

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 August 4, 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 August 11, 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, August 12, 2009

911-019/ Workshop. Commission Hearing Room, Lincoln, Grand Island
PI-118 Public Library, 211 North Washington Street, Grand Island;
10:00 Northeast Community College, Maclay Building, Room 122, 801
East Benjamin Avenue, Norfolk and Panhandle Research and
Extention Center, High Plains Room, 4502 Avenue I, Scotts-
bluff. In the Matter of the Commission, on its own motion,
seeking to implement provisions of LB 1222 [2006] and to
establish a permanent funding mechanism for wireless
enhanced 911 Service. Commissioner Anne Boyle presiding as
Hearing Officer.

Monday, August 17, 2009

1:30 Commission Hearing Room, Lincoln. Oral Argument.
Commissioner Tim Schram presiding as Hearing Officer

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc.,
Sioux Falls, South Dakota, seeking a determination that
AT&T Communications of the Midwest, Inc., Denver, Colorado,
failed to pay intrastate access charges billed by Orbitcom
in accordance with Orbitcom's intrastate switched access
tariff.

FC-1335 In the Matter of the Formal Complaint of AT&T Communica-
tions of the Midwest, Inc., Denver, Colorado, seeking a
determination that OrbitCom, Inc., Sioux Falls, South
Dakota, failed to negotiate Intrastate Access Charges and
that OrbitCom's tariffed Intrastate Switched Access Rates
are unfair and unreasonable.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in July 2009. She reported there were a total of 62 complaints: 44 - wireline and 18 - wireless. The complaints were categorized as follows: 34 billing, 15 service and 13 miscellaneous issues.

In the Matter of the State Broadband Data and Development Grant Application, Request for Proposal (RFP) for selection of broadband data collection and mapping services and letter to broadband providers: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the grant application for filing with the National Telecommunications and Information Administration (NTIA), approve the RFP for transmitting to Department of Administrative Services (DAS) purchasing and approve sending the letter to broadband providers. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

WC 04-36/ Gene Hand informed the Commission that the Federal Communi-
FCC 09-40 cations Commission amended its rules so that VoIP service
providers must comply with the same discontinuance of ser-
vice rules as domestic non-dominant telecommunications carriers.

C-4165 In the Matter of the Commission, on its own motion, seeking
to investigate and determine whether it is appropriate for
telecommunications companies to assess intrastate transit charges on
Extended Area Service Traffic. Commissioner Jerry Vap presiding as
Hearing Officer: Gene Hand informed the Commission that a Hearing
Officer's Order was entered August 11, 2009, setting limits to dis-
covery and defining issues for the Hearing.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/ In the Matter of the Commission, on its own motion, seeking
PI-118 to implement provisions of LB 1222 [2006] and to establish
a permanent funding mechanism for wireless enhanced 911
Service: Sue Vanicek discussed the Hearing Officer's Order entered on
August 5, 2009, continuing the hearing previously scheduled for Septem-
ber 30, 2009 to October 7, 2009, at 10:00 a.m. in the Commission Hear-
ing Room, Lincoln.

Sue Vanicek discussed the need for an extra meeting of the
Wireless E-911 Advisory Board tentatively scheduled for August 24,
2009 at 9:00 a.m. in the Commission Hearing Room, Lincoln. Motion
made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle,
to approve the extra meeting of the Wireless E-911 Advisory Board.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1338 In the Matter of the Formal Complaint of Dennis and Kris Stoltenberg, Grand Island, vs. SourceGas Distribution, LLC, Lakewood, Colorado, alleging inflated billing charges, multiple/confusing bills and poor customer service: Laura Demman discussed the formal complaint filed August 5, 2009. If a Statement of Satisfaction is not filed, the answer date for SourceGas Distribution LLC will be August 24, 2009. Commissioner Rod Johnson was appointed as Hearing Officer.

NG-0007.6/ In the Matter of Black Hills Energy, Omaha, seeking to
PI-151 amend the Black Hills Energy Tariff with the Third Revised Tariff Sheet Index No. 8, to provide for an Annual Retail Service Credit, pursuant to *Neb. Rev. Stat. sec. 66-1808*. Commissioner Tim Schram presiding as Hearing Officer: Laura Demman discussed the order entered August 5, 2009 by the Hearing Officer scheduling a Planning Conference for August 19, 2009, at 3:30 p.m. in the Niobrara Conference Room, Lincoln. Participation via telephone will be available at 888-820-1398, access number 2200620#.

TRANSPORTATION DEPARTMENT

MCC-3162 In the Matter of Mark Breiner, Director, Transportation Department, vs. SDG Transportation, Inc., Omaha. Commissioner Landis presiding as Hearing Officer: Mark Breiner informed the Commission that a Hearing Officer's order was entered scheduling a hearing for October 6, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

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 increased to \$.60 per mile, and the Tariff 22 fuel surcharge was increased to \$2.44 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department and brought the Commission up-to-date on other issues.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Emergency Storage: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to implement an emergency storage policy for 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, 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.

AS Central Services - Workers Comp Assessment	\$25,023.00
AS Central Services - Motor Vehicle Liability	3,700.00
Liberty Consulting	70.05
Voyager	2,217.93
West	855.75

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to authorize Commissioner Anne Boyle to attend the National Association of Regulatory Utility Commissioners (NARUC) New Commissioner Training Conference to be held in Washington, DC, from September 20 through September 23, 2009, with most expenses to be paid by NARUC. 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 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 10:53 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, 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 10:57 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve an NTIP's employee to carry a negative sick leave balance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:56 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 August 18, 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 August 17, 2009.

Chair man

Executive Director