

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 May 12, 2009 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 19, 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, May 19, 2009

NUSF-32.08 Commission Hearing Room, Lincoln. Commissioner Rod Johnson
1:30 presiding as Hearing officer. In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission rules or orders and to impose administrative fines:

Ionex Communications North, Inc.
Amerivision
Amp'd Mobile
Verizon Select Services
ACN Digital Phone
Business Productivity Solutions
Metropolitan Telecom
GP Communications
Houlton
Quantumshift
Reduced Rate Long Distance
Telrite Corp.
Tri-M Communications

Wednesday, May 20, 2009

NUSF-4 Commission Hearing Room, Lincoln. In the Matter of the
P.O. 14 Commission, on its own motion, seeking to determine the
10:00 level of the fund necessary to carry out the Nebraska
Telecommunications Universal Service Fund Act beginning
July 1, 1999. Commissioner Frank Landis presiding as
Hearing Officer.

COMMUNICATIONS DEPARTMENT

- C-4160 In the Matter of Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, Arlington, Virginia, seeking a name change to Verizon Long Distance LLC: Motion made by Commissioner Anne Boyle, 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.
- C-4164 In the Matter of Americatel Corporation, Rockville, Maryland, seeking approval of a new business name of Startec: 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.
- C-4163 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a DC Power Measurement Amendment to the Interconnection Agreement with MCImetro Access Transmission Services, LLC, Ashburn, Virginia, previously approved in Docket C-3703: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the application. 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 enter orders granting applications E-2210 thru E-2213. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
- E-2210 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Sherman and Valley Counties.
- E-2211 In the Matter of Custer Public Power District, Broken Bow, seeking authority to construct, operate and maintain an electric transmission line in Lincoln and Logan Counties.
- E-2212 In the Matter of Custer Public Power District, Broken Bow, seeking authority to construct, operate and maintain an electric transmission line in Lincoln County.
- E-2213 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4145/ In the Matter of the Commission, on its own motion, seeking
NUSF-74/ to conduct an investigation on intrastate switched access
PI-147 charge policies and regulation codified in Neb. Rev. Stat.
section 86-140. Commissioner Frank Landis presiding as
Hearing Officer: Gene Hand informed the Commission that a Hearing
Officer order was entered May 13, 2009, seeking reply comments due
on Wednesday, May 27, 2009.

Gene Hand reported that insufficient protests were filed seeking Commission review of the Elsie Communications, Inc. and Dalton Telephone Company rate increases; therefore, the companies were notified to proceed with implementing the new rates.

WC 07-244 Gene Hand discussed the Federal Communications Commission
CC 95-116 (FCC's) Report and Order in WC Docket 07-244 and CC Docket
95-116 released May 13, 2009, whereby the FCC adopted a one
day interval for simple wireline and simple intermodal ports.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-036/ In the Matter of the Commission, on its own motion, seeking
PI-136 to investigate and establish procedures for the designation
of Public Safety Answering Points for the Implementation of
Enhanced Wireless 911 Service: Motion made by Commissioner Jerry Vap,
seconded by Commissioner Tim Schram, to enter an order adopting 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 Commissioner Rod Johnson, to enter orders granting the funding requests in Dockets 911-023.36 and 911-023.28. Commissioner Anne Boyle announced that she wanted to vote separately on both dockets. Commissioner Jerry Vap withdrew the motion.

911-023.36 In the Matter of the City of Lincoln/Lancaster County,
Public Safety Answering Point, Lincoln, seeking funding
approval for recurring and non-recurring costs associated with
Enhanced Wireless 911 implementation: Motion made by Commissioner
Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order
granting funding request. Motion passed with Commissioners Rod
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and
Commissioner Anne Boyle voting NAY.

911-023.28 In the Matter of Clay County, Public Safety Answering
Point, Clay Center, 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 an order suspending the 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.)

911-23.80 In the Matter of Pierce County, Public Safety Answering Point, Pierce, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to appoint a Hearing Officer and enter an order scheduling a hearing for June 9, 2009 at 1:30 p.m. in the Commission Hearing Room, Lincoln with a video-link to Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Rod Johnson appointed as Hearing Officer.

Sue Vanicek reported on the Wireless E-911 Annual Reports due April 30, 2009 that have not been received. Commissioner Tim Schram was appointed as Hearing Officer. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to open a complaint against Metropolitan Telecommunications of Nebraska. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Scram and Jerry Vap voting AYE.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O.#7 to establish guidelines for administration of the Nebraska Universal Service Fund: Sue Vanicek discussed the deviation of NUSF Remittance Agreed Upon Procedures language received from Tri-M Communications. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to accept the third-party audit as submitted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders dismissing the complaints and cancel the hearing previously scheduled for May 19, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37. In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Movida Communications, Respondent.
157

NUSF-37. In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Convergia, Inc., Respondent.
158

NUSF-37. In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Sagir, Inc., Respondent.
161

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-74/ In the Matter of Commission, on its own motion, seeking to
C-4145/ conduct an investigation on intrastate switched access
PI-147 charge policies and regulations codified in Neb. Rev. State
section 86-140: This matter was addressed on the
Communications Department Agenda.

NATURAL GAS DEPARTMENT

FC-1333 In the Matter of the Formal Complaint of Tim Edens, North
Platte, vs. NorthWestern Energy, Sioux Falls, South Dakota,
alleging inaccurate billing. Commissioner Jerry Vap presiding as
Hearing Officer: Laura Demman discussed NorthWestern Energy's Answer
filed on May 13, 2009.

Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Jerry Vap, to enter Assessment Orders in Docket's NG-0041,
NG-0046/PI-128, NG-0057 and NG-0058/DR-0003. Motion passed with Com-
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
HS-0042 (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
GDS-001 relating to SourceGas Distribution LLC, f/k/a Kinder Morgan
HS-0013 Inc., Lakewood, Colorado. Commissioner Vap presiding as
Hearing Officer.

NG-0057 In the Matter of gas supply cost adjustment schedules im-
GDS-001 plemented by SourceGas Distribution LLC, Lakewood,
HS-002 Colorado, pursuant to Neb. Rev. Stat. sec. 66-1854.
Commissioner Vap presiding as Hearing Officer.

NG-0058/ In the Matter of the Petition of Black Hills/Nebraska Gas
DR-0003 Utility Company, LLC d/b/a Black Hills Energy (Black Hills
HS-002 Energy), Omaha, seeking a Declaratory Ruling on decoupling
application procedural filing requirements. Commissioner
Landis presiding as Hearing Officer.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 5, Telecommunications Rules and #172 and Regulations, to add rules regarding customer billing practices: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order opening the docket and seeking comments due June 30, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Frank Landis was appointed as Hearing Officer.

LEGISLATIVE REPORT

The Executive Director informed the Commission that the budget process at the Legislature was nearing a conclusion and that any budget veto's by the Governor would be presented shortly to the Legislature to set upon.

The Executive Director advised the Commission that Legislative interim study resolutions have been introduced and reviewed resolutions of interest.

TRANSPORTATION DEPARTMENT

B-1441 In the Matter of R&F Hobbies, Inc., dba Prince of the Road, Supp. 4 Ravenna, seeking to extend the authority in B-1441 to specialized intrastate youth transportation for youth 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: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1724 In the Matter of Midwest Transportation, LLC, Lincoln, seeking authority as a contract carrier in the transportation of passengers and their baggage by vans in open class service in the state of Nebraska over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The Hearing Officer will enter an order continuing the hearing previously scheduled for May 21, 2009, to a date later to be determined.

TRANSPORTATION DEPARTMENT (Cont.)

B-1732 In the Matter of Midwest Transport, LLC dba MWT, Lincoln, seeking authority as a contract carrier in Nebraska intra-state commerce in the transportation of clients of Zone Care USA by vans in open class service between points in Lancaster County. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The Hearing Officer will sign an order continuing the hearing scheduled for May 21, 2009, to a date later to be determined.

B-1738 In the Matter of Panda Transportation, Inc., dba Panda Transportation, Valentine, seeking to acquire, by transfer, the Certificate held by Charles A. Ward dba Panda Transportation, Valentine, in Certificate B-1580: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application and revoking Certificate B-1580. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14115 In the Matter of Vaughn Moving Company, Inc., Omaha, seeking to acquire, through transfer, the authority granted to Ace Moving and Storage, Inc., Omaha, in Certificate M-14178: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application and revoking Certificate M-14178. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

TR-170 In the Matter of Servant Cab Company, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. 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 retained at \$.88 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A and E Rates: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order setting Schedules A and E Rates. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GW-2045 In the Matter of Humphrey Feed & Supply, Inc., Humphrey, seeking to cancel its Grain Warehouse License: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to cancel the license effective April 30, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Grain Dealer Division

GD-371 In the Matter of Prinz Grain & Feed, Inc., West Point, seeking cancellation of its Grain Dealer License: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to cancel the license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GD-2698 In the Matter of Jody Huckfeldt, dba Darrell Huckfeldt Trucking, Hay Springs, seeking to cancel its Grain Dealer License: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to cancel the license effective December 31, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, 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.

Attorney General	\$	2,722.00
Attorney General		2,722.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	380.00
Associated Ear Nose & Throat	203.50
B Hear Inc.	2,200.01
Larry Kent & Associates	1,725.20
Glassman's Hearing Aid	598.58
Grand Island Hearing Aid Center	2,196.00
Harris Communications	755.90
Hearing Clinic Inc	1,420.00
Carl A. Johnson Jr.	574.19

GENERAL ADMINISTRATION (Cont.)

Johnson Hearing Aid Service	\$	146.29
Janet L Killam		982.85
League of Human Dignity		495.70
Midwest Hearing Consultants		2,778.50
Thomas J Tambling		3,335.10
Teltex, Inc.		811.08
U-Save Pharmacy & Medical		650.64
Weitbrecht Communications		4,370.10
Western ENT Associates PC		689.75

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, 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 entered into closed session at 10:33 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, 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 10:48 a.m.

The meeting adjourned at 10:50 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 May 27, 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 May 26, 2009.

Chair man

Executive Director