

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Tim Schram and Gerald Vap present, and Commissioners Rod Johnson and Frank Landis 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 August 10, 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 August 16, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, August 18, 2011:

LB 257            Commission Hearing Room, Lincoln. Workshop.  
10:00            In the Matter of the Nebraska Public Service Commission, on its own motion, sponsored by the Communications Department regarding the implementation of the online business tariff option pursuant to LB 257.

Commissioner Rod Johnson entered the Commission Hearing Room.

#### COMMUNICATIONS DEPARTMENT

C-4390           In the Matter of the Application of DelTel, Inc., Aliso Viejo, California, seeking authority to withdraw their interexchange authority and rescind all tariffs: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

TRS-3            In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. Ernest Communications, Inc., Norcross, Georgia, Respondent: 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, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4389 In the Matter of the Application of Alltel Communications, Inc., Alpharetta, Georgia, seeking approval of an Amendment to the Wireless Interconnection and Reciprocal Compensation Agreement with Cambridge Telephone Company, Cambridge, previously approved in Docket C-3271: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

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: Gene Hand informed the Commission that a Hearing Officer order was entered August 8, 2011, granting Level 3's request for an extension to file data request responses.

Gene Hand informed the Commission that oral arguments on the Motion to Compel were set by Hearing Officer order entered on August 9, 2011, and held on August 11, 2011 in the formal complaints listed below. 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.

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-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.

COMMUNICATIONS DEPARTMENT (Cont.)

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 reported that the new Data Input Model (DIM) was available for providers' use in submitting fourth round broadband data. He also noted there will be a broadband conference held on November 1, 2011 at the Cornhusker Hotel, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Commission, on its own motion, seeking to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Sue Vanicek discussed the 911-SAM Audit Procedures for PSAPs and WSPs. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the procedures. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaints in Dockets NUSF-37.246 and NUSF-37.253. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting:

NUSF-37.246 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Ernest Communications, Inc., Respondent(s).

NUSF-37.253 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. McGraw Communications, Inc., Respondent(s).

WC 10-90;  
07-135;  
05-337  
03-109/  
CC 01-92;  
96-45/  
GN 09-51 Further inquiry into certain issues in the universal service-intercarrier compensation transformation proceeding: Motion made by Commission Jerry Vap, seconded by Commissioner Rod Johnson to file comments with the Federal Communications Commission (FCC), due August 24, 2011 and reply comments due August 31, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter Assessment Orders in Dockets NG-0060 and NG-0061. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting:

NG-0060      In the Matter of SourceGas Distribution LLC, Lakewood,  
HS-0028      Colorado, seeking approval of a general rate increase.  
Commissioner Rod Johnson presiding as Hearing Officer.

NG-0061      In the Matter of Black Hills/Nebraska Gas Utility Company,  
HS-0034      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 pre-  
siding 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 5, Telecommunications Rules and  
#178          Regulations, to adopt rules regarding intrastate switched  
access regulation. Commissioner Frank Landis presiding as  
Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by  
Commissioner Anne Boyle, to enter an order releasing a second set of  
proposed rules and seeking comments due September 30, 2011. Motion  
passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and  
Jerry Vap voting AYE, and Commissioner Frank Landis excused not  
voting.

Rule and      In the Matter of the Commission, on its own motion seeking  
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and  
#181          Regulations, to adopt rules in accordance with Nebraska  
Legislative Bill 723 [2010]. Commissioner Tim Schram  
presiding as Hearing Officer: Motion made by Commissioner Jerry Vap,  
seconded by Commissioner Anne Boyle, to enter an order issuing a  
Certificate of Adoption. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner  
Frank Landis excused not voting.

TRANSPORTATION DEPARTMENT

B-1624      In the Matter of Windstar Lines, Inc., Carroll, Iowa seek-  
Supp. 1      ing to acquire, through transfer, the authority granted to  
Kincaid Coach Lines, Inc., Edwardsville, Kansas, in Certi-  
ficate B-1619: Motion made by Commissioner Rod Johnson, seconded by  
Commissioner Anne Boyle, to enter an order dismissing the application.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram  
and Jerry Vap voting AYE, and Commissioner Frank Landis excused not  
voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1757 In the Matter of Night Life Limousine, LLC, Beatrice, seek-  
Supp. 4 ing authority as a common carrier in Nebraska intra-state  
commerce in the transportation of passengers and their  
baggage by bus in charter and special party service between all  
points in Nebraska over irregular routes. RESTRICTION: The transpor-  
tation of railroad train crews and their baggage is not authorized.  
HHS Designation: No: Motion made by Commissioner Anne Boyle, seconded  
by Commissioner Jerry Vap, to enter an order granting the application.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram  
and Jerry Vap voting AYE, and Commissioner Frank Landis excused not  
voting.

B-1786 In the Matter of NIETO, LLC, Valentine, seeking to acquire,  
through transfer, the authority of Joyce Staman, dba Staman  
Limousine Service, in Certificate B-1476: Mark Breiner informed the  
Commission that a Hearing Officer's Order was entered August 15, 2011  
continuing the hearing previously scheduled for August 16, 2011, to a  
date later to be determined.

B-1789 In the Matter of Safe Knights, Inc., Omaha, seeking author-  
ity as a common carrier in Nebraska intrastate commerce in  
the transportation of passengers by bus, van, and SUV/Truck for im-  
paired passengers and further will provide a service to drive their  
car home between points in Douglas, Sarpy, Washington, Cass & Lancas-  
ter counties, on the one hand, and, on the other hand, points in  
Nebraska over irregular routes: The hearing previously scheduled for  
August 17, 2011, was continued to August 31, 2011, at 10:00 a.m. via  
video conference in the Commission Hearing Room, Lincoln, and Nebraska  
State Office Building, Room 207, Second Floor, 1313 Farnam Street,  
Omaha.

B-1796 In the Matter of Kerry Meyer, Aurora, seeking authority as  
a common carrier in Nebraska intrastate commerce in the  
transportation of passengers by bus in charter and special party ser-  
vice between points in Nebraska over irregular routes. RESTRICTION:  
The transportation of railroad train crews and their baggage is not  
authorized. HHS Designation: No: Mark Breiner informed the Commis-  
sion that a Hearing Officer's Order was entered August 15, 2011, con-  
tinuing the hearing previously scheduled for August 16, 2011, to a  
date later to be determined.

B-1800 In the Matter of Capeace, Inc., dba Commuter Express,  
Omaha, seeking to acquire, through transfer, the authority  
held by Hope Transportation, Inc., Omaha, in Certificate B-1557. A  
video hearing was scheduled for September 19, 2011, at 10:00 a.m. in  
the Commission Hearing Room, Lincoln, and the Nebraska State Office  
Building, Room 207, 2nd Floor, 1313 Farnam Street, Omaha.

TRANSPORTATION DEPARTMENT (Cont.)

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 \$1.08 per mile and the Tariff 22 fuel surcharge to \$7.20 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2119 In the Matter of M. G. Waldbaum Company d/b/a Wayne Grain and Feed, Wayne, 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: John Fecht discussed rules and regulations concerning the waiver of net worth requirements for a grain warehouse license.

Grain Dealer Division

GD-2942/ In the Matter of John A. Fecht, Director Grain Warehouse  
GDC-429 Department, Nebraska Public Service Commission, Complainant  
v. Mosher's Organic Grain Co., L.L.C., Bushnell, Nebraska,  
Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking the grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION

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

AS Central Services	\$	1,524.45
West		980.46

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to change the date for the Tuesday, November 1, 2011 meeting of the Commission to Wednesday, November 2, 2011 at 10:00. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

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

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Steve Stovall to travel to and attend the 2011 National Association of State Relay Administrators (NASRA) Conference to be held in Salt Lake City, Utah, from October 19-22, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize an employee in the NTIPS Department to carry a negative sick leave balance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

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The meeting adjourned at 10:34 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Gerald Vap present and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on August 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 August 22, 2011.

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Chair man

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Executive Director