

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. Commissioner Boyle announced that next week's meeting will be held on Wednesday, November 5, at 10:00

#### GENERAL ADMINISTRATION

Attention was called to the following proceeding:

Wednesday, October 29, 2008

NG-0029 Commissioner Hearing Room, Lincoln. Gas Supply Workshop.  
1:30 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.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders granting applications AD-469r, AD-470r, and AD-471r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-469r In the Matter of National Enterprise Systems, Inc., Solon, Ohio, seeking authority to register the connection of an automatic dialing-announcing device.

AD-470r In the Matter of National Enterprise Systems, Inc., Solon, Ohio, seeking authority to register the connection of an automatic dialing-announcing device.

AD-471r In the Matter of Creditors Interchange Receivable Management, LLC, Buffalo, New York, seeking authority to register the connection of an automatic dialing-announcing device:

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 Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order inviting applicants to submit full applications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3964 In the Matter of First Communications, LLC, Washington, DC, seeking approval of the indirect transfer of control to Renaissance Acquisition Corp., Pompano Beach, Florida: 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.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving applications C-3959 and C-3961. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3959 In the Matter of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Rochester, New York, seeking approval of a local and EAS Service Agreement with Charter Fiberlink-Nebraska, LLC, St. Louis, Missouri.

C-3961 In the Matter of Hamilton Telephone Company, Aurora, seeking approval of an Extended Area Service Agreement with Charter Fiberlink-Nebraska, LLC, St. Louis, Missouri.

E-2201 In the Matter of the South Central Public Power District, Nelson, seeking authority to construct, operate and maintain an electric transmission line in Clay County: 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.

C-3946 In the Matter of the Commission, on its own motion, regarding Great Plains Communications, Blair, seeking a proposed increase in basic local exchange service rates to business customers. Gene Hand informed the Commission that the deadline has passed for petitions to be filed and that a letter was sent to Great Plains Communications on Friday, October 24<sup>th</sup> notifying the company the proposed rate increase will become effective November 1, 2008.

Gene Hand reported on the Regional Oversight Committee Meeting held on October 14-15, 2008, in Scottsdale, Arizona.

Gene Hand reported that the Federal Communication Commission (FCC) released the second update of the North American Numbering Plan code forecasted exhaust dates for 2008. The updated forecast reflects exhaust dates for the 308 and 402 codes are now second quarter 2030 and third quarter 2010 respectively.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-010 In the Matter of the Commission, on its own motion, seeking to establish the policy regarding required quarterly sub-mission from wireless carriers: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order seeking comment for prepaid wireless carrier reporting. Comments are due November 17, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-018/ In the Matter of the Commission, on its own motion, seeking PI-117 to establish audit requirements related to the Wireless Enhanced 911 Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant the audit waiver request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.58 In the Matter of Thayer County, Hebron, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order approving the funding request. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunica- 169 tions Infrastructure and Public Safety Department, Complainant v. United Telecom, Inc., 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, Tim Schram and Jerry Vap voting AYE.

NUSF-57, In the Matter of the Commission, on its own motion, seeking P.O. #2 to administer the Nebraska Telehealth Program: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order seeking comment. Comments are due January 2, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-57, In the Matter of the Commission, on its own motion, seeking P.O. #3 to administer the Nebraska Telehealth Program: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis to enter an order modifying the payment cycle. 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-69.02 In the Matter of Long Lines Wireless, LLC., seeking dedicated universal service support for wireless telecommunications services: Commissioner Landis presiding as Hearing Officer. Sue Vanicek discussed the Hearing Officer's order of October 23, 2008, setting a procedural schedule with a hearing scheduled for December 17, 2008 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Sue Vanicek informed the Commission that the next NUSF Advisory Board meeting will be on Tuesday, November 4, 2008 at 3:00 p.m. in the Commission Hearing Room, with a video link to McCook, Nebraska.

NATURAL GAS DEPARTMENT

NG-0046/ In the Matter of the Commission, on its own motion, seeking  
PI-128 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: Laura Demman discussed an order entered by the Hearing Officer on October 22, 2008.

TRANSPORTATION DEPARTMENT

B-1714 In the Matter of Caring People Sudan, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in open class service in the transportation of passengers and their baggage by van for Employment First clients between points in Douglas and Sarpy counties, and between points in said counties where public transportation is not available due to bus line restrictions. HHS designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: 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.

Rate Division

TR-167 In the Matter of MG Taxi, York, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

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 \$.84 per mile, and the Tariff 22 fuel surcharge was decreased to \$4.80 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Moisture Meter Division

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to deny waiving department policy for rejected moisture meters for 3-9694 Dowd Grain LLC, O'Neil, and GW-279 Farmers Cooperative, Dorchester. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

3-9694 Dowd Grain LLC, O'Neill

GW-279 Farmers Cooperative, Dorchester

Commissioner Jerry Vap left and re-entered the Commission Hearing Room.

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

|                                       |    |          |
|---------------------------------------|----|----------|
| AS Materiel - Copy Services           | \$ | 3,229.80 |
| AS Central Finance - Network Services |    | 3,249.48 |
| Dell Marketing LP                     |    | 792.00   |
| Larry Fauss                           |    | 990.00   |
| Parrish, Blessing & Associates        |    | 6,200.00 |
| Rod Johnson                           |    | 830.01   |

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Robert Bowman to travel to Wardcraft Homes, Inc., Clay Center, Kansas, to perform a modular housing unit factory inspection. All expenses, including time, will be reimbursed to the Commission by Wardcraft Homes, Inc. 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 Jerry Vap, to approve the Executive Director's recommendation to purchase equipment to allow the remote depositing of checks. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

\*\*\*\*\*

The meeting adjourned at 10:45 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 November 5, 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 November 4, 2008.

---

Chair

---

Executive Director