

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Anne Boyle excused. 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. Commissioner Schram informed the public that the Commission will be closed on October 10th in observance of Columbus Day and the next Commission meeting will be held on October 12th.

GENERAL ADMINISTRATION

Notice was duly published September 27, 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 on October 4, 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 September 2011. She reported there were a total of 48 complaints: 31 - wireline and 17 - wireless. The complaints were categorized as follows: 16 billing, 26 service, and 6 miscellaneous issues.

C-4340 In the Matter of the Application of Larry Ellis, Kevin Stewart, Les Tweedy and Alvin Satterwhite, of Emerson, Nebraska, seeking authority to receive telephone service from the Jackson-Hubbard exchange of the Northeast Nebraska Telephone Company, Jackson, Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order scheduling a hearing for November 21, 2011, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Rod Johnson was appointed as Hearing Officer.

C-4370 In the Matter of the Application of U.S. Telecom Long Distance, Inc., Las Vegas, Nevada, seeking approval of the transfer of certain long distance business customers from Consumer Telcom, Inc., Henderson, Nevada, to U.S. Telecom Long Distance, Inc: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Commissioner Anne Boyle entered the Commission Hearing Room.

C-4392/
PI-179 In the Matter of the Commission, on its own motion, seeking comment on the request by City of Omaha to be assigned the use of "311" in Douglas County for access to non-emergency police and government services: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the City of Omaha the use of 311 for non-emergency government services. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle present not voting.

*** A further vote was taken on Docket C-4932 following the General Administration agenda.

C-4402 In the Matter of the Application of the Hemingford Cooperative Telephone Company, Hemingford, seeking authority to issue long-term indebtedness: Motion made by Commissioner Jerry Vap, 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.

C-4405 In the Matter of the Application of John Arens, Randolph, seeking authority to receive telephone service from the Coleridge exchange of the Northeast Nebraska Telephone Service. 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.

Gene Hand informed the Commission that a Hearing Officer order was entered October 4, 2011, rescheduling the hearing previously scheduled for October 4-7, 2011, to a date later to be determined for the complaints in Dockets FC-1348 and FC-1352:

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-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 to intrastate switched access services.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed the Annual Report to the Legislature. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to ratify approval of submission of the 2011 Annual Report to the Legislature. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Gene Hand reported the fourth round broadband data has been submitted to the National Telecommunications and Information Administration (NTIA) and that the agenda for the November 1, 2011, Broadband Conference being held at the Cornhusker Hotel, Lincoln, is nearing completion.

Gene Hand reported the CenturyLink rate increase notice to their customers was dated October 5, 2011, and the proposed rate would be effective January 9, 2012.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Nebraska Public Service Commission, on
PI-117 its own motion, seeking to establish audit requirements
related to the Wireless Enhanced 911 Fund: Motion made by
Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter
an order granting in part, and denying in part, E-911 audit waiver
requests. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram, and Jerry Vap voting AYE.

911-29.09 In the Matter of Sue Vanicek, Director of the Nebraska
Telecommunications Infrastructure and Public Safety Depart-
ment of the Nebraska Public Service Commission, v. Verizon Wireless,
Respondent: Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner 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.

NUSF-33/ In the Matter of the Commission, on its own motion, seeking
PI-68 to investigate the audit requirements related to the
Nebraska Universal Service Fund: Motion made by Commis-
sioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an
order approving in part, and denying in part, NUSF audit waiver
requests. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NUSF-37.256 In the Matter of Sue Vanicek, Director of the Nebraska
Telecommunications Infrastructure and Public Safety
Department of the Nebraska Public Service Commission, Complainant, v.
Comtech 21, LLC, Respondent(s): 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.

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 Frank Landis, to levy late fees against IDT America Corporation, NE Colorado Cellular, Inc. and Zone Telecom, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0067 In the Matter of SourceGas Distribution, LLC, seeking approval of a general rate increase: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter a Notice of Assessment and Protective Order. 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.

NG-0068 In the Matter of SouthStar Energy Services LLC d/b/a Nebraska Consumers Gas, Atlanta, Georgia, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Commissioner Frank Landis was appointed as Hearing Officer.

Laura Demman reported a total number of 15 consumer complaints and inquiries received during September. For each company: Black Hills - 4; SourceGas - 8; NorthWestern - 1; Other Entities - 2.

TRANSPORTATION DEPARTMENT

B-1704 In the Matter of Taxi Specialties of Lexington, LLC, dba Lexington Taxi, Kearney: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking the Certificate in B-1704. 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 \$1.02 per mile and the Tariff 22 fuel surcharge to \$6.64 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1850 In the Matter of Farmers Union Co-Operative Association,
Gretna: John Fecht discussed shortages of corn.

Grain Dealer Division

GD-2934 In the Matter of John A. Fecht, Director, Complainant v.
Clark Specialty Grains, LLC, Gothenburg, Respondent: Jojn
Fecht discussed the operations of the grain dealer and issuance of a
letter of inquiry.

GENERAL ADMINISTRATION

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

Holiday Inn Express, Omaha	\$	744.00
Kent Pribyl		870.84
Anne Boyle		666.00
Tim Schram		603.84

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

A.G.N. Sales		703.85
Amplified Phone Services		921.31
B Hear		2,449.68
Beltone		2,377.05
Grand Island Hearing Aid Center		900.00
Great Call		49.00
Carl A. Johnson		541.09
Professional Hearing Services		529.80
Sherard Hearing Aid Center		769.25
Teltex Inc.		2,028.67
Weitbrecht Communications		1,647.88
White's Hearing Aid Specialists		414.85

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Rod Johnson, to approve the Executive Director's recommendation
to reschedule the Commission meeting on December 20, 2011 from 10:00
to 9:00 a.m. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Com-
missioner Frank Landis, to approve the Executive Director's recommen-
dation 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 10:33 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, 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 10:50 a.m.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to reconsider the vote in Docket C-4392/PI-179. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

C-4392/ PI-179 In the Matter of the Commission, on its own motion, seeking comment on the request by City of Omaha to be assigned the use of "311" in Douglas County, for access to non-emergency police and government services: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the City of Omaha the use of 311 for non-emergency government services. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

The meeting adjourned at 10:54 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 October 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 October 11, 2011.

Chair man

Executive Director