

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. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published October 25, 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 on November 2, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Gene Hand reported on complaints received in October 2011. He reported there were a total of 34 complaints: 22 wireline and 12 wireless. The complaints were categorized as follows: 13 billing, 15 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: Gene Hand informed the Commission that a Hearing Officer order was entered October 31, 2011, scheduling a planning conference for November 2, 2011, at 11:00 a.m. in the Niobrara Conference Room with a call-in number being made available.

Gene Hand discussed the first Broadband Conference held November 1, 2011 at the Cornhusker Hotel, Lincoln, and announced the planning team welcomes feedback from all attendees that will enhance the conference in the future.

Gene Hand shared his views on the status of the availability of the Federal Communications Commission (FCC) Intercarrier Compensation and Universal Reform order voted on October 27, 2011.

Gene Hand reported on President Obama's announcement of his intent to nominate Jessica Rosenworcel and Ajit Pai as Commissioners to the FCC.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1 PO #7 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Sue Vanicek discussed the deviation of remittance audit procedures submitted by NetOne International, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to accept the audit language as presented. 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 Jerry Vap, to enter an order scheduling a hearing for December 6, 2011 at 1:00 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 as Hearing Officer.

NUSF-69.09 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: U.S. Cellular Corporation.

NUSF-69.10 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless.

Sue Vanicek discussed the waiver request for the NUSF late-filed remittance worksheets from Pat Crocker on behalf of Access One, Incorporated. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, approving the one-time waiver request for Access One that includes the data periods of 2003 through August, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0066 CA-003 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter Assessment Order CA-003. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

LEGISLATIVE

Mike Hybl discussed the 102nd Legislature, 1st Special Session. Motion made by Jerry Vap, seconded by Frank Landis, to testify as neutral upon LB 1 and neutral on any other legislative bills implicating the jurisdiction of the Commission during the Special Legislative Session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1791 In the Matter of Royal Transportation Company, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van in Nebraska over irregular routes as a contract carrier for the Nebraska Department of Health and Human Services: Mark Breiner informed the Commission that a Planning Conference and Notice of Hearing order was entered on November 2, 2011, scheduling a video conference hearing on January 25, 2012, at 10:00 a.m. in the Commission Hearing Room, Lincoln, and Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Anne Boyle was appointed as Hearing Officer.

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. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1557. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

M-14209 In the Matter of Lincoln Relocation, Inc., Lincoln, seeking Supp.1 authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between all points in the state of Nebraska over irregular routes: Motion made by Commissioner Frank Landis, 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.

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 at \$7.32 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GWC-431/ In the Matter of John A. Fecht, 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 Rod Johnson, to enter a stipulation and order approv-
ing the stipulation, dismissing the complaint and canceling the hear-
ing previously scheduled for November 8, 2011. Motion passed with Com-
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and
Jerry Vap voting AYE.

Grain Dealer Division

GD-2962 In the Matter of the Application of Vogel Grain+, LLC,
Atkinson, NE seeking authority as a grain dealer pursuant
to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Com-
missioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an
order granting a grain dealer license. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry
Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Anne Boyle, 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	\$	3,045.61
AS Central Services-MV Physical Damage Coverage		1,672.58
Kent Pribyl		1,043.68
Anne Boyle		666.00
Tim Schram		526.36

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Jerry Vap, to approve the Executive Director's recommenda-
tion to enter into closed session to discuss litigation. Motion passed
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram,
and Jerry Vap voting AYE. The Commission entered into closed session
at 10:28 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Frank Landis, to approve the Executive Director's recommenda-
tion 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 10:45 a.m.

The meeting adjourned at 10:46 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 November 8, 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 November 7, 2011.

Chairman

Executive Director