

Chairman Tim Schram 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 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 March 2, 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 March 8, 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, March 8, 2011

911-049/
PI-174
1:30 Commission Hearing Room, Lincoln. In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate the affect of statewide pre-paid wireless subscriber counts on local exchange carrier payments for enhanced wireless 911 service under the permanent funding mechanism and quarterly reporting requirements. Commissioner Jerry Vap presiding as Hearing Officer.

C-4332
3:00 Commission Hearing Room, Lincoln. 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. Commissioner Tim Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

FC-1349 In the Matter of the Formal Complaint of Sprint Communications Company LP, Overland Park, Kansas, v. Arapahoe Telephone Company, Arapahoe; Benkelman Telephone Company, Inc., Benkelman; Cambridge Telephone Company, Cambridge; Cozad Telephone Company, Cozad; Diller Telephone Company, Diller; Hartman Telephone Exchanges, Inc., Benkelman; Henderson Cooperative Telephone Company, Henderson; Hershey Cooperative Telephone Company, Hershey; Southeast Nebraska Communications, Inc., Falls City and Wauneta Telephone Company, Benkelman; alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture: Motion made by Commissioner Frank Landis, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4320/ NUSF-78 In the Matter of the Nebraska Public Service Commission, on its own motion, to obtain compliance by Digital ISP Group, Inc., with Nebraska statutes, Commission rules and orders: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking their authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and \ Jerry Vap voting AYE.

C-4329 In the Matter of the Joint Application of Protel Advantage, Inc. d/b/a Long Distance Savings, Mendota Heights, Minnesota, from the Estate of Scott Lee seeking authority to transfer ownership to Derek Lee, Darren Lee and Dalen Lee: 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.

C-4330 In the Matter of the Application of Global Crossing North American Networks, Inc., Rochester, New York, seeking authority to withdraw their interexchange certification and tariff in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle 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-4331 In the Matter of the Application of Global Crossing Telemanagement, Inc., Rochester, New York, seeking authority to withdraw their competitive local exchange certification and tariff in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle 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-4333 In the Matter of the Joint Application of William R. Sandman, Steven P. Sandman, Gladys L. Sandman and William P. Sandman, Diller, seeking authority to transfer stock resulting in a change in control of Diller Telephone Company: 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.

C-4336 In the Matter of the Application of Cincinnati Bell Any Distance Inc., Cincinnati, Ohio, seeking authority to operate as a local exchange carrier of telecommunication services within the State of Nebraska: 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.)

E-2274 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1348 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, v. Arapahoe Telephone Company, Arapahoe; Benkelman Telephone Company, Inc., Benkelman; Cambridge Telephone Company, Cambridge; Cozad Telephone Company, Cozad; Diller Telephone Company, Diller; Eastern Nebraska Telephone Company, Blair; Great Plains Communications, Inc., Blair; Hartington Telecommunications Company, Inc., Hartington; Hartman Telephone Exchanges, Inc., Benkelman; Henderson Cooperative Telephone Company, Henderson; Hershey Cooperative Telephone Company, Hershey; Hooper Telephone Company, Hooper; Northeast Nebraska Telephone Company, Jackson; Rock County Telephone Company, Blair; Southeast Nebraska Communications, Inc., Falls City; Three River Telco, Lynch; and Wauneta Telephone Company, Benkelman; 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 March 2, 2011, scheduling oral arguments on a motion to dismiss and strike. Oral Arguments are scheduled for April 5, 2011, immediately following the Commission's regularly scheduled meeting at 10:00 a.m. in the Commission Hearing Room.

Gene Hand informed the Commission that Hearing Officer orders were entered in Dockets FC-1350 through FC-1356 on March 2, 2011, scheduling oral arguments on motions to dismiss. Oral Arguments are scheduled for April 5, 2011, immediately following the Commission's regularly scheduled meeting at 10:00 a.m. in the Commission Hearing Room.

FC-1350 In the Matter of the Formal Complaint of Cambridge Telephone Company, Cambridge, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.

FC-1351 In the Matter of the Formal Complaint of Eastern Nebraska Telephone Company, Blair, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.

COMMUNICATIONS DEPARTMENT (Cont.)

- FC-1352 In the Matter of the Formal Complaint of Great Plains Communications, Inc., Blair, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1353 In the Matter of the Formal Complaint of Hartington Telecommunications Company, Inc., Hartington, Nebraska, v. AT&T Communications of the Midwest, Inc. aka AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1354 In the Matter of the Formal Complaint of Hooper Telephone Company, Remsen, Iowa, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1355 In the Matter of the Formal Complaint of Northeast Nebraska Telephone Company, Jackson, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1356 In the Matter of the Formal Complaint of Rock County Telephone Company, Blair, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.

Gene Hand reported that a Broadband Mapping and Planning presentation was made to the Nebraska Information Technology Commission (NITC) on March 1, 2011, and another one is scheduled to be presented to the NITC's Community Council on March 18, 2011.

Gene Hand informed the Commissioners that NebraskaLink will provide an update during the Communications Department agenda on March 15, 2011.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders in Dockets NUSF-37.213 and NUSF-37.235 approving stipulations and dismissing the complaints. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The hearing previously scheduled for April 19, 2011, in Docket NUSF-37.213 was cancelled.

- NUSF-37.213 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Access Point, Inc., Respondent. Commissioner Rod Johnson presiding as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
235 Telecommunications Infrastructure and Public Safety Depart-
ment of the Nebraska Public Service Commission, Complai-
nant, v. Millicorp, Inc., Respondent:

NUSF-50 In the Matter of the Nebraska Public Service Commission, on
its own motion, seeking to make adjustments to the Univer-
sal Service Fund mechanism established in NUSF-26: Motion made by
Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter
an order authorizing a change in payments. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

NUSF-78/ In the Matter of the Nebraska Public Service Commission, on
C-4320 its own motion, seeking to obtain compliance by Digital ISP
Group, Inc. with Nebraska statutes, Commission rules and
orders: This matter was discussed on the Communications Department's
agenda.

RULES AND REGULATIONS:

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 Frank Landis, seconded by
Anne Boyle, to enter an order releasing a 3rd set of proposed rules
and scheduling a hearing for May 10, 2011, at 1:30 p.m. in the Commis-
sion Hearing Room, Lincoln.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#177 Regulations, to adopt rules regarding filing of agreements
containing terms for provision of regulated telecommunica-
tion 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:
Nichole Mulcahy informed the Commission that a Hearing Officer order
was entered March 1, 2011, postponing the comments due on March 9,
2011 and continuing the hearing previously scheduled for March 15,
2011 to a date to be determined later.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1784 In the Matter of Cooter, LLC, Columbus, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in Special Party service between points in Platte County, and between points within said county, 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: No: 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-322 In the Matter of Limousine Services, LLC, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, 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 \$1.10 per mile and the Tariff 22 fuel surcharge to \$7.40 per truck per trip.

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Attorney General	\$	5,444.00
Voyager		1,738.29
Laura Demman		644.19
Kent Pribyl		896.21

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

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Gene Hand, Don Gray and Tyler Frost to travel to and attend the National Telecommunications and Information Administration's SBDD Grantee Conference to be held in Dallas, Texas from April 27-30, 2011. 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 Anne Boyle, to approve the Executive Director's recommendation to enter into closed session to discuss pending 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 10:24 a.m.

Motion made by Commissioner Jerry Vap, 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, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:38 a.m.

CI 09-4787 OrbitCom v AT&T, FC-1332/FC-1335; and,
CI 10-2119 Access Regulation Investigation C-4145/NUSF-74/PI-47:

Motion made by Frank Landis, seconded by Jerry Vap, to not pursue appeals of the District Court Orders issued in these dockets. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:40 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 March 15, 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 March 14, 2011.

Chairman

Executive Director