

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 May 4, 2010 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 12, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, May 12, 2010

C-4145/
NUSF-74/
PI-147
1:00 Commission Hearing Room, Lincoln. Oral Argument. 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. Commissioner Frank Landis presiding as Hearing Officer.

Monday, May 17, 2010

10:00 Commission Hearing Room, Lincoln. E911 Wireless Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders granting applications C-4262/PI-164 and C-4265/PI-165. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4262/
PI-164 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in McPherson, Logan and Thomas Counties for access to First Call for Help (FCFH), a comprehensive information and referral service.

C-4265/
PI-165 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Hooker County for access to First Call for Help (FCFH), a comprehensive information and referral service.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4272/
PI-169 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate practices related to network reliability and requirements governing notification for service interruptions: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order opening a docket. 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 AT&T Communications of the Midwest, Inc. on behalf of Teleport Communications - Omaha, on May 4, 2010, asking the Commission to overturn a denial by the Pooling Administrator for telephone numbers in the Omaha rate center so they may serve a customer with a dedicated code: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve sending a letter to the Pooling Administrator requesting that the 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.

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. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a hearing officer order was entered May 5, 2010, scheduling an oral argument for May 12, 2010, at 1:00 p.m. in the Commission Hearing Room, Lincoln.

Gene Hand reported that initial broadband data will be submitted to the National Telecommunications Information Administration (NTIA) by May 14, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-031.01 In the Matter of the Commission, on its own motion, seeking to establish surcharges assessed on users of pre-paid wireless service and methods for the collection and remittance of surcharges from carriers offering prepaid wireless services: TracFone Wireless, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the show cause and to begin remitting the E-911 surcharge commencing June 1, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-32.09 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of Telephone Systems of Nebraska to comply with Commission Rules or Orders and to impose administrative fines: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order setting a fine. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-77 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting formal interventions. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-74/ In the Matter of the Commission, on its own motion, seeking
C-4145/ to conduct an investigation on intrastate switched access
PI-147 charge policies and regulations, codified in Neb. Rev. Stat.
Section 86-140: This matter was discussed during the Communications Department agenda.

NATURAL GAS DEPARTMENT

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking a General Rate Increase for Black Hills Energy's Rate Areas One, Two and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on May 12, 2010, setting a deadline for Black Hills response and any party wishing to further comment to staff questions no later than noon Tuesday, May 18, 2010, and any party wishing to further comment regarding the process for addressing staff questions no later than Friday, May 14, 2010.

P-0014 In the Matter of the Joint Notice of Black Hills/Nebraska Gas Utility Company, LLC and Metropolitan Utilities District, both of Omaha, providing notice as required by Neb. Rev. Stat. Section 66-1863, that they intend to extend or enlarge their service areas: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1757 In the Matter of Night Life Limousine, LLC, Beatrice, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine in Gage, Jefferson, Johnson, Pawnee, Saline, Fillmore, Thayer, Otoe, Nemaha, Richardson, Seward, York, Clay, Nuckolls, Adams and Webster counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Frank Landis, 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.

B-1761 In the Matter of Limousine Services, LLC, Lincoln, seeking authority to acquire, by transfer, the certificate held by A Class Act Limousine, Inc., Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1648: Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14203 In the Matter of Patt's Moving Center, LLC, Omaha, seeking to remove the 75-mile radius of Fremont, Nebraska, in Certificate Number M-14203: Motion made by Commissioner Tim Schram, 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.

MCC-3162 In the Matter of Mark J. Breiner, Director, vs. SDG Transportation, Inc.: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order sustaining the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-359 In the Matter of "The Bus", LLC, Plattsmouth, seeking authority to set its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application as amended on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LR-314 In the Matter of Limousine Services, LLC, Lincoln, seeking authority to set its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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.

TRANSPORTATION DEPARTMENT (Cont.)

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

GRAIN WAREHOUSE DEPARTMENT

GW-145 In the Matter of John A. Fecht, Director Grain Warehouse
GWC-425 Department, Complainant, v. Auburn Elevator Company, Auburn,
Respondent: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter a Complaint, Order to Show Cause and Set Hearing for June 16, 2010 at 10:00 a.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 Landis was designated as Hearing Officer.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, 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.

The Columbus Telegram	\$	722.42
Voyager		1,788.37
West		898.54
Kent Pribyl		1,169.16
Rod Johnson		1,291.01

The meeting adjourned at 10:43 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 May 18, 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 17, 2010.

Chair man

Executive Director