

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present, and Commissioner Rod Johnson 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 October 9, 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 October 15, 2008 at 8:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, October 15, 2008

1:30 E-911 Advisory Board meeting.
Commission Hearing Room, Lincoln, Videolinks at Kearney Public Library, 2020 - 1st Aveue, Kearney and the Educational Service Unit #16, Distance Learning Room, 1221 West 17th Street, North Platte.

Thursday, October 16, 2008

BR-332 Commission Hearing Room, Lincoln.
9:30 In the Matter of the League of Human Dignity vs. R&F Hobbies, Inc., dba Prince of the Road, Transport Plus, Inc., Caring Network, Inc., A-1 Transportation, LLC, dba A-1 Special Services, Hope Transportation, Inc., Prime Consultants, Inc., dba Goodwill Medical Transportation, Inc. Commissioner Boyle presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in September 2008. She reported that there were a total of 60 complaints: 42 - wireline and 18 - wireless. The complaints were categorized as follows: 25 billing, 26 service and 9 miscellaneous issues.

AD-466r In the Matter of Hudson Bay Company of Illinois, Lincoln, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2874/
PI-71 The Commission, on its own motion, seeking to investigate
 the current status of distance learning in Nebraska:
 Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to enter an order closing the docket. Motion
passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and
Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3951 In the Matter of 1-800-Reconex, Inc., d/b/a U.S.Tel,
 Hubbard, Oregon, seeking authority for designation as an
eligible telecommunications carrier in the State of Nebraska: Motion
made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap,
to enter an order setting the hearing for December 2, 2008, at 1:00
p.m. in the Commission Hearing Room, Lincoln. Motion passed with Com-
missioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting
AYE, and Commissioner Rod Johnson excused not voting. Commissioner
Jerry Vap was appointed as Hearing Officer.

C-3956 In the Matter of KMC Data, LLC, Lancaster, Texas, seeking
 name change to Hypercube Telecom, LLC: Motion made by Com-
missioner 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.

C-3958 In the Matter of Southeast Nebraska Telephone Company,
 Falls City, seeking to change its corporate name to South-
east Nebraska Communications, Inc: Motion made by Commissioner Frank
Landis, seconded by Commissioner Tim Schram, to enter an order grant-
ing the application. Motion passed with Commissioners Anne Boyle,
Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner
Rod Johnson excused not voting.

C-3955 In the Matter of Qwest Corporation, Denver, Colorado,
 seeking approval of a Voice over Internet Protocol (VoIP)
Amendment to the Interconnection Agreement with Bandwidth.com CLEC,
LLC, Cary, North Carolina, previously approved in Docket C-3916:
Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim
Schram, to enter an order approving the application. Motion passed
with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap
voting AYE, and Commissioner Rod Johnson excused not voting.

E-2200 In the Matter of the Niobrara Valley Electric Membership
 Corporation, O'Neill, seeking authority to construct, oper-
ate and maintain an electric transmission line in Holt County: Motion
made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE,
and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter order's 911-023.11, 911-023.19, 911-023.20, 911-023.21, 911-023.26, 911-023.38, 911-023.56 approving the funding request. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

- 911-023.11 In the Matter of Merrick County, Public Safety Answering Point, Central City, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.19 In the Matter of Kearney County, Public Safety Answering Point, Minden, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.20 In the Matter of Furnas County, Public Safety Answering Point, Beaver City, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.21 In the Matter of Boyd-Holt County, Public Safety Answering Point, O'Neill, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.26 In the Matter of Antelope County, Public Safety Answering Point, Neligh, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.38 In the Matter of Red Willow County/McCook, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.56 In the Matter of Nance County, Public Safety Answering Point, Fullerton, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed an extra meeting for the Wireless E-911 Advisory Board. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, approving the extra Advisory Board meeting, scheduled for Wednesday, October 15, 2008 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Videolinks have also been established at the Kearney Public Library, 2020 - 1st Avenue, Kearney and, at the Educational Service Unit #16, Distance Learning Room, 1221 West 17th Street, North Platte, Nebraska. A teleconference bridge has also been established, with the call-in number of (402) 472-6295. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O. #5 to establish guidelines for administration of the Nebraska Universal Service Fund: Commissioner Landis presiding as Hearing Officer: Arapahoe Telephone; Cozad Telephone; Southeast Nebraska Telephone: Sue Vanicek discussed the Agreed Upon Procedures language for the NUSF Payment audits. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to accept the deviation in agreed upon procedures language for the named companies. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Commissioner Landis presiding as Hearing Officer: Allo Communications. Sue Vanicek discussed the Agreed Upon Procedures language for the NUSF Remittance 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, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Commissioner Landis presiding as Hearing Officer: Sue Vanicek discussed, a revenue adjustment request from Pinpoint Communications due to over billing for the data periods of June and July, 2008. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the revenue adjustment. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

NG-0007.5 In the Matter of Black Hills Energy, Omaha, seeking waiver of the 30-day notice period under *Neb. Rev. Stat. sec. 66-1808* to change the headings of the tariffs on file with the Commission from Aquila Inc. to Black Hills/Nebraska Gas Utility Company, LLC d/b/a and from Aquila Networks to Black Hills Energy: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting waiver. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NG-0013 In the Matter of the Commission, on its own motion, 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 Tim Schram, to enter Progression Order No. 21. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

P-0012.17 In the Matter of Black Hills Corporation, Omaha, providing
P-0012.18 notice required by *Neb. Rev. Stat. Section 66-1863*, as
P-0012.19 amended, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders closing dockets. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

P-0013.16 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by *Neb. Rev. Stat. Section 66-1863*, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order closing docket. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT

B-1567 In the Matter of Tim Whitney dba Tri-City Limousine Service, Kearney, seeking to reinstate his authority after being suspended: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order reinstating the authority. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

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 decreased to \$1.00, and the Tariff 22 fuel surcharge was decreased to \$6.56.

GRAIN WAREHOUSE DEPARTMENT

GW-1599/ In the Matter of Alvo Grain and Feed, Inc., Alvo and
GD-1599 Ashland: John Fecht updated the Commission on the status of this docket.

GW-2159 In the Matter of J & R Grain, Inc., Meadow Grove, seeking cancellation of its Grain Warehouse License: license to be cancelled effective October 15, 2008.

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, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Voyager	\$	2,701.93
Gerald Vap		1,099.84

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Tim Sandusky and Scott Elston to travel to Kansas City, Missouri, October 15-16 to meet with the Federal Railroad Administration for the purpose of replacing computer equipment and training. 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 Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Laurie Casados to travel to and attend the Nebraska Telehealth Conference in North Platte, Nebraska, October 28, 2008. 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.)

Discussion of the Nebraska Public Service Commission on-line consumer complaint process.

The meeting adjourned at 10:38 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present, with Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on October 21, 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 20, 2008.

Chair

Executive Director