

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 July 29, 2008 on Page 11 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 5, 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, August 5, 2008:

B-1723 Commission Hearing Room, Lincoln.
3:00 In the Matter of Brown's Crew Car of Wyoming, LLC, dba Armadillo Express, Lenexa, Kansas, seeking authority to acquire, through transfer, the authority granted to Brown's Crew Car of Wyoming, Inc., dba Armadillo Express, Lenexa, Kansas. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in July 2008. She reported there were a total of 86 complaints: 48 - wireline and 38 - wireless. The complaints were categorized as follows: 40 billing, 31 service and 15 miscellaneous issues.

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order adopting a grant schedule for 2008-09 and approving documents and forms. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Gene Hand also informed the Commission the next Nebraska Internet Enhancement Fund Advisory Board meeting will be held October 23, 2008, at 1:30 p.m. in the Commission Hearing Room with video sites at Western NE Community College, Room 122, Sidney and Columbus Public Library, 2nd Floor Columbus Room, 2504 14th Street, Columbus.

C-3941 In the Matter of Great Plains Communications, Inc., Blair, seeking to revise depreciation rates: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3939 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a wireline Interconnection Agreement with XO Communications Services, Inc., Salt Lake City, Utah: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2123 In the Matter of the Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting an extension of time to construct. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand provided a report on the National Association of Regulatory Utility Commissioner's committee meetings held in Portland, Oregon from July 19-23, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-010.2 In the Matter of the Commission, on its own motion, seeking to establish a policy regarding required quarterly submission from wireless carriers: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving a new reporting form and requiring wireless service providers to maintain record retention. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-020.02 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. 1-800-Reconex; Applied Communications Technology, Inc.; Arapahoe Telephone Company d/b/a ATC Communications; Cable USA III, LLC; Charter Fiberlink-Communications VI, LLC; Citistream Communications, Inc.; Community Internet Systems, Inc.; Cozad Telephone Company; Dalton Telephone Company; Elsie Communications, Inc.; Global Connection Inc of America; Granite Telecommunications; LLC; MCImetro Access Transmission Services, LLC; NorthStar Telecom, Inc.; Three River Telco; Three River Communications, LLC; Time Warner Cable Information Services (Nebraska), LLC; VCI Company d/b/a Vilaire Communications, Inc., Respondent(s): Commissioner Vap presiding as Hearing Officer. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.29 In the Matter of Saline County, Public Safety Answering Point, Wilber, and Crete Police Department, Crete, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order denying the funding request for mapping software. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving funding requests in Dockets 911-023.06, 911-023.40, 911-023.19 and 911-023.66. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.06 In the Matter of Dodge County, Public Safety Answering Point, Fremont, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: 1 year equipment maintenance funding.

911-023.40 In the Matter of Boone county, Albion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Funding request.

911-023.19 In the Matter of Kearney County, Public Safety Answering Point, Minden, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Software upgrade and maintenance funding.

911-023.66 In the Matter of Frontier County, Public Safety Answering Point, Curtis, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Software upgrade and maintenance funding.

911-023.67 In the Matter of Butler County, Public Safety Answering Point, David City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving Phase I LEC costs. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders in Dockets 911-024.05 and 911-024.07 setting deadlines for filing late-filed exhibits. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-024.05 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Action Communications, Inc.

911-024.07 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Viaero Wireless.

911-024.24 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS repository: Nebraska Emergency Management Agency. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the request for access to the GIS repository. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-32.07 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules and Orders and, to impose administrative fines: Commissioner Johnson presiding as Hearing Officer. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order relieving Megapath, Inc., f/k/a Netifice, from the required 2006 NUSF Remittance audit and dismissing them from this proceeding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Shana Knutson discussed the Department's review of uncollected surcharges. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the write-off of uncollected surcharges in amounts under \$50.00. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

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 and Tariff 22: The fuel surcharge was decreased to \$1.32 per mile and Tariff 22 was decreased to \$9.76 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1599/ In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-
GD-1599 land: John Fecht updated the Commission on the status of
the insurance claim.

GW-2061 In the Matter of Colon Elevator Co., Colon: John Fecht
discussed the shortage of corn.

In the Matter of Emergency Storage: Motion made by Com-
missioner Frank Landis, seconded by Commissioner Tim Schram, to
implement an emergency storage policy. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

PI-139 In the Matter of the Commission, on its own motion, seeking
to investigate the establishment of an insurance fund to
provide additional protection for grain transactions: Motion made by
Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter
an order opening an investigation and scheduling a workshop for
September 17, 2008 at 9:00 a.m. in the Atrium Conference Room, 2nd
Floor, 1200 N Street, Lincoln. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to approve the Executive Director's recommendation
to approve 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.

Art on Display	\$ 520.00
Latimer Reporting	552.00
Kent Pribyl	732.21
Anne Boyle	842.40
Rod Johnson	630.63
Tim Schram	496.08

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Tim Schram, to approve the Executive Director's recommenda-
tion to schedule a Commission meeting on September 3, 2008 at 10:00
a.m. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Jerry Vap, to approve the Executive Director's recommenda-
tion for Steve Stovall to travel to and attend the National Associa-
tion for State Relay Administration (NASRA) Annual Conference to be
held in Lowell, Massachusetts from September 16 through 20, 2008.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to adjust the 2008 consultant contract rates for GDS Associates, Inc. and Avant Energy Services. 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 Frank Landis, to enter into closed session to discuss litigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:49 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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 10:56 a.m.

The meeting adjourned at 10:57 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 August 12, 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 August 11, 2008.

Chair

Executive Director