

Vice Chairman Tim Schram called the regularly scheduled meeting to order at 10:10 a.m. with Commissioners Rod Johnson, Frank Landis and Tim Schram present, and Commissioners Anne Boyle and Gerald Vap excused. Vice Chairman Schram 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 16, 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 November 22, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a Protective Order for Dockets FC-1346 and FC-1347. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting. Gene Hand informed the Commission that a Hearing Officer's order was entered on November 18, 2010, adopting a procedural schedule and scheduling a consolidated hearing for April 5, 2011, at 1:00 p.m. and continuing on April 6, 2011, at 9:00 a.m. if necessary, in the Commission Hearing Room, Lincoln.

FC-1346 In the Matter of the Formal Complaint of Great Plains Communications, 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. Commissioner Frank Landis presiding as Hearing Officer.

FC-1347 In the Matter of the Formal Complaint of Sprint Communications Company, L.P., Overland Park, Kansas, v. Great Plains Communications, Inc. and Great Plains Broadband, Inc., Blair, alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture. Commissioner Frank Landis presiding as Hearing Officer.

Commissioner Anne Boyle entered the Commission Hearing Room during discussion of dockets FC-1346 and FC-1347.

FC-1348 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, v. Arapahoe Telephone Company, Blair; et al. alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture: Commissioner Frank Landis appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3049 In the Matter of the Commission, on its own motion, to conduct an investigation into possible solutions for extending the life of area codes 308 and 402. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4097.1 In the Matter of the Application of Nebraska Supercomm, LLC, Pierce, seeking to withdraw their local exchange authority in the State of Nebraska: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4308 In the Matter of the Joint Application of Galaxy Cable, Inc., Wickliffe, Kentucky, and Zito Midwest, LLC, CouderSport, Pennsylvania, seeking authority to transfer customers and assets from Galaxy to Zito: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4302 In the Matter of the Application of Cellco Partnership d/b/a Verizon Wireless, Lewisville, Texas, and its subsidiaries and affiliates to amend eligible telecommunications carrier designation in the State of Nebraska. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that three Hearing Officer orders were entered on November 15, 2010, two admitting non-resident attorneys and one entering a procedural order.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Gene Hand informed the Commission that \$105.64 was transferred from the Competitive Marketplace Fund to the Internet Enhancement Fund on November 19, 2010.

Gene Hand reported on the broadband presentation the staff provided at the Governor's Conference on Rural Development held in Kearney on November 19, 2010.

Gene Hand provided a report on the National Association of Regulatory Utility Commissioners (NARUC) Annual Meetings held in Atlanta, Georgia, from November 13-17, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1, In the Matter of the Nebraska Public Service Commission, P.O. #7 on its own motion, seeking to establish guidelines for administration of Nebraska Universal Service Fund: ATS Mobile Telephone, Inc.: Shana Knutson discussed the deviation of remittance audit language. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to accept the Agreed Upon Procedures as presented. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska 233 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. McGraw Communications, Inc., Respondent(s): Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Shana Knutson informed the Commission that the next E911 Advisory Board Meeting will be held on January 10, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Shana Knutson discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve amending the current complaint, NUSF-37.207 against NetOne International, Inc., to include 2nd and 3rd Quarters, 2010 and that a one-time waiver be granted to Working Assets for a previously levied late-fee. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT

NG-0065 In the Matter of Encore Energy Services, Inc., Omaha, seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter Assessment Orders in Dockets NG-0061 and NG-0064. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

- NG-0061      In the Matter of Black Hills/Nebraska Gas Utility Company,  
HS-0025      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.
- NG-0064      In the Matter of NorthWestern Energy, Sioux Falls, South  
HS-001        Dakota, seeking to include certain personnel costs in a  
                 future gas cost adjustment. Commissioner Rod Johnson pre-  
                 siding as Hearing Officer.

RULES AND REGULATION

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 Landis,  
to enter an order Nunc Pro Tunc to correct the January 12, 2010, hearing  
date to January 12, 2011. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner  
Jerry Vap excused not voting.

Rule and      In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and  
#176            Regulations, to adopt rules in accordance with Nebraska  
                 Legislative Bill 181 [2010]. Commissioner Tim Schram pre-  
siding as Hearing Officer: Motion made by Commissioner Frank Landis,  
seconded by Commissioner Rod Johnson, to enter an order releasing a  
second set of proposed rules and scheduling a hearing for January 10,  
2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion  
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and  
Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT

B-1585        In the Matter of Easy Car Rental Co., Inc., dba Budget Car  
Supp. 1        and Truck rental, Omaha, seeking authority as a contract  
                 carrier in Nebraska intrastate commerce in the transporta-  
tion of passengers by van between Candlewood Suites, Omaha, Nebraska,  
and Eppley Airfield, Omaha, Nebraska. RESTRICTION: The transportation  
of railroad train crews and their baggage is not authorized. HHS  
Designation: No: Motion made by Commissioner Anne Boyle, seconded by  
Commissioner Rod Johnson, to enter an order granting the application as  
amended. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap  
excused not voting.

TRANSPORTATION DEPARTMENT

B-1645 In the Matter of R & A Transport, LLC, York, seeking Commission approval to waive the age qualification for driving a motor vehicle: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the waiver of the age qualification for driving a motor vehicle. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

M-13496 In the Matter of Glenwood Transit Line, Inc., Glenwood, Iowa: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order for revocation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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 \$.82 per mile and Tariff 22 fuel surcharge to \$4.72 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2119 In the Matter of M. G. Waldbaum Company dba Wayne Grain & Feed, Wayne, seeking a measure-up of grain in its facilities: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to grant the request with necessary fees to be paid by the applicant. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GW-2182 In the Matter of Crofton Elevator, Inc., Crofton, 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Grain Dealer Division

GD-2182 In the Matter of Crofton Elevator, Inc., Crofton, seeking a Grain Dealer 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GRAIN WAREHOUSE DEPARTMENT

GD-2937 In the Matter of Thomas Investment Company, Inc., Broken Bow, seeking cancellation of its Grain Dealer License: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to grant the request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

AS-Central Services	\$	739.06
AS-Central Services-Printing		535.67
Birch, Horton, Bittner & Cherot		2,074.50
GeoComm Inc.		11,207.00
Latimer Reporting		618.00
Sprint		59,472.72
West		980.46
Laura Demman		765.53
Maurice Gene Hand		1,242.11
Anne Boyle		764.35

The following invoices were paid between November 9, 2010 and November 19, 2010 and should be ratified:

Birch, Horton, Bittner & Cherot	8,271.28
UNL-ARRA Nebraska Broadband Planning	11,992.47

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to authorize Commissioners to attend the Mid-America Regulatory Conference (MARC) Winter Meeting to be held in San Antonio, Texas from January 13-16, 2011, with all expenses to be paid by MARC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to authorize all Commissioners to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC from February 12-16, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Gene Hand, Laura Demman and Sue Vanicek to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC from February 11-16, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to accept an offer of settlement for the collision damage to an agency-owned motor vehicle, Vehicle #12063, a 2002 Ford Taurus SE, VIN# 1FAFP53232G257153. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

RFP PSC- Angela Melton discussed the response of Christensen Associates Energy Consulting LLC to the Commission's Notice of Intent, received November 17, 2010, and posted to the Commission's website. Christensen's response details work performed in the State of Nebraska for the past five (5) years.

Motion made by Commissioner Rod Johnson, 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. The Commission entered into closed session at 10:49 a.m.

Motion made by Commissioner Rod Johnson, 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 and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting. The Commission returned to open session at 10:58 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to make an offer of employment to Kandice Bremer for a Grain Warehouse Department position. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

GENERAL ADMINISTRATION (Cont.)

The meeting adjourned at 10:59 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present and Commissioner Gerald Vap excused. The next regularly scheduled meeting will be held on November 30, 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 29, 2010.

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Vice Chairman

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Executive Director