

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson excused. 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 15, 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 September 22, 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, September 22, 2009

- 1:30 Commission Hearing Room, Lincoln. Commissionr Tim Schram presiding as Hearing Officer.
- 911-030.31 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Cozac Wireless, LLC d/b/a Movida Communications, Kansas City, Missouri, Respondent.
- 911-033.09 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Cozac Wireless, LLC d/b/a Movida Communications, Kansas City, Missouri, Respondent.
- NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications
189 Infrastructure and Public Safety Department, Complainant v. Cozac Wireless, LLC d/b/a Movida Communications, Kansas City, Missouri, Respondent.
- 2:30 Commission Hearing Room, Lincoln. Commissioner Tim Schram presiding as Hearing Officer.
- RVF-3 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.
- MODF-3 In the Matter of the Commission, on its own motion, seeking to determine the seal fee for the Modular Housing Program.
- MANF-2 In the Matter of the Commission, on its own motion, seeking to determine the seal fee for the Manufactured Home Program.

COMMUNICATIONS DEPARTMENT

AD-483r In the Matter of the Application of Scott Jenkins, Grand Rapids, Michigan, seeking authority to register the connection of an automatic dialing-announcing device in Dallas, Texas: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-4186 In the Matter of the Application of Velocity, The Greatest Phone Company Ever, Inc., Holland, Ohio, seeking a Certificate of Authority to provide Resold Local Exchange and Interexchange Telecommunications Services within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-4188 In the Matter of the Application of Kentucky Data Link, Inc., Evansville, Indiana, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving applications C-4193 and C-4195. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-4193 In the Matter of the Application of United Telephone Company of the West d/b/a Embarq, Overland Park, Kansas, seeking approval of an Interconnection, Collation and Resale Agreement with AT&T Communications of the Midwest, Inc., Olathe, Kansas.

C-4195 In the Matter of the Application of Southeast Nebraska Communications, Inc., Falls City, seeking approval of an Amendment to the Interconnection Agreement with Sprint Communications Company, L.P., Overland Park, Kansas, previously approved in Docket C-3885.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2226 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/
PI-118 In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order releasing an application process for comment. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

911-023.16 In the Matter of Dakota County/South Sioux City Public Safety Answering Point, South Sioux City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order approving funding. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NUSF-25 In the Matter of the Nebraska Public Service Commission, on P. O. 23 its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support.

NUSF-66 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order certifying qualified ETC's to the FCC and USAC for high cost support. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NUSF-57 In the Matter of the Nebraska Public Service Commission, on P. O. 5 its own motion, seeking to administer the Nebraska Telehealth Program: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order to approve the proposed timeline and contract terms. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

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*. Commis-
sioner Tim Schram presiding as Hearing Officer: Laura Demman dis-
cussed an order entered by the Hearing Officer on September 17, 2009,
extending Direct Testimony Deadline until October 2, 2009.

NG-0046/ In the Matter of the Commission, on its own motion, seek-
PI-128 ing to investigate certain customer service issues and
plans relating to SourceGas Distribution LLC, f/k/a Kinder
Morgan, Inc., Lakewood, Colorado. Commissioner Vap presiding as Hear-
ing Officer: Laura Demman discussed an order entered by the Hearing
Officer on September 17, 2009, granting the motion of ONEOK Energy
Marketing Company to withdraw its Petition for Informal Intervention.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to enter Assessment Orders in Dockets NG-0057 and
NG-0060. Motion passed with Commissioners Frank Landis, Tim Schram
and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson
excused not voting.

NG-0057 In the Matter of gas supply cost adjustment schedules
GDS-005 implemented by SourceGas Distribution LLC, Lakewood,
Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*.
Commissioner Vap presiding as Hearing Officer.

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood,
GDS-001 Colorado, seeking approval of a general rate increase.
Commissioner Rod Johnson presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

M-14208 In the Matter of Jason D. Peterson dba Transfer 88, Blair,
seeking to acquire, through transfer, the Certificate held
by Kenny Morton dba Transfer 88, Omaha: Motion made by Commissioner
Tim Schram, seconded by Commissioner Jerry Vap, to enter an order
granting temporary authority. Motion passed with Commissioners Frank
Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne
Boyle and Rod Johnson excused not voting.

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 retained at \$.60 per
mile, and the Tariff 22 fuel surcharge was retained at \$.2.56 per
truck per trip.

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 Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Birch, Horton, Bittner & Cherot	\$	2,746.12
Sprint		58,697.79

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve Commission minutes for August. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

WC 06-122 In the Matter of the Nebraska Public Service Commission and Kansas Corporation Commission Petition for Declaratory Ruling or, in the alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve an amendment to the contract with BIRCH, HORTON, BITTNER AND CHEROT to increase the cap on legal expenses and costs associated with the Federal Communications Commission's (FCC) Petition for Declaratory Ruling in WC 06-122. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

The meeting adjourned at 10:10 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson excused. The next regularly scheduled meeting will be held on September 29, 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 28, 2009.

Chair man

Executive Director