

Chairman Frank Landis called the regularly scheduled meeting to order at 9:00 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 September 4, 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 September 10, 2009 at 9:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, September 10, 2009

FC-1336 Commission Hearing Room, Lincoln. In the Matter of the  
9:30 Formal Complaint of Nebraska Technology & Telecommuni-  
cations, Inc., Omaha, alleging violation of the Intercon-  
nection Agreement and of anti-competitive behavior of  
Windstream Nebraska, Inc., Little Rock, Arkansas.  
Commissioner Frank Landis presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in August 2009. She reported there were a total of 66 complaints: 41 - wireline and 25 - wireless. The complaints were categorized as follows: 35 billing, 17 service and 14 miscellaneous issues.

E-2217 In the Matter of the Application of Public Power Generation Agency, Hastings, seeking authority to construct, operate and maintain electric transmission lines in Adams County: 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.

Gene Hand informed the Commission that there will be a Telecommunications Relay Service (TRS) Advisory Committee Meeting on October 23, 2009, at 1:00 p.m. in the 2nd Floor Atrium Conference Room, Lincoln.

Gene Hand announced that a draft of the Annual Report to the Legislature has been provided to the Commissioners who agreed to provide edits on or before September 18, 2009.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.04 In the Matter of Custer County, Broken Bow, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for September 29, 2009 at 2:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Jerry Vap was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter orders for Dockets 911-023.06, 911-023.36 and 911-023.62 approving the funding for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.06 In the Matter of Dodge County Public Safety Answering Point, Fremont, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Equipment Maintenance

911-023.36 In the Matter of the City of Lincoln/Lancaster County, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Equipment and Software Maintenance

911-023.62 In the Matter of Thurston County, Public Safety Answering Point, Pender, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Software Maintenance

911-023.30 In the Matter of Box Butte County, Public Safety Answering Point, Alliance, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the funding request for Phase II LEC costs. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. 198 Atrium Wireless Partners, 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-0057 In the Matter of gas supply cost adjustment schedules implemented by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to *Neb. Rev. Stat.* sec. 66-1854. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter Assessment Order GDS-04. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Laura Demman reported a total number of 27 consumer complaints and inquiries received at the Commission during August. For each company: Black Hills - 8; NorthWestern - 1; SourceGas - 15; and Other Entities - 3.

TRANSPORTATION DEPARTMENT

B-1343 In the Matter of Denver Coach, Inc., Scottsbluff, seeking to acquire, through transfer, the authority held by TF-CF, Inc., dba Touch of Class Limousine, Morrill, in Certificate B-1673: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1739 In the Matter of Ronald A. Krings, dba Good Times Limousine Service, Humphrey, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by limousine between points in Platte, Madison, Stanton, Colfax, Butler, Polk, Merrick, Nance and Boone counties, and between points in said 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 Anne Boyle, 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.

B-1744 In the Matter of Valor Transportation Company, Omaha, seeking to acquire, through transfer, the certificate held by Safeway Transportation, LLC, in Certificate B-1684: Upon agreement of all Commissioners, a video hearing was scheduled for October 8, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln, and the State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Landis was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

LR-309 In the Matter of Leisure Limousine & Sedan, Inc., Lincoln, seeking authority to adjust 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 \$.62 per mile and the Tariff 22 fuel surcharge decreased to \$2.60 per truck per trip.

GENERAL ADMINISTRATION

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Attorney General	\$	2,722.00
Voyager		2,080.63
West		855.75
Kent Pribyl		816.20

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	1,380.00
Audiology Services & HAC	279.95
B Hear Inc	1,182.10
Belton	832.60
Carl A. Johnson	244.95
K-D Communications	982.85
Professional Hearing Aid Services	428.85
Sherard Hearing Aid Center	1,629.34
Teltex, Inc.	191.04
Weitbrecht Communications	406.50
Grand Island Hearing Aid Center	1,290.50
Grand Island Hearing Aid Center	312.00

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to strike the proposed fourth quarter scheduled meeting for December 22, 2009 as proposed by the Executive Director. Motion failed with Commissioners Anne Boyle and Rod Johnson voting AYE and Commissioners Frank Landis, Tim Schram and Jerry Vap voting NAY. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation as previously

GENERAL ADMINISTRATION (Cont.)

proposed to schedule Commission meeting dates for the fourth quarter 2009. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to purchase of four personal computers. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 9:25 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 September 15, 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 September 14, 2009.

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Chairman

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Executive Director