

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 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 September 13, 2011 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 20, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order inviting full applications from pre-applicants and revising the grant timeline. 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 an order in Dockets FC-1332 and FC-1335 issuing findings on oral argument issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Tim Schram voting AYE, and Commissioner Jerry Vap present not voting. Gene Hand informed the Commission that a Hearing Officer order was entered September 14, 2011, setting a planning conference for September 21, 2011, at 1:00 p.m. in the Niobrara Conference Room.

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff.

FC-1335 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable. Commissioner Tim Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that a request was received from Windstream NE, Inc. on September 13, 2011, asking the Commission to overturn a denial by the Pooling Administrator for a thousands block in the Lincoln rate center in support of an existing customer request for dedicated numbers. Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, 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 final draft copy of the 2011 Annual Report to the Legislature was placed on their desks last Friday. Approval to file the report will be on the agenda for September 27, 2011.

Gene Hand reported that processing fourth round data for submission by the end of September is underway and the first webinar is scheduled for September 21, 2011, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Gene Hand reported that the initial Windstream public rate meeting will be held at 4:30 p.m. today at the Cornhusker Hotel.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-054/ In the Matter of the Commission, on its own motion, seeking PI-181 to investigate and determine costs eligible for funding from the Enhanced Wireless 911 Fund pursuant to Neb. Rev. Stat. § 86-465(2)(b) and(c): Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order opening a docket and seeking comments. 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.

Angela Melton discussed Verizon Wireless' non-compliance with wireless E-911 testing requirements. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve Sue Vanicek's request to open a complaint. 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 enter an order certifying carriers eligible for high-cost support for the next funding 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.)

- NUSF-25 In the Matter of the Nebraska Public Service Commission, on
P.O. #25 its own motion, seeking to establish guidelines for the
 purpose of certifying the use of federal universal service
 support.
- NUSF-66 In the Matter of the Nebraska Public Service Commission, on
 its own motion, seeking to establish guidelines for the
 purpose of certifying the use of state universal service
 support.
- NUSF-37 In the Matter of Sue Vanicek, Director of the Nebraska
245 Telecommunications Infrastructure and Public Safety Depart-
 ment of the Nebraska Public Service Commission, Complain-
ant, v. Convergia, Inc., 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, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

- NG-0063/ In the Matter of the Commission, on its own motion, seeking
PI-173 to investigate and refine filing requirements and establish
 further guidelines for prosecution of general rate applica-
tions: Motion made by Commissioner Frank Landis, seconded by Commis-
sioner Rod Johnson, to enter an order adopting a Standard Progression
Order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Frank
Landis presiding as Hearing Officer.
- NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company,
HS-0035 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): Motion made by Commissioner Frank Landis,
seconded by Commissioner Rod Johnson, to enter Assessment Order No.
HS-0035. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Frank
Landis presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

- B-1800 In the Matter of Capeace, Inc., dba Commuter Express,
 Omaha, seeking to acquire, through sale or transfer, the
authority held by Hope Transportation, Omaha, in Certificate B-1557.
Commissioner Anne Boyle presiding as Hearing Officer: Mark Breiner
entered a motion to continue the hearing and the video hearing previ-
ously scheduled for September 19, 2011, was continued to a date later
to be determined.

TRANSPORTATION DEPARTMENT (Cont.)

B-1801 In the Matter of City Taxi, Inc., seeking authority for the transportation of passengers by taxi in Douglas, Sarpy, Washington, Cass and Dodge counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A Planning Conference Order and Notice of Video Hearing was entered. The planning conference was held on September 13, 2011 and a video hearing was scheduled for December 7 and 8, 2011, at 9:00 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Anne Boyle was appointed as Hearing Officer.

MR-1009 In the Matter of Movers and Warehouse Division, Nebraska
PI-70 Motor Carriers Association, Lincoln, seeking to adjust the tariff charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the increase. 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 decreased to \$1.06 per mile and the Tariff 22 fuel surcharge to \$7.08 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-22 In the Matter of Ag Valley Cooperative Non-Stock, Edison: John Fect discussed the shortage of corn.

GW-279 In the Matter of Farmers Cooperative, Plymouth: John Fect discussed the shortage of milo.

GWC-431/ In the Matter of John A. Fect, Director, Warehouse Depart-
GW-2119 ment, Nebraska Public Service Commission, Complainant v. M. G. Waldbaum Company d/b/a Wayne Grain and Feed, Wayne Nebraska, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for November 8, 2011 at 1:30 p.m. CDT. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Rod Johnson was appointed as Hearing Officer.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-2704 In the Matter of Riada Trading Co. Inc., Wichita, KS, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 79-903 (Reissue 1996): Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant a grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GD-2973 In the Matter of Adams Group, Inc., Arbuckle, CA, 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, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to reconsider the vote in Dockets FC-1332 and FC-1335. 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 an order seeking a determination in Dockets FC-1332 and FC-1335. Motion passed with Commissioners Anne Boyle, Frank Landis, and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap present not voting.

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff:

FC-1335 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable. Commissioner Tim Schram presiding as Hearing Officer:

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

GENERAL ADMINISTRATION (Cont.)

Sprint	\$	62,968.49
Attorney General		5,444.00
AS-Materiel-Printing		502.26
Rod Johnson		1,247.67

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. The Commission entered into closed session at 10:34 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Deputy 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 10:38 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation to accept the resignation 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.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Deputy Director's recommendation to open for hire a position 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 10:40 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 September 27, 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 26, 2011.

Chair man

Deputy Director