

1 Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present, with Commissioner Anne Boyle excused. Vice Chair Landis 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. Commissioner Landis announced that next weeks meeting will be held on Wednesday, October 29, at 10:00 a.m.

#### GENERAL ADMINISTRATION

Notice was duly published October 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 October 21, 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 21, 2008

C-3925/ Commission Hear Room, Lincoln.  
DC-75 In the Matter of the Commission regarding the 2007 Annual  
1:00 Report Filings. Commissioner Rod Johnson presiding as  
Hearing Officer.

#### Thursday, October 23, 2008

1:30 NIEF Advisory Board Meeting  
Commission Hearing Room, Lincoln. Nebraska Internet  
Enhancement Fund (NIEF) Advisory Board Meeting. Video sites  
at Western NE Community College, Room 122, Sidney; and  
Columbus Public Library, 2<sup>nd</sup> Floor Columbus Room, 2504 14<sup>th</sup>  
Street, Columbus.

#### COMMUNICATIONS DEPARTMENT

AD-467r In the Matter of Continental Service Group, Inc., d/b/a  
ConServe, Fairport, New York, seeking authority to register  
the connection of an automatic dialing-announcing device: Motion made  
by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter  
an order granting the application. Motion passed with Commissioners Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commis-  
sioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3945/  
NSUF-  
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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the stipulation and rescheduling the hearing to December 4, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-3957      In the Matter of Scott Bousquet, Hubbard, seeking authority to receive telephone service from the Jackson exchange of the Northeast Nebraska Telephone Company: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders approving applications C-3960, C-3962 and C-3963. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-3960      In the Matter of Great Plains Communications, Inc., Blair, seeking approval of an Extended Area Service Agreement with Charter Fiberlink-Nebraska, LLC, St. Louis, Missouri.

C-3962      In the Matter of Nebraska Central Telephone Company, Gibbon, seeking approval of an Extended Area Service Agreement with Charter Fiberlink-Nebraska, LLC, St. Louis, Missouri.

C-3963      In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an Originated Toll Free Service Jointly Provided Switched Access (JPSA) Amendment to the Interconnection Agreement with MCImetro Access Transmission Services, LLC, Ashburn, Virginia, previously approved in Docket C-3703.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002      In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order setting the Wireless E-911 surcharge. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-037/ In the Matter of the Commission, on its own motion, seeking  
PI-140 to investigate changes in terms of Qwest/ Positron hardware  
and software maintenance program: Commissioner Landis pre-  
siding as Hearing Officer. Motion made by Commissioner Tim Schram,  
seconded by Commissioner Rod Johnson, to enter an order for conclusions  
and closing the docket. Motion passed with Commissioners Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne  
Boyle excused not voting.

911-023.01 In the Matter of Sarpy County, Papillion, seeking funding  
approval for recurring and non-recurring costs of Enhanced  
Wireless 911 implementation: Motion made by Commissioner Jerry Vap,  
seconded by Commissioner Tim Schram, to enter an order amending the  
maintenance funding. Motion passed with Commissioners Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner  
Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commis-  
sioner Tim Schram, to enter the following orders amending maintenance  
funding for recurring and non-recurring costs of Enhanced Wireless 911  
implementation: 911-023.08, 911-023.09, 911-023.13, 911-023.14, 911-  
023.17, 911-023.18, 911-023.23, 911-023.30 and 911-023.32. Motion  
passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-023.08 Cuming County, West Point

911-023.09 Chase County, Imperial

911-023.13 Keith County, Ogallala

911-023.14 Howard County, St. Paul

911-023.17 Dawson County, Lexington

911-023.18 Cheyenne County, Sidney

911-023.23 Dawes County, Chadron

911-023.30 Box Butte County, Alliance

911-023.32 Perkins County, Grant

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: Commissioner Landis presid-  
ing as Hearing Officer. The order rescheduling the hearing  
to December 4, 2008 at 10:00 a.m. in the Commission Hearing Room, was  
entered on the Communications' agenda.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the late-filed Wireless Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve opening Complaints against Great Call and I-Wireless. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Sue Vanicek discussed the Late-filed NUSF Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the current Complaint, NUSF-37.170 be amended to incorporate the 2007 late-filed worksheets and that a new Complaint be opened against Embarq Communications. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Assessment Orders in Dockets FC-1327, NG-0039, NG-0041, NG-0046/PI-128 and NG-0053. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1327      In the Matter of the Formal Complaint of the Nebraska  
HS-0020      Public Advocate, seeking a determination that Kinder  
HS-0021      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-0039      In the Matter of the joint application of Kinder Morgan,  
HS-008      Inc., Houston, Texas; KM Retail Utilities Holdco LLC,  
Houston, Texas; Source Gas Distribution LLC, Lakewood,  
Colorado, Source Gas Holdings LLC, Stamford, Connecticut; and  
Source Gas LLC, Stamford, Connecticut; seeking approval of  
(1) the proposed transfer of Kinder Morgan, Inc.'s Nebraska  
Certificate of Convenience and utility assets to Source Gas  
Distribution LLC; and (2) the proposed change of control of  
Source Gas Distribution LLC from Kinder Morgan, Inc. to  
Source Gas LLC. Commissioner Vap presiding as Hearing  
Officer.

NG-0041      In the Matter of Aquila, Inc., d/b/a Aquila Networks  
HS-0034      Aquila), Omaha, seeking individual general rate increases  
for Aquila's Rate Area One, Rate Area Two, and Rate Area  
Three. Commissioner Landis presiding as Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

NG-0046/  
PI-128  
HS-007      In the Matter of the Commission, on its own motion, seeking to investigate certain customer service issues and plans relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Vap presiding as Hearing Officer.

NG-0053  
HS-0013  
HS-0014      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 tariff. Commissioner Landis presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

M-14204      In the Matter of ASP, Inc., of South Dakota, Rapid City, South Dakota, seeking authority as a common carrier in intrastate commerce in the transportation of household goods within the state: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

BR-343      In the Matter of OMALiNK, Inc., Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order as amended on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 \$.94 cents per mile, and the Tariff 22 fuel surcharge was decreased to \$5.84 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-615 In the Matter of Oshkosh Grain, Inc., Oshkosh, seeking termination of a storage contract with Crossroads Cooperative Association, Sidney. Video Hearing tentatively set for December 8, 2008 at 10:00 a.m. in the Commission Hearing Room, Lincoln and Panhandle Research & Extension Center, High Plains Room, 4502 Avenue I, in Scottsbluff. Commissioner Jerry Vap was appointed Hearing Officer. Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to schedule a hearing. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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

GW-2173 In the Matter of Emerson Grain, LLC, Emerson: reported shortage of corn and soybeans.

GENERAL ADMINISTRATION

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

University of Nebraska	\$	1,711.48
University of Nebraska		8,258.80
Gene Hand		549.80

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	1,486.26
Associated Hearing Health Care		1,047.39
B Hear Inc		2,663.40
Beltone		2,105.75
K-D Communications		2,948.55
Carl A. Johnson Jr.		1,160.89
League of Human Dignity		165.00
Teltex, Inc		1,499.58
Glassman's Hearing Aid Service		424.44
Hearing Clinic Inc.		1,705.00
U-Save Pharmacy & Medical		208.95
Weitbrecht Communications		446.95
Western ENT Associates PC		451.90
Professional Hearing Aid Services		3,505.10
White's Hearing Aid Specialists		105.66
Sherard Hearing Aid Center		1,174.84

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve the Commission minutes for the month of September, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to authorize a Nebraska Telecommunications Infrastructure and Public Safety Department employee to carry a negative vacation leave balance. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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The meeting adjourned at 10:30 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present, with Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on October 29, 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 28, 2008.

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Chair

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Executive Director