

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present, and Commissioner Rod Johnson excused. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

Chairman Lowell Johnson informed the public that Commissioner Anne Boyle has been nominated by NARUC President Jim Kerr to fill the state commission seat on the Universal Service Administrative Company's Board of Directors.

Chairman Lowell Johnson recognized Mark Luttich, Director of the Housing and Recreational Vehicle Department, for receiving the 2006 SP Benson award from the Nebraskaland Conference of Building Officials & Inspectors on December 1, 2006. The annual award is named in honor of SP Benson (a longtime building official from the Omaha area who passed away in 2000) and is awarded to a building official in Nebraska for his/her outstanding and distinguished service in the field of Building Code Enforcement in the State of Nebraska.

#### GENERAL ADMINISTRATION

Notice was duly published November 28, 2006 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 5, 2006 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Tuesday, December 5, 2006:

NUSF-1/ PO #18 1:30	Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund. Commissioner Landis presiding as Hearing Officer.
911-026/ PI-122 1:30	Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to determine Enhanced Landline 911 surcharge payment requirements for interconnected Voice Over Internet Protocol Providers (VoIP). Commissioner Landis presiding as Hearing Officer.

GENERAL ADMINISTRATION (Cont.)

Wednesday, December 6, 2006:

DC-71/ Commission Library, Lincoln. Compliance Meeting.  
NUSF-53 In the Matter of Maurice Gene Hand, Director, Communica-  
10:00 tions Department and Jeffrey L. Pursley, Director, Nebraska  
Universal Service Fund Department, Complainants v. Qwest  
Corporation, Respondent.

NG-0036 Gering Civic Center, 1050 M Street, Gering.  
7:00 PM In the Matter of Kinder Morgan, Inc., Lakewood, Colorado,  
seeking approval of a general rate increase. Commissioner  
Vap presiding as Hearing Officer.

Thursday, December 7, 2006:

NG-0036 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado,  
seeking approval of a general rate increase. Commissioner  
Vap presiding a Hearing Officer.

11:00 Grey Goose Lodge, 201 Chuckwagon Road, Ogallala  
7:00 PM McCook Senior Center, 1400 West 5<sup>th</sup>, McCook.

Friday, December 8, 2006:

NG-0036 Eagles Club, Holdrege  
11:00 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado,  
seeking approval of a general rate increase. Commissioner  
Vap presiding a Hearing Officer.

Monday, December 11, 2006:

10:00 Commission Library, Lincoln.  
Wireless E911 Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month. She reported that there were a total of 75 complaints taken in the month of November 2006, 56 - wireline and 19 - wireless. The complaints were categorized as follows: 35 billing, 26 service and 14 miscellaneous issues.

AD-369r In the Matter of Spherion Corporation, Fort Lauderdale, Florida, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3709 In the Matter of Vanco Direct USA, LLC, Chicago, Illinois, seeking approval of guarantee of indebtedness: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3712 In the Matter of Yak Communications (America) Inc., Toronto, Ontario, Yak Communications Inc., Toronto, Ontario, and Yaktastic Inc., Tampa, Florida, seeking approval of a change in ownership of an authorized telecommunications provider: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3728/  
PI-125 In the Matter of the Commission, on its own motion, seeking to investigate consumer complaints concerning the receipt of certain pre-recorded telephone messages in Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order opening an investigation. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter orders approving applications C-3704 through C-3715. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3704 In the Matter of Qwest Corporation, Denver, Colorado, seeking an amendment to the interconnection agreement with MCImetro Access Transmission Services, LLC, Ashburn, Virginia, previously granted in Docket C-3703.

C-3706 In the Matter of Qwest Corporation, Denver, Colorado, seeking a wireline interconnection agreement with TransNational Communications International, Inc., Boston, Massachusetts.

C-3715 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking approval of interconnection, collocation and resale agreement with United Telephone Company of the West, d/b/a Embarq, Overland Park, Kansas.

Gene Hand discussed the contents of a compliance letter to be sent from the Commission to local exchange carriers concerning telephone directories: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the letter. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2105 In the Matter of Omaha Public Power District, Omaha, seeking authority to construct, operate and maintain electric transmission lines in Otoe and Lancaster Counties: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Gene Hand reported on the data collection efforts relative to the Missoula Plan and the Early Adopter Work Group's proposed modifications. He also informed the Commission that a conference call to address numbering issues relative to the Missoula Plan will be held later this month.

Don Gray reported on the North American Numbering Council Meeting held in Washington, DC from November 30 through December 1, 2006.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Jeff Pursley reported on the meeting minutes of the November 6, 2006 E-911 Advisory Board.

Jeff Pursley discussed the E-911 Advisory Board recommendation to seek an opinion from the Attorney General regarding the assessment of 911 surcharges. Mr. Pursley informed the Commission that York County had rescinded the surcharge; therefore, he recommended that the Commission not seek an Attorney General opinion in this matter. No objection was made by the Commission.

Jeff Pursley stated that post-hearing briefs received on November 29, 2006 in Dockets NUSF-4 and NUSF-50 listed below were being summarized by Shana Knutson.

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 to be effective fiscal year beginning July 1, 1999; and,

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the Universal Service Fund mechanism established in NUSF-26:

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-57 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Telehealth Program: Jeff Pursley discussed funding allocation changes for data equipment. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to change the funding allocation for St. Francis Medical Center's data equipment. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Jeff Pursley reported on the Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to levy a late-fee against McLeod USA Telecommunications; that a one-time waiver request from Telmex USA be granted for the late-filed 4th Quarter, 2005 thru 3rd Quarter, 2006 and, that a complaint be opened against Business Productivity Solutions for the late-filed October, 2006 worksheet. Jeff Pursley also recommended that the request from Three River Communications and Three River Telco to waive the late-fees levied in the November 8, 2006 Commission meeting be granted. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

NG-0036 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter Assessment Order GDS-004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. Additionally, Laura Demman discussed the Stipulation and Agreement of Settlement filed by Kinder Morgan and the Public Advocate on November 28, 2006.

Laura Demman reported that a total number of 1,421 consumer complaints and inquiries were received at the Commission during the month of November, 2006. The breakdown is as follows: Aquila - 31; Kinder Morgan - 1,385; NorthWestern - 2; and other entities - 3.

TRANSPORTATION DEPARTMENT

B-1683 In the Matter of CUSA ES, LLC, d/b/a Express Shuttle, Bismarck, North Dakota, seeking a declaratory ruling: Mark Breiner informed the Commission that the time for the oral argument currently scheduled for December 13, 2006, has been changed from 10:00 a.m. to 1:30 p.m.

TRANSPORTATION DEPARTMENT (Cont.)

B-1688 In the Matter of Darin P. VanNatter, d/b/a Prestige Limo, Sidney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points in Cheyenne County, and between points in said county, on the one hand, and, on the other hand, points in Nebraska over irregular routes. All trips will originate and terminate in Cheyenne County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Rate Division

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 Household Goods Tariff 7-F: The fuel surcharge was retained at 60 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1790 In the Matter of John A. Fecht, Director, Grain Warehouse  
GWC-418 Department v. Garry's Farm Service, Inc., Bloomfield,  
Defendant: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the stipulation, dismissing the complaint and canceling the hearing previously scheduled for December 13, 2006. Motion passed with Commissioners Anne Bogus Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GW-2119 In the Matter of M. G. Waldbaum Company, d/b/a Wayne Grain & Feed, Wayne: John Fecht discussed the shortage of corn.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich reported that the annual manufactured home show will held in Omaha for the first time in February, 2007. In that regard, the Modular Housing Unit Act may require all homes at the show to display the Act's required seal and meet our regulations; however, new manufacturers may not be able to timely meet those requirements. Therefore it was determined that homes could be displayed without the state seal with the understanding that such homes could not be sold in Nebraska.

Mark Luttich reported that he is consulting with other states and local jurisdictions in states without state modular housing programs on whether or not they will permit modular home manufacturers to begin construction of homes destined to their jurisdiction prior to their review and approval of the home plans by their offices.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT (Cont.)

Mark Luttich advised the Commission that he is continuing the investigation into HUD's counterfeit circuit breaker issue and at this time two (2) of our three (3) plants have responded indicating they either do not use the identified brand of circuit breaker or do not purchase circuit breakers from the involved distributor.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Attorney General	\$	2,722.03
Ted Burkey		501.25
Robert Bowman		544.40
Fred Massing		965.05
Kent Pribyl		690.20
Anne Boyle		427.20
Lowell Johnson		307.25
Frank Landis		299.93

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service		1,712.80
Alternative Hearing		310.00
Associated Hearing Health		374.95
B Hear Inc.		3,083.81
Beltone		2,972.30
Hamilton Telecommunications		924.70
Hearing Aid Center of Columbus		309.90
Hearing Aid Specialists Inc.		566.90
Carl A. Johnson		1,009.30
K-D Communications		6,212.95
McCook Pharmacy & Medical Supply		989.25
Professional Hearing Aid Services		189.95
Sherard Hearing Aid Center		128.50
Hearing Clinic Inc		490.00
Weitbrecht Communications		406.50

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to travel to and attend the Mid-America Regulatory Conference (MARC) to be held in San Antonio, Texas, from January 4 through 7, 2007 with most expenses to be paid by MARC.

The meeting adjourned at 11:00 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present, and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on December 12, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on December 11, 2006.

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Chairman

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Executive Director