

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Frank Landis excused. 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 January 18, 2011 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 25, 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:

#### Tuesday, January 25, 2011

NUSF-69 Commission Hearing Room, Lincoln. Workshop. In the Matter  
P.O. #6 of the Nebraska Public Service Commission, on its own  
1:30 motion, seeking to implement policies and procedures related  
to providing dedicated universal service support for wire-  
less telecommunications services. Commissioner Tim Schram  
presiding as Hearing Officer in lieu of Commissioner Frank  
Landis.

#### Wednesday, January 26, 2011

911-047/ Commission Hearing Room, Lincoln. Workshop In the Matter  
PI-168 of the Commission, on its own motion, seeking to investi-  
10:00 gate and establish standards and guidelines for Geographic  
Information Systems (GIS) Data necessary for the provision  
of Enhanced Wireless 911 Service. The dial in number is  
402-472-6292. Commissioner Jerry Vap presiding as Hearing  
Officer.

#### COMMUNICATIONS DEPARTMENT

AD-517r In the Matter of the Application of League of Conservation  
Voters, Inc., Washington, D.C., seeking authority to Register  
the connection of an automatic dialing-announcing device: Motion  
made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson,  
to enter an order granting the application. Motion passed with Com-  
missioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Com-  
missioners Anne Boyle and Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4324 In the Matter of the Application of Northeast Nebraska Telephone Company, Jackson, seeking approval of and authority to excute (1) the Loan Agreement with the United States of America (2) the Promissory Note made payable to the United States of America; and (3) the Restated Mortgage, Security Agreement and Financing Statement with the United States of America, the Rural Telephone Bank, and the Rural Telephone Finance Cooperative: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

E-2268 In the Matter of the Application of Custer Public Power District, Broken Bow, seeking authority to construct, operate and maintain an electric transmission line in Custer County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Gene Hand informed the Commission that two Hearing Officer orders were entered in Dockets FC-1346 through FC-1349 -- the first one on January 18, 2011, scheduling oral arguments for February 17, 2011, at 10:00 a.m. in the Commission Hearing Room, Lincoln and the second one on January 20, 2011, rescheduling oral arguments on the legal threshold issue from February 17, 2011, to February 23, 2011, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer.

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.

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.

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.

COMMUNICATIONS DEPARTMENT (Cont.)

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.

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: Gene Hand informed the Commission that a Hearing Officer order was entered on January 18, 2011, denying motions for consolidation and severance and granting informal interventions.

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. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that two Hearing Officer orders were entered on January 18, 2011, granting a second request for extension, denying motion for consolidation and granting informal intervention.

Gene Hand announced that the beta version of the Nebraska Broadband Map can now be accessed at [broadbandmap.nebraska.gov](http://broadbandmap.nebraska.gov).

Gene Hand discussed the status of a press release providing further information regarding the February 26, 2011, 10 digit dialing date mandated by the 402/531 Area Code Relief Plan.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Commission, on its own motion, seeking to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Sue Vanicek discussed the Interim 911-SAM payment procedure of PSAP costs to Local Exchange Carriers: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the payment procedure. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

NUSF-1,  
P.O. 19 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order of findings and conclusions, requiring VoIP carriers to commence payment of the Nebraska USF surcharge. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

NATURAL GAS DEPARTMENT

NG-0013/ PO #30 In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter Progression Order 30. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

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 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: The Commission was informed that rules were approved by the Attorney General's Office on January 18, 2011 and forwarded to the Governor for approval on January 20, 2011.

Rule and Regulation 175 In the Matter of the Commission, on its own motion, seeking to promulgate Title 291, Chapter 15, Enhanced Wireless 911 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 Legislative Bills 516 [2005] and 1222 [2006] and adopt current policy standards. Commissioner Jerry Vap presiding as Hearing Officer. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order issuing a Certificate of Adoption. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

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 \$.90 cents per mile and the Tariff 22 fuel surcharge at \$5.44 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2127 In the Matter of the Application of The Scoular Company, Omaha, requesting a \$50,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

GW-2174 In the Matter of John A. Fecht, Director Warehouse Department  
GWC-426 Nebraska Public Service Commission, Complainant v. Pender Grain Elevator, Inc., Pender, Nebraska, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order sustaining the complaint and imposing costs and penalties. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

AS Central Services-Copy Services	\$	2,941.04
United States Post Office		577.24
Gerald Vap		1,014.36

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into closed session to discuss personnel. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting. The Commission entered into closed session at 10:24 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting. The Commission returned to open session at 10:40a.m.

The meeting adjourned at 10:42 a.m. with Commissioners Rod Johnson, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Frank Landis excused. The next regularly scheduled meeting will be held on February 1, 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 31, 2011.

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Chairman

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Executive Director