

PRELIMINARY MINUTES

Notice was duly published October 18, 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 on October 25, 2016 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chairman Tim Schram 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 Schram 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, November 1, 2016:

10:00 Commission Hearing Room, Lincoln
Commission Meeting

1:30 Commission Hearing Room, Lincoln
911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Commissioner Jerry Vap presiding as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Nebraska Public Service Commission, on
PI-117 its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: WDT Wireless, Inc. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an Order accepting late-filed audit waiver request. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.46 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 Wayne: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an Order approving funding, in part. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-043.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a Nunc Pro Tunc Order. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

PRELIMINARY MINUTES

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

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 Frank Landis, seconded by Commissioner Jerry Vap, to enter an Order accepting late-filed audit waiver requests. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.335 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Selectel Wireless, Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing the Complaint. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the NUSF Late-Filed NUSF remittance worksheets and Late-Fees. Motion was made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to open a Complaint against Lattice Incorporated and UVNV, Inc., and to levy late-fees against Dalton Telecommunications, Dalton Telephone Company, Elsie Communications and Securus f/k/a/ Evercom. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, for the discussion on and approval of testimony for LR 538. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades present not voting.

TRANSPORTATION DEPARTMENT

B-1935 In the Matter of Shannon Crosby d/b/a Good Times Roll GI, Grand Island, seeking authority to operate as a common carrier in Nebraska intrastate commerce in the transportation of passengers by special party between points in Hall, Buffalo, and Adams counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

PRELIMINARY MINUTES

TRANSPORTATION DEPARTMENT (Cont.)

B-1936 In the Matter of Christopher M. Beerbohm, Fremont, seeking authority to operate as a common carrier in Nebraska intrastate commerce in the transportation of passengers by special party and charter between all points in Nebraska over irregular routes. RESTRICTION: the transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: 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.

B-1942 In the Matter of Big A Holdings, LLC d/b/a OmaLink, Lincoln, seeking to acquire, through transfer, the authority held by Groome Transportation, Inc. in Certificate B-1854: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order granting temporary authority. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

M-14223 In the Matter of the Application of King's Moving, Gretna, Supp. 1 seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods by straight trucks between points in Nebraska over irregular routes: Motion made by Commissioner Jerry Vap, seconded by Commissioner Crystal Rhoades, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TNC-2 In the Matter of the Commission, on its own motion, seeking to determine the annual fee for Transportation Network Companies: Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to enter an order setting fee. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

BR-513/ In the Matter of Christopher M. Beerbohm, Fremont, seeking B-1936 to establish its rates and charges subject to the provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting rates on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

LR-352/ In the Matter of Premier Limousine, Broken Bow, seeking to B-1922 establish its rates and charges subject to the provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting rates. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

PRELIMINARY MINUTES

GRAIN WAREHOUSE DEPARTMENT

GD-371 In the Matter of the Application of Prinz Grain & Feed, Inc., West Point, Nebraska, seeking authority to operate as a grain dealer pursuant to Neb. Rev. Stat. § 75-903 (Reissue of 2009): Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the Grain Dealer license. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

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, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

Rod Johnson \$ 1,405.32

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into an Agreement for Public Advocate Services with Baylor, Evnen, Curtiss, Gruit & Witt, LLP, effective November 15, 2016 and ending on November 14, 2020. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to approve the Executive Director's recommendation to authorize Commissioners and staff to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) 2016 Annual Committee Meeting in La Quinta, CA, to be held in November 2016, with all expenses to be paid by the Commission. 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 authorize Scott Elston to travel to and attend the Federal Railroad Administration (FRA) State Manager's Meeting to be held in Arlington, Virginia, on November 15 through November 17, 2016, with mileage to be paid by the Commission and all other expenses to be paid by the FRA. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

PRELIMINARY MINUTES

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commissioner Tim Schram to travel to and attend an Emergency Interstate TRS Advisory Council Meeting on November 3, 2016, in Harrisburg, Pennsylvania, with all expenses to be paid by the Interstate TRS Fund. 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 make an offer of employment for a General Administration position. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to go into closed session to discuss department performance and salary review plans, the closed session being necessary for the protection of needless injury to the reputation of individuals. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:21 a.m.

Chairman Schram restated that the purpose of the closed session is to discuss department performance and salary review plans. The closed session discussion will be so limited.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Deputy 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 11:17 a.m.

The meeting adjourned at 11:17 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 November 1, 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 October 31, 2016.

Chairman

Executive Director