

Chair Anne Boyle called the regularly scheduled meeting to order at 10:20 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 weeks meeting will be held on Wednesday, at 10:00 a.m.

#### GENERAL ADMINISTRATION

Notice was duly published September 30, 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 October 7, 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:

#### Tuesday, October 7, 2008

- GW-2898 Commission Hearing Room, Lincoln.  
9:30 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. Commissioner Johnson presiding as Hearing Officer.
- 911-002 Commission Hearing Room, Lincoln.  
1:30 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Vap presiding as Hearing Officer.

#### Wednesday, October 8, 2008

- B-1709 Commission Hearing Room, Lincoln, State Office Building,  
9:30 1313 Farnam Street, Room 207, Omaha.  
In the Matter of James Bridgeman dba Safe Wheels Transportation, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of clients of the Nebraska Department of Health and Human Services and their baggage by van between points in Douglas County, over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Commissioner Boyle presiding as Hearing Officer.

GENERAL ADMINISTRATION (Cont.)

Thursday, October 9, 2008

911-037/ Commission Hearing Room, Lincoln.  
PI-140 In the Matter of the Commission, on its own motion, seeking  
10:00 to investigate changes in terms of Qwest/Positron hardware  
and software maintenance program. Commissioner Landis pre-  
siding as Hearing Officer.

911-022.09 Commission Hearing Room, Lincoln.  
1:00 In the Matter of NE Colorado Cellular, dba Viaero Wireless,  
Fort Morgan, Colorado, seeking funding approval for recurr-  
ing and non-recurring costs of Enhanced Wireless 911 imple-  
mentation. Commissioner Vap presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner Frank Landis, to enter orders granting applications AD-464r and  
AD-465r. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-464r In the Matter of The CBE Group, Inc., Waterloo, Iowa,  
seeking authority to register the connection of an  
automatic dialing-announcing device in Waterloo, Iowa.

AD-465r In the Matter of The CBE Group, Inc., Waterloo, Iowa,  
seeking authority to register the connection of an  
automatic dialing-announcing device in West Des Moines,  
Iowa.

C-3925/ In the Matter of the Commission, on its own motion, regard-  
DC-75 ing the 2007 Annual Report Filings. Commissioner Rod  
Johnson presiding as Hearing Officer: Motion made by  
Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to  
enter an order to show cause and scheduling a hearing for October 21,  
2008, at 1:00 p.m. in the Commission Hearing Room, 1200 N Street,  
Suite 300, Lincoln, Nebraska. 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 Commis-  
sioner Rod Johnson, to enter orders granting applications E-2198 and  
E-2202. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2198 In the Matter of the Northwest Rural Public Power District, Hay Springs, seeking authority to construct, operate and maintain electric transmission lines in Dawes County:

E-2202 In the Matter of the Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Saline County:

C-3945/  
NUSF-  
60.02  
PI-138 In the Matter of the Commission, on its own motion, to conduct an investigation of Qwest Corporation's Proposed Switched Access Charge Rates. Commissioner Frank Landis presiding as Hearing Officer: John Burvainis discussed the Hearing Officer order that was entered on September 30, 2008, rescheduling the hearing previously scheduled for October 22 & 23, 2008, to November 6 & 7, 2008, and amending the procedural schedule.

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: John Burvainis informed the Commission that \$1,108.59 was transferred out of the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund (NIEF) on October 3, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1,  
P.O. #5 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Consolidated Telecom, Consolidated Telephone Company, Diller Telephone Company and Hartman Telephone Exchange: Sue Vanicek discussed the agreed upon procedures language for the NUSF Payment Audits. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to accept the deviation in agreed upon procedures language for the named companies. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1,  
P.O. #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Cozad Telephone Company and Nebraska Technology & Telecommunications: Sue Vanicek discussed the Agreed Upon Procedures language for the NUSF Remittance Worksheet audits. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to accept the deviation in agreed upon procedures language for the named companies. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-33/  
PI-68 In the Matter of the Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve in part, and deny in part, audit waiver requests from various companies. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.167 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Applewood Communications Corporation, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-60.02 In the Matter of the Commission, on its own motion, seeking C-3945 to conduct an investigation of Qwest Corporation's Proposed PI-138 Switched Access Charge Rates: Gene Hand discussed on the Communications' Agenda the Hearing Officer order that was entered on September 30, 2008, continuing the hearing previously scheduled for October 22 and 23, 2008 to November 6 and 7, 2008, and amending the procedural schedule.

NATURAL GAS DEPARTMENT

FC-1331 In the Matter of Kinder Morgan Interstate Gas Transmission, LLC, Lakewood, Colorado vs. Aquila, Inc., Omaha, and Nebraska Resources Company, Tulsa, Oklahoma, alleging violations of the State Natural Gas Regulation Act. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter orders sustaining the Objection to Assessment and granting Motions to Dismiss Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Laura Demman reported a total number of 33 consumer complaints and inquiries received at the Commission during September. For each company: Black Hills, f/k/a Aquila - 10; SourceGas - 19; NorthWestern - 1; and Other Entities - 3.

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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a Certificate of Adoption. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

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

FC-1329 In the Matter of Dwaine & Deborah Trease dba Special Moments Limousine, Clearwater, vs. Zalt, Inc., dba Central Limousine, Grand Island: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order dismissing the formal complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-338 In the Matter of Lied Conference Center, Nebraska City, seeking authority to amend its rates and charges: 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.

BR-340 In the Matter of Omaha Fiesta Bus, Omaha, seeking authority to set its rates and charges: 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, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

BR-342 In the Matter of Alton Davis, Lincoln, seeking authority to set its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LR-291 In the Matter of Platinum Limousine Services, LLC, Norfolk, seeking authority to set its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. 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 and Tariff 22: The Tariff 7F fuel surcharge was Decreased to \$1.08, and the Tariff 22 fuel surcharge was Decreased to \$7.32.

GRAIN WAREHOUSE DEPARTMENT

GW-2119 In the Matter of M. G. Waldbaum d/b/a Wayne Grain & Feed, Wayne: shortage of corn and soybeans.

Grain Dealer Division

GD-2877 In the Matter of ConAgra Foods, Inc. dba Peavey Grain, Omaha, seeking cancellation of its Grain Dealer License: license is to be cancelled.

GW-2898 In the Matter of Scott W. Schneider, Inc., Funk: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to accept the withdrawl of his Grain Dealer application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Commissioner Rod Johnson left the Commission Hearing Room.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the following Commission invoices. 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.)

Dept. of Labor	\$	3,576.00
Thomson West		855.75
Kent Pribyl		1,044.00
Anne Boyle		561.60
Tim Schram		596.70

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve a Telecommunications Infrastructure and Public Safety Department employee's request for tuition assistance. 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 Frank Landis, to enter into closed session to discuss litigation. The Commission entered into closed session at 10:49 a.m. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Commissioner Rod Johnson entered the Commission Hearing Room.

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

In the Matter of Alvo Grain and Feed, Inc., Alvo and Ashland, Executive Director's recommendation to enter into a settlement agreement with Continental Western Group. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap. 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 10:59 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 October 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 October 14, 2008.

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Chair

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Executive Director