

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. Chairman Vap announced that the next Commission meeting will be held on Wednesday, November 3, 2010 at 10:00 a.m.

GENERAL ADMINISTRATION

Notice was duly published October 19, 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 October 26, 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, October 26, 2010:

NG-0046/ Commission Hearing Room, Lincoln. Workshop. In the Matter
PI-128 of the Commission, on its own motion, seeking to investi-
1:30 gate certain customer service issues and plans relating to
SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc.,
Lakewood, Colorado. Commissioner Jerry Vap presiding as
Hearing Officer.

Monday, November 1, 2010

NG-0063/ Commission Hearing Room, Lincoln. Workshop. In the Matter
PI-173 of the Commission, on its own motion, seeking to investi-
2:00 gate and refine filing requirements and establish further
guidelines for prosecution of general rate applications.
Commissioner Frank Landis presiding as Hearing Officer

COMMUNICATIONS DEPARTMENT

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, alle-
ging failure to pay for intrastate switched access services: Commis-
sioner Frank Landis was appointed as Hearing Officer. Gene Hand in-
formed the Commission that a Hearing Officer's order was entered
scheduling a planning conference for November 9, 2010, at 11:00 a.m.
in the Niobrara Conference Room.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4303 In the Matter of the Joint Application of Unite Private Networks, LLC, Kearney, Missouri, and UPN Holdings LLC, Charlotte, North Carolina, seeking approval for a transfer of control: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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-4304 In the Matter of the Application of Access2go, Inc., Peoria Heights, Illinois, seeking authority to operate as a resale carrier of intrastate interexchange telecommunication services in the State of Nebraska: 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.

C-4305 In the Matter of the Application of Ionex Communications North d/b/a Birch Communications, Inc., Atlanta, Georgia, seeking approval for transfer of customers and assets to American Fiber Network, Inc., Overland Park, Kansas: 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.

C-4301 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a Wireline Interconnection agreement with Liberty Bell Telecom, LLC, Denver, Colorado: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4289 In the Matter of Plainview Telephone Company, Plainview, seeking a local rate increase: Gene Hand informed the Commission that as of October 15, 2010, the number of petition signatures necessary to initiate a review of the proposed rate increase was not met; therefore, a letter was sent October 21, 2010, to Plainview Telephone Company informing them to implement the rate increase as proposed.

Commissioner Boyle requested information regarding the status of complaints from Verizon Wireless customers. She also asked staff to contact the Federal Communications Commission and share information on the integration of the Alltel facilities into the Verizon Wireless Network.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter orders granting applications 911-024.40 and 911-024.41. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-024.40 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Wayne Police Department.

911-024.41 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Dixon County Sheriff's office.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders dismissing Complaints 911-030.35 and 911-033.11. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-030.35 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Cozac Wireless, d/b/a Movida Communications, Inc., Kansas City, Missouri, Respondent.

911-033.11 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Cozac Wireless, d/b/a Movida Communications, Inc., Kansas City, Missouri, Respondent.

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: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for January 11, 2011, 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 Rod Johnson was appointed as Hearing Officer.

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 Frank Landis, to enter an order granting a waiver request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter orders dismissing complaints NUSF-37.217, NUSF-37-229 and NUSF-37.230. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37. 217 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Entrix Telecom, Inc. Respondent.

NUSF-37. 229 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Interface Security Systems, LLC, Respondent.

NUSF-37. 230 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Lattice , Inc., Respondent.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to levy a late-fee against MCI Communications, Consumer Cellular, Great Plains Communications, Great Plains Comm Broadband and Long Lines Siouxland LLC, and that a Complaint be opened against McGraw Communications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0064 In the Matter of the NorthWestern Energy, Sioux Falls, South Dakota, seeking to include certain personnel costs in a future gas cost adjustment. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an Order Granting Motion for Leave to Withdraw Application in Part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company,
GDS-0010 LLC, d/b/a Black Hills Energy, Omaha, seeking a General
HS-0024 Rate Increase for Black Hills Energy Rate Areas One, Two
and Three (Consolidated): Motion made by Commissioner
Frank Landis, seconded by Commissioner Tim Schram, to enter Assessment
Orders GDS-0010 and HS-0024. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

FC-1344 In the Matter of the Formal Complaint of U.S. Chicory, Inc., Scottsbluff, v. SourceGas Distribution LLC, Lakewood, Colorado, alleging inaccurate billing. Commissioner Jerry Vap presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on October 25, 2010, continuing the hearing set for October 28, 2010, to a date later to be determined.

TRANSPORTATION DEPARTMENT

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 at \$.78 per mile and the Tariff 22 fuel surcharge at \$4.20 per truck per trip.

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.

AS Central Services-Network Services	\$	3,256.89
Rod Johnson		1,058.22
Gerald Vap		1,177.00

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Commission policy regarding compliance with the Excluded Parties List System (EPLS). 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 approve the Executive Director's recommendation to surplus Vehicle #12063, 2002 Ford Taurus (Bob Harrison) and transfer pool Vehicle #15433, 2008 Chevrolet Impala, to Bob Harrison effective November 1, 2010. 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 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 10:23 a.m.

GENERAL ADMINISTRATION (Cont.)

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:35 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the advance of sick leave to an employee in the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS). 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 accept the retirement of a Grain Warehouse Department employee. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis voting NAY.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to open a position in the Grain Warehouse Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:36 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 November 3, 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 November 2, 2010, 2010.

Chairman

Executive Director