

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson 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 November 3, 2010 on Page 11 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 9, 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:

Wednesday, November 10, 2010

NG-0061 Commission Hearing Room, Lincoln. Refund Plan Hearing.
10:00 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 Rate Areas One, Two and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer.

Monday, November 15, 2010

10:00 Sarpy County, Administrative Conference Room - 2nd Floor, 1210 Golden Gate Drive, Papillion. E911 Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

AD-514r In the Matter of the Application of Plainview Telephone Company, Plainview, Nebraska, seeking authority to register the connection of an automatic dialing-announcing device in Plainview, Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-4306 In the Matter of the Application of Commungroup of K.C., Inc., Overland Park, Kansas, seeking to withdraw their interexchange authority 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, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Commissioner Rod Johnson entered the Commission Hearing Room.

C-4307 In the Matter of the Application of Greg and Sara Baumann, Pierce, seeking authority to receive telephone service from Pierce Telephone Co., Inc., Pierce: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting.

C-4317/ In the Matter of the Nebraska Public Service Commission, on
PI-175 its own motion, to investigate a network service outage in CenturyLink's service area and to resolve any remaining network reliability issues: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order opening the investigation. Commissioner Jerry Vap was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2251 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Cedar County: Motion made by Commissioner Anne Boyle, 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.

Gene Hand reported that the Governor's Conference on Rural Development will be held on November 19, 2010, in Kearney including a 10:30 a.m. to 11:45 a.m. session titled "Broadband Usage in Nebraska: How Can Your Community Become Engaged?" Our broadband data collection staff and members from the broadband planning group will be the presenters.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.80 In the Matter of Pierce County, Public Safety Answering Point, Pierce, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order approving the funding request. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-050 In the Matter of the First Petition of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, for support from the E-911 Wireless Service Provider (WSP) Grant Program: Sue Vanicek informed the Commission that an application was received from N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, for support from the wireless E-911 service provider grant program. The protest deadline is November 22, 2010. Commissioner Jerry Vap was appointed as Hearing Officer.

WC 06-122 In the Matter of Universal Service Contribution Methodology, Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds may assess Nomadic VoIP Intrastate Revenues: Sue Vanicek informed the Commission that the Federal Communications Commission (FCC) released a declaratory ruling on November 5, 2010 allowing state universal service funds to assess intrastate revenues of nomadic interconnected VoIP service providers.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Nebraska Long Distance, LLC: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the deviation of remittance audit procedures' language. 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 221 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Clearworld Communications, Respondent. Motion made by Commissioner Tim Schram, 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.

NUSF-57.01 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Telehealth Program: Nebraska Hospital Association's September 3, 2010, request to add Alegent Lakeside Hospital to the telehealth network for support of telehealth services to rural communities: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving funding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 9, Natural Gas and Pipeline
#173 Rules and Regulations, to adopt rules regarding General
Rate Filings, Rate Principles, High Volume, Agriculture and
Interruptible Ratepayers; Jurisdictional Utilities; Consumer Choice
Program; Gas Supply Cost Adjustments; Seasonal Disconnections; Tariff
Changes; and the Public Advocate. Commissioner Frank Landis presiding
as Hearing Officer: Motion made by Commissioner Frank Landis, second-
ed by Commissioner Tim Schram, to enter a Certificate of Adoption.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to promulgate Title 291, Chapter 15, Enhanced Wireless 911
#175 Services Rules and Regulations, previously written under
Title 291, Chapter 5, Section 005, Telecommunications Rules
and Regulations, and to adopt rules in accordance with Nebraska Legis-
lative Bills 516 [2005] and 1222 [2006] and adopt current policy stan-
dards. Commissioner Jerry Vap presiding as Hearing Officer: Motion
made by Commissioner Anne Boyle, seconded by Commissioner Frank Lan-
dis, to enter an order releasing the second set of proposed rules and
scheduling a hearing for January 12, 2010 at 10:00 a.m. in the Commis-
sion Hearing Room, Lincoln. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#177 Regulations, to adopt rules regarding filing of agreements
containing terms for provision of regulated telecommunica-
tion services at rates or charges different from the rates and charges
for such services contained in a carrier's tariff on file with the
Commission. Commissioner Frank Landis presiding as Hearing Officer:
Nichole Mulcahy informed the Commission that a Hearing Officer's order
was entered on November 8, 2010 granting a Motion for Leave to Late-
File Comments.

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 increased to \$.80 per
mile and the Tariff 22 fuel surcharge to \$4.40 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schramm, to enter orders in dockets RVF-4, MODF-4 and MANF-3 determining seal fees for the Recreational Vehicle, Modular Housing and Manufacturing Home Programs. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

RVF-4 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Recreational Vehicle Program.

MODF-4 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.

MANF-3 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Manufactured Home Program.

GRAIN WAREHOUSE DEPARTMENT

GW-2182 In the Matter of Bow Valley Elevator, Inc., Hartington, seeking a Grain Warehouse License, subject to the fulfillment of all statutory requirements, for the license period ending September 30, 2011: Motion made by Commissioner Rod Johnson, 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.

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-Office Supplies	\$	700.44
Voyager		1,980.70

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	350.00
Amplified Phone Services	190.00
B Hear	1,167.20
Beltone	2,114.25
DynaVox Systems	315.00
Glassman's Hearing Aid Services	511.38
Grand Island Hearing Aid Center	412.00
Hearing Aid Center of Columbus	179.95
Carl A. Johnson Jr.	2,183.99

Professional Hearing Aid Services	1,946.84
GENERAL ADMINISTRATION (Cont.)	
Sherard Hearing Aid Center	468.00
Teltex, Inc.	3,231.91
Weitbrecht Communications	21,779.52

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for October 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 Rod Johnson, to approve the Executive Director's recommendation to authorize Mark Luttich and Kent Pribyl to travel to and attend the Recreational Vehicle Industry Association (RVIA) revised code training for industry staff and enforcement state officials, to be held in Portland, Oregon, from February 1-3, 2011. Airfare, lodging, and most meals will be paid by RVIA. The Commission's Recreational Vehicle Program will be responsible for some meals, mileage to and from the airport and airport parking. 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 Natural Gas Director's recommendation to select David Rosenbaum Economic Consulting LLC and Christensen Associates Energy Consulting LLC, as the Commission's Natural Gas Consultants for RFP PSC-GAS-2010-1. 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 litigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:25 a.m.

WC 06-122 In the Matter of Universal Service Contribution Methodology Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds may assess Nomadic VoIP Intrastate Revenues: The contents of the Declaratory Ruling issued by the FCC on November 5, 2010, were discussed.

Motion made by Commissioner Frank Landis, 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, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:31 a.m.

GENERAL ADMINISTRATION (Cont.)

The meeting adjourned at 10:30 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 22, 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 19, 2010.

Chairman

Executive Director