

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson 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 25, 2011 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 1, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Friday, February 4, 2011

1:00 Commission Hearing Room, Lincoln. TRS Advisory Board

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in January 2011. She reported there were a total of 73 complaints: 36 wireline and 37 wireless. The complaints were categorized as follows: 31 billing, 33 service and 9 miscellaneous issues.

Gene Hand distributed copies of the "TRUTH IN CALLER ID ACT of 2009" signed into law on December 22, 2010. The Act amends the Communications Act of 1934 by prohibiting the manipulation of caller identification information.

C-4328/
PI-176 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate issues related to the service quality associated with intrastate interexchange service including the origination, termination and routing of interexchange calls: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order opening an investigation. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting. Commissioner Frank Landis was appointed Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4332 In the Matter of the Commission on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System (TRS) to be effective July 1, 2011, in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order opening the docket and scheduling a hearing for March 8, 2011, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

C-4325 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an interconnection agreement with Midwestern Telecommunications, Inc., Chicago Heights, Illinois: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order approving the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Commissioner Rod Johnson entered the Commission Hearing Room.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2270 through E-2272. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E-2270 In the Matter of the Application of Fremont Department of Utilities, Fremont, seeking authority to construct, operate and maintain an electric transmission line in Dodge County.

E-2271 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

E-2272 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission lines in Lancaster County.

Gene Hand informed the Commission that three Hearing Officer orders were entered in Dockets FC-1346 and FC-1347 on January 26 and January 27, 2011. The first one scheduling oral arguments for January 28, 2011, at 10:00 a.m. in the Commission Hearing Room, Lincoln, the second one rescheduling oral arguments for January 31, 2011, at 1:00 p.m. in the Commission Hearing Room, Lincoln and the third one granting a motion for clarification of discovery responses. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

- 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-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 in this docket on January 26, 2011. The first one granting the third request for extension to February 25, 2011 and the second granting a motion to amend the complaint.

Gene Hand reminded the Commissioners there would be a demonstration of Nebraska's Broadband Map under development at the conclusion of today's meeting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant the following requests for an extension of time to complete the NUSF Worksheet Audit due December 31, 2010. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

- NUSF-1, P.O. #7 In the Matter of the Nebraska Public Service Commission, on its own motion, to establish guidelines for administration of the Nebraska Universal Service Fund: NetWolves dba Norstan Network Services until April 30, 2011
- NUSF-1, P.O. #7 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: Globalstar USA, LLC until February 28, 2011
- NUSF-1, P.O. #7 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: Northstar Telecom, Inc. until March 31, 2011

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-33/
PI-68 In the Matter of the Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting International Telcom, Ltd's request for an audit waiver. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter orders dismissing Complaints NUSF-37.234 and NUSF-37.236. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-37.
234 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. DelTel, Inc., Respondent(s).

NUSF-37.
236 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Gold Line Telemanagement, Inc., Respondent(s).

NUSF-77,
P.O. #2 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order seeking comments on Windstream's earnings test proposal due February 28, 2011. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to amend the current complaints against Deltel, Inc., Millicorp, Inc. and Nobeltel, LLC and a new complaint be opened against Legacy Long Distance International. Additionally, late-fees should be levied against American Fiber Network, American Messaging Service, LLC, Convergia, Inc., Hershey Cooperative Telephone Company, Lightyear Network Solutions, LLC, Public Communications Services and Voicecom Telecommunications. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 13 consumer complaints and inquiries received at the Commission during January. For each company: Black Hills - 5; SourceGas - 4; NorthWestern - 2; and Other Entities - 2.

RULES AND REGULATION

Rule and Regulation #177 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules regarding filing of agreements containing terms for provision of regulated telecommunication 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: 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 March 15, 2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

LEGISLATIVE REPORT

Angela Melton reviewed pending legislation.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to take the following formal positions on legislative bills scheduled on February 7, 8 and 9, 2011:

Support: LB 217 and 220;
Oppose: LB 250 and 255;
Neutral: LB 257, 340, 418, 587 and 629; and
Monitor: LB 259

Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT

B-1519 Supp. 1 In the Matter of Navigator Motorcoaches, Inc., Norfolk, seeking to acquire, through transfer, the authority granted to I-80 Eppley Express, Kearney: Upon agreement of all Commissioners, a hearing was scheduled for March 29, 2011, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1729 In the Matter of Omaha Fiesta Bus, Papillion. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order suspending the Certificate of Public Convenience and Necessity issued in Application B-1729 until December 31, 2011. The hearing previously scheduled for February 1, 2011, was cancelled. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

LR-320 In the Matter of Leisure Limousine & Sedan, Inc., Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Commissioner Rod Johnson left the Commission Hearing Room.

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

Commissioner Rod Johnson entered the Commission Hearing Room.

GENERAL ADMINISTRATION

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

AS Central Services-Network Services	\$	2,930.22
University of Nebraska-Broadband Planning		93,325.03
Apex CoVantage, LLC		31,852.00
Kent Pribyl		861.11
Rod Johnson		628.32
Tim Schram		658.92

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for January, 2011. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to extend travel through February 17, 2010 for Gene Hand and Commissioner Anne Boyle to attend the National Association of Regulatory Utility Commissioners (NARUC) Annual Conference to be held in Washington, DC. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 11:38 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 February 8, 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 February 7, 2011.

Chair man

Executive Director