

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. Chair Anne Boyle announced that next week's Commission meeting will be held on Wednesday, April 30<sup>th</sup> at 10:00 a.m.

#### GENERAL ADMINISTRATION

Notice was duly published April 15, 2008 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 22, 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 29, 2008:

2:00 Commission Hearing Room, Lincoln.  
NUSF Advisory Board Meeting.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders granting applications AD-433r and AD-434r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-433r In the Matter of TCN Broadcasting, Inc., Saint George, Utah, seeking authority to register the connection of an automatic dialing-announcing device.

AD-434r In the Matter of SoundBite Communications, Bedford, Massachusetts, seeking authority to register the connection of an automatic dialing-announcing device.

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order for payment. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3497 In the Matter of Alltel Communications of Nebraska, Inc., Little Rock, Arkansas, seeking designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to modify Alltel's ETC filing deadline. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3845 In the Matter of Kenneth Pinkelman, Wynot, seeking authority to receive telephone service from the adjacent exchange of Great Plains Communications, Inc., Blair: Motion made by Commissioner Jerry Vap, 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.

Gene Hand informed the Commission that Verizon Communications, Inc. has awarded a five-year contract to Hamilton Relay Service to operate the telecommunications relay service in Massachusetts. Hamilton Relay Service will provide its own staff, equipment, call center and service platform, but MassRelay users will still be able to use the same telephone numbers (711 or 800-439-0183) and customer profiles. Hamilton Relay Service has been working closely with the Economic Development Council of Western Massachusetts and the Massachusetts Office of Business Development to locate a new relay center in Pittsfield, Massachusetts.

Gene Hand distributed a report from Steve Stovall on the Deaf Nation EXPO held at the Omaha Civic Auditorium on April 19.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-029.06 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department v. United Cellular Operating Company of Greater Iowa, Inc., d/b/a US Cellular: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the stipulation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-31.01 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: TracFone Wireless, Inc. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order rejecting TracFone's second proposed alternate collection method, enter a Show Cause order and schedule a hearing for May 21, 2008 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-1628/  
NUSF In the Matter of the Commission, on its own motion, seeking to conduct an investigation into intrastate access charge reform and intrastate universal service fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order changing the NUSF-EARN election from a 1-year to a 3-year average for Arapahoe Telephone Company and Cozad Telephone Company. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act effective fiscal year beginning July 1, 1999: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for May 13, 2008 at 2:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis was appointed Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-68 In the Matter of the Distance Education Council of Nebraska seeking support from the Nebraska Universal Service Fund for use in distance education. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order denying the application. 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 Tim Schram, to enter an order dismissing the following complaints. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-  
37.151 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. NorthStar Telecom, Inc., Respondent:

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF- In the Matter of Jeffrey L. Pursley, Director, Nebraska  
37.152 Telecommunications Infrastructure and Public Safety  
Department, Complainant v. Galaxy Cable, Inc., Respondent:

Angela Melton informed the Commission that a video link has been reserved in Room #208, McMillen Hall, 1205 East 3rd Street, McCook for the Nebraska USF Advisory Board Meeting scheduled for April 29, 2008 at 2:00 p.m.

Angela Melton discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram to open a complaint against Convergia, Incorporated. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 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: Laura Demman discussed the Third Planning Conference Order entered by the Hearing Officer on April 16, 2008, providing a timeline for proceedings and scheduling a hearing for July 16, 2008, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

FC-1330 In the Matter of Cornerstone Energy, LLC d/b/a Constellation NewEnergy-Gas Division CEI, LLC, Omaha vs. Aquila, Inc., d/b/a Aquila Networks, Omaha, alleging violation of Energy Options Tariff. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0053 In the Matter of Nebraska Resources Company, LLC, Tulsa, Oklahoma, seeking a Certificate of Public Convenience and Necessity authorizing it to operate as a jurisdictional utility in Nebraska and approval of a tariff. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on April 23, 2008, modifying the timeline and continuing the hearing previously scheduled for June 2 through June 5, to June 30 through July 3, 2008.

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 Frank Landis, seconded by Commissioner Rod Johnson, to enter Progression Order 19. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

P-0012.10 In the Matter of Aquila, Inc., d/b/a Aquila Networks, Omaha, providing notice required by *Neb. Rev. Stat.* Section 66-1863, as amended, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order closing the docket. 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 Frank Landis, to enter Assessment Orders in FC-1327, NG-0041 and NG-0053. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1327 In the Matter of the Formal Complaint of the Nebraska Public  
HS-0010 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. Commissioner Vap presiding as Hearing Officer.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks  
HS-0022 (Aquila), Omaha, seeking individual general rate increases  
HS-0023 for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Landis presiding as Hearing Officer.

NG-0053 In the Matter of Nebraska Resources Company, LLC, Tulsa,  
HS-002 Oklahoma, seeking a Certificate of Public Convenience and Necessity authorizing it to operate as a jurisdictional utility in Nebraska and approval of a tariff. Commissioner Landis presiding as Hearing Officer.

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, Grand  
Island: Motion made by Commissioner Frank Landis, seconded by Com-  
missioner Tim Schram, to enter an order denying the application.  
Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram  
and Jerry Vap voting AYE, and Commissioner Rod Johnson voting NAY.

Rate Division

MR-1009/ In the Matter of the Commission, on its own motion, seeking  
PI-70 to initiate an investigation on range uniformity in the  
Official Intracity Household Goods Tariff 22 and to  
develop procedures for efficiently processing household goods mover  
tariff amendments: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Jerry Vap, to enter an order adjusting the tariff.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

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 \$1.18 per mile.

GRAIN WAREHOUSE DEPARTMENT

GW/GD-1599 In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-  
land: Angela Melton updated the Commission on the status  
of this matter.

Grain Dealer Division

GD-2884 In the Matter of Double T Trading LLC, Roff, Oklahoma,  
seeking cancellation of its Grain Dealer License: License  
cancelled effective April 17, 2008.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Com-  
missioner Tim Schram, to approve the Executive Director's recommenda-  
tion to approve the following Commission invoices. Motion passed with  
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE.

DAS Materiel - Copy Services	\$	2,760.49
DAS Materiel - Printing		1,186.16
Gerald Vap		949.44

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to rescind the Commission's approval to pay invoice No. 90052483 UNL Design Project. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation for Mark Luttich to travel to and attend the United States Department of Housing and Urban Development's (HUD) Manufactured Home Consensus Committee meeting to be held in Arlington, Virginia, from June 16 through June 19, 2008 with all expenses to be reimbursed by HUD. 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 Rod Johnson, to approve the Executive Director's recommendation to purchase twelve computers and three laptops. No vote was taken on this motion. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to amend the original motion to approve the purchase of a server, two desk top computers and three laptop computers. The amended motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Jerry Vap voting NAY.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to upgrade a General Administration Department employee from probationary to permanent status. 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 11:07 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 Wednesday, April 30, 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 Tuesday, April 29, 2008.

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Chair

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Executive Director