

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Rod Johnson and Anne Boyle 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 September 7, 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 September 14, 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:

Wednesday, September 15, 2010

C-3554/  
NUSF-50  
PI-112  
10:00  
Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to investigate whether the zones established in Docket C-2516 are appropriate in light of NUSF-26 findings and conclusions. Commissioner Jerry Vap presiding as Hearing Officer.

Commissioner Rod Johnson entered the Commission Hearing Room.

#### COMMUNICATIONS DEPARTMENT

C-4292 In the Matter of the Application of Ionex Communications North, Inc., Atlanta, Georgia, seeking approval for financing: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4294 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a DC Power Reduction, Restoration and Deactivation Amendment to the Interconnection Agreement with MCI metro Access Transmission Services, LLC, McLean, Virginia, previously approved in Docket C-3703: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Gene Hand informed the Commission that a final draft copy of the 2010 Annual Report to the Legislature will be on their desk by the end of the week for their review and the report filing date is September 30, 2010.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported that the agenda is under development for the broadband grant workshop scheduled for October 7, 2010, at 10:00 a.m. in the lower level Hawthorne Room, Cornhusker Marriott Hotel, 333 South 13<sup>th</sup>, Lincoln, NE 68508.

Gene Hand reported that Digital ISP Group, Inc., dba Husker Access, was discontinuing providing internet and telephone services in Nebraska.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Sue Vanicek discussed the Hearing Officer's Order entered September 7, 2010, scheduling a hearing for October 6, 2010 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer.

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: Petition received April 22, 2010 from Long Lines Wireless, LLC, for support.

NUSF-69.05 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: Petition from N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless.

NUSF-69.06 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: United States Cellular Corporation.

Sue Vanicek discussed the NUSF Late-Filed Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to levy late-fees against Allo Communications, Inc., Granite Telecommunications, LLC and IDT America Corporation. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

FC-1345 In the Matter of the Formal Complaint of Marilyn M. Reeser, Grand Island, v. NorthWestern Energy, Sioux Falls, South Dakota, alleging unfair gas usage charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order waiving the \$25.00 filing fee: Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Rod Johnson was appointed as Hearing Officer.

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: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting in part the Motion for Clarification and/or Reconsideration and Request for Oral Argument. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT

B-1745 In the Matter of WADD, I, LLC, dba Wings of Love, LLC, Omaha, seeking to extend the authority held by WADD I, LLC, dba Wings of Love, LLC, which states transportation of passengers and their baggage by van in open class service between points in Douglas County. SUPPLEMENT 1: Transportation of passengers and their baggage by van in open class service between points in said county, on the one hand, and, on the other hand, points in Douglas County. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1757 In the Matter of Night Life Limousine, LLC, Beatrice, Supp. 2 seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers by limousine between points in Polk, Hamilton, Franklin, Butler, Platte, and Lancaster counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, a hearing was scheduled for October 14, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1768 In the Matter of Rosa's Plaza, Schuyler, 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 Schuyler and a 100 mile radius of Schuyler over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application as amended. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

BR-372 In the Matter of Rosa's Plaza, Schuyler, seeking authority to set its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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 excused not voting.

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

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

AS Central Services-IM Services	\$	766.52
Attorney General		2,722.00

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve Commission minutes for the month of August, 2010. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Steve Stovall to travel to and attend the National Association for State Relay Administration Annual Conference to be held in Durham, North Carolina, from October 17 through October 21, 2010, with expenses to be paid from the Telecommunications Relay Service (TRS) Fund. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, Commissioner Frank Landis voting NAY, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission entered into closed session at 10:18 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission returned to open session at 10:36 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the 2011-2012/2012-2013 agency budget submission. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

\*\*\*\*\*

The meeting adjourned at 11:02 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on September 21, 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 September 20, 2010.

---

Chair man

---

Executive Director