

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 9, 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 October 16, 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:

Tuesday, October 16, 2007:

Rule and Commission Hearing Room, Lincoln.
Regulation In the Matter of the Commission, on its own motion, seeking
#167 to amend Title 291, Chapter 9, Natural Gas and Pipeline
1:30 Rules and Regulations, to adopt rules in accordance with
Nebraska Legislative Bill 1249 [2006] and to add rules
regarding meter errors, consumer choice programs, aggrega-
tors and suppliers and emergency curtailment plans. Com-
missioner Rod Johnson presiding as Hearing Officer.

Wednesday, October 17, 2007:

911-020.01 Commission Hearing Room, Lincoln.
10:00 In the Matter of Jeffrey L. Pursley, Director, Nebraska
Telecommunications Infrastructure and Public Safety Depart-
ment, Complainant v. Level 3 Communications, LLC; Vartec
Tele-com, Inc.; NebCon Partnership; Budget Phone, Inc.; CAT
Communications International; Granite Telecommunications,
LLC; Comtel Telecom Assets, LP, Respondent(s). Commissioner
Schram presiding as Hearing Officer.

RVF-1 Commission Hearing Room, Lincoln.
10:30 In the Matter of the Commission, on its own motion, seeking
to determine the seal fee amount for the Recreational
Vehicle Program. Commissioner Schram presiding as Hearing
Officer.

Friday, October 19, 2007:

1:00 Commission Hearing Room, Lincoln. Nebraska Telecommunica-
tions Relay Service Advisory Committee meeting.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders granting applications AD-411r through AD-413r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-411r In the Matter of Argent Healthcare Financial Services, LaPorte, Indiana, seeking authority to register the connection of an automatic dialing-announcing device.

AD-412r In the Matter of Argent Healthcare Financial Services, Miami, Florida, seeking authority to register the connection of an automatic dialing-announcing device.

AD-413r In the Matter of Argent Healthcare Financial Services, Belleville, Illinois, seeking authority to register the connection of an automatic dialing-announcing device.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders dismissing applications C-3737 and C-3738. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3737 In the Matter of the Petition from residents of the Crookston exchange seeking extended area service (EAS) to the Kilgore exchange, both served by Great Plains Communications.

C-3738 In the Matter of the Petition from residents of the Crookston exchange seeking extended area service (EAS) to the Cody exchange, both served by Great Plains Communications.

C-3786 In the Matter of Total Call International, Inc., Los Angeles, California, seeking authority to operate as a resale interexchange carrier of telecommunications services within the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3855 In the Matter of AccessLine Communications Corporation, Washington, D.C., AccessLine Holdings, Inc., Bellevue, Washington, and Telanetix, San Diego, California, seeking a transfer of control: 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, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3857 In the Matter of Nebraska Pork Partners, Columbus, seeking authority to receive telephone service from the Cedar Rapids exchange of Great Plains Communications: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the boundary change. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders approving amendments to Dockets C-3846 and C-3849. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3846 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Local Number Portability (LNP) Amendment to Interconnection Agreement with DIECA Communications, Inc. dba Covad Communications, Denver, Colorado, previously approved in Docket C-3351.

C-3849 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of the Triennial Review Order and Triennial Review Remand Order (TRO/TRRO2) Amendment to the Interconnection Agreement with Granite Telecommunications, LLC, Quincy, Massachusetts, previously approved in Docket C-3054.

Don Gray provided a numbering report based on information obtained at the North American Numbering Council (NANC) meeting held in Washington, D.C. on October 10, 2007.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders approving Phase II LEC costs for Dockets 911-023.12, 911-023.14 and 911-023.45. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

911-023.12 In the Matter of Washington County, Blair, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.

911-023.14 In the Matter of Howard County, St. Paul, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.45 In the Matter of Johnson County, Tecumseh, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-029.05 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. Sprint Spectrum, d/b/a Sprint PCS, Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37 In the Matter of Jeffrey L. Pursley, Director, Nebraska .131 Telecommunications Infrastructure and Public Safety Department, Complainant v. Network Operator Service, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-67 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. United Telephone Company of the West, d/b/a Embarq, Respondent: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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: Jeff Pursley discussed the Hearing Officer's order of October 15, 2007 wherein a protective order was entered that allowed interested parties access to the staff model and data.

Jeff Pursley discussed the Wireless E-911 Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to open a Complaint against Helio, LLC for the late-filed E911 Remittance Worksheets for the data periods of April and May 2007. 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: Laura Demman discussed the Hearing Officer's order entered October 12, 2007, scheduling a hearing for November 28, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT (Cont.)

NG-0013 In the Matter of the Commission, on its own motion, seeking to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter Progression Order No. 17. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed the Hearing Officer's order entered October 11, 2007, scheduling a Planning Conference on the Objection to Assessment for October 23, 2007, at 10:00 a.m., in the Commission Hearing Room, Lincoln.

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: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting approval. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Frank Landis exited the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1681 In the Matter of Fremont Taxi Service, Fremont, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage between points in Dodge County and between points in Dodge County, on the one hand, and, on the other hand, points in Nebraska over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis 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 increased to 80 cents per mile.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, 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 excused not voting.

Liberty Consulting Group	\$	1,327.99
Michigan State University		750.00
Thomson West		815.00
Rod Johnson		749.91

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to authorize Commissioner Rod Johnson to travel to and attend the Mid-America Telecom Showcase and Seminar to be held in Kansas City, Missouri, from October 21-23, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the four change orders related to the renovation project. Motion passed with Commissioners Anne Boyle, Rod Johnson, and Jerry Vap voting AYE, Commissioner Schram voting NAY, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 10:40 a.m. with Commissioners Boyle, Johnson, Schram and Vap present, and Commissioner Landis excused. The next regularly scheduled meeting will be held on Wednesday, October 24, 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 Tuesday, October 23, 2007.

Chairman

Deputy Director