

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present, and Commissioner 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 June 17, 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 21, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Rod Johnson entered the Commission Hearing Room.

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 interexchange calls. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter Progression Order #1. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4354/ In the Matter of the Nebraska Public Service Commission
DC-79 regarding the 2010 Annual Report Filings. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4360 In the Matter of the Application of Consolidated Communi-
cations Enterprise Services, Inc. d/b/a Consolidated Communications Operator Services, Inc., Conroe, Texas, seeking to withdraw their interexchange authority: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

TRS-5 In the Matter of Gene Hand, Director of Communications
 Department of the Nebraska Public Service Commission,
Complainant, V. Comtech 21, LLC, Wallingford, Connecticut, Respondent:
Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank
Landis, to enter an order dismissing the complaint. 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 enter orders approving applications
C-4361 and C-4362. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4361 In the Matter of the Application of Qwest Corporation,
 Denver, Colorado, seeking amendment to the Interconnection
Agreement with Cox Nebraska Telcom, LLC, Emeryville,
California, previously approved in Docket C-3796.

C-4362 In the Matter of the Application of Qwest Corporation,
 Denver, Colorado, seeking amendment to the Interconnection
Agreement with Cricket Communications, Inc., San Diego,
California, previously approved in Docket C-2578.

 Motion made by Commissioner Frank Landis, seconded by
Commissioner Rod Johnson, to enter orders granting applications E-2288
and E-2289. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2288 In the Matter of the Application of Nebraska Public Power
 District, Columbus, seeking authority to construct, operate
and maintain an electric transmission line in Pawnee
County.

E-2289 In the Matter of the Application of Nebraska Public Power
 District, Columbus, seeking authority to construct, operate
and maintain an electric transmission line in Merrick and
Polk Counties.

C-4328/
PI-176 In the Matter of the Nebraska Public Service Commission, on
 its own motion, to investigate issues related to the ser-
vice quality associated with Intrastate interexchange
service including the origination, termination, and routing
of interexchange calls. Commissioner Frank Landis presiding
as Hearing Officer: John Burvainis informed the Commission
that a second set of data requests were issued to all
LEC's, IXC's and Wireless/VOIP providers on June 15, 2011,
with replies due July 15, 2011.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.05/In the Matter of Sue Vanicek, Director of the
DC-78 Nebraska Telephone Infrastructure and Public Safety
Department of the Nebraska Public Service Commission,
Complainant, v. Broadview Networks, Inc.; Cozad Telephone Company;
Dark Fiber Solutions, Inc.; Ernest Communications, Inc.; Lightyear
Network Solutions, LLC; McLeod USA Telecommunications Services/Paetec
Business Services; Northstar Telecom, Inc.; NOS Communications, Inc.;
Reliance Communications, Inc.; Sprint Communications, LP; TCG Omaha;
Wholesale Carrier Services, Inc.; and XO Communications Services,
Inc., Respondent(s): Motion made by Commissioner Jerry Vap, seconded
by Commissioner Frank Landis, to enter an order to dismiss the
complaint in part. 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 enter an order approving funding for the
2011-2012 Fiscal Year. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.06 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 Grand
Island.

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.

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.

911-042.28 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: Seward County.

911-042.29 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
Hastings.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.30 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: Jefferson County.
- 911-042.31 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: Thurston County.
- 911-042.32 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: Boyd-Holt Counties.
- 911-042.34 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: Polk County.
- 911-042.35 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: Burt County.
- 911-042.36 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: Nuckolls County.
- 911-042.37 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: Morrill County.
- 911-042.38 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: Washington County.
- 911-042.39 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: Cass County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.40 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: Mid Rivers 911.
- 911-042.42 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: Furnas County.
- 911-042.44 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: Boone County.
- 911-042.46 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 Wayne.
- 911-042.47 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: Custer County.
- 911-042.49 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: Douglas County.
- 911-042.61 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: Otoe County.
- 911-042.62 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: Colfax County.
- 911-042.65 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: Dixon County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.66 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: Antelope County.

911-042.68 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: Butler County.

911-042.69 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: Nance County.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle to enter an order approving funding, in part, for the 2011-2012 Fiscal Year. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.48 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: Garden County.

911-042.50 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: Chase County.

911-042.60 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: Thayer County.

911-042.24 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: Fillmore County. Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson to enter a Nunc Pro Tunc order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson to enter Assessment Orders in Dockets NG-0061 and NG-0066. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility
HS-0033 Company, 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 Hearing Officer.

NG-0066 In the Matter of gas supply cost adjustment schedules
HS-001 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.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 14, Recreational Vehicles Rules
#180 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:
Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne
Boyle, to issue a Certificate of Adoption. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry
Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1472 In the Matter of Visinet, Inc., Omaha: Motion made by
 Commissioner Anne Boyle, seconded by Commissioner Jerry
Vap, to enter an order revoking the authority. Motion passed with
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and
Jerry Vap voting AYE. The hearing previously scheduled for June 21,
2011, was canceled.

B-1800 In the Matter of Capeace, Inc., dba Commuter Express,
 Omaha, seeking to acquire, through transfer, the authority
granted to Hope Transportation, Inc., Omaha, in Certificate B-1557:
Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank
Landis, to enter an order granting temporary operating authority.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-388 In the Matter of Cooter, LLC, Columbus, seeking authority to set its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order amending the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-393 In the Matter of Big O's Party Bus, LLC, Columbus, seeking authority to set its rates and charges: Motion made by Commissioner Anne Boyle, 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.

TR-187 In the Matter of Omaha Hotel Flat Rates and Abbott Drive: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order suspending hotel flat rates on a temporary basis if Abbott Drive is closed due to flooding. 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 retained at \$1.10 per mile, and the Tariff 22 fuel surcharge at \$7.56 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2967 In the Matter of the Application of Grain Place Foods, Inc., Marquette, Nebraska, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant the grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Rod Johnson left the Commission Hearing Room.

GENERAL ADMINISTRATION

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

University of Nebraska-Bureau of Business Research	\$ 9,424.25
Sprint	62,076.88
Tim Schram	224.22
Frank Landis	108.12

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to ratify the Executive Director's decision to purchase a 2011 Ford Escape XLS for the Grain Warehouse Department. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Commissioner Rod Johnson entered the Commission Hearing Room.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to surplus computers, accessories, office furniture and miscellaneous items that are broken or out dated. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting. A complete listing is on file with the Business Manager.

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 litigation and personnel issues. The Commission entered into closed session at 10:42 a.m. 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 Rod Johnson, 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 11:02 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve the agency cost of living increase for FY 2011-2012. 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 Anne Boyle, to approve the Executive Director's recommendation to approve the reclassification of an employee in the General Administration Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 11:05 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 28, 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 27, 2011.

Chair man

Executive Director