

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 December 28, 2010 on Page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 4, 2011 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, January 5, 2011

C-4320/
NUSF-78
1:30
Commission Hearing Room, Lincoln. In the Matter of the Nebraska Public Service Commission, on its own motion, to obtain compliance by Digital ISP Group, Inc. with Nebraska statutes and Commission rules and orders. Commissioner Frank Landis presiding as Hearing Officer.

Monday, January 10, 2011

10:00
Commission Hearing Room, Lincoln. E911 Advisory Board Meeting

Rule and
#176
1:30
Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 181 [2010]. Commissioner Tim Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in December 2010. She reported there were a total of 54 complaints: 43 wireline and 11 wireless. The complaints were categorized as follows: 27 billing, 21 service and 6 miscellaneous issues.

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 intra-state switched access rates and inefficient network architecture. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order dismissing in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT

C-4309 In the Matter of the Joint Application of STiPrepaid, LLC, New York, New York, and Vivaro Corporation, New York, New York, seeking approval of a transfer of control of STiPrepaid, LLC, to Vivaro Corporation: 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-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 an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4319 In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Mound, Minnesota, seeking approval of an interconnection agreement with New Edge Network, Inc., Vancouver, Washington: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving the application. 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 enter orders granting Applications E-2264, E-2265 and E-2267. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2264 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.

E-2265 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.

E-2267 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.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2266 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone County: 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.

CG-Docket Empowering Consumers to Avoid Bill Shock: Consumer Informa-
#10-207 tion and Disclosure. Motion made by Commissioner Anne Boyle,
CG-Docket seconded by Commissioner Tim Schram, to approve filing com-
#09-158 ments. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

John Burvainis informed the Commission that a Hearing Officer order was entered December 21, 2010, scheduling oral arguments on motions filed in Dockets FC-1346 through FC-1349 for January 6, 2011, at 1:30 p.m. in the Commission Hearing Room. Commissioner Frank Landis presiding as Hearing Officer:

FC-1346 In the Matter of the Formal Complaint of Great Plains Commu-
nications, 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.

FC-1347 In the Matter of the Formal Complaint of Sprint Communica-
tions 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.

FC-1348 In the Matter of the Formal Complaint of AT&T Communica-
tions of the Midwest, Inc., Denver, Colorado, v. Arapahoe Telephone Company, Blair; et. al, alleging unfair and unrea-
sonable intrastate switched access rates and inefficient net-
work architecture.

FC-1349 In the Matter of the Formal Complaint of Sprint Communica-
tions Company LP, Overland Park, Kansas, v. Arapahoe Tele-
phone Company, Blair; et. al, alleging unfair and unrea-
sonable intrastate switched access rates and inefficient network
architecture.

COMMUNICATIONS DEPARTMENT (Cont.)

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 presiding as Hearing Officer. John Burvainis informed the Commission that a Hearing Officer order was entered on December 20, 2010, granting motions for extension.

FC-1349 In the Matter of the Formal Complaint of Sprint Communications Company LP, Overland Park, Kansas, v. Arapahoe Telephone Company, Blair; et. al, alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture: . John Burvainis informed the Commission that a Hearing Officer order was entered December 29, 2010, granting the request for extension.

John Burvainis discussed the Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Nebraska Public Service Commission, on PI-117 its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: Tracfone Wireless, Inc., Alltell Cellular and WWC License: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to grant the requests from Tracfone Wireless and Verizon for an extension until January 31, 2011, to complete the E911 Worksheet Audit due December 31, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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: Tracfone Wireless, Inc., Alltell Cellular and WWC License: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant the requests from Tracfone Wireless and Verizon for an extension until January 31, 2011, to complete the NUSF Worksheet Audit due December 31, 2010. 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 Tim Schram, to levy a late-fee against Bullseye Telecom and that complaints be opened against Millicorp, Inc. and Gold Line Telemanagement, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 18 consumer complaints and inquiries received during December. For each company: Black Hills - 2; SourceGas - 12; NorthWestern - 0; Other Entities - 4.

Laura Demman reported a total number of 91 consumer complaints and inquiries received since July 1, 2010. For each company: Black Hills - 26; SourceGas - 53; NorthWestern - 2; Other Entities - 10.

RULES AND REGULATION

Rule and Regulation 173 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules regarding General Rate Filings, Rate Principles, High Volume, Agriculture and Interuptible 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. Angela Melton informed the Commission that the final rules were sent to the Attorney General's Office for approval on December 29, 2010.

TRANSPORTATION DEPARTMENT

B-1729 In the Matter of Omaha Fiesta Bus, Papillion: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an Order To Show Cause and Set Hearing for February 1, 2011, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Schram was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1777 In the Matter of Millenium Services, LLC, Omaha, seeking to acquire, through transfer, the certificate held by Visinet, Inc., Omaha, in Certificate B-1472: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing the application. 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 increased to \$.88 per mile and the Tariff 22 fuel surcharge to \$5.20 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GD-405 In the Matter of Farmers Cooperative, Pilger, seeking cancellation of their grain dealer license: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to grant the request effective December 20, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GD-2963 In the Matter of LDC Holding Inc., Wilton, CT, seeking issuance of a grain dealer license subject to the fulfillment of all statutory requirements for the license period ending December 31, 2011: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-1136 In the Matter of the Application of Central Valley Ag Cooperative, Nonstock, St. Edward, seeking a \$25,000.00 deductible on its stock insurance: 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.

GW-19 In the Matter of the Application of J. E. Meuret Grain Co., Inc., Brunswick, seeking a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-2184 In the Matter of the Application of The Andersons Inc., Maumee, OH, seeking authority as a grain warehouse pursuant to Neb. Rev. Stat. Section 88-527: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, 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 Anne Boyle, seconded by Commissioner Tim Schram, 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.

United States Post Office	\$	585.00
Anne Boyle		480.00
Rod Johnson		910.08
Tim Schram		544.00
Gerald Vap		470.00

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$ 1,334.00
Amplified Phone Services	315.00
Associated Hearing Health Care	323.68
B Hear	1,720.50
Beltone	2,340.10
Grand Island Hearing Aid Center	1,802.50
Harris Communications	1,270.71
Carl A. Johnson Jr.	518.01
League of Human Dignity	200.00
Professional Hearing Aid Services	1,585.21
Sherard Hearing Aid Center	1,167.20
Sprint Communications	299.98
Teltex	291.10
U-Save Pharmacy & Medical Supply	1,011.89
Weitbrecht Communications	4,336.74
Western ENT Associates	179.95
White's Hearing	164.95

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to authorize Commissioner Anne Boyle to travel to and attend the New York School of Law Advanced Communications and Law and Policy (ACLP) seminar to be held in New York, New York from January 5-7, 2011 with all expenses to be paid by ACLP. 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 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 10:32 a.m.

Motion made by Commissioner Tim Schram, 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 10:37 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to accept the resignation of Tim Sandusky, Rail Safety Department Inspector. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:39 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 January 11, 2011, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 10, 2011.

Chairman

Executive Director