

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 announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. He also announced there would be no meeting on July 5, 2011 with the next Commission meeting to be held on July 12, 2011.

#### GENERAL ADMINISTRATION

Notice was duly published June 21, 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 June 28, 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 28, 2011:

GW-2119 Commission Hearing Room, Lincoln.  
1:30 In the Matter of M.G. Waldbaum Company d/b/a Wayne Grain and Feed, seeking a waiver of the Commission's rules and regulations regarding net worth requirements for grain warehouses and to obtain a grain warehouse license in the State of Nebraska. Commissioner Rod Johnson presiding as Hearing Officer.

#### Wednesday, June 29, 2011:

Rule and Commission Hearing Room, Lincoln. Workshop.  
Regulation In the Matter of the Commission, on its own motion, seeking  
#182 to amend Title 291, Chapter 3, Motor Carrier Rules and  
10:00 Regulations, to rewrite the chapter in its entirety. Commissioner Tim Schram presiding as Hearing Officer.

#### Monday, July 11, 2011:

10:00 Commission Hearing Room, Lincoln with video link to Kearney Public Library, 2020 1st Avenue, Kearney.  
E911 Advisory Board Meeting.

#### COMMUNICATIONS DEPARTMENT

C-4363 In the Matter of the Application of Galaxy Cable, Inc., York, Nebraska, seeking authority to withdraw its interexchange authority: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4364 In the Matter of the Application of Ionex Communications North, Inc. d/b/a Birch Communications and American Fiber Network, Inc., Overland Park, Kansas, seeking to withdraw American Fiber Network, Inc.'s interexchange and local exchange authorities: 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.

Gene Hand informed the Commission that a request was received from Qwest Corporation on June 20, 2011, asking the Commission to overturn a denial by the Pooling Administrator to provide numbering resources for a dedicated customer need. An existing customer is expanding and requires 2000 additional direct inward numbers in a specific NXX code: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve sending a letter to the Pooling Administrator. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Gene Hand informed the Commission that a Hearing Officer order was entered in the Formal Complaints listed below on June 22, 2011, dismissing AT&T's Motion for Reconsideration. 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 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.

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.

COMMUNICATIONS DEPARTMENT (Cont.)

- FC-1353 In the Matter of the Formal Complaint of 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 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 discussed the Broadband Mapping/Planning Grant and recent service outages reported by Windstream and Time Warner.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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.

- 911-042.20 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: Dawes County.
- 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.
- 911-042.26 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: Dawson County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.33 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 Lincoln
- 911-042.41 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 Beatrice.
- 911-042.43 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: Cedar County.
- 911-042.51 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: Rock County.
- 911-042.52 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: Cherry County.
- 911-042.53 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: Brown County.
- 911-042.54 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: Keya Paha County.
- 911-042.55 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: Howard County.
- 911-042.56 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: York County.
- 911-042.57 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 Alliance.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.58 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: Region 26 Council.
- 911-042.59 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 Norfolk.
- 911-042.63 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: Scotts Bluff County.
- 911-042.64 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: Sarpy County.
- 911-042.67 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: Pierce County.
- 911-042.70 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: EDS 911.
- 911-042.71 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: Saunders County.
- 911-042.72 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: Kearney County.
- 911-042.73 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: Sheridan County.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-043.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 Service: U.S. Cellular.
- 911-043.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 Service: Sprint Nextel.
- 911-043.04 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 Service: Sagir, Inc. d/b/a Indigo Wireless.
- 911-043.05 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 Service: Cricket Communications.
- 911-043.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 Service: N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, 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.

- 911-042.13 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: Merrick County.
- 911-042.45 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: Dundy County.
- 911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for Wireless enhanced 911 service. Commissioner Jerry Vap presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer's Order entered June 24, 2011, scheduling a workshop for July 27, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, 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.

NUSF-37.237 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Consumer Cellular, Inc., Respondent(s).

NUSF-37.252 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Pinpoint Wireless, Inc., Respondent(s).

NATURAL GAS DEPARTMENT

Laura Demman requested Commission approval to seek an Attorney General's opinion regarding applicability of *Neb. Rev. Stat. sec. 66-1838* to the deadline for Commission review of a natural gas general rate case: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant approval to seek an Attorney General's opinion. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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: Laura Demman discussed an order entered by the Hearing Officer on June 24, 2011, canceling the status conference scheduled for June 27, 2011.

RULES AND REGULATIONS

Rule and Regulation #171 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 10, Nebraska Universal Service Fund Rules and Regulations, to update the chapter in its entirety and to reorganize the chapter by the nature of the program supported by the NUSF. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order revising proposed amendments, seeking comments due July 29, 2011 and scheduling a hearing for September 13, 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.

TRANSPORTATION DEPARTMENT

B-1377 In the Matter of Mid America Coaches, Inc., dba Heartland Coaches, Beatrice: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order to show cause and schedule a hearing for July 13, 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. Commissioner Frank Landis was appointed Hearing Officer.

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 retained at \$1.10 per mile and the Tariff 22 fuel surcharge was decreased to \$7.40 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division.

GD-2942 In the Matter of John A. Fecht, Director Warehouse Department, Nebraska Public Service Commission, Complainant v. GWC-429 Mosher's Organic Grain Co., L.L.C., Bushnell, Nebraska, Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order to show cause and schedule a hearing for August 3, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Jerry Vap was appointed as Hearing Officer.

GENERAL ADMINISTRATION

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

AS Central Services-Network Services	\$	2,980.30
Omaha World Herald		535.42

The following invoices were paid from June 21-27, 2011 and should be ratified:

United States Post Office	\$	1,070.00
Anne Boyle		550.80
Rod Johnson		1,517.55
Tim Schram		450.84
Gerald Vap		479.40

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to renew the Personal Vehicle Mileage Reimbursement Agreement with Kent Prybl. 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 Rod Johnson, to approve the Executive Director's recommendation to renew the Commission's Interagency Agreement with the Nebraska Department of Justice for the provision of legal services. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve the revised July 1, 2011 IRS mileage reimbursement rate for Commissioners and non-contract Commission employees. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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The meeting adjourned at 10:30 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 July 12, 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 July 11, 2011.

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Chairman

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Executive Director