

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 February 2, 2011 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 8, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Anne Boyle entered the Commission Hearing Room.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders dismissing Dockets FC-1346 and FC-1347 and cancelling the hearing scheduled for April 12 and 13, 2011. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. 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.

Commissioner Rod Johnson entered the Commission Hearing Room.

C-4326 In the Matter of the Application of Global Tel\*Link Corporation, Mobile, Alabama, seeking approval of Issuance of Debt and Related Financing Transactions: Motion made by Commissioner Anne Boyle, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve filing reply comments in Dockets CG 10-207 and CG 09-158. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

CG 10-207 Empowering Consumers to Avoid Bill Shock  
CG 09-158 Consumer Information and Disclosure

Gene Hand discussed the TRS Late-Filed Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to issue a one-time waiver to Alltel Communications of Nebraska, Inc., AT&T Communications of Midwest, Cricket Communications, Inc., Granite Telecommunications LLC, Level 3 Communications, LLC, Long Lines Siouxland LLC, New Cingular Wireless PCS LLC, Omaha Cellular/Verizon, OnStar LLC, Plainview Telephone Company, Qwest Corporation, Qwest Communications Company LLC, Sioux City MSA Ltd Partnership, TCG Omaha, TeleCorporation Communications LLC, Time Warner Cable Info Srvs LLC, USCOC of Greater Iowa, USCOC of Nebraska/Kansas LLC and that late fees be levied against NT&T. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported that the National Broadband Map is due to be released by February 17, 2011, and feedback on Nebraska's Beta Broadband Map has been positive.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-042.23 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 Service: Perkins County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving funding, in part. 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  
240 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. inContact, Inc., dba UCN, Inc., Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to levy late-fees against Norlight, Inc., Windstream Communications, Windstream Nebraska, Inc. and Windstream Systems of the Midwest. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Sue Vanicek informed the Commission that the next Wireless E911 Advisory Board Meeting has been scheduled for April 25, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln, with a video-link to the University of Nebraska at Kearney, Communications Center Building, 1918 University Drive, Kearney.

NATURAL GAS DEPARTMENT

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company,  
HS-0028 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 Hear-  
ing Officer: Motion made by Commissioner Frank Landis, seconded by  
Commissioner Anne Boyle, to enter Assessment Order HS-0028. 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 promulgate Title 291, Chapter 15, Enhanced Wireless 911  
#175 Services Regulation Rules and Regulations, previously writ-  
ten under Title 291, Chapter 5, Section 005, Telecommunica-  
tions Rules and Regulations, and to adopt rules in accordance with Ne-  
braska Legislative Bills 516 [2005] and 1222 [2006] and adopt current  
policy standards. Commissioner Jerry Vap presiding as Hearing Officer:  
Angela Melton informed the Commission that the rules were forwarded  
to the Attorney General's Office for approval on February 4, 2011.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1584 In the Matter of Robert Bass, dba Choice Medical Transpor-  
tation, LaVista: Motion made by Commissioner Frank Landis,  
seconded by Commissioner Jerry Vap, to enter a Show Cause Order and  
schedule a hearing for March 1, 2011, at 1:30 p.m. in the Commission  
Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Com-  
missioner Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1782 In the Matter of Goodwill Industries of Greater Nebraska, Inc., Grand Island, seeking authority as a contract carrier in the transportation of passengers by bus and van who are clients of Goodwill Industries of Greater Nebraska, Inc. and to carry HHS clientele of Goodwill Industries of Nebraska, Inc. and their baggage between points in Hall, Merrick, Adams, Hamilton, Buffalo, and Howard counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. 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.

B-1783 In the Matter of T & T Limousine Service, LLC, Norfolk, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers by luxury or stretch limousine between points in Dodge, Washington, Saunders, Cuming and Colfax counties over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: 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.

Rate Division

LR-317 In the Matter of Groetken Company, dba Prince and Princess Limousine, Sioux City, Iowa, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

LR-321 In the Matter of T & T Limousine Service, LLC, Norfolk, seeking authority to set its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$.94 per mile and the Tariff 22 fuel surcharge to \$5.84 per truck per trip.

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, Tim Schram and Jerry Vap voting AYE.

ESRI	\$	1,400.00
Voyager		1,600.35
West		980.46
Anne Boyle		550.80

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for January 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the attached 2011 agency filing fees. 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 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 10:26 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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 10:33 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the recommendation of the Attorney General's Office and Commission staff to accept the District Court decisions rendered in Dockets CI 10-1233 and CI 10-1397 on January 31, 2011 and not appeal further. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

CI 10-1233 In the Matter of SourceGas Distribution, Inc., vs. The Nebraska Public Advocate and the Nebraska Public Service Commission, Respondents.

GENERAL ADMINISTRATION (Cont.)

CI 10-1397 In the Matter of the Nebraska Public Advocate, Petitioner, vs. Nebraska Public Service Commission, Respondent, Source-Gas Distribution LLC, Respondent, Public Alliance for Community Energy d/b/a/ ACE; and Black Hills/Nebraska Gas Utility Company, LLC, d/b/a/ Black Hills Energy, Intervenor Respondents.

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The meeting adjourned at 10:34 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 23, 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 22, 2011.

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Chairman

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Executive Director



