

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused. 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 February 18, 2009 on Page 10 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 24, 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:

Wednesday, February 25, 2009:

911-23.33 Commission Hearing Room, Lincoln. 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 Frank Landis presiding as Hearing Officer.

Thursday, February 26, 2009:

C-3206 Commission Hearing Room, Lincoln, with video connections at NIEF Columbus Public Library, Columbus Room, 2nd Floor, 2504 14th Street, Columbus, and Western NE Community College, Room 122, 371 College Drive, Sidney. Meeting of the Nebraska Internet Enhancement Fund Advisory Board. 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.

COMMUNICATIONS DEPARTMENT

C-3997 In the Matter of Embarq Corporation, Overland Park, Kansas, and CenturyTel, Inc., Monroe, Louisiana, seeking approval of 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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4145/ NUSF-74/ PI-147 In the Matter of the Commission, on its own motion, seeking to conduct an investigation on intrastate switched access charge policies and regulation codified in Neb. Rev. Stat. section 86-140: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order opening the docket, seeking comment and appointing Commissioner Frank Landis as Hearing Officer. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders approving applications C-4003 and C-4005. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4003 In the Matter of United Telephone Company of the West d/b/a Embarq, Overland Park, Kansas, seeking approval of an Interconnection, Collocation and Resale Agreement with Action Communications, Inc., Scottsbluff:

C-4005 In the Matter of United Telephone Company of the West d/b/a Embarq, Overland Park, Kansas, seeking approval of a Resale Interconnection Agreement with American Fiber Network, Inc., Overland Park, Kansas:

E-2138 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting an extension of time to May 3, 2009, to complete construction. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Gene Hand distributed information on new cell phone technology designed to unblock and reveal callers identities and numbers even after callers have tried to block the information.

Gene Hand discussed the most recent National Association of Regulatory Utility Commissioners (NARUC) materials regarding the stimulus package circulated electronically to the Commissioners.

Gene Hand informed the Commission that the Federal Communications Commission (FCC) released Form 477 instructions (Broadband Services Data Collection Form) and extended the deadline for filing from March 2 to March 16, 2009.

Gene Hand provided a report on the NARUC Winter Committee Meetings held February 13-18, 2009, in Washington, D.C.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-030.12 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Consumer Cellular, Inc., Respondent: Sue Vanicek discussed the Hearing Officer's order entered February 9, 2009, continuing the hearing previously scheduled for February 10, 2009 to a date later to be determined.

911-024.27 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Nebraska Air National Guard. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting repository access. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-029.07 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Alltel Communications of Nebraska, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing the complaint. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders in Dockets 911-030.12, 911-030.26 and 911-030.25 dismissing the complaints. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-030.12 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Consumer Cellular, Inc., Respondent. The hearing previously scheduled for a date later to be determined was cancelled.

911-030.25 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Atrium Wireless Partners, LLC, Respondent.

911-018/
PI-117 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Sprint Spectrum, Nextel West Corporation, NPCR, Inc. and Nextel Boost West LLC. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to grant Sprint's request for an extension of time until March 31, 2009 to complete the E911 Remittance Audits for 2007 due December 31, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-018/ In the Matter of the Commission, on its own motion, seeking
PI-117 to establish guidelines for administration of the Nebraska
Universal Service Fund: Iowa Wireless dba i-wireless,
Urbandale, Iowa. Motion made by Commissioner Jerry Vap, seconded by
Commissioner Rod Johnson, to enter an order granting i-wireless of
Urbandale, Iowa an audit waiver for the 2007 Nebraska E-911 Remittance
Worksheet audit. Motion passed with Commissioners Johnson, Landis,
Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

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: LCR Telecommunications, LLC. Motion
made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap,
to grant the request of LCR Telecommunications' for an extension of
time until until May 1, 2009 to complete the NUSF 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 excused not voting.

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

NUSF-69 In the Matter of the Commission, on its own motion, seeking
PO #4 to implement policies and procedures related to providing
dedicated universal service support for wireless telecom-
munications services: Motion made by Commissioner Jerry Vap, seconded
by Commissioner Rod Johnson, to enter an order regarding requests for
future dedicated wireless program support. Motion passed with Commis-
sioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE, and Commissioner Anne Boyle excused not voting.

NUSF-74/ In the Matter of the Commission, on its own motion, seeking
C-4145/ to conduct an investigation on intrastate switched access
PI-147 charge policies and regulations, codified in Neb. Rev. Stat.
Section 86-140: This matter was discussed on the Communica-
tion's Department agenda.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remit-
tances: Motion made by Commissioner Vap, seconded by Commissioner
Johnson, to levy a late fee against Henderson Cooperative Telephone,
to open complaints against Cozad Telephone Company and LCR Telecom-
munications, LLC. and to grant the waiver request from Broadview Net-
works, dismissing the previously approved complaint in NUSF-37.182.
Motion passed with Commissioners Johnson, Landis, Schram and Vap
voting AYE, and Commissioner Boyle excused not voting.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Vap, seconded by Commissioner Rod Johnson, to enter Assessment Orders in Docket's FC-1327, NG-0041, NG-0046/PI-128 and NG-0053. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1327 In the Matter of the Formal Complaint of the Nebraska
HS-0026 Public Advocate seeking a determination that Kinder Morgan,
Inc. and/or its successor in interest, SourceGas Distribu-
tion, 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. Commis-
sioner Vap presiding as Hearing Officer.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
HS-0038 (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/
PI-128 In the Matter of the Commission, on its own motion, seeking
HS-0011 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.

NG-0053 In the Matter of Nebraska Resources Company, LLC, Tulsa,
HS-0016 Oklahoma, seeking a Certificate of Public Convenience and
Necessity authorizing it to operate as a jurisdictional
utility in Nebraska and approval of tariff. Commissioner
Landis presiding as Hearing Officer.

Laura Demman provided a report on the NARUC Winter
Committee Meetings held February 13-18, 2009, in Washington, D.C.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and
#153 Regulations, to rewrite the chapter in its entirety and
format per Secretary of State requirements: Motion made by
Commissioner Johnson, seconded by Commissioner Schram, to enter an
order closing the docket. Motion passed with Commissioners Johnson,
Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not
voting.

LEGISLATIVE REPORT

Mike Hybl updated the Commission on the federal government broadband stimulus plan and the conversations that will occur with the Governor's Policy Research Office. Angela Melton updated the Commission on the status of the watch items.

TRANSPORTATION DEPARTMENT

B-1683 In the Matter of CUSA ES, LLC, dba Express Shuttle, seeking a name change to CUSA ES, LLC, dba Coach America Crew Transport: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the name change. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1650 In the Matter of Eastern Horizon Transportation, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage between points in Douglas, Sarpy, Cass, and Washington counties, on the one hand, and points between said counties on the other hand. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle presiding as Hearing Officer: Upon agreement of all Commissioners present, the hearing previously scheduled for a date later to be determined was scheduled for March 25, 2009, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and Nebraska State Office Building, 1313 Farnam, Room 207, Omaha.

B-1709 In the Matter of Safe Wheels Transportation, Omaha, seeking authority as a contract carrier in open class service in the transportation of clients of the Nebraska Department of Health and Human Services and their baggage by van between points in Douglas County, Nebraska, by van over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order denying the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1727 In the Matter of Confidential Transportation, Inc., Omaha, seeking authority in open class service as a common carrier in Nebraska intrastate commerce by vans over irregular routes 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. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle presiding as Hearing Officer:

TRANSPORTATION DEPARTMENT (Cont.)

B-1727 (Cont.) Mark Breiner informed the Commission that a Hearing Officer's Order was entered February 24, 2009 continuing the hearing previously scheduled for March 11, 2009, to a date later to be determined.

B-1733 In the Matter of Papio Transport Service, Papillion, seeking authority as a common carrier in open 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. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Mark Breiner informed the Commission that a Hearing Officer's order was entered February 24, 2009, granting a motion for leave to withdraw as counsel filed by Bradford Kistler.

Rate Division

BR-346 In the Matter of Trease Enterprises dba Special Moments Limousine, Clearwater, seeking authority to amend its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 \$.36 per mile and the Tariff 22 fuel surcharge was decreased to \$.08 per truck per trip.

A discussion was held regarding the Nebraska Institute for Transportation Coordination Conference to be held in Kearney from March 16-18, 2009.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-1757 In the Matter of Seger Grain, Inc., Atkinson, seeking cancellation of its Grain Dealer License: License cancelled effective February 14, 2009.

GW-1599 In the Matter of Alvo Grain, Alvo: John Fecht discussed
GD-1599 the Cass County District Court rulings on the three appeals regarding the Commission's grain warehouse claims order.

Commissioner Rod Johnson left the Commission Hearing Room.

GENERAL ADMINISTRATION

Commissioner Rod Johnson returned to the Commission Hearing Room.

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

Attorney General	\$	2,722.00
Dell		871.17
Dell		871.17
Dell		871.17
ESRI		1,400.00
Larry Fauss		990.00
Maurice Gene Hand		1,344.78
Anne Boyle		910.40
Rod Johnson		1,099.83
Tim Schram		871.52
Gerald Vap		1,250.24

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	2,160.00
Associated Hearing Health Care		1,164.93
B Hear Inc.		470.63
Belton		2,020.20
DynaVox Systems Inc.		1,000.00
Grand Island Hearing Aid Center		2,285.45
Harris Communications		690.75
Carl A. Johnson Jr.		190.55
Johnson Hearing Aid Service		1,015.07
K-D Communications		2,948.55
Professional Hearing Aid Services		1,492.50
Sherard Hearing Aid Center		2,745.89
Teltex, Inc.		900.46
Western ENT Associates		378.95
Weitbrecht Communications		1,330.80

The following payments were made between February 11, 2009 and February 23, 2009 and should be ratified:

Central Finance-Office Supplies	\$	645.38
Central Finance-IM Services		533.26
Central Finance-Office Supplies		809.69
Central Finance-IM Services		544.25

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Kent Pribyl to travel to Sabetha, Kansas, on February 27, 2009, to investigate a modular housing unit consumer complaint with all expenses, including time, to be reimbursed to the Commission by Quality Homes, Inc., Summerfield, Kansas. This trip was previously authorized for travel on February 13, 2009 but was cancelled. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to accept the resignation of an employee in the Grain Warehouse Division. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to open the Grain Warehouse Examiner position for hire. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission entered into closed session at 11:05 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission returned to open session at 11:25 a.m.

The meeting adjourned at 11:27 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present, and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on March 3, 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 March 2, 2009.

Chairman

Executive Director