

Chairman Frank Landis called the regularly scheduled meeting to order at 10:02 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 31, 2009 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 7, 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:

Tuesday, April 7, 2009:

MCC-3167 Commission Hearing Room, Lincoln. In the Matter of Mark J. Breiner, Director, Transportation Department, Complainant, 1:30 vs. Fugitive Transport Services, Inc., Bryan's Team Moving, M & A Trucking, Inc., and Transfer 88, Defendants. Commissioner Tim Schram presiding as Hearing Officer.

MR-1009/ Commission Hearing Room, Lincoln. In the Matter of the PI-70 prescription of reasonable rates and charges for motor 1:45 carrier passengers and property for hire subject to the provision of Neb. Rev. Stat (Reissue 2006), Chapter 75, Articles 1 and 3. Commissioner Tim Schram presiding as Hearing Officer.

Thursday, April 9, 2009:

C-4153/ Commission Hearing Room, Lincoln. Workshop. In the Matter PI-148 of the Commission, on its own motion, seeking to investi- 10:00 gate Windstream Nebraska, Inc.'s tariff provision regarding non-proration of charges billed one month in advance when a customer initiates account action. Commissioner Frank Landis presiding as Hearing Officer. Call in number is 877-229-1563, Access Code 04090948.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in March 2009. She reported there were a total of 81 complaints: 48 - wireline and 33 - wireless. The complaints were categorized as follows: 39 billing, 24 service and 18 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4153/
PI-148 In the Matter of the Commission, on its own motion, seeking to investigate Windstream Nebraska, Inc.'s tariff provision regarding non-proration of charges billed one month in advance when a customer initiates account action. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer Order was issued March 31, 2009, moving the workshop from April 8th to April 9th at 10:00a.m. in the Commission Hearing Room, Lincoln. There will be a conference call bridge available at 1-877-229-1563, Access Code 04090948.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.02 In the Matter of Douglas County, Public Safety Answering Point, Omaha, seeking funding approval for recurring and non-recurring costs of enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving a funding request in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.73 In the Matter of Dundy County, Public Safety Answering Point, Benkelman, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Commissioner Vap presiding as Hearing Officer. Sue Vanicek discussed the Hearing Officer's Order entered April 2, 2009 scheduling a video hearing for April 21, 2009 at 2:00 p.m. in the Commission Hearing Room, Lincoln, and the Educational Service Unit #16, Distance Learning Room, 1221 West 17th Street, North Platte, Nebraska.

911-23.81 In the Matter of MidRivers 911, Public Safety Answering Point, Campbell, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Commissioner Johnson presiding as Hearing Officer. Sue Vanicek discussed the Hearing Officer's Order entered April 6, 2009 scheduling a video hearing for April 21, 2009 at 2:00 p.m. in the Commission Hearing Room, Lincoln, and the Educational Service Unit #16, Distance Learning Room, 1221 West 17th Street, North Platte, Nebraska.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications
186 Infrastructure and Public Safety Department, Complainant,
v. LCR Telecommunications, LLC, Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

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. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed a Hearing Officer's order entered April 2, 2009, scheduling a workshop for May 13, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders closing dockets P-0012.23 thru P-0012.25. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

P-0012.23 In the Matter of Black Hills Corporation, Omaha, providing
P-0012.24 notice required by *Neb. Rev. Stat.* Section 66-1863, as
P-0012.25 amended, that it intends to extend or enlarge its service area or extend a gas main.

Laura Demman reported a total number of 41 consumer complaints and inquiries received during March. For each company: Black Hills - 8; SourceGas - 29; NorthWestern - 0; and Other Entities - 4.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1441 In the Matter of R&F Hobbies, Inc., dba Prince of the Road,
Supp. 4 seeking to extend its authority in Certificate B-1141 as follows: Specialized intrastate youth transportation for youths 17 and under and their baggage to include all parties involved in youth family support and protection over irregular routes by sedan, SUV, van or cutaway van up to 15 passengers between points in Nebraska. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Landis presiding as Hearing Officer: Mark Breiner advised the Commission that a Hearing Officer's Order was entered April 7, 2009, continuing the hearing previously scheduled for April 22, 2009, to April 29, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

M-14202 In the Matter of Jesse R. Stoops, dba Midwest Professionals, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods within the Omaha metropolitan area over irregular routes: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-348 In the Matter of Alvin D. Kramer, Beemer, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, 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.

LR-295 In the Matter of A Superior Limousine, Tekamah, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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.

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 \$.44 per mile and the Tariff 22 fuel surcharge was decreased to \$.84 per truck per day.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A & E Rates: John Fecht informed the Commission that a Hearing Officer's order was entered April 2, 2009 scheduling a hearing for May 12, 2009 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

GW-17 In the Matter of Farmers Cooperative Association, Eustis: John Fecht discussed the shortage of wheat and soybeans.

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.

Hamilton Telecommunications	\$	44,085.65
The Liberty Consulting Group		980.23
Kent Pribyl		1,344.82
Anne Boyle		685.00
Tim Schram		748.00

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alltel Wireless	\$	154.99
Associated Hearing Health Care		2,358.28
B Hear Inc		1,117.15
Beltone		934.65
Glassman's Hearing Aid Service		121.94
Johnson Hearing Aid Service		868.44
K-D Communications		2,948.55
Professional Hearing Aid Services		759.75
Sherard Hearing Aid Center		1,701.15
Teltex, Inc.		379.07
Weitbrecht Communications		3,163.75
Western ENT Associates		224.00

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Mark Breiner to travel to and attend the National Conference of State Transportation Specialists to be held in Hershey, Pennsylvania, from June 13-18, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 April 14, 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 April 13, 2009.

Chair man

Deputy Director