

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 Commissioner Gerald Vap excused. 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 September 23, 2008 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 30, 2008 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, October 1, 2008

B-1715 Commission Hearing Room, Lincoln, and Nebraska State Office  
9:30 Building, 1313 Farnam, Room 207, Omaha. In the Matter of A Superior Limousine, Inc., Tekamah, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points within a 100 mile radius of Tekamah. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Tim Schram presiding as Hearing Officer.

#### Monday, October 6, 2008

10:00 E911 Advisory Board Meeting, Law Enforcement Training Center, 3600 North Academy Road, Grand Island.

#### COMMUNICATIONS DEPARTMENT

AD-463r In the Matter of Helvey & Associates, Inc., Warsaw, Indiana, seeking authority to register the connection of an automatic dialing-announcing device: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3954 In the Matter of Cox Nebraska Telcom, LLC of Omaha, seeking authority to adopt the d/b/a's "Cox Business" and "Cox": 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; IP-Enabled Services, WC Docket No. 04-36; Universal Service Contribution Methodology, WC Docket No. 06-122. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve filing ex parte letter with the FCC addressing concerns regarding recent intercarrier compensation proposals. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Gene Hand discussed recent congressional action taken relative to broadband mapping legislation that is intended to bolster the quality of federal broadband data collection and encourage state initiatives that promote the deployment of advanced telecommunication services.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-022.09 In the Matter of NE Colorado Cellular, d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Commissioner Vap presiding as Hearing Officer. Sue Vanicek discussed the Hearing Officer's Order of September 23, 2008, continuing the hearing previously scheduled for September 24, 2008, to October 9, 2008 at 1:00 p.m. in the Commission Hearing Room, Lincoln.

911-031.02 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 Communications, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving Alltel Communications' alternate method of collection and remittance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter Orders 911-023.34 and 911-023.66 approving Phase II LEC costs. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioner Jerry Vap excused not voting.

911-023.34 In the Matter of Nemaha County, Auburn, seeking funding approval for recurring and non-recurring costs associated with Wireless E911 implementation.

911-023.66 In the Matter of Frontier County, Curtis, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-035 In the Matter of the Commission, on its own Motion, seeking to investigate cost recovery by wireless carriers directly from the Public Safety Answering Points, for the implementation of enhanced wireless 911 service: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

CI 08-1905 Tracfone Wireless, Inc., Plaintiff, vs. Nebraska Public Service Commission, Defendant: Sue Vanicek discussed the court findings in this proceeding.

NUSF-33/  
PI-68 In the Matter of the Commission, on its own motion, seeking to investigate the audit requirements related to the Universal Service Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order amending the audit requirements. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-37.168 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT(Cont.)

NUSF-62 In the Matter of the Commission, requiring Qwest Corporation to Show Cause as to why its Nebraska eligible telecommunications carrier designation relating to the Nebraska Telehealth Program, should not be revoked: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order permitting Qwest to bid for and provide Telehealth services to named hospitals. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

CC-01-92 Developing a Unified Intercarrier Compensation Regime: Gene Hand discussed on the Communications agenda, the letter to the FCC regarding the AT&T and Verizon intercarrier compensation proposals.

Sue Vanicek discussed the Wireless E-911 Late-Filed Carrier Remittances. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to open Complaints against Great Call, Inc. and Cricket Communications and, that the one-time waiver request from Affinity Mobile, LLC be granted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to levy late fees against Talk America, Inc. and Ernest Communications and, that the current Complaint NUSF-37.166 against Helio, LLC be amended to include the late-filed worksheet of August, 2008. Additionally, that new Complaints be opened against Great Call, Inc. and Level 3 Communications, LLC and, that the one-time waiver request from Affinity Mobile, LLC be granted.

NATURAL GAS DEPARTMENT

NG-0029 In the Matter of the Commission, to conduct periodic reviews of natural gas supply purchasing plans of jurisdictional utilities. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order scheduling workshop presentations by jurisdictional utilities on their current gas supply procurement plans for October 29, 2008, at 1:30 p.m. CDT in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

P-0012.15 In the Matter of Black Hills Corporation, Omaha, providing  
P-0012.16 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  
orders closing dockets. Motion passed with Commissioners  
Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting  
AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT

B-1322 In the Matter of Limo One, Inc., dba Old Market Limousine,  
Omaha, seeking Commission approval to transfer the stock of  
Limo One, Inc., from Tom Jones to Jodi L. Jones: Motion made by Com-  
missioner Frank Landis, seconded by Commissioner Tim Schram, to enter  
an order granting the transfer. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Com-  
missioner Jerry Vap excused not voting.

B-1717 In the Matter of Platinum Limousine Services, Inc.,  
Norfolk, seeking authority as a common carrier in Nebraska  
intrastate commerce in the transportation of passengers and their  
baggage in limousine service between points in Boyd, Knox, Cedar,  
Dixon, Antelope, Wheeler, Greeley, Boone, Nance, Pierce, Madison,  
Platte, Polk, Butler, Colfax, Stanton, Wayne, Dakota, Thurston,  
Cuming, Dodge, Burt and Washington counties, on the one hand, and, on  
the other hand, points in Nebraska over irregular routes. RESTRICTION:  
The transportation of railroad train crews and their baggage is not  
authorized. HHS Designation: No. Motion made by Commissioner Tim  
Schram, seconded by Commissioner Rod Johnson, to enter an order grant-  
ing the application as amended. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commis-  
sioner Jerry Vap excused not voting.

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 Tariff 7F fuel surcharge was retained at \$1.12 per  
mile, and the Tariff 22 fuel surcharge was increased to \$7.72 per  
truck per trip.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-537 Cooperative Supply, Inc., Dodge: corn, soybeans, and oats.  
GW-1154 Cooperative Producers, Inc., Hastings: wheat and white corn.  
GW-1777 Belden Grain & Feed, Inc., Belden: soybeans.  
GW-2023 Richard Bossen dba Bossen Feeding Company, Arcadia: corn.

GW-2119 In the Matter of M. G. Waldbaum Company dba Wayne Grain & Feed, Wayne, seeking to buy the grain represented on lost Public Grain Receipt B582443 in the amount of 6,248.99 bushels, issued to Mike Forsberg, Laurel: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to grant application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Grain Dealer Division

GW-2898 In the Matter of Scott W. Schneider, Inc., Funk, seeking renewal of his Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2009: A hearing was scheduled for October 7, 2008, at 9:30 in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson presiding as Hearing Officer.

Commissioner Frank Landis left the Commission Hearing Room.

GD-2939 In the Matter of Gavilon Grain, LLC dba Peavey Company, Omaha, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending September 30, 2009: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap present not voting.

Commissioner Frank Landis entered the Commission Hearing Room.

GENERAL ADMINISTRATION

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

AS Central Finance-Network Service Charges	\$	4,041.08
Dept of Roads		539.17
Larry Fauss		990.00
Steve Stovall		972.26
Rod Johnson		1,189.53

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize the purchase of four personal computers for Commission staff. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation for Don Gray to travel to and attend the North American Numbering Council (NANC) meeting to be held in Washington, DC on October 24, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to upgrade a General Administration department employee from probationary status to permanent status. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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The meeting adjourned at 10:57 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram present and Commissioner Gerald Vap excused. The next regularly scheduled meeting will be held on October 7, 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 October 6, 2008.

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Chair

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Executive Director