

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 September 22, 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 September 28, 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:

Monday, October 4, 2010

Rule and Commission Hearing Room, Lincoln. In the Matter of the Com-
Regulation mission, on its own motion, seeking to amend Title 291,
#173 Chapter 9, Natural Gas and Pipeline Rules and Regulations,
1:30 to adopt rules regarding General Rate Filings, Rate Prin-
ciples, High Volume, Agriculture and Interruptible Rate-
payers; Jurisdictional Utilities; Consumer Choice Program;
Gas Supply Cost Adjustments; Seasonal Disconnections; Tariff
Changes; and the Public Advocate. Commissioner Frank Landis
presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

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:
Motion made by Commissioner Frank Landis, seconded by Commissioner Rod
Johnson, to enter a protective order. Motion passed with Commissioners
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE. Gene Hand also informed the Commission that a procedural order was
entered by the Hearing Officer on September 28, 2010, allowing post
hearing briefs to be filed no later than ten (10) business days follow-
ing release of the transcript.

C-4295 In the Matter of the Joint Application of Public Communica-
tions Services, Inc., Los Angeles, California, and Global
Tel*Link Corporation, Mobile, Alabama, seeking approval to transfer
control and assets from Public Communications Services, Inc. to Global
Tel*Link Corporation: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4296 In the Matter of the Application of Zito Midwest, LLC, Cou-
dersport, Pennsylvania, seeking authority to operate as an
interexchange carrier of telecommunication services within the State
of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Com-
missioner 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.

C-4297 In the Matter of the Application of Randy Noecker, Harting-
ton, seeking authority to receive telephone service from
Hartelco, Hartington: Motion made by Commissioner Anne Boyle, second-
ed by Commissioner Rod Johnson, to enter an order granting the appli-
cation. 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 Commis-
sioner Frank Landis, to approve the submission of the 2010 Annual Report
to the Legislature on September 30, 2010. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap
voting AYE.

E-2249 In the Matter of the Application of Elkhorn Rural Public
Power District, Battle Creek, seeking authority to construct,
operate and maintain an electric transmission line in Antelope 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.

E-2263 In the Matter of the Application of Lincoln Electric System,
Lincoln, seeking authority to construct, operate and maintain
an electric transmission line in Lancaster County: Motion made by Com-
missioner 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.

FC-1346 In the Matter of the Formal Complaint of Great Plains Com-
munications, Inc. and Great Plains Broadband, Inc., Blair,
v. Sprint Communications Company, L.P., Overland Park,
Kansas, alleging failure to pay for intrastate switched access services:
Gene Hand informed the Commission that a formal complaint was filed on
September 17, 2010. Commissioner Frank Landis was appointed as Hearing
Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand announced that the Department of Commerce's National Telecommunication and Information Administration announced on September 27, 2010, that Nebraska was awarded \$3,565,926 from the State Broadband Data and Development grant program. The award represents the final grant from this program with \$1,591,296 to be used for data collection, integration, validation and mapping while the remaining \$1,974,630 will be used for broadband planning consisting of capacity building, technical assistance and support of regional broadband planning teams.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-049/
PI-174 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the affect of state-wide prepaid wireless subscriber counts on local exchange carrier payments for enhanced wireless 911 service under the permanent funding mechanism and quarterly reporting requirements: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order opening an investigation, seeking comments due November 1, 2010, and scheduling a workshop for December 1, 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 Jerry Vap was appointed as Hearing Officer.

C-1628/
NUSF P.O. #30 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into intrastate access charge reform and intrastate universal service fund: Nebraska Central Telephone Company. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order approving Nebraska Central Telephone's change in NUSF-EARN form filing. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-33/
PI-68 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve in part, deny in part, audit waiver requests from various companies. 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 Anne Boyle, to enter a Nunc Pro Tunc order. 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-69.07 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. Sue Vanicek discussed the Hearing Officer's Order entered September 27, 2010, amending the procedural schedule.

Sue Vanicek discussed the Wireless E-911 Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, that a late-fee be levied against USCOC of Greater Iowa and that a complaint be opened against Working Assets 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 Anne Boyle, seconded by Commissioner Frank Landis, that late-fees be levied against Granite Telecommunications, Lightyear Network Solutions, Midwest Communications, Omaha Cellular Telephone Company, Silv Communications, Three River Communications, Three River Telco, Total Telepage of Nebraska, and USCOC of Greater Iowa. Additionally, that complaints be opened against OnStar Corporation, Millicorp, Inc., Lattice Inc., Interface Security Systems, Go Solo Technologies, Discount Long Distance, CenCom, Inc., NE Colorado Cellular, Inc., IDT America Corporation, Embarq Corporation nka Century-Link, DeltaCom, Inc., and ClearWorld Communications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

RULES AND REGULATION

Rule and Regulation #174 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2009 edition of applicable code books and update related provisions, update definitional sections, add rules regarding alternating tread devices, update procedures regarding seal issuance, inspections, and plan review, general language clean up, and delete certain forms. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for November 30, 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.

LEGISLATIVE REPORT

Mike Hybl updated the Commission on the status of Legislative interim study resolutions of interest to the Commission.

LR533, study of the State Natural Gas Regulation Act: Public hearing scheduled for September 24, 2010 was cancelled and may be re-scheduled at a later date.

LR 443, study of the National Broadband Plan: Hearing scheduled for October 15, 2010. The Commission will provide testimony.

LR 542, budget briefing before the Transportation and Telecommunications Committee: Briefing is scheduled for October 15, 2010. An outline of materials to be developed for distribution to the legislative committee has been circulated.

TRANSPORTATION DEPARTMENT

B-1701 In the Matter of Larry's Taxicab, Lexington: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an Order To Show Cause and schedule a hearing for October 13, 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.

MCC-3173 In the Matter of Mark Breiner, Director, Motor Transportation Department, Nebraska Public Service Commission, vs. through
MCC-3177 Happy Cab., et.al. Commissioner Boyle presiding as Hearing
PI-170 Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to continue the hearing previously scheduled for September 23, 2010, to October 21, 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.

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 retained \$.72 per mile, and the Tariff 22 fuel surcharge at \$3.76 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial and workload status of the department.

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AS Central Services	\$	3,375.50
AS Central Services-Workers Comp Assessment		25,023.00
United States Post Office		503.21
Shanicee Knutson		513.63
Rod Johnson		748.50

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Kent Pribyl to travel to Wardcraft Homes, Inc., Clay Center, Kansas on September 28, 2010 to perform a modular housing unit factory inspection with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes, Inc. 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 Tim Schram, to approve the Executive Director's recommendation to authorize expenditure of \$1500.00 for expenses and speaker's fee for a representative of the National Emergency Number Association (NENA) with expenses to be paid from the Wireless E911 fund. Upon approval, a workshop will be scheduled in October or November. 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 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 10:31 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation 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 10:40 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the extension of the furlough plan for the Housing and Recreational Vehicle Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

The meeting adjourned at 10:42 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 October 5, 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 October 4, 2010.

Chairman

Executive Director