

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 November 24, 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 December 1, 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, December 1, 2009

1:00 Commission Hearing Room, Lincoln. Northwestern Energy Workshop. Commissioner Frank Landis presiding as Hearing Officer.

Wednesday, December 2, 2009

Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer.

B-1724 In the Matter of Midwest Transport, LLC, Lincoln, seeking
10:00 authority as a common carrier in open class service in the transportation of passengers and their baggage in the state of Nebraska over irregular routes.

B-1732 In the Matter of Midwest Transport, LLC, dba MWT, Lincoln,
1:30 seeking authority as a contract carrier in the transportation of clients of Zone Care USA by van in open class service between points in Lancaster County.

Thursday, December 3, 2009

MCC-3168 Commission Hearing Room, Lincoln, with video link to
MCC-3171 Grand Island Public Library, 211 North Washington Street,
10:00 Grand Island. In the Matter of Mark Breiner, Director, Motor Transportation Department, Nebraska Public Service Commission, vs. Central Limousine, LLC, Grand Island. Commissioner Rod Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in November 2009. She reported there were a total of 52 complaints: 24 wireline and 28 wireless. The complaints were categorized as follows: 25 billing, 19 service and 8 miscellaneous issues.

C-3745/
PI-126 In the Matter of the Commission, on its own motion, seeking to investigate time release intervals for participants of telephone calls once a disconnect signal or on-hook signal is detected. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4165 In the Matter of the Nebraska Public Service Commission, on its own motion, 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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant a motion to admit a non-resident attorney. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4210 In the Matter of the Application of Rod Niles, Aurora, seeking authority to receive telephone service from the Henderson Exchange of Mainstay Communications, Henderson: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, 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 a request was received from Windstream NE on November 11, 2009, asking the Commission to overturn a denial by the Pooling Administrator for telephone numbers in the Lincoln rate center: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve sending a letter to the Pooling Administrator requesting that Utilization and Months to Exhaust requirements be waived and the numbering resources be assigned as requested. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GN 09-47, In the Matter of the Role of the Universal Fund and Inter-
09-51, Intercarrier Compensation in the National Broadband Plan.
09-137 Plan: Motion made by Commissioner Rod Johnson, seconded by
Commissioner Tim Schram, to grant Commission staff permission to file comments due on December 7, 2009 with the Federal Communications Commission. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported on the National Association of Regulatory Utility Commissioners (NARUC) Annual Convention held November 14-18, 2009, in Chicago, Illinois.

Copies of the November 30, 2009, National Telecommunications and Information Administration (NTIA) release announcing broadband mapping and planning grants to six more states was provided to the Commissioners. Gene Hand reported on the status of Nebraska's grant still under review by the NTIA.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders approving Phase I costs for Dockets 911-023.08, 911-023.15 and 911-023.68. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.08 In the Matter of Cuming County, West Point, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.15 In the Matter of Colfax County, Public Service Answering Point, Schuyler, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.68 In the Matter of Fremont Police Department, Public Safety Answering Point, Fremont, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

GN 09-47 In the Matter of the Role of the Universal Service Fund and
09-51 Intercarrier Compensation in the National Broadband Plan:
09-137 This matter was voted on during the Communications' Agenda
to grant Commission staff permission to file comments due on
December 7, 2009 with the Federal Communications Commission.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on
PO #5; its own motion, seeking to establish guidelines for admin-
PO #7 istration of the Nebraska Universal Service Fund: Sue
Vanicek discussed the deviation of payment and remittance
audit procedures language for Consolidated Telecom, Inc., Consolidated
Telephone Company and QuantumShift Communications. Motion made by
Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to accept
the third-party audits for these companies, as submitted. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Rod Johnson presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on November 24, 2009, Denying Motion to Compel in Part and Setting Deadline to November 30, 2009, 5:00 p.m. CST for Response to Motion to Compel.

TRANSPORTATION DEPARTMENT

B-1727 In the Matter of Confidential Transportation, Inc., Omaha, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of individuals by vans having a primary diagnosis of mental illness between mental health clinics located in Douglas County, on the one hand, and, on the other hand, points within Douglas County. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order for pending dismissal. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1744 In the Matter of Happy Cab Company, Omaha, seeking approval of a contract to manage Valor Transportation, Omaha. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the agreement. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$.66 per mile and Tariff 22 fuel surcharge at \$3.04 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, 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.

AS Central Services-OCIO Network Services	\$	3,564.57
Department of Corrections		518.25
Cristina's Translations		631.40
Anne Boyle		660.00
Gerald Vap		1,146.36

The meeting adjourned at 10:45 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 December 8, 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 December 7, 2009.

Chairman

Executive Director