

Vice Chairman Frank Landis called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Landis, Schram and Vap present, and Commissioner Johnson excused. Vice Chairman Landis invited the public to address the Commission. Vice Chairman Landis also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No comments were made.

#### GENERAL ADMINISTRATION

Notice was duly published July 24, 2007 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 1, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, August 1, 2007:

PI-129 Commission Hearing Room, Lincoln. Workshop.  
1:30 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into differential charges in the transportation of handicapped passengers in intrastate transportation.

#### COMMUNICATIONS DEPARTMENT

C-3796 In the Matter of Cox Nebraska Telcom, LLC, Omaha, seeking arbitration and approval of an interconnection agreement pursuant to Section 252 of the Telecommunications Act of 1996 with Qwest Corporation, Denver, Colorado: Gene Hand informed the Commission that the parties have filed an agreement extending the deadline for completion of the arbitration from August 8, 2007 to January 31, 2008.

Gene Hand informed the Commission the Federal Communications Commission has adopted rules for the 700 Mhz auction.

C-3757/  
DC-74 In the Matter of the Commission, on its own motion, regarding the 2006 Annual Report Filings: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing in part. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3810/ NUSF-70 In the Matter of Global Connection Inc. of America, Atlanta, Georgia, seeking designation as an eligible telecommunications carrier in its designated service area: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order withdrawing the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3828 In the Matter of Huntel Cablevision, Inc., d/b/a HunTel Communications, Blair, seeking expanded authority to provide resold and facilities-based competitive local exchange telecommunications services in the entire State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3839 In the Matter of Nebraska Technology & Telecommunications, Inc., Lincoln, seeking mediation of the interconnection rates, terms and conditions with Windstream Nebraska, Inc., Little Rock, Arkansas: The Commission was notified that a mediator has been selected.

Gene Hand informed the Commission that a letter from Teleport Communications Omaha (TCG) was received on July 26, 2007, asking the Commission to overturn NeuStar's denial of TCG's request for a single thousand-block of numbers in the Omaha Rate Center to satisfy a dedicated customer request for direct-inward-dial numbers: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to have the Vice Chairman send NeuStar a letter requesting them to waive the Federal Communications Commission requirements for utilization and months to exhaust and issue a single thousands-block from the existing pool to TCG (OCN 7144). Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Gene Hand discussed the letter and registration form drafted to implement the Communications Provider Registry mandated by LB 661: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the letter and registration form. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

WC Docket In the Matter of the Iowa Telecom Petition for Forbearance No. 05-337 Under 47 U.S.C. 160© from the Universal Service High-Cost Loop Support Mechanisms, WC Docket No. 05-337 (filed May 8, 2006); and Iowa Telecom Petition for Interim Waiver of the Commission's Universal Service High-Cost Loop Support Mechanisms, WC Docket No. 05-337 (filed May 8, 2006): Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to file an ex parte letter supporting comments with Vermont, Maine and any other states signing on. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3825 In the Matter of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking approval of Amendment No. 1 to the Interconnection Agreement with MCImetro Access Transmission Services, LLC, Ashburn, Virginia, previously granted in Docket C-3507: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

E-2143 In the Matter of Fremont Department of Utilities, Fremont, seeking authority to construct, operate and maintain an electric transmission line in Dodge County: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.03 In the Matter of Buffalo County, Public Safety Answering Point, Kearney, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving a funding request for mapping software. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram to enter orders approving Phase II LEC costs in Dockets 911-023.08, 911-023.18, 911-023.32 and 911-023.35. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Anne Boyle voting NAY, and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.08 In the Matter of Cuming County, Public Safety Answering Point, West Point, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.18 In the Matter of Cheyenne County, Public Safety Answering Point, Sydney, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.32 In the Matter of Perkins County, Public Safety Answering Point, Grant, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.35 In the Matter of Fillmore County, Public Safety Answering Point, Geneva, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.36 In the Matter of Lancaster County, Public Safety Answering Point, Lincoln, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram to enter an order denying Phase II LEC costs. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Anne Boyle voting NAY, and Commissioner Rod Johnson excused not voting.

911-023.43 In the Matter of Kimball County, Public Safety Answering Point, Kimball, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Commissioner Vap presiding as Hearing Officer: Jeff Pursley informed the Commission that the hearing previously scheduled for August 7, 2007 at 1:30 p.m. will be by video with and Western Northeast Community College, Room #122, 371 College Drive, Sidney.

Jeff Pursley discussed the E911 Advisory Board membership. Letters will be sent to the two board members whose terms are up, inquiring as to their continued service on the Board.

C-1628/ In the Matter of the Commission, on its own motion, seeking  
NUSF to conduct an investigation into intrastate access charge  
PO #24 reform and intrastate universal service fund: Motion made  
by Commissioner Jerry Vap, seconded by Commissioner Anne  
Boyle, to enter an order granting Henderson Cooperative Telephone's,  
d/b/a Mainstay Communications, request of change in reporting period  
of NUSF-EARN forms. Motion passed with Commissioners Anne Boyle,  
Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner  
Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-68 In the Matter of Distance Education Council of Nebraska seeking support from the Nebraska Universal Service Fund for use in distance education. Commissioner Vap presiding as Hearing Officer: Jeff Pursley informed the Commission that a Hearing Officer's Order was entered July 27, 2007, scheduling a pre-hearing conference for July 30, 2007 at 10:00 a.m. in the Commission Hearing Room and a Hearing Officer's Order was entered July 30, 2007, scheduling a hearing for August 28, 2007 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NUSF-70/  
C-3820 In the Matter of Global Connection Inc. of America seeking designation as an Eligible Telecommunications Carrier (ETC) in its designated service area: Jeff Pursley discussed the order granting the applicant's request for withdrawal, presented under the Communications' agenda.

WC Docket In the Matter of the Iowa Telecom Petition for Forbearance #05-337 Under 47 U.S.C. 160 c from the Universal Service High Cost Loop Support Mechanism; and Iowa Telecom Petition for Interim Waiver of the Commission's Universal Service High-Cost Loop Support Mechanism: Jeff Pursley discussed Iowa Telecom's recent petition and ex parte communication with the Federal Communications Commission (FCC) as discussed under the Communications' agenda.

NATURAL GAS DEPARTMENT

NG-0044 In the Matter of Aquila Inc. d/b/a Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a Change of Control of Aquila's Nebraska jurisdictional assets. Commissioner Landis presiding as Hearing Officer: Laura Demman informed the Commission that an Amended Protective Order was entered by the Hearing Officer on July 30, 2007.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter assessment orders in Dockets NG-0041, NG-0044, NG-0046/PI-128, NG-0047/DR-0002 and NG-0048. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three.

NATURAL GAS DEPARTMENT (Cont.)

- NG-0044      In the Matter of Aquila Inc. d/b/a Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a Change of Control of Aquila's Nebraska jurisdictional assets.
- NG-0046/  
PI-128      In the Matter of the Commission, on its own motion, seeking to investigate certain customer service issues and plans relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado.
- DR-0002/  
NG-0047      In the Matter of the Petition of the Nebraska Public Advocate for a Declaratory Ruling seeking a determination that Kinder Morgan, Inc., n/k/a SourceGas Distribution LLC, improperly implemented interim and final rates in Docket NG-0036 for which customers are entitled to a credit or refund.
- NG-0048      In the Matter of NorthWestern Corporation, d/b/a North-Western Energy, Sioux Falls, South Dakota, seeking approval of a natural gas general rate increase for Nebraska.

TRANSPORTATION DEPARTMENT

- B-1641      In the Matter of VIP Limobus, LLC, Omaha, seeking to extend the authority in Certificate B-1641 by (1) to remove the restriction in open class service by deleting the limitation of 14 passenger bus and allow transportation by 12 or larger passenger bus, and by deleting the restrictions against transportation in Douglas and Sarpy counties except as part of a round trip that originates outside of said counties; (2) to remove the restriction in the certificate limiting charter bus service to the use of vehicles having a passenger capacity rating of 20 or more in the transportation of passengers by bus in charter service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.
- LR-281      In the Matter of R & F Hobbies, Inc., d/b/a Aquila Limousine, Ravenna, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order denying the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

LR-282 In the Matter of VIP Limobus, LLC, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order denying the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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 reduced to 78 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Emergency Storage: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to implement an emergency storage policy. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GW-340 In the Matter of Union Grain Company, St. Libory: John Fecht discussed the shortage of milo.

GW-2113 In the Matter of Aurora Cooperative Elevator Company, Aurora: John Fecht discussed the shortage of corn, milo, and oats.

Grain Dealer Division

GD-1339 In the Matter of The Wright-Lorenz Grain Co., Inc., Overland Park, Kansas, seeking to cancel its Grain Dealer License: Upon agreement of all Commissioners present, license was cancelled effective July 2, 2007.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

DAS-Central Finance - Communications Billing	\$	3,419.20
DAS-Materiel - Office Supplies		899.10
Dept of Roads		511.43
Larry Fauss		990.00
Robert Hotz		6,250.00
Liberty Consulting Group		1,656.54

GENERAL ADMINISTRATION (Cont.)

Liberty Consulting Group	238.72
Anne Boyle	185.49
Anne Boyle	407.40
Gerald Vap	1,199.49

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to renew the Commission's agreement with Thomson West for the provision of Westlaw legal research services and add access to decisions of other state commissions. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to modify the Commission Filing Fees in accordance with LB 661 (2007), which became effective, in part, August 1, 2007. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

John Burvainis and Andy Pollock discussed Commissioners' travel, conference and commuting funds.

Andy Pollock discussed 2008 legislative proposals.

The Commission discussed the impact of changes regarding health insurance premiums for Commission employees who are married to other state government employees.

The Commission discussed the transition and hiring process for the Executive Director position.

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The meeting adjourned at 11:59 a.m. with Commissioners Boyle, Landis, Schram and Vap present and Commissioner Johnson excused. The next regularly scheduled meeting will be held on August 7, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 6, 2007.

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Vice Chairman

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Executive Director