

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

#### GENERAL ADMINISTRATION

Notice was duly published April 1, 2008 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 8, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, April 8, 2008:

MCC-3163 Commission Hearing Room, Lincoln.  
1:30 In the Matter of Mark Breiner, Director, Transportation Department vs. Eppley Transportation Services, Inc., Qualified Developments, Inc., Stella Counseling Services, PC, Touch of Class Limousine, Graebel/Omaha Movers, Inc., Mid-America Transfer, Inc., Miracle Movers, Inc., Nebraskaland Moving & Storage, Smitty's Van & Storage Co., and Transfer 88, Defendants. Commissioner Schram presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Johnson presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order withdrawing the grant. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3868 In the Matter of United Systems Access, Inc., Kennebunk, Maine, and American Fiber Network, Inc., Washington, D.C., seeking transfer of control of American Fiber Network, Inc. to United Systems Access, Inc.: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an amending order. 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-3914 In the Matter of IBFA Acquisition Company, LLC, Elk Grove Village, Illinois, seeking authority to transfer ownership of members to Telava Acquisitions, Inc., San Francisco, California: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, 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 Landis, seconded by Commissioner Vap, to enter orders granting applications E-2175, E-2182, and E-2183. Motion passed with Commissioners Boyle, Landis, Schram and Vap voting AYE, and Commissioner Johnson excused not voting.

E-2175 In the Matter of Niobrara Valley Electric Membership Corporation, O'Neill, seeking authority to construct, operate and maintain an electric transmission line in Holt County.

E-2182 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

E-2183 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Rod Johnson presiding as Hearing Officer: Gene Hand informed the Commission that \$70,161.60 was transferred out of the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund (NIEF) on April 1, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1, PO #18 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Jeff Pursley discussed the letter he drafted to 8 x 8, Inc. regarding remittance of the Nebraska USF surcharge.

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 April 8, 2008, seeking comments due April 22, 2008.

Jeff Pursley informed the Commission that the next NUSF Advisory Board Meeting has been scheduled for Tuesday, April 29, 2008 at 2:00 p.m. in the Commission Hearing Room, Lincoln.

Commissioner Rod Johnson entered the Commission Hearing Room.

#### NATURAL GAS DEPARTMENT

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 provided an update on the docket and informed the Commission of a Hearing Officer's order entered April 7, 2008, continuing the hearing previously scheduled for April 15, 2008, to May 7, 2008, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

#### RULES AND REGULATION

Rule and Regulation #167 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 1249 [2006] and to add rules regarding meter errors, consumer choice programs, aggregators and suppliers and emergency curtailment plans. Commissioner Johnson presiding as Hearing Officer: Upon agreement of all Commissioners, an order was entered releasing the third set of proposed rules and scheduling a hearing for May 28, 2008 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

#### LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

#### TRANSPORTATION DEPARTMENT

B-1711 In the Matter of Dwaine and Deborah Trease, d/b/a Special Moments Limousine, Clearwater, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by bus in charter and special party service in the state of Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Johnson presiding as Hearing Officer: Upon agreement of all Commissioners, the hearing previously scheduled for a date later to be determined was continued to May 14, 2008, at 2:00 p.m. in the Commission Hearing Room, Lincoln; Grand Island Public Library, 211 N. Washington Street, Grand Island, and Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk.

TRANSPORTATION DEPARTMENT (Cont.)

FC-1329 In the Matter of Trease Enterprises, Inc., d/b/a Special Moments Limousine, Clearwater, vs. Zalt, Inc., d/b/a Special Moments Limousine, Grand Island. Commissioner Johnson presiding as Hearing Officer: Mark Breiner informed the Commission of a Hearing Officer's order entered April 7, 2008, continuing the hearing previously scheduled for a date later to be determined to video hearing on May 14, 2008, at 10:00 a.m. in the Commission Hearing Room, Lincoln; Grand Island Public Library, 211 N. Washington Street, Grand Island; and Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk.

B-1712 In the Matter of DW & JW, Inc., d/b/a Luxury Limousine Supp. 2 and Trolley Service, Syracuse, seeking to extend the authority in Nebraska intrastate commerce in the transportation of passengers in special party and charter bus operations in the state of Nebraska over irregular routes. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

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 \$1.12 per mile.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A and E Storage and Handling Charges: John Fecht informed the Commission that a Hearing Officer's order was entered April 2, 2008, scheduling a video hearing for May 7, 2008 at 2:00 p.m. (CDT) in the Commission Hearing Room, Lincoln, and Panhandle Research and Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff, Nebraska. Commissioner Vap appointed as Hearing Officer.

GW-371 In the Matter of Prinz Grain & Feed, Inc., West Point: John Fecht discussed the shortage of soybeans.

GW-1599 In the Matter of Alvo Grain and Feed, Alvo and Ashland:  
GWC-421 Discussion and update on status of the closure.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendations on the following Commission invoices and other items. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Dept. of Roads	\$	673.74
Voyager		2,065.04
Fred Massing		662.45
Kent Pribyl		740.48

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	\$	981.85
Alternative Hearing		382.27
Associated Hearing Health Care		235.95
B Hear Inc		1,762.33
Beltone		2,381.60
Glassman's Hearing Aid Service		231.69
Grand Island Hearing Aid Center		1,306.35
Hamilton Telecommunications		379.90
Harris Communications		169.95
Hearing Aid Center of Columbus		179.00
Hearing Clinic Inc		1,100.00
Carl A. Johnson Jr		359.95
Johnson Hearing Aid Service		160.95
K-D Communications		998.84
Professional Hearing Aid Services		789.80
Sherard Hearing Aid Center		1,892.85
Teltex Inc		325.25
U-Save Pharmacy & Medical Supply		390.90
Weitbrecht Communications		1,493.40
Western ENT Associates		888.80
White's Hearing Aid Specialists		1,392.75

Approve Commission minutes for March 2008.

Change the Commission meeting date from Tuesday, April 29, 2008 to Wednesday, April 30, 2008.

Obtain content replacement insurance coverage for Commission personal property.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter into closed session to discuss issues in Vonage Holdings Corp. v. NPSC et al. Case No. 4:07-CV3277; the Appeal of the Preliminary Injunction Order to the Eighth Circuit Court of Appeals; other matters relevant to this pending litigation and personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:41 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:55 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to implement a 1.5 FTE Reduction in Force for the Housing and Recreational Vehicle Department effective April 30, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:58 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on April 15, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 14, 2008.

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Chair

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Executive Director