

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 March 3, 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 March 10, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, March 10, 2009:

C-4141 Commission Hearing Room, Lincoln.
1:30 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System (TRS) to be effective July 1, 2009, in the State of Nebraska. Commissioner Tim Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund (NIEF.) Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order awarding grants. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson voting NAY. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to accept the resignation of an NIEF board member and grant approval to advertise for applicants to fill the position. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Gene Hand informed the Commission that \$117.94 was transferred out of the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund on March 6, 2009.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter orders approving applications C-4137 through C-4140, and C-4142. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4137 In the Matter of Charter Fiberlink-Nebraska, LLC, St. Louis, Missouri, seeking approval of an Extended Area Service Agreement with The Glenwood Telephone Membership Corporation, Blue Hill.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4138 In the Matter of Charter Fiberlink-Nebraska, LLC, St. Louis, Missouri, seeking approval of an Extended Area Service Agreement with Arapahoe Telephone Company, d/b/a ATC Communications, Arapahoe.
- C-4139 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Wireline Interconnection Agreement with BLC Management, LLC d/b/a Angles Communications Solutions, Arlington, Tennessee.
- C-4140 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Wholesale Service Order Charge Amendment to the Interconnection Agreement with McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services, Hiawatha, Iowa, previously approved in Docket C-2023.
- C-4142 In the Matter of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking approval of an Interconnection Agreement with Bandwidth.com CLEC, LLC, Cary, North Carolina.

Gene Hand informed the Commission of Lincoln Electric System's Open House scheduled for 6-8 p.m. on March 17, 2009, to receive public input on an electric transmission line at the Walter A. Canney Service Center, 2620 Fairfield Street, Lincoln, routing procedures and criteria.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-033.08 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Cause Based Commerce, Inc., Respondent(s): Motion made by Commissioner 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.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving funding requests in Dockets 911-023.69, 911-023.77 and 911-023.78. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.69 In the Matter of Richardson County, Falls City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.77 In the Matter of Webster County, Public Safety Answering Point, Red Cloud, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-23.78 In the Matter of Garden County, Public Safety Answering Point, Oshkosh, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter orders dismissing complaints NUSF-37.184 and NUSF-37.185. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.184 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Deltel, Inc., Respondent(s).

NUSF-37.185 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Globalstar USA, LLC, Respondent(s).

Sue Vanicek discussed the Nebraska Universal Service Fund (NUSF) Advisory Board Membership. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson to approve retention of Rodney Thiemann on the NUSF Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Angela Melton updated the Commission on the status of the watch items.

TRANSPORTATION DEPARTMENT

B-1706 In the Matter of Transportation of Yesteryears, LLC, Omaha, seeking authority as a common carrier in Nebraska intra-state commerce in charter and special party bus in the transportation of passengers and their baggage between points in Douglas, Sarpy, and Cass counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Vap, seconded by Commissioner Johnson, to enter an order dismissing the application. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

Rate Division

BR-347 In the Matter of Caring People Sudan, Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Anne Boyle, 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.

TRANSPORTATION DEPARTMENT (Cont.)

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 retained at \$.36 cents per mile, and the Tariff 22 at zero.

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.

Central Finance-Network Charges	\$	3,485.25
Voyager		1,487.56
West		855.75

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to schedule Commission meeting dates for the second quarter, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

April 7, 14, 21, 28
May 5, 12, 19, 27
June 2, 9, 23, 30

There will be no meeting held on June 16, 2009.

The meeting adjourned at 10:25 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 March 17, 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 16, 2009.

Chairman

Executive Director