

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 June 22, 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 June 29, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Gene Hand discussed certain details revealed in an AT&T press release dated June 22, 2010, regarding the AT&T acquisition of the Alltel wireless customers and assets in a five county area in Nebraska.

FC-1343 In the Matter of the Formal Complaint of Tom E. Nesbitt, Lincoln, alleging violation of the Automatic Dialing-Announcing Devices Act by Anthony W. Fulton, Lincoln; Tony Fulton Committee, Lincoln and Communication Strategies, Inc., St. Louis, Missouri: Gene Hand informed the Commission that a formal complaint was filed on June 25, 2010, by Tom E. Nesbitt against Anthony W. Fulton, Tony Fulton Committee and Communication Strategies, Inc. alleging violation of the Automatic Dialing-Announcing Devices Act. Answers are due on July 15, 2010.

Gene Hand reported on a recent complaint that involved spoofing of the caller identification information displayed to the called party. The report included the status of anti-spoofing legislation passed by both houses of Congress awaiting conference committee action.

Gene Hand distributed a document containing frequently asked questions with answers related to area code relief. The document with some minor edits will be available from the Commission's home page.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911.20.04/ In the Matter of Sue Vanicek, Director of the Nebraska DC-78 Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. ACN Communications Services Inc; Aventure Communications Technology LLC; Big River Telephone Company LLC; BLC Management LLC; BT Communications; DSLnet Communications LLC; Enteleget Solutions Inc; Geneva Broadband LLC; Intrado Communications Inc; Kentucky Data Link Inc; Net Talkcom Inc; Northstar Telecom Inc; XO Communications Services Inc, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order to dismiss, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders approving funding in dockets 911-042.08, 911-042.12, 911-042.15, 911-042.16, 911-042.18, 911-042.20 through 911.042.23, 911-042.25 through 911.042.30, 911-042.32, 911-042.33, 911-042.35 and 911-042.36. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.08 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Falls City.

911-042.12 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Kimball County

911-042.15 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Hamilton County.

911-042.16 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Cheyenne County

911-042.18 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of North Platte.

911-042.20 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Dawes County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.21 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Cuming County.

911-042.22 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Columbus.

911-042.23 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Perkins County.

911-042.25 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Keith County.

911-042.26 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Dawson County.

911-042.27 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Frontier County.

911-042.28 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Seward County.

911-042.29 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Hastings.

911-042.30 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Jefferson County.

911-042.32 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Boyd-Holt Counties Joint E-911.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.33 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Lincoln.

911-042.35 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Burt County.

911-042.36 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Nuckolls County.

911-042.24 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service. Fillmore County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order approving funding in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69.04 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services. Long Lines Wireless, LLC: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting alternative tower location funding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to waive the late fees for the May, 2010 worksheets from Applied Communications and Arapahoe Telephone Company and the late fee levied by the Commission on June 15, 2010 against MCI Communications. Additionally, a late fee should be levied against NE Colorado Cellular and Complaints opened against Entrix Telecom, Inc. and Unite Private Networks, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1342 In the Matter of Annie Fanning, Waco, vs. SourceGas Distribution, LLC, Lakewood, Colorado, alleging inaccurate billing: Laura Demman discussed receipt of the formal complaint on June 22, 2010. If a Statement of Satisfaction is not filed, the answer date for SourceGas Distribution LLC will be fifteen days from the date of service, or July 13, 2010. Commissioner Rod Johnson was designated as Hearing Officer.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter assessment orders in Dockets NG-0060 and NG-0061. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0060/ In the Matter of SourceGas Distribution, LLC, Lakewood,
GDS-007.1 Colorado, seeking approval of a general rate increase.
HS-007.1 Commissioner Rod Johnson presiding as Hearing Officer.

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company,
GDS-006 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.

TRANSPORTATION DEPARTMENT

B-1746 In the Matter of Lloyd Kaburu Marangu, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by van in open class service between points in Douglas, Sarpy, and Washington counties: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an Order To Show Cause and schedule a hearing for July 15, 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 Boyle was appointed as Hearing Officer.

Rate Division

BR-355 In the Matter of Transport Plus, Lincoln, seeking authority to adjust its rates and charges: 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.

BR-367 In the Matter of OMALiNK, Inc., Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application in part and denying in part on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

LR-315 In the Matter of OMALiNK, Inc., Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

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 \$.72 per mile and the Tariff 22 fuel surcharge to \$3.60 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-145 In the Matter of John A. Fecht, Director Warehouse Department, Complainant, v. Auburn Elevator Company, Auburn: GWC-425 Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order holding application in abeyance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-145 In the Matter of John A. Fecht, Director Warehouse Department, Complainant, v. Auburn Elevator Company, Auburn: GWC-425 Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order sustaining the complaint and imposing an administrative fine. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-681 In the Matter of Farmers Union Cooperative Company, Guide Rock, seeking cancellation of its Grain Warehouse License: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson to grant request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-2093 In the Matter of Sherman, Inc. dba Sherman Feed & Supply, Auburn, seeking cancellation of its Grain Warehouse License: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-2117 In the Matter of James K. Balke dba Dawson Ag Center, Dawson, seeking cancellation of its Grain Warehouse License: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-145 In the Matter of Auburn Elevator Company, Auburn, seeking a Grain Dealer license, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2011: 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.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, 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.

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| AS Central Services | \$ | 3,652.17 |
| University of Nebraska-Bureau of Business Research | | 9,424.25 |
| Gerald Vap | | 705.00 |

The following invoice was paid between June 23 and June 29, 2010 and should be ratified:

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|---|----|-----------|
| University of Nebraska-ARRA NE Broadband Planning | \$ | 25,987.57 |
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Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for May, 2010. 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 approve the Executive Director's recommendation to ratify the memorandum and agreement between the Nebraska Public Service Commission and the University of Nebraska for the State Broadband Data and Development Program Planning Grant. 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 Rod Johnson, to approve the Executive Director's recommendation to file, on the behalf of the State of Nebraska, an amended and supplemental application for funding to the National Telecommunications and Information Administration for broadband mapping and planning purposes pursuant to the State Broadband Data and Development Grant Program. 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 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 10:43 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 11:07 a.m.

The meeting adjourned at 11:08 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 July 13, 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 July 12, 2010.

Chairman

Executive Director