

Chairman Gerald Vap called the regularly scheduled meeting to order at 4:00 p.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. 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 April 27, 2010 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 4, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln. Due to the funeral of a Commissioner's family member, the meeting was rescheduled for 4:00 p.m. on May 4, 2010. The industry was notified by e-mail as well as the Lincoln Journal Star and Omaha World Herald by phone.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in April 2010. She reported there were a total of 74 complaints: 52 - wireline and 22 - wireless. The complaints were categorized as follows: 29 billing, 22 service and 23 miscellaneous issues.

Commissioner Rod Johnson entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders granting applications AD-499 through AD-501. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting.

- AD-499 In the Matter of the Application of SoundBite Communications, Inc., Bedford, Massachusetts, seeking authority to connect an automatic dialing-announcing device in Somerville, Massachusetts.
- AD-500 In the Matter of the Application of SoundBite Communications, Inc., Bedford, Massachusetts, seeking authority to connect an automatic dialing-announcing device in Ashburn, Virginia.
- AD-501 In the Matter of the Application of SoundBite Communications, Inc., Bedford, Massachusetts, seeking authority to connect an automatic dialing-announcing device in Toronto, Ontario, Canada.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4260 In the Matter of the Joint Application of American Fiber Network, Inc., Overland Park, Kansas, and MobilePro Corp., Bethesda, Maryland, seeking approval of a transfer of control of American Fiber Network, Inc. to New Earthshell Corporation, Jersey City, New Jersey: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. 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 orders approving applications C-4259 and C-4261. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4259 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval to a Collocation Miscellaneous Labor Charges Amendment to the Interconnection Agreement with AT&T Communications of the Midwest, Inc., New York, New York, previously approved in Docket C-3095.

C-4261 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a Mid-Span Meet POI Amendment to the Interconnection Agreement with IT Communications, LLC, Newton, Iowa, previously approved in Docket C-4206.

E-2250 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, 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 Windstream has filed their final report on the April 1, 2010 service outage.

C-4145/
NUSF-74/
PI-147 In the Matter of the Nebraska Public Service Commission, on its own motion, to conduct an investigation on intrastate switched access charge policies and regulation codified in Neb. Rev. Stat. section 86-140: Gene Hand informed the Commission that AT&T and Sprint Nextel filed a motion May 3, 2010, seeking a rehearing and requested an oral argument on the joint motion for rehearing.

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 Frank Landis, seconded by Commissioner Anne Boyle, to enter an order approving the request to cancel funding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.38 In the Matter of Red Willow County/McCook, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis to enter an order approving the funding request, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-047/ PI-168 In the Matter of the Commission, on its own motion, seeking to investigate and establish standards and guidelines for Geographic Information Systems (GIS) data necessary for the provision of Enhanced Wireless 911 Service: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order opening docket and seeking comments due June 18, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the Wireless E-911 testing violations. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter a testing Complaint against NE Colorado Cellular, Inc. d/b/a Viaero Wireless. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1, P.O. #7 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to grant Matrix Telecom, Incorporated's request for a second extension to May 31, 2010, to complete the NUSF Worksheet audit due December 31, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0057.1 In the Matter of 2010 gas supply cost adjustment schedules filed by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for June 2, 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.

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company,
HS-007 LLC, d/b/a Black Hills Energy, Omaha, seeking a General
HS-008 Rate Increase for Black Hills Energy's Rate Areas One, Two
and Three (Consolidated). Commissioner Frank Landis pre-
siding as Hearing Officer: Motion made by Commissioner Frank Landis,
seconded by Commissioner Rod Johnson, to enter Assessment Orders HS-
007 and HS-008. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Laura
Demman discussed an order entered by the Hearing Officer on May 4,
2010, granting Stipulated Motion to Amend Planning Conference Order
and modifying the hearing date to commence on May 11, 2010, at 10:00
a.m. in the Commission Hearing Room, Lincoln, with the hearing to
continue as previously scheduled on May 24, 2010.

Laura Demman reported a total number of 40 consumer complaints and inquiries received at the Commission during April. For each company: Black Hills - 7; SourceGas - 25; NorthWestern - 3; and Other Entities - 5.

TRANSPORTATION DEPARTMENT

B-1708 In the Matter of Alton Davis, Lincoln, seeking to dismiss the suspension and reinstating Certificate B-1708: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order dismissing the suspension and reinstating Certificate B-1708. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

In the Matter of Cobb vs. Happy Cab, et.al., Omaha: Mark Breiner provided an update on legal pleadings.

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 \$.80 per mile and the Tariff 22 fuel surcharge to \$4.40 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1119 In the Matter of John A. Fecht, Director, Warehouse Depart-
GWC-423 ment, Complainant, v. Trotter, Incorporated dba Trotter
Grain and Fertilizer Company, Arcadia: Angela Melton dis-
cussed the reasons for the continuation of the hearing previously
scheduled for May 4, 2010, to May 19, 2010 at 2:30 p.m. in the Commis-
sion Hearing Room, Lincoln.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Com-
missioner Anne Boyle, to approve the Executive Director's recommenda-
tion to approve the following Commission invoices. Motion passed with
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and
Jerry Vap voting AYE.

Nebraska Workforce Development	\$	828.00
Maurice Gene Hand		587.81
Anne Boyle		480.00
Tim Schram		672.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Hearing Health Care		174.00
B Hear Inc.		353.40
Beltone		519.80
Carl A. Johnson Jr.		1,197.50
Harris Communications		252.40
Professional Hearing Aid Services		440.49
Sherard Hearing Aid Center		533.99
Teltex, Inc		788.73
U-Save Pharmacy & Medical Supply		214.95
Weitbrecht Communications Inc.		1,946.45

Motion made by Commissioner Anne Boyle, seconded by Commis-
sioner Rod Johnson, to authorize all Commissioners, Laura Demman, Sue
Vanicek and Gene Hand to attend the National Association of Regulatory
Utility Commissioners (NARUC) Summer Conference to be held in Sacra-
mento, California from July 16-22, 2010. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Rod Johnson, to authorize Commissioners Tim Schram, Anne
Boyle and Rod Johnson to attend the Mid-America Regulatory Conference
(MARC) to be held in Kansas City, Missouri from June 6-9, 2010. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve Mike Bartels to travel to and attend the Association of Grain Regulatory Offices Annual Meeting to be held in Des Moines, Iowa from July 26-28, 2010. 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 Anne Boyle, 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 4:32 p.m.

Commissioner Rod Johnson left the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission returned to open session at 4:41 p.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to comply with the request of the Governor regarding the imposition of a one-year salary freeze commencing July 1, 2010 for the Executive Director and top agency management personnel. Top agency personnel includes the following positions in addition to the Executive Director: Deputy Executive Director and all Department Directors (Communications, NTIPS, Natural Gas, Housing and Transportation). Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

The meeting adjourned at 4:43 p.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on May 12, 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 May 11, 2010.

Chair man

Executive Director