahoma: Mike Bartels reported that the dealer license was cancelled as of December 28, 2015.

GENERAL ADMINISTRATION

Chairman Schram invited the public to address the Commission. No public comments were received.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

AS Central Services-Network Services	\$	4,018.97
Ted Burkey		1,911.00
Copy Services-Oct thru Dec. 2015		753.78
Office Depot		605.63
Ken Stadler		1,581.15
Voyager		638.60
Crystal Rhoades		829.79
Tim Schram		547.40
Gerald Vap		810.78

The following invoices were processed between December 22, 2015 and January 11, 2016 and should be ratified:

AS Central Services	\$	1,239.47
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NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Audiology & Hearing Center	\$	147.66
Beltone		1,437.61
Carl A. Johnson		201.83
Hometown Hearing & Audiology, Inc.		207.47
Dynavox Systems		828.44
The Hearing Clinic		475.89
Professional Hearing Aid Services		520.88
Sherard Hearing Aid Center		177.57

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

January 12, 2016

Page 9439

GENERAL ADMINISTRATION (Cont.)
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM (Cont.)

Sprint Communications	1,249.97
Teltex, Inc.	6,989.95
Weitbrecht Communications Inc.	132.45
Western Hearing Clinic	149.75

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the Commission's minutes for December 2015. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve filing a deficit request. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to go into closed session to discuss litigation. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE. The Commission went into closed session at 10:27 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:35 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the move to direct the Attorney General's Office to pursue all necessary action to collect the full amount of the bond owed. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:35 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on January 20, 2016 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 19, 2016.


Chairman


Executive Director