

Chairman Frank Landis 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. Chairman 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. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published January 28, 2009 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 3, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Friday, February 6, 2009:

NG-0055/  
PI-143  
9:30  
Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to investigate revenue decoupling and energy efficiency programs for natural gas public utilities. Commissioner Landis presiding as Hearing Officer.

#### Monday, February 9, 2009:

NUSF-50  
2:00  
Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26: Sue Vanicek informed the Commission that a waiver request was received from Citizens Telecommunications Company of Nebraska, d/b/a Frontier Communications of Nebraska. Commissioner Rod Johnson presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in January 2009. She reported there were a total of 76 complaints: 47 - wireline and 29 - wireless. The complaints were categorized as follows: 37 billing, 26 service and 13 miscellaneous issues.

C-3945/  
NUSF-  
60.02/  
PI-138  
In the Matter of the Commission, on its own motion, seeking 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 Rod Johnson, to deny Qwest's proposed increase in its intrastate switched access rates. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3985 In the Matter of BLC Management LLC d/b/a Angles Communication Solutions, Arlington, Tennessee, seeking authority to provide resold and facilities-based/UNE local exchange and inter-exchange telecommunication services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, 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-3999 In the Matter of LDMI Telecommunications, Inc. d/b/a LDMI Long Distance, Southfield, Michigan, seeking to voluntarily relinquish its authority to provide resold interexchange long distance services in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application to withdraw their certificate. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3997 In the Matter of Embarq Corporation, Overland Park, Kansas, and CenturyTel, Inc., Monroe, Louisiana, seeking approval of the transfer of control of United Telephone Company of the West d/b/a Embarq and Embarq Communications, Inc. Commissioner Jerry Vap presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer Order was entered January 27, 2009, scheduling a hearing for February 10, 2009, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

Gene Hand informed the Commission that the Telecommunications Relay Service (TRS) Advisory Committee will meet on February 12, 2009, at 1:30 p.m. at the Nebraska Commission for the Deaf and Hard of Hearing Office, 1313 Farnam On-The-Mall, Room H (Third Floor), Omaha.

Gene Hand distributed a comparison of the broadband provisions of S.366 and H.R.16 developed by the National Association of Regulatory Utility Association (NARUC) staff and specifically pointed out the speed requirements contained in both bills.

Gene Hand reviewed the schedule of public meetings scheduled for February 3-5, 2009, addressing Qwest's proposed business rate increase.

Upon agreement of all Commissioners, a letter supporting S.211 and H.R.211 will be sent to Nebraska's congressional delegation and Governor Heineman.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-23.33 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: Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order scheduling a hearing for February 25, 2009 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting AYE.

Sue Vanicek informed the Commission that the E911 Advisory Board meeting has been scheduled for April 6, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln and via video-link Avera St. Anthony Hospital, 2nd and Adams Streets, Lower Level Conference Room, O'Neill.

Sue Vanicek discussed the Wireless E-911 Testing requirements: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to open a complaint against Alltel for failure to schedule testing prior to activating wireless enhanced 911 services in Washington County. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the Wireless E-911 Quarterly Reporting requirements: Sue Vanicek informed the Commission that the Quarterly Report Complaint against PNG Telecommunications, previously approved by the Commission, will not be filed as they are no longer providing wireless service in Nebraska.

NUSF-1 In the Matter of the Commission, on its own motion, seeking PO #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve a refund to Charter-Fiberlink Nebraska, Inc. for their overpayment exceeding 10% based on their NUSF Remittance Audit for years 2002 through 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to grant an extension of time to complete the NUSF Remittance Worksheet audit due December 31, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

NUSF-1 In the Matter of the Commission, on its own motion, seeking PO #7 to establish guidelines for administration of the Nebraska Universal Service Fund: McLeodUSA until March 31.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-1            In the Matter of the Commission, on its own motion, seeking  
PO #7            to establish guidelines for administration of the Nebraska  
                  Universal Service Fund: Global Crossing until April 30.

NUSF-1            In the Matter of the Commission, on its own motion, seeking  
PO #7            to establish guidelines for administration of the Nebraska  
                  Universal Service Fund: Motion made by Commissioner Anne  
Boyle, seconded by Commissioner Tim Schram, to waive the yearly NUSF  
remittance audit requirement for DelTel, Inc. due to the minimal amount  
of DelTel's yearly revenues. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.        In the Matter of Sue Vanicek, Director, Telecommunications  
178            Infrastructure and Public Safety Department, Complainant,  
                  v. Globalstar USA, LLC, Respondent: Motion made by Com-  
missioner Tim Schram, seconded by Commissioner Rod Johnson, 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-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: This matter was addressed  
                  during the Communication's Department agenda.

NATURAL GAS DEPARTMENT

NG-0056        In the Matter of Asgard Energy LLC, Denver, Colorado, seek-  
                  ing authority for a Competitive Natural Gas Provider Certi-  
ficate in the state of Nebraska: Motion made by Commissioner Jerry  
Vap, seconded by Commissioner Rod Johnson, to enter an order granting  
authority. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE.

                  Laura Demman reported a total number of 64 consumer com-  
plaints and inquiries received at the Commission during January, 2009.  
For each company: Black Hills-22; SourceGas-40; and NorthWestern-2.

RULES AND REGULATION

Rule and        In the Matter of the Commission, on its own motion, seeking  
Regulation     to amend Title 291, Chapter 1, Rules of Commission Proce-  
#161            dure, to rewrite a substantial portion of the rules; cor-  
                  rect technical errors, grammar, punctuation, spelling,  
sequential numbering and the like; and reprint the chapter in its  
entirety: Motion made by Commissioner Rod Johnson, seconded by Com-  
missioner Jerry Vap, to enter an Order releasing the second set of rules  
and seeking public comment. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Directors recommendations to support LB 181, 183, 330 and 435. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1719 In the Matter of Cornbelt Development, dba Travel Plus Limousines, Sioux City, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service by luxury sedan limousines with a rated capacity of ten (10) passengers or less between points in Dakota, Dixon, Thurston, Wayne, Pierce, Knox, and Cedar counties and between points in said counties, on the one hand, and, on the other hand, Eppley Airfield, Omaha, Nebraska. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of passengers and their baggage between Eppley Airfield, Omaha, Nebraska, on the one hand, and, on the other hand, points in Douglas County or points in Nebraska except for points in Dakota, Dixon, Thurston, Wayne, Pierce, Knox, and Cedar counties is not authorized. HHS designation: No: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application as modified. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1727 In the Matter of Confidential Transportation, Inc., Omaha, seeking authority as a common carrier in open class service in the transportation of individuals having a primary diagnosis of mental illness, between mental health clinics located within that part of Omaha, Nebraska, bounded by Dodge Street on the south, 72nd Street on the west, the Omaha city limits on the north, and the Missouri River on the east, on the one hand, and, on the other hand, points located within the part of Omaha, Nebraska, so described: Commissioner Boyle presiding as Hearing Officer: Upon agreement of all Commissioners, the video hearing previously scheduled for a date later to be determined was scheduled for March 11, 2009, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and Nebraska State Office Building, 1313 Farnam, Room 207, Omaha.

Rate Division

LR-293 In the Matter of Cornbelt Development dba Travel Plus Limousines, Sioux City, Iowa, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$.42, and the Tariff 22 fuel surcharge was decreased to \$.68.

GRAIN WAREHOUSE DEPARTMENT

GW-279 In the Matter of Farmers Cooperative, Dorchester: John Fecht discussed the shortage of wheat and oats.

Grain Dealer Division

GD-2925 In the Matter of Paul Edward Yekel, Hay Springs, seeking cancellation of his Grain Dealer License: John Fecht informed the Commission that the license was cancelled effective January 7, 2009.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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.

Rod Johnson	\$ 926.25
Tim Schram	525.80

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to renew the ESRI maintenance contract. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to purchase Managed AntiVirus software and Encrypted backup support service from the Division of Communications. 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 Anne Boyle, to approve the Executive Director's recommendation to purchase four personal computers. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to open the position of Grain Warehouse Examiner for hire. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission went into closed session at 10:45 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:47 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to extend the probation period for an agency employee to February 28, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:49 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 February 10, 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 February 9, 2009.

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Chairman

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Executive Director