

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, and Schram present and Commissioner Vap excused. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published September 25, 2007 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 2, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### October 2, 2007:

- LR-281            Commission Hearing Room, Lincoln.  
1:00            In the Matter of R&F Hobbies, d/b/a Aquila Limousine Service, Ravenna, seeking authority to adjust its rates and charges. Commissioner Landis presiding as Hearing Officer.
- MCC-3160        Commission Hearing Room, Lincoln.  
1:30            In the Matter of Mark Breiner, Director, Motor Transportation Department vs. Mike's Moving, Omaha.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in September 2007. She reported there were a total of 128 complaints: 74 - wireline and 54 - wireless. The complaints were categorized as follows: 79 billing, 28 service and 21 miscellaneous issues.

- C-3853            In the Matter of Glenwood Telecommunication Incorporated, Blue Hill, seeking authority to operate as a Competitive Local Exchange Carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3850 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of the Single Point of Presence (SPOP) Amendment to the Interconnection Agreement with OrbitCom, Inc., Sioux Falls, South Dakota, previously approved in Docket C-2867: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders granting applications E-2155 and E-2156. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

E-2155 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County.

E-2156 In the Matter of Twin Valleys Public Power District, Cambridge, seeking authority to construct, operate and maintain an electric transmission line in Furnas County.

E-2160 In the Matter of South Central Public Power District, Nelson, seeking authority to construct, operate and maintain an electric transmission line in Webster County: Commissioner Rod Johnson was appointed as Hearing Officer.

Gene Hand reported on the Regional Oversight Committee (ROC) meeting held in Boise, Idaho, on September 26-27, 2007. He reviewed with the Commission the format for future ROC meetings, and distributed the resolution supporting a multi-state collaborative regarding Qwest Performance Assurance Plans and the associated Performance Indicators which was adopted at the ROC meeting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders approving requests in Dockets 911-023.19, 911-023.66 and 911-023.69. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.19 In the Matter of Kearney County, Minden, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.66 In the Matter of Frontier County, Curtis, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.69 In the Matter of Richardson County, Falls City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

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: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve Qwest's Communications Corporation and Qwest LD Corporation's revised worksheets which reported a revenue adjustment exceeding a 10% variance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT

NG-0007.3 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking to lower the current interim Delivery Charge to reflect the level of revenue deficiency currently under appeal in the Lancaster County District Court: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the Public Advocate's Petition for Formal Intervention and Request to Suspend the Tariff and Notice of Assessment. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter Assessment Orders in Dockets FC-1327 (HS-001), NG-0041 (GDS-006 and HS-0013), NG-0044 (HS-007) and NG-0048 (HS-003). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

FC-1327 In the Matter of the Formal Complaint of the Nebraska Public Advocate, seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC.

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-0048 In the Matter of NorthWestern Corporation, d/b/a NorthWestern Energy, Sioux Falls, South Dakota, seeking approval of a natural gas general rate increase for Nebraska.
- 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: Angela Melton reported that there was an objection to the NG-0041 GDS invoice that will be set for hearing.

RULES AND REGULATIONS

Rule and Regulation #162 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 12, Manufactured Housing Rules and Regulations, previously written under Title 178, Chapter 16, through Health and Human Services and to create an Ad Hoc Committee; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and to reprint the chapter in its entirety: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an amended certificate of adoption. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

LEGISLATIVE REPORT

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to accept the staff recommendation to not provide testimony at upcoming legislative hearings on interim studies LR 67, LR 80 and LR 120. The recommendation on LR 67 will be taken up at a future meeting. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT

B-1704 In the Matter of Taxi Specialties of Lexington, LLC, Ravenna, seeking to acquire, through transfer, the authority held by Rick Holloway, d/b/a Taxi Specialties of Lexington, Lexington, in Certificate B-1613: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1613. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

LR-282 In the Matter of VIP Limobus, LLC, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application as amended. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle abstaining, and Commissioner Jerry Vap 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 Goods Tariff 7F: The fuel surcharge was retained at 82 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-14 Laurel Feed & Grain, Laurel: Corn, soybeans, and oats  
GW-2023 Richard Bossen, d/b/a Bossen Feeding Company, Arcadia:  
Corn

Grain Dealer Division

GD-2917 In the Matter of Dan C. Hastings, Giltner, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2007: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION

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

GENERAL ADMINISTRATION (Cont.)

DAS - Central Finance - Office Supplies	\$	837.69
General Reporting		1,689.00
WahlTek		838.00
Fred Massing		1,032.73
Nichole Underhill		310.56
Anne Boyle		465.60
Tim Schram		395.76

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The meeting adjourned at 10:25 a.m. Commissioners Boyle, Johnson, Landis, and Schram present and Commissioner Vap excused. The next regularly scheduled meeting will be held on Wednesday, October 10, 2007, at 10:00 a.m. with an agenda to be available in the office of the Deputy Director at 10:00 a.m. on October 9, 2007.

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Chairman

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Deputy Director