

Vice Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 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 announcements were made.

GENERAL ADMINISTRATION

Notice was duly published December 4, 2007 on Page 11 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 11, 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, December 12, 2007:

B-1699 Commission Hearing Room, Lincoln, and Nebraska State Office
9:30 Building, Room 207, 1313 Farnam Street, Omaha.
In the Matter of County Cook, d/b/a Confidential Transportation, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by van between points in Douglas County and Sarpy County, and between points in said counties over irregular routes. Health and Human Services Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle presiding as Hearing Officer.

Friday, December 14, 2007:

10:00 CST Commission Hearing Room, Lincoln.
Nebraska Universal Service Fund Advisory Board Meeting.

Monday, December 17, 2007:

B-1683 Commission Hearing Room, Lincoln.
Supp. 1 In the Matter of CUSA ES, LLC, d/b/a Express Shuttle,
10:00 Bismarck, North Dakota, seeking to extend the authority in Nebraska intrastate commerce in the transportation of railroad train crews by van in open class service between points in the state of Nebraska by contract over irregular routes. HHS Designation: No. Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in November, 2007. She reported that there were a total of 83 complaints: 39 - wireline and 44 - wireless. The complaints were categorized as follows: 48 billing, 24 service and 11 miscellaneous issues.

C-3859 In the Matter of Sage Telecom, Inc., Allen, Texas, seeking authority for a Certificate of Public Convenience and Necessity to provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services in the state of Nebraska: Motion made by Commissioner Jerry Vap, 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.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders granting Applications C-3869/PI-131 and C-3870/PI-132. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3869/
PI-131 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Fillmore County for access to First Call for Help (FCFH), a comprehensive information and referral service.

C-3870/
PI-132 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Seward County for access to First Call for Help (FCFH), a comprehensive information and referral service.

C-3876 In the Matter of US LEC Communications, Inc., Fairport, New York, seeking approval to relinquish their certificate of authority to furnish interlata interexchange services in the state of Nebraska and cancel their tariff: Motion made by Commissioner Tim Schram, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

CG Docket In the Matter of Federal Communications Commission Rules No. 02-278 and Regulations implementing the Telephone Consumer Protection Act of 1991: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve filing comments in support of the proposed rule change for the Do Not Call registry. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

John Burvainis discussed the letter to the Nebraska Legislature and the Nebraska Congressional delegation regarding the Federal Communications Commission's Broadband Services Report: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the letters. 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 Anne Boyle, seconded by Commissioner Jerry Vap, to enter orders approving Applications C-3878, C-3880 and C-3881. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3878 In the Matter of United Telephone Company of the West d/b/a Embarq, Overland Park, Kansas, seeking approval of the Interconnection, Collocation and Resale Agreement with TeleQuality Communications, Inc., San Antonio, Texas.

C-3880 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a CLEC-to-CLEC Connections Amendment to the Interconnection Agreement with Windstream of the Midwest, Inc. f/k/a ALLTEL Communications of the Midwest, Inc., Little Rock, Arkansas, previously approved in Docket C-1530.

C-3881 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Subloop Unbundling and Network Interface Device (NID) Amendment to the Interconnection Agreement with Cox Nebraska Telecom, LLC, Omaha, previously approved in Docket C-1473.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order setting the surcharge. 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.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders approving funding for equipment and mapping software in Dockets 911-023.20, 911-023.26, 911-023.31, 911-023.47, 911-023.25 and 911-023.36. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

911-023.20 In the Matter of Furnas County, Public Safety Answering Point, Beaver City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.26 In the Matter of Antelope County, Public Safety Answering Point, Neligh, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.31 In the Matter of Scottsbluff County, Public Safety Answering Point, Gering, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.47 In the Matter of Knox County, Public Safety Answering Point, Center, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.25 In the Matter of Lincoln County, Public Safety Answering Point, North Platte, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

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.

911-023.13 In the Matter of Keith County, Public Safety Answering Point, Ogallala, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Commissioner Vap was appointed Hearing Officer.

911-031.2 In the Matter of the Commission, on its own motion, seeking to establish surcharges assessed on users of prepaid wireless service and methods for the collection and remittance of surcharges from carriers offering prepaid wireless services; Alltel Wireless: Commissioner Johnson was appointed Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Angela Melton informed the Commission that the next Wireless E-911 Advisory Board Meeting will be Monday, January 14, 2008 at 10:00 a.m. in the Platte Conference Room, Lincoln.

NUSF-37 In the Matter of Jeffrey L. Pursley, Director, Nebraska
.125 Telecommunications Infrastructure and Public Safety
Department, Complainant v. CTC Communications Corporation,
Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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; Orbitcom, Inc.: Shana Knutson discussed the agreed upon procedures language for the NUSF Remittance audits and seeks Commission approval to accept the deviation in agreed upon procedures statement from this company. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to accept the deviation in agreed upon procedures statement from this company. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Shana Knutson informed the Commission that there will be a NUSF Advisory Board Meeting on Friday, December 14, 2007 at 10:00 a.m. in the Commission Hearing Room, Lincoln, with a video link to Room #208, McMillen Hall, 1205 East 3rd Street, McCook.

NATURAL GAS DEPARTMENT

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 Docket NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC. Commissioner Vap presiding as Hearing Officer: Nichole Underhill reported on the Hearing Officer's order entered December 4, 2007, scheduling an oral argument on the SourceGas Motion for Reconsideration for January 7, 2008, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT

B-1700 In the Matter of Zalt, Inc., d/b/a Central Limousine
Supp. 1 Services, Grand Island, seeking to extend the authority
held by Zalt, Inc., d/b/a Central Limousine Services, in
Certificate B-1700, Supplement 1. Commissioner Johnson presiding as
Hearing Officer: Upon agreement of all Commissioners, the video
hearing previously scheduled for December 18, 2007, was continued to
January 17, 2008, at 10:00 a.m. in the Commission Hearing Room,
Lincoln; Nebraska State Office Building, Room 207, 2nd Floor, 1313
Farnam, Omaha; Grand Island Public Library, 211 North Washington
Street, Grand Island; Educational Service Unit #16, Distance Learning
Room, 1221 West 17th Street, North Platte; and Panhandle Research and
Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff.

Rate Division

BR-331 In the Matter of Nebraska City Tourism and Commerce,
Nebraska City, seeking authority to adjust its rates and
charges: Motion made by Commissioner Jerry Vap, seconded by Com-
missioner Tim Schram, to enter an order granting 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 Goods Tariff 7F: The
fuel surcharge was decreased to 84 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1154 In the Matter of Cooperative Producers, Inc., Hastings,
seeking a \$25,000.00 deductible on its stock insurance
coverage: Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to enter an order granting the deductible. Motion
passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and
Jerry Vap voting AYE and Commissioner Rod Johnson excused not voting.

Grain Dealer Division

GD-2926 In the Matter of Sunbird, Inc., Huron, South Dakota,
seeking a Grain Dealer License, subject to the fulfillment
of all statutory requirements, for the license period ending
September, 30, 2008: Motion made by Commissioner Jerry Vap, seconded
by Commissioner Tim Schram, to enter an order granting the applica-
tion. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim
Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present
not voting.

GENERAL ADMINISTRATION

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

Attorney General	\$	2,786.44
Cornhusker State Industries		3,443.00
DAS Central Finance-Materiel		939.51
Voyager		1,133.62
Fred Massing		1,085.95
Kent Pribyl		1,173.51
Anne Boyle		407.40

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alltel Communications	\$	89.99
Alternative Hearing		1,713.65
Associated Hearing Health Care		665.00
B Hear Inc.		1,209.09
Beltone		3,105.15
Grand Island Hearing		805.00
Hamilton Telecommunications		809.05
Hearing Aid Center		189.95
Carl A. Johnson		747.75
K-D Communications		3,869.08
League of Human Dignity		149.00
LD Luana Duennerman		474.80
Professional Hearing Aid Services		824.80
Sherard Hearing Aid		366.50
Teltex		1,200.25
U-Save Pharmacy & Medical Supply		1,456.69
Weitbrecht Communications		924.95
Western ENT Associates		159.95
White's Hearing Aid Specialists		980.75

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to grant the Executive Director's recommendation to approve Commission minutes for November, 2007. 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, Executive Director's recommendation to approve the 2007 Nebraska Public Service Commission Policy Manual updates. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION (Cont.)

Mike Hybl and John Burvainis discussed the implementation of the Nebraska Public Service Commission merit plan for employees for Fiscal Year 2007-08.

The meeting adjourned at 10:33 a.m. with Commissioners Boyle, Landis, Schram and Vap present and Commissioner Johnson excused. The next regularly scheduled meeting will be held on December 18, 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 December 17, 2007.

Vice Chairman

Executive Director