

Chairman Tim Schram called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Gerald Vap present, and Commissioner 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 30, 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 September 7, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in August 2011. She reported there were a total of 48 complaints: 33 wireline and 15 wireless. The complaints were categorized as follows: 24 billing, 18 service and 6 miscellaneous issues.

C-4393 In the Matter of the Application of Global Capacity Group, Inc., Chicago, Illinois, seeking to cancel their local exchange and interexchange authorities: 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, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

C-4397 In the Matter of the Application of Ionex Communications North, Inc. d/b/a Birch Communications, Atlanta, Georgia, seeking approval of transfer of customers and assets of Northstar Telecom, Inc., Purchase, New York: 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, 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 enter an order in the Formal Complaints listed below dismissing the complaint in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. 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.

COMMUNICATIONS DEPARTMENT (Cont.)

- 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.
- 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.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter orders approving applications C-4395 and C-4399. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

- C-4395 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of amendment to the Wireless Interconnection Agreement with Sprint Spectrum, L.P., Overland Park, Kansas, previously approved in Docket C-2768:
- C-4399 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of amendment to the Wireless Interconnection Agreement with Brookings Municipal Utilities Telephone Department d/b/a Swiftel Communications, Brookings, South Dakota, previously approved in Docket C-2317:

COMMUNICATIONS DEPARTMENT (Cont.)

E-2294 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 Jerry Vap, seconded by Commissioner Rod Johnson, 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order setting the surcharge rate. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. 5, its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Sue P.O. 7 Vanicek discussed the deviation of remittance and payment audit procedures' language for Allo Communications; Benkelman Telephone Company; Cozad Telephone Company; Diller Telephone Company; Hartman Telephone Exchange; Nebraska Technology and Telecommunications; Wauneta Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to accept the third-party Agreed Upon Procedures of these various companies. 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 Rod Johnson, seconded by Commissioner Anne Boyle, to enter orders dismissing the complaints in Dockets NUSF-37.242 and NUSF-37.254. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska 242 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Legacy Long Distance International Respondent(s):

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska 254 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Cable One, Inc., Respondent(s):

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to levy late-fees against Global Crossing Telecommunications, Elsie Communications, Inc., and Dalton Telecommunications and that complaints be opened against NebraskaLink, LLC, Comtech 21, LLC, Voicecom Telecommunications, and Credit Union Wireless and amend the current complaint opened against Telenational Communications, Inc. 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

Laura Demman reported a total number of 8 consumer complaints and inquiries received at the Commission during August. For each company: Black Hills - 3; SourceGas - 1; NorthWestern - 0; and Other Entities - 4.

TRANSPORTATION DEPARTMENT

B-1802 In the Matter of Camelot Transportation, dba Prince of the Road, seeking to acquire, through transfer, the authority held by R&F Hobbies, dba Prince of the Road, in Certificate B-1441, Supplement 2: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1441, Supplement 2. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

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 \$1.08 per mile and the Tariff 22 fuel surcharge at \$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 a grain warehouse and to obtain a grain warehouse license in the State of Nebraska: Motion was made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to review an extension request for rescinding of the waiver and sign an order amending the prior order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-1013 In the Matter of the Application of Bruning Grain & Feed Co., Inc., Bruning, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to grant a 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.

GD-2974 In the Matter of the Application of Harrold Terminal, LLC, Harrold, South Dakota, 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 Anne Boyle, to grant a 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 Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Deputy 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-Risk Management	\$	5,209.00
Anne Boyle		732.60
Tim Schram		669.33

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to authorize Commissioner Rod Johnson to travel to and attend the 2011 Mid-America Telecom Showcase & Seminar (MATSS) to be held in Kansas City, Missouri, from October 16-18, 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 Jerry Vap, seconded by Commissioner Rod Johnson, to authorize Commissioner Anne Boyle to travel to and attend the 2011 Mid-America Telecom Showcase & Seminar (MATSS) to be held in Kansas City, Missouri, from October 17-19, 2011, with all expenses to be paid by MATSS. 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 Deputy Director's recommendation to approve Commission minutes for the month of August. 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 Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Deputy Director's recommendation to approve the 2012 Technical Training Funding Agreement with the Federal Railroad Administration beginning October 1, 2011, and ending September 30, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 10:25 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 September 13, 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 September 12, 2011.

Chair man

Deputy Director