

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. It was announced that next weeks meeting will be on Thursday, November 13.

GENERAL ADMINISTRATION

Notice was duly published October 29, 2008 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 13, 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, November 5, 2008

PI-141 Commission Hearing Room, Lincoln; Grand Island Public
2:00 Library, 211 North Washington Street, Grand Island; Educa-
tional Service Unit #16, Distance Learning Room, 1221 West
17th Street, North Platte; and the Panhandle Research and
Extension Center, High Plains Room, 4502 Avenue I Scotts-
bluff. In the Matter of the Commission on its Own Motion
Seeking to investigate and establish Moisture Meter Testing
Fees. Tim Schram presiding as Hearing Officer.

Monday, November 10, 2008

Rule and Commission Hearing Room, Lincoln.
Regulation In the Matter of the Commission, on its own motion, seeking
#171 to amend Title 291, Chapter 10, of the Universal Service
1:30 Fund Rules and Regulations, to update the chapter in its
entirety and to reorganize the chapter by the nature of the
program supported by the NUSF. Commissioner Landis pre-
siding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in August 2008. She reported that there were a total of 83 complaints: 45 - wireline and 38 - wireless. The complaints were categorized as follows: 38 billing, 34 service and 11 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-468r In the Matter of Smart Reply, Irvine, California, 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, Tim Schram and Jerry Vap voting AYE.

C-3925/
DC-75 In the Matter of the Commission regarding the 2007 Annual Report Filings. Commissioner Rod Johnson presided as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order that fines be levied against six carriers and the Certificates of Public Convenience and Necessity issued to Congnigen Networks, Inc., Epixtar Communications Corp., Telecentrex, LLC, V-Global Communications, LLC, and Yak Communication (America), Inc. be revoked. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2204 In the Matter of the Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: Motion made by Commissioner Jerry Vap, 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.

Gene Hand provided the Commission with information regarding the definitive agreement under which CenturyTel will acquire EMBARQ in a tax free stock-for-stock transaction.

The agenda for the Federal Communications Commission (FCC)-National Association of Regulatory Utility Commissioners (NARUC) Joint Conference on Advanced Services Broadband Summit to be held November 6, 2008, in San Jose, California, was provided to the Commissioners.

Gene Hand reported that the FCC approved both the acquisition of Alltel by Verizon and the merger of Sprint Nextel Corps WiMax assets with those of Clearwire Corp. with Sprint Nextel emerging as the majority stockholder of post-merger Clearwire. Conditions imposed by the FCC on the Verizon acquisition of Alltel were discussed.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Sue Vanicek informed the Commission that the next Wireless E-911 Advisory Board meeting will be January 26, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln, with a video-link to O'Neill, at Avera St. Anthony's Hospital, 2nd and Adams Streets, Lower Level Conference Room, O'Neill, Nebraska.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the Wireless E-911 Quarterly Reporting and those companies that have not submitted their report. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram to open Quarterly Report Complaints against Action Communications, Inc.; Affinity Mobile, LLC; Cause Based Commerce; Consumer Cellular, Inc.; Granite Telecommunications, LLC; I-Wireless, LLC; KDDI America, Inc.; Movida Communications, Inc., Nextel Boost West, LLC; Omaha Cellular Telephone Company; PNG Telecommunications, Inc.; Sioux City MSA Comnet; STI Prepaid LLC f/k/a/ Dialaround; TeleBeep, Inc.; TON services, Inc.; TracFone Wireless, Inc.; Virgin Mobile USA; and Working Assets Funding Service, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek updated the Commission on the NUSF Advisory Board meeting that was held Tuesday, November 4, seeking Commission approval to publish an invitation to apply for the vacant Board Chair as of January, 2009 representing the public. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the invitation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to levy late fees against Protel Advantage dba Long Distance Savings and Silv Communications. Additionally, that the current complaint against Paetec Communications be amended to include the late-filed 2Qtr, 2008 and, that new complaints be opened against I-Wireless, Inc., Network Communications International; Wiltel Communications and KDDI America, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1343 In the Matter of Denver Coach, Inc., Scottsbluff, seeking Commission approval to transfer the stock of Denver Coach, Inc., to Kevin Stocker: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1733 In the Matter of Papio Transport Service, Papillion, seeking authority as a common carrier in pen class service in the transportation of passengers and their baggage over irregular routes between points in Douglas and Sarpy counties and between points in said counties by vans and SUVs over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: To schedule a video hearing date for December 10, 2008, and December 11, 2008, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Tim Schram presiding as Hearing Officer.

Rate Division

BR-341 In the Matter of Trease Enterprises, Inc., and Dwaine and Deborah Trease dba Special Moments Limousines, Clearwater, seeking authority to adjust its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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.

TR-168 In the Matter of Yellow Cab, Checker Cab, and Happy Cab, Omaha, seeking authority to adjust the fuel surcharge: Motion made by Commissioner Frank Landis, 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.

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 7F tariff surcharge was reduced to \$.74 cents, and the Tariff 22 surcharge was reduced to \$2.97 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich updated the Commission on the departments financial status and provided information regarding moving three (3) Commodore Homes' modular housing units from a Missouri retail lot to a Nebraska retail lot that were not inspected during construction to Nebraska approved plans. Present regulations and inspection agreements prevent the relocation.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, 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, Tim Schram and Jerry Vap voting AYE.

Kent Pribyl	\$	952.77
Anne Boyle		561.60
Tim Schram		348.08
Gerald Vap		1,099.84

Executive Director's recommendation to ratify all action taken by the Commission at its regular meeting on October 29, 2008, as set forth in Appendix A attached hereto. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the ratification. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:55 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 13, 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 December 12, 2008.

Chair

Executive Director