

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 July 27, 2010 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 3, 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:

Tuesday, August 3, 2010

C-4280 Commission Hearing Room, Lincoln. Planning Conference.
11:00 In the Matter of the Application of Qwest Communications International, Inc., Denver, Colorado, and CenturyLink, Inc., Vancouver, Washington, seeking approval of indirect transfer of control of Qwest Corporation, Qwest Communications Company, LLC and Qwest LD Corp. Commissioner Frank Landis presiding as Hearing Officer.

C-4273/ Commission Hearing Room, Lincoln. In the Matter of the
DC-77 Nebraska Public Service Commission regarding the 2009
1:30 Annual Report Filings. Commissioner Rod Johnson presiding as Hearing Officer.

Monday, August 9, 2010

10:00 Meeting via video link with Commission Hearing Room, Lincoln and Kearney Public Library, 2020 1st Avenue, Kearney. E-911 Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders granting applications AD-508r and AD-509r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-508r In the Matter of the Application of Smartcall Media Inc.,
AD-509r Ladera Ranch, California, seeking authority to register the connection of an automatic dialing-announcing device in Los Angeles, California and New York, New York respectively.

COMMUNICATIONS DEPARTMENT (Cont.)

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 Frank Landis, seconded by Commissioner Anne Boyle, to enter an order relating to transit charges on extended area service traffic. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

C-4273/ DC-77 In the Matter of the Nebraska Public Service Commission regarding the 2009 Annual Report Filings. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4280 In the Matter of the Application of Qwest Communications International, Inc., Denver, Colorado, and CenturyLink, Inc., Vancouver, Washington, seeking approval of indirect transfer of control of Qwest Corporation, Qwest Communications Company, LLC, and Qwest LD Corp. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer's Order was entered July 28, 2010, scheduling a planning conference for August 3, 2010, at 11:00 a.m. in the Niobrara Conference Room.

Gene Hand reported on his attendance to the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference held in Sacramento, California from July 18-21, 2010.

Gene Hand reported that the second quarter performance progress report, a requirement of our broadband mapping grant, was filed with the U.S. Department of Commerce on Friday, July 30, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.04 DC-78 In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. A C N Communications Services Inc; Aventure Communications Technology LLC; Big River Telephone Company LLC; BLC Management LLC; BT Communications; DSLnet Communications LLC; Entelegent 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 Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing a complaint and canceling the hearing previously scheduled for July 27, 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.)

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

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
216 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. TeleUno, Inc., Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

In the Matter of NUSF Late-Filed Carrier Remittances: Unite Private Net0-works, LLC. Sue Vanicek discussed the NUSF Late-Filed Remittances and recommended that the current complaint, NUSF-37.218, be amended to include the late-filed June, 2010 worksheet. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to amend the current complaint to include the late-filed June, 2010 worksheet. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek reported on her attendance to the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference held in Sacramento, California from July 18-21, 2010.

Sue Vanicek also reported on the disconnection of the Rock County Hospital Telehealth circuit.

NATURAL GAS DEPARTMENT

FC-1341 In the Matter of the Formal Complaint of Burwell Economy Market, d/b/a Shurfine Food Center, Burwell, alleging inaccurate billing charges. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company,
GDS-007 LLC, d/b/a Black Hills Energy, Omaha, seeking a General
HS-0017 Rate Increase for Black Hills Energy's Rate Areas One, Two
HS-0018 and Three (Consolidated). Commissioner Frank Landis pre-
siding as Hearing Officer: Motion made by Commissioner
Frank Landis, seconded by Commissioner Anne Boyle, to enter Assessment
Orders GDS-007, HS-0017 and HS-0018. Motion passed with Commissioners
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE.

TRANSPORTATION DEPARTMENT

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

GD-2950 In the Matter of BlackStrap, Inc., Neligh, 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 Rod John-
son, 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 Com-
missioner Rod Johnson, 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.

Lustre-Cal	\$	2,002.20
Anne Boyle		600.00
Kent Pribyl		591.32
Tim Schram		510.00
Tim Schram		398.89

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Tim Schram, to authorize Commissioner Anne Boyle to travel
to and attend the 2010 Fall Meeting of The Western Telecommunications
Alliance (WTA), to be held in Coeur d'Alene, Idaho from September 13 -
15, 2010 with all expenses to be paid by WTA. Motion passed with Com-
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and
Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

WC 06-122 Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve an amendment to the contract with Birch, Horton, Bittner and Cherot to increase the cap on legal expenses and costs associated with the FCC Petition for Declaratory Ruling in WC Docket 06-122 Nebraska Public Service Commission and Kansas Corp. Commission Petition for Declaratory Ruling or, in the alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues. 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 Rod Johnson, to approve the Executive Director's recommendation to ratify renewal of the Commission's Agreement with Thomson Reuters for the provision of Westlaw legal research services. 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 authorize Tim Sandusky to attend the Federal Railroad Administration (FRA) 2010 Discipline Training Conference, to be held in Denver, Colorado, August 9 - 13, 2010. All expenses to be paid by the FRA. 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 Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for July, 2020. 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 Anne Boyle, to approve the Executive Director's recommendation to enter into closed session to discuss personnel. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:40a.m.

Commissioner Frank Landis left the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. The Commission returned to open session at 10:50 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to adjust the furlough program implemented in the Housing and Recreational Vehicle Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 10:53 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Gerald Vap present and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on August 10, 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 August 9, 2010.

Chair man

Executive Director