

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. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published December 10, 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 December 16, 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, December 16, 2008:

NUSF-69 Commission Hearing Room, Lincoln.
11:00 In the Matter of Viaero Wireless, LLC., seeking dedicated universal service support for wireless telecommunications services: Commissioner Landis presiding as Hearing Officer.

Wednesday, December 17, 2008:

NUSF-69 Commission Hearing Room, Lincoln.
10:00 In the Matter of Long Lines Wireless, LLC., seeking dedicated universal service support for wireless telecommunications services: Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3967 In the Matter of ALEC, Inc., Lexington, Kentucky, seeking a certificate of authority to provide local exchange and interexchange telecommunication services in the State of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, 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-3984 In the Matter of iNetworks Group, Inc., Chicago, Illinois, seeking authority to operate as a reseller of local exchange and interexchange telecommunication services within the State of Nebraska: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3986 In the Matter of Nobeltel, LLC, Carlsbad, California, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: 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.

C-3988 In the Matter of Qwest Corporation, Denver, Colorado, seeking authority to change their name to Qwest Communications Company, LLC: 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 Landis, Tim Schram and Jerry Vap voting AYE.

C-3996/ In the Matter of the Commission, on its own motion, seeking
PI-144 to investigate Qwest Corporation's Jurisdictional Report
Requirements regarding terminating Feature Group D (FGD)
Traffic: Commissioner Frank Landis was appointed Hearing Officer.

C-3998/ In the Matter of the Commission, on its own motion, seek-
PI-146 ing comment on the request by United Way of the Midlands to
be assigned the use of "211" in York County for access to
First Call for Help (FCFH), a comprehensive information and referral
service: Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Frank Landis, to enter an order opening an investigation.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

CC Docket In the Matter of Developing a Unified Intercarrier Compem-
01-92 sation Regime: This matter will be discussed during the
Nebraska Telecommunication Infrastructure & Public Safety
Department agenda.

C-3987 In the Matter of Qwest Corporation, Denver, Colorado, seek-
ing approval of a wireline interconnection agreement with
QuantumShift Communications, Inc., d/b/a vCom Solutions, San Ramon,
California: 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, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

E-2207 In the Matter of Lincoln Electric System, Lincoln, seeking
authority to construct, operate and maintain electric
transmission lines in Lancaster County: Motion made by Commissioner
Frank Landis, seconded by Commissioner Jerry Vap, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-003/ In the Matter of the Commission, on its own motion, seeking
PI-65 to determine whether it should obtain metrics data reports
to monitor performance of wireless enhanced 911 services:
Motion made by Commissioner Frank Landis, seconded by Commissioner Tim
Schram, to enter an order closing this docket. Motion passed with
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and
Jerry Vap voting AYE.

911-025/ In the Matter of the Commission, on its own motion, seeking
PI-121 to obtain proper call metrics data for use in assessing
funding requests: Motion made by Commissioner Jerry Vap,
seconded by Commissioner Frank Landis, to enter an order closing this
docket. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-017/ In the Matter of the Commission, on its own motion, seeking
P.O. #2/ to establish interim policies for the Administration of the
PI-116 Enhanced Wireless 911 Fund pending Implementation of LB
1222 [2006]: Motion made by Commissioner Tim Schram,
seconded by Commissioner Frank Landis, to enter an order amending the
interim policy. 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 Commis-
sioner Frank Landis, to enter orders granting funding requests for GIS
software maintenance. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.05 In the Matter of Hall County, Grand Island, seeking funding
approval for recurring and non-recurring costs associated
with Enhanced Wireless 911 implementation.

911-023.12 In the Matter of Washington County, Blair, seeking funding
approval for recurring and non-recurring costs associated
with Enhanced Wireless 911 implementation.

911-023.44 In the Matter of Polk County, Public Safety Answering
Point, Osceola, seeking funding approval for recurring and
non-recurring costs of Enhanced Wireless 911 implementation.

911-023.60 In the Matter of Rock County, Public Safety Answering
Point, Bassett, seeking funding approval for recurring and
non-recurring costs of Enhanced Wireless 911 implementation: Motion
made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis,
to enter an order granting an equipment funding request. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the following complaints. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-030.15 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, vs. KDDI America, Inc., Respondent.

911-030.20 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, vs. STI Prepaid, LLC, Respondent.

911-030.21 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. TON Services, Inc., Ogden, Utah, Respondent.

911-033.03 In the Matter of Sue Vanicek, Director, Telecommunications
911-033.04 Infrastructure and Public Safety Department, Complainant, v. Great Call, Inc., Respondent.

911-039/
PI-145 In the Matter of the Commission, on its own motion, seeking to investigate issues associated with Viper 911 equipment: Commissioner Jerry Vap appointed as Hearing Officer.

Motion made by Commissioner Vap, seconded by Commissioner Landis, to enter an order opening the docket and requesting comments, due no later than January 16, 2009. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

Sue Vanicek discussed the implementation of Wireless E-911 Phase II capability throughout the State. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to issue a press release regarding Nebraska's present Phase II capability. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26: Frontier Communications d/b/a Citizens: Commissioner Rod Johnson was appointed as Hearing Officer.

NUSF-69.02 In the Matter of the Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Long Lines Wireless LLC: Motion made by Commissioner Landis, seconded by Commissioner Schram, to enter an order granting Viaero's petition for informal intervention. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE. Sue Vanicek discussed the Protective Order issued by the Hearing Officer on December 10, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

CC Docket 01-92 In the Matter of Developing a Unified Intercarrier Compensation Regime: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to file reply comments jointly with the Regional Oversight Committee (ROC) states, due December 22, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the Wireless E-911 Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant a one-time waiver request from Cause Based Commerce for their late-filed worksheets for the data periods of January, 2008 through September, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to levy late fees against Public Communications Services and Metropolitan Telecommunications and that Complaints be opened against Globalstar USA, LLC and McLeod USA Telecommunications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0015 In the Matter of Seminole Energy Services, LLC Petition to Withdraw Competitive Natural Gas Provider Certificate originally granted to Midwest United Energy: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting withdrawal of certificate. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0055/
PI-143 In the Matter of the Commission, on its own motion, seeking to investigate revenue decoupling and energy efficiency programs for natural gas public utilities: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Landis presiding as Hearing officer.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter Assessment Orders in Dockets FC-1327, NG-0039, NG-0041 and NG-0046/PI-128. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

- FC-1327 In the Matter of the Formal Complaint of the Nebraska
HS-0024 Public Advocate seeking a determination that Kinder
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-0010 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 Hear-
ing Officer.
- NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
HS-0036 (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.
- NG-0046/ In the Matter of the Commission, on its own motion, seeking
PI-128 to investigate certain customer service issues and plans
HS-009 relating to SourceGas Distribution LLC, f/k/a Kinder
Morgan, Inc., Lakewood, Colorado. Commissioner Vap pre-
siding as Hearing Officer.

TRANSPORTATION DEPARTMENT

- B-1733 In the Matter of Papio Transport Service, Papillion, seek-
ing authority as a common carrier in Nebraska intrastate
commerce in open class service in the transportation of passengers and
their baggage by vans and SUVs over irregular routes between points in
Douglas and Sarpy counties, and between points in said counties. HHS
Designation: Yes. RESTRICTION: The transportation of railroad train
crews and their baggage is not authorized. Commissioner Schram pre-
siding as Hearing Officer: Mark Breiner informed the Commission that
a Hearing Officer's Order was entered December 9, 2008, continuing the
hearing previously scheduled for December 10 and 11, 2008, to
January 22 and 23, 2009, at 9:30 a.m. in the Commission Hearing
Room, Lincoln, and Nebraska State Office Building, 1313 Farnam, Room
207, Omaha.

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 \$.50 per mile and Tariff 22 fuel surcharge was decreased to \$1.56 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

In the Matter Commodore Homes of Indiana's request to relocate modular homes to Nebraska: Mark Breiner reported that the Nebraska Uniform Standards for Modular Housing Units Act and department rules and regulations allows for seals to be issued per manufacturer's request.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2940 In the Matter of 4-G Ag, Inc., Stromsburg, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending September 30, 2009: 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.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, 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.

Parrish, Blessing & Associates Inc.	\$	4,000.00
Voyager		999.38
Rod Johnson		630.63
Gerald Vap		824.88

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the 2009 agency filing fees. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to authorize all Commissioners to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC from February 15-18, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Gene Hand, Laura Demman and Sue Vanicek to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC from February 12-18, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram to attend the Mid-America Regulatory Conference (MARC) Winter Meeting to be held in San Antonio, Texas from January 8-11, 2009, with all expenses to be paid by MARC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to allow Commission employees to carry forward accrued vacation leave to 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to place a General Administration employee on catastrophic leave. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:38 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 January 6, 2009, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 5, 2009.

Chair

Executive Director