

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 present and Commissioner Gerald Vap 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 June 7, 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 June 14, 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, June 14, 2011:

Rule and Commission Hearing Room, Lincoln.
Regulation In the Matter of the Commission, on its own motion, seeking
#180 to amend Title 291, Chapter 14, Recreational Vehicles Rules
1:30 and Regulations, to adopt the 2011 and 2009 editions of
applicable code books, update related provisions, update
definitional sections, update procedures regarding seal
issuance, inspections and plan review, general language
clean up and delete certain forms. Commissioner Tim Schram
presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

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

C-4357 In the Matter of the Application of Treasure Lake, L.P.,
Coudersport, Pennsylvania, seeking authority to operate as
an interexchange 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 applica-
tion. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused
not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4358 In the Matter of the Application of Dark Fiber Solutions, Inc., York, seeking to transfer customers and assets to Treasure Lake, L.P., Coudersport, Pennsylvania: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4359 In the Matter of the Application of Western CLEC Corporation, Basking Ridge, New Jersey, seeking to withdraw their interexchange authority and its tariff: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

E-2287 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Burt and Dodge Counties: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, that a one-time waiver be issued to Hemingford Cooperative Telephone Company and Mobius Communications Company (CLEC). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Gene Hand informed the Commission that a Hearing Officer order was entered in the Formal Complaints listed below on June 8, 2011, ruling on motions to compel. Commissioner Frank Landis presiding as Hearing Officer.

FC-1348 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, v. Arapahoe Telephone Company, Arapahoe; et. al. alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture.

FC-1350 In the Matter of the Formal Complaint 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.

COMMUNICATIONS DEPARTMENT (Cont.)

- FC-1351 In the Matter of the Formal Complaint 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.
- FC-1352 In the Matter of the Formal Complaint 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 Hartington Telecommunications Company, Inc., Hartington, 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-1354 In the Matter of the Formal Complaint 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 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 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 informed the Commission of current flooding issues and the proposal to use our website for consumer access to flood information.

Gene Hand discussed the status of the initial two year Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter orders in Dockets 911-042.02, 911-042.04, 911-042.05, 911-042.14, 911-042.15, 911-042.17, 911-042.19, 922-042.21 and 911-042.27 approving funding for the 2011-2012 Fiscal Year. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.02 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: Dodge County 911 Board.
- 911-042.04 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: Knox County:
- 911-042.05 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: City of South Sioux City.
- 911-042.14 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: City of Holdrege.
- 911-042.15 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: Hamilton County.
- 911-042.17 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: Hitchcock County.
- 911-042.19 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: Saline County.
- 911-042.21 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: Cuming County.
- 911-042.27 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: Frontier County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.16 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: Cheyenne County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter orders approving the withdrawal of an application for upgrade of equipment previously submitted on February 18, 2011 and approval of an application for the purchase of recording equipment. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-042.18 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: City of North Platte: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order approving an equipment and software upgrade. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-77, P.O.#3 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the NUSF. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order seeking comments due July 15, 2011, reply comments due July 29, 2011 and scheduling a hearing for August 10, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

WC Docket 06-122 In the Matter of Universal Service Contribution Methodology: Sue Vanicek discussed this FCC docket. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve Director's filing of reply comments due on June 20, 2011, on the classification of text messaging revenues for purposes of reporting/contributing to the USF. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Sue Vanicek discussed NUSF Late-Filed Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve a late fee levied against Telephone Systems of Nebraska and that Complaints be opened against DelTel, Inc.; Lightyear Network Solutions; NetOne International, Inc.; Silv Communications, Inc.; and Pinpoint Wireless. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT

NG-0066 In the Matter of gas supply cost adjustment schedules implemented by Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, pursuant to Neb. Rev. Stat. sec. 66-1854. Commissioner Frank Landis presiding as Hearing Officer: Nichole Mulcahy discussed an order entered on June 8, 2011, by the Hearing Officer scheduling a status conference for June 27, 2011, at 10:00 a.m. in the Niobrara Room at the Commission.

Nichole Mulcahy discussed the SourceGas 2011 Residential/Commercial Choice Gas program posted prices as well as the 2011 list of suppliers participating in the Choice Gas Program and total number of customers selecting each supplier for the program year (customer selection numbers also include customers defaulting to each supplier).

RULES AND REGULATION

Rule and Regulation #181 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 723 [2010]: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis. to enter an order opening the docket, seeking comments due July 15, 2011, and scheduling a hearing for August 2, 2011 at 1:30 pm in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1624 In the Matter of Windstar Lines, Inc., Carroll, Iowa, seeking to acquire, through transfer, the authority held by Kincaid Coach Lines, Inc., Edwardsville, Kansas, in Certificate B-1619: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

B-1628 In the Matter of OMALiNK, Inc., Lincoln, seeking to acquire through transfer, the authority held by Passenger Transportation Services, dba A & B Shuttle, Omaha, in Certificate B-1558: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application and revoking Certificate B-1558. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1757 In the Matter of Night Life Limousine, LLC, Beatrice, seeking authority to acquire, through transfer, the authority held by The Party Zone, LLC, dba Party Zone Limos.com, Omaha: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1749. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

B-1794 In the Matter of Big O's Party Bus, LLC, Columbus, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter special party statewide 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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 decreased to \$1.10 per mile, and the Tariff 22 fuel surcharge to \$7.56 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department and brought the Commission up to date on other issues within the department.

GENERAL ADMINISTRATION

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

As Central Services-Data Processing	\$	2,925.90
AS Central Services-Office Supplies		869.05
AS Central Services-Personnel		1,804.57
NASUCA Dues		500.00
Voyager		2,058.27
Anne Boyle		104.59

GENERAL ADMINISTRATION (Cont.)

The following invoices were paid between June 1, 2011 and June 13, 2011 and should be ratified:

AS-Central Services-Printing	\$	760.82
Attorney General		2,722.00
West		980.46
Mark Luttich		510.05
Anne Boyle		489.60

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

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to renew the Commission's Agreement with Ted Burkey for the provision of services relating to the inspection of recreational vehicle factories in the states of California, Indiana, Kansas, Michigan, Ohio, Oregon, and Pennsylvania. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

The meeting adjourned at 10:52 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 June 21, 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 June 20, 2011.

Chairman

Executive Director