

Chair Anne Boyle called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Anne Boyle, Rod Johnson and Tim Schram present and Commissioners Frank Landis and Gerald Vap 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. It was announced that there will be no public meeting the week of November 17-21, 2008, and the next public meeting will be held on Monday, November 24, 2008.

GENERAL ADMINISTRATION

Notice was duly published November 4, 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 November 24, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

NATURAL GAS DEPARTMENT

P-0013.17 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 Tim Schram, seconded by Commissioner Rod Johnson, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

Laura Demman reported a total number of 35 consumer complaints and inquiries received at the Commission during October. For each company: Black Hills - 12; SourceGas - 16; NorthWestern - 3; and other entities - 4

RULES AND REGULATIONS

Rule and Regulation #167 In the Matter of the Commission, on its own motion, seeking Regulation 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: John Burvainis informed the Commission that the rules were returned from the Attorney General and will be forwarded to the Governor for signature.

Rule and Regulation #159 In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules for the administration of the Telecommunications Relay Systems Act. Commissioner Rod Johnson presiding as Hearing Officer: John Burvainis informed the Commission that the rules were approved by the Governor and filed with the Secretary of State's Office on November 6, 2008 and became effective on November 11, 2008.

TRANSPORTATION DEPARTMENT

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: Tariff 7F was decreased to \$.72 and Tariff 22 reduced to \$3.44 per truck, per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-615 In the Matter of Oshkosh Grain Inc., Oshkosh: John Fecht informed the Commission that a Hearing Officer's order was entered November 5, 2008, continuing the hearing previously scheduled for December 8, 2008, to January 7, 2009, at 10:00 a.m. CST in the Commission Hearing Room, Lincoln and 9:00 a.m. MST at the Panhandle Research and Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders granting applications AD-472, AD-473r, AD-474r and AD-475r. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

AD-472 In the Matter of Emediac, Inc., dba Political Calling.com and dba Sonic Broadcast, Davis, California, seeking authority to connect an automatic dialing-announcing device.

AD-473r In the Matter of Academy Collection Service, Inc., Philadelphia, Pennsylvania, seeking authority to register the connection of an automatic dialing-announcing device.

AD-474r In the Matter of Academy Collection Service, Inc., Las Vegas, Nevada, seeking authority to register the connection of an automatic dialing-announcing device.

AD-475r In the Matter of Academy Collection Service, Inc., Philadelphia, Pennsylvania, seeking authority to register the connection of an automatic dialing-announcing device.

C-3554/
NSUF-50/
PI-112 In the Matter of the Commission, on its own motion, seeking to investigate whether the zones established in Docket No. C-2516 are appropriate in light of NUSF-26 findings and conclusions. Commissioners Jerry Vap and Frank Landis presiding as Hearing Officers: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to set an implementation hearing for January 21, 2009, in the Commission Hearing Room. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

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. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order withdrawing the application and cancelling the December 2, 2008, hearing. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

C-3965 In the Matter of Stanton Telecom, Inc., Stanton, seeking to borrow from the United States of America through the Rural Utilities Service: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

C-3966 In the Matter of Clarks Telecommunications Company, Jackson, seeking approval of and authority to execute (1) a Loan Agreement with the United States of America; (2) a Promissory Note made Payable to the United States of America; and (3) the Restated Mortgage, Security Agreement and Financing Statement with the United States of America: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

C-3968 In the Matter of Henderson Cooperative Company, d/b/a Mainstay Communications of Henderson, Henderson, seeking approval to borrow from the United States of America, through the Rural Utility Service: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

In the Matter of the Telecommunication Relay Service (TRS) Request for Proposal (RFP): Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve for release the draft TRS RFP. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2203 In the Matter of the Niobrara Valley Electric Membership Corporation, O'Neill, seeking authority to construct, operate and maintain an electric transmission line in Holt County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

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: Gene Hand informed the Commission that \$144.10 was transferred out of the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund (NIEF) on November 5, 2008.

WT 08-95 Gene Hand provided a staff developed map that reflects the markets in Nebraska that must be divested pursuant to the Federal Communications Commission (FCC) order adopted November 4, 2008, and released November 10, 2008, in WT Docket 08-95 (Appendix B) and the markets identified by the initial screen (Appendix C).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-011/
PI-79 In the Matter of the Commission, on its own motion, seeking to establish Phase II enhanced wireless 911 service implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order approving the vendor of choice. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

911-022.09 In the Matter of N.E. Colorado Cellular, dba Viaero Wireless, Fort Morgan, Colorado, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

911-023.25 In the Matter of Lincoln County, North Platte, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order approving a funding request for hardware maintenance. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.33 In the Matter of Gage County, Public Safety Answering Point, Beatrice, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order approving funding request for mapping software. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter order's approving the GIS funding requests in Dockets 911-023.74 through 911-023.76. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

911-023.74 In the Matter of Brown County, Public Safety Answering Point, Bassett, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.75 In the Matter of Keya Paha County, Public Safety Answering Point, Springview, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.76 In the Matter of Cherry County, Public Safety Answering Point, Valentine, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-038/
PI-142 In the Matter of the Commission, on its own motion, seeking to investigate the reimbursement of wireless carriers' Phase II costs from the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order opening the docket and seeking comment.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, 171 v. Level 3 Communications, Inc., Respondent: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order dismissing the Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

NUSF-50/
C-3554/
PI-112 In the Matter of the Commission, on its own motion, to make adjustments to the universal service fund mechanism established in Docket NUSF-26. Commissioner Landis presiding as Hearing Officer: This matter was addressed during the Communications Department agenda. A hearing was scheduled for January 21, 2008 at 1:00 p.m. in the Commission Hearing Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the Wireless E-911 Late-Filed Carrier Remittances. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to open Remittance Complaints against Action Communications; Cause Based Commerce, Inc.; Granite Telecommunications KDDI America, Inc.; STI Prepaid, LLC; TeleBeep, Inc.; TON Services, Inc.; Total Tele-Page of Nebraska. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

GENERAL ADMINISTRATION

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

Associated Hearing Health Care	\$	301.70
Audiology Services & H A C		238.40
B Hear Inc		2,061.07
Beltone		746.60
Beltone		1,427.35
Glassman's Hearing		314.38
Grand Island Hearing Aid Center		3,553.51
Hamilton Telecommunications		329.90
Carl A. Johnson Jr.		386.05
Carl A. Johnson Jr.		2,455.73
Johnson Hearing Aid Service		438.87
K-D Communications		982.85
Professional Hearing Aid Services		2,251.30
Midwest Hearing Consultants		1,144.40
Talk To Me Technologies		990.00
Teltex Inc		911.69
U-Save Pharmacy & Medical Supply		197.90
Weitbrecht Communications		1,844.30
White's Hearing Aid Specialists		122.58

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to authorize Mark Luttich to travel to Treynor, Iowa for a modular housing unit complaint inspection on November 6, 2008. All expenses, including time, will be reimbursed to the Commission by Champion Home Builders of York. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Deputy Director's recommendation to ratify a contract with Harding & Shultz, P.C., L.L.O. to serve as Public Advocate under the State Natural Gas Regulation Act commencing November 15, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to approve a contract with GIS Workshop for the development of the Nebraska Public Service Commission Remittance Online Website and Database System. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

The meeting adjourned at 10:35 a.m. with Commissioners Anne Boyle, Rod Johnson and Tim Schram present, and Commissioners Frank Landis and Gerald Vap excused. The next regularly scheduled meeting will be held on November 24, 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 21, 2008.

Chair

Deputy Director