

Chairman Gerald Vap 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 Vap 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 February 23, 2010 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 2, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Monday, March 8, 2010

NUSF-77 Commission Hearing Room, Lincoln, call in 402-472-6292.
10:00 Planning Conference. In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures of the Nebraska Universal Service Fund. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in February 2010. She reported there were a total of 39 complaints: 21 - wireline and 18 - wireless. The complaints were categorized as follows: 29 billing, 5 service and 5 miscellaneous issues.

C-4253/ In the Matter of the Commission, on its own motion, seeking
PI-162 comment on the request by United Way of the Midlands to be assigned the use of "211" in Arthur, Grant and Perkins Counties, for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order opening a docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4244 In the Matter of the Application of Qwest Corporation,
Denver, Colorado, seeking approval of an Omaha Forbearance Order Amendment to the Interconnection Agreement with Windstream of the Midwest, Inc., Little Rock, Arkansas previously approved in Docket C-4243: Motion made by Commissioner Frank Landis, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2237 and E-2242. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2237 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.

E-2242 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Boone County.

Gene Hand reported that a request for an extension of time to submit broadband data was filed with the National Telecommunications and Information Administration (NTIA) seeking an extension until June 30, 2010, to file the verified complete data set. If the request is approved, the deadline for providers to submit data will be extended to April 5, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-32.08 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. Commissioner Tim Schram was appointed as Hearing Officer. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order sustaining the Show Cause. 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 Frank Landis, to enter Show Cause orders and schedule a hearing for April 20, 2010 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Tim Schram appointed as Hearing Officer.

NUSF-37. 182 In the Matter of Sue Vanicek, Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Broadview Networks, Inc., Respondent.

NUSF-37. 187 In the Matter of Sue Vanicek, Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Cozad Telephone Company, Respondent.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Norstan Network Services, Respondent.
190

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska Universal Service Fund Department of the Nebraska Public Service Commission, Complainant, v. Network US d/b/a CA Affinity, Respondent.
192

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders dismissing complaints against USA Digital and Cozac Wireless dba Movida Communications, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. USA Digital Communications, Inc., Respondent.
196
NUSF-37. 201

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Cozac Wireless dba Movida Communications, Inc., Respondent.
197

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to levy late fees against American Messaging Services, NobelTel, LLC, Opcom, Inc., Reduced Rate Long Distance, LLC and United Telecom, Inc. Additionally, that a Complaint be opened against NetOne International, Inc. and the current Complaint NUSF-37.188 against Houlton Enterprises, dba Guaranteed Phone, be amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 36 consumer complaints and inquiries received at the Commission during February. For each company: Black Hills - 5; SourceGas - 28; NorthWestern Energy - 2; and Other Entities - 1.

LEGISLATIVE REPORT

Angela Melton discussed 2010 legislative issues.

TRANSPORTATION DEPARTMENT

B-1749 In the Matter of The Party Zone LLC dba Partyzonelimos.com, Omaha, seeking to acquire, through transfer, the Certificate held by Leisure Limousine & Sedan, Inc., Lincoln. (excludes Supplement 1 and 2): Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1718 (excluding Supplement 1 and 2). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-13388 In the Matter of Able Professional Movers, Inc., Omaha, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application M-13388 until March 1, 2011, and authority from March 2, 2010, to March 1, 2011: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the suspension of the Certificate of Public Convenience and Necessity from March 2, 2010, until March 1, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MCC-3172 In the Matter of Mark J. Breiner, Director, Motor Transportation Department, Nebraska Public Service Commission, vs. Black Tie Limousine, Inc., Dashabout Roadrunner, Inc., Jone-Z Party Bus, Terry L. Blakey Enterprises, LLC, Choice Medical Transportation, and Movers Not Shakers: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an Order to Show Cause and schedule a hearing for April 6, 2010, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle was appointed as Hearing Officer. 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 increased to \$.68 per mile and the Tariff 22 fuel surcharge to \$3.24 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, 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-Network Services	\$	3,551.20
Anne Boyle		600.00
Rod Johnson		984.00
Tim Schram		510.00

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	250.00
Associated Ear Nose & Throat		715.70
B Hear Inc.		1,592.75
Beltone		813.60
Carl A. Johnson Jr.		2,455.05
Glassman's Hearing Aid Service		136.14
Grand Island Hearing Aid		1,086.00
Harris Communications		1,290.60
Professional Hearing Aid Services		2,463.38
Sherard Hearing Aid Services		2,093.10
Sound Clarity Inc.		100.00
Teltex Inc.		4,367.61
The Hearing Clinic		800.00
Weitbrecht Communications		10,609.60
Western ENT Associates PC		169.95

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to authorize Mark Luttich to travel to and attend the Manufactured Housing Consensus Committee meeting to be held in Tulsa, OK, from April 27-30, 2010 with all expenses to be paid by Housing and Urban Development. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:27 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 March 9, 2010, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 8, 2010.

Chairman

Executive Director