

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. 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 October 2, 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 10, 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:

#### Wednesday, October 10, 2007:

FC-1326 Commission Hearing Room, Lincoln. Planning Conference.  
3:00 Ken's Auto Repair & Service, Ravenna vs. SourceGas Distribution, LLC, f/k/a Kinder Morgan. Commissioner Vap presiding as Hearing Officer. Call in number 877-229-1563, passcode 10100758.

#### Monday, October 15, 2007:

10:00 Video Meeting. Commission Hearing Room, Lincoln, and Omaha State Office Building, Room 207, 1313 Farnam Street, Omaha. E911 Advisory Board meeting.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders granting applications AD-408 through AD-410r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-408 In the Matter of Progressive Casualty Insurance Company, Mayfield Village, Ohio, seeking authority to connect an automatic dial-announcing device.

AD-409 In the Matter of Progressive Casualty Insurance Company, Mayfield Village, Ohio, seeking authority to connect an automatic dial-announcing device.

AD-410r In the Matter of McLeod USA Telecommunications Services, Inc., Hiawatha, Iowa, seeking authority to register the connection of an automatic dialing-announcing device.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3554/ NUSF-50 In the Matter of the Commission, on its own motion, seeking to investigate whether the zones established in Docket C-2516 are appropriate in light of Docket NUSF-26 findings and conclusions. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order setting Qwest Unbundled Network Element loop rates and adopting a Nebraska Universal Service Fund porting model. Motion made by Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders granting applications C-3844 and C-3854. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3844 In the Matter of Infonet Telecommunications Corporation, El Segundo, California, seeking withdrawal of its interexchange Certificate of Authority in Nebraska.

C-3854 In the Matter of Total Communications, Inc., Lincoln, seeking withdrawal of its Certificate of Convenience and Necessity and tariff.

C-3851 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of the Voice over Internet Protocol (VoIP) Amendment to Interconnection Agreement with 360networks (USA) Inc., Seattle, Washington, previously approved in Docket C-3601: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3852 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of the Interconnection Agreement with NOS Communications, Inc., Las Vegas, Nevada: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order staying the proceedings. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.01 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telephone Infrastructure and Public Safety Department, Complainant v. Level 3 Communications, LLC; Vartec Telecom, Inc.; NebCon Partnership; Budget Phone, Inc.; CAT Communications International; Granite Telecommunications, LLC; Comtel Telecom Assets, LP. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing Level 3 from this proceeding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.36 In the Matter of the City of Lincoln/Lancaster County  
Public Safety Answering Point, seeking funding approval for  
recurring and non-recurring costs associated with Enhanced Wireless  
911 implementation: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Anne Boyle, to enter an order approving funding re-  
quest, in part. Motion passed with Commissioners Anne Boyle, Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-024, In the Matter of the Commission, on its own motion, seeking  
P.O. #1 to develop policies and process requests for access to GIS  
data and the GIS Repository: Motion made by Commissioner  
Anne Boyle, seconded by Commissioner Frank Landis, to enter an order  
adopting GIS repository access and use policy. Motion passed with  
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE.

911-029.01 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
Telecommunications Infrastructure and Public Safety Depart-  
ment, Complainant v. New Cingular Wireless PSC, LLC, Respondent(s):  
Motion made by Commissioner Tim Schram, seconded by Commissioner Anne  
Boyle, to enter an order dismissing the complaint regarding testing.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed the announcement by NE Colorado  
Cellular, Inc., d/b/a Viaero Wireless, that they have re-negotiated  
their service agreement with Intrado and estimate the new agreement  
will be a substantial savings to the E911 Fund.

Motion made by Commissioner Frank Landis, seconded by Com-  
missioner Tim Schram, to enter orders dismissing the complaints in  
Dockets NUSF-37.114, NUSF-37.115 and NUSF-37.127. Motion passed with  
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE.

NUSF-37 .114 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
Telecommunications Infrastructure and Public Safety Depart-  
ment, Complainant v. Budget Call Long Distance, Respondent.

NUSF-37 .115 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
Telecommunications Infrastructure and Public Safety Depart-  
ment, Complainant v. Global Crossing Telecommunications,  
Respondent.

NUSF-37 .127 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
Telecommunications Infrastructure and Public Safety Depart-  
ment, Complainant v. Trinsic Communications, Inc., Respon-  
dent.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-50/ C-3554/ PI-112 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Landis presiding as Hearing Officer: An order was entered during the Communications Department agenda.

NUSF-64 In the Matter of the Commission, on its own motion, seeking to investigate the use of expense caps in the earnings calculation for Nebraska Universal service fund support. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order seeking comments and scheduling a pre-hearing conference for November 8, 2007 at 10:30 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson and Jerry Vap voting AYE, and Commissioners Frank Landis and Tim Schram voting NAY.

NUSF-71 In the Matter of the Commission, on its own motion, seeking to investigate remittance variances and compliance with universal service fund requirements and to make necessary adjustments to the high-cost program: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order opening the investigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Landis was appointed Hearing Officer.

Jeff Pursley discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to levy late fees against Houlton Enterprises and that the current complaints opened against Ernest Communications and Movida Communications be amended and that complaints be opened against Norlight Telecommunications and Helio, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1326 In the Matter of the Formal Complaint of Ken's Auto Repair and Service, Ravenna, against SourceGas Distribution, LLC f/k/a Kinder Morgan Retail, Lakewood, Colorado. Commissioner Vap presiding as Hearing Officer: Angela Melton discussed the order entered by the Hearing Officer on October 2, 2007, scheduling a planning conference for October 10, 2007, at 3:00 p.m. in the Commission Hearing Room, Lincoln. The call in number is 877-229-1563 and access number 10100758.

NG-0007.3 In the Matter of Aquila, Inc., d/b/a Aquila (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: Commissioner Landis was appointed Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

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: to address Aquila's objection to portions of the GDS assessment. Commissioner Landis was appointed Hearing Officer.

NG-0050 In the Matter of Tenaska Marketing Ventures, Omaha, seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram to enter an order granting approval. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Angela Melton informed the Commission of consumer complaints and inquiries from September, 2007. She reported there were a total of 29 complaints: Aquila - 19; SourceGas (Kinder Morgan) - 9; and Other Entities - 1.

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 Anne Boyle, seconded by Commissioner Jerry Vap, to enter an Amended Certificate of Adoption. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rule and Regulation #170 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 7, Transmission Lines Rules and Regulations, to adopt rules regarding wires crossing any railroad track at public highway crossings in the State of Nebraska in accordance with Neb. Rev. Stat. §75-702 to §75-724. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order extending the comment period and appoint a Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Schram was appointed Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1702 In the Matter of Fremont Cab Services, LLC, Fremont, seeking to acquire, through transfer, the authority granted to City Cab, LLC, Fremont, in Certificate B-1586: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1586, and

TRANSPORTATION DEPARTMENT (Cont.)

B-1702 to schedule an interpretation hearing for November 7, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Schram was appointed Hearing Officer.

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 decreased to 78 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

In the Matter of George Pfeifer, Spencer: John Fecht updated the Commission on grain dealer activity.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, 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, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis voting NAY.

Cornhusker State Industries	\$ 1,460.00
Commercial Computer Systems, Inc.	612.50
Latimer Reporting	568.00
Voyager	1,599.61
Kent Pribyl	876.69

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$ 1,002.50
Associated Ear Nose & Throat	301.90
Larry Kent & Associates	1,074.35
Glassman's Hearing Aid Service	390.96
Hamilton Telecommunication	1,379.55
Harris Communications	454.80
Carl A. Johnson	456.85
Thomas J. Tambling	195.00
Midwest Hearing Consultants	774.30
White's Hearing Aid Specialists	6,295.11

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Deputy Director's recommendation for approval of Commission minutes for the month of September 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Deputy Director's recommendation to surplus the following property. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis voting NAY.

<u>QUANTITY</u>	<u>DESCRIPTION OF PROPERTY</u>
1	Dell Monitor
1	Brown Briefcase
1	Kodak Diconix 180si Printer with Briefcase
96	Miscellaneous Office Chairs
1	Fischer 19" TV
1	3 X 5 File Drawer
1	6 Drawer File Cabinet
4	5 Drawer File Cabinets
5	4 Drawer File Cabinets
1	2 Drawer File Cabinet
3	Boxes of Miscellaneous Sized 3-Ring Binders
1	Box of 178 Cassette Tapes
5	Boxes of 3 x 5 File Drawers
1	Easel
1	HP Infrared Printer
1	Sony PA System
1	Box with 5 Foot Control Units and 2 Microphones
1	Grey 3-Piece Fold Up Table
1	Grey Metal Map Case
1	Local Call Station with Cords
6	Grey Metal Desks
1	Bookcase
1	Supply Closet
1	HP Calculator with Case
1	Grey Metal Credenza
1	Large Computer Table
2	Small Computer Tables
1	Conference Table
2	36 X 72 Conference Table
1	47 X 119.5 Wood Conference Table
1	29.5 X 59.5 Wood Conference Table
3	Tables
1	Portable Filing Cabinet
10	Wooden Bookcases
1	Small Table
1	Small Bookshelf
2	Keyboard Trays

GENERAL ADMINISTRATION (Cont.)

<u>QUANTITY</u>	<u>DESCRIPTION OF PROPERTY</u>
24	Plastic Filing Trays
1	Monitor Stand
8	Scotch Tape Dispensers
5	Staplers
1	Single Hole Paper Punch
8	File Dividers
2	Wall Filing Trays
4	Computer Disk Storage Boxes
2	Mouse Pads
1	Wire Desk Basket
1	3 X 5 Index Card Box
2	Index Card Holders
1	Wrist Rest Keypad
3	Day-by-Day Desk Calendar Holders
2	Indiana Hi-Back Executive Chair
1	AS400 Hardware
1	HP 5SY Printer
1	Cannon BJ200 Printer
1	BJC210 Printer
1	Gateway E-4200 Computer
1	Dell GX115 Computer
1	Dell 866 Computer
1	Computer Monitor
1	ViewSonic Computer Monitor

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The meeting adjourned at 10:40 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on October 16, 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 15, 2007.

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Chairman

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Deputy Director