

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. Commissioner Schram announced that the Commission will be closed on November 24-25, 2011, in observance of Thanksgiving.

GENERAL ADMINISTRATION

Notice was duly published November 15, 2011 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 21, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

C-4229.1 In the Matter of the Application of IntelePeer, Inc., San Mateo, California, seeking authority to complete certain pro forma intra-corporate transactions: 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, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

C-4367 In the Matter of the Application of Gary & Barb McCormick of Sparks, Nebraska, seeking authority to receive telephone service from the Springview exchange of the Three River Telco Telephone Company: 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, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

C-4413 In the Matter of the Application of Nebraska Wesleyan University, Lincoln, seeking to withdraw its interexchange authority: 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, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

C-4414 In the Matter of the Application of Keith J. Paar, Blair, seeking authority to receive telephone service from the Blair exchange of the Blair Telephone Company: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4415 In the Matter of the Application of Masergy Communications, Inc., Plano, Texas, seeking a Certificate of Public Convenience and Necessity to provide resold interexchange telecommunication services in the State of Nebraska: 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, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

C-4416 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an Amendment to the Wireless Interconnection Agreement with T-Mobile USA, Inc., Bellevue, Washington, previously approved in Docket C-2560: Motion made by Commissioner Anne Boyle, 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 discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, that a complaint be opened against Sagir, Inc. and that a one-time waiver be issued to Citizens Telecommunications Company of Nebraska. 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 November 8, 2011, granting in part, and denying in part, the motion to compel for the complaints below. Commissioner Tim Schram presiding as Hearing Officer:

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.

FC-1358 In the Matter of the Formal Complaint of Allo Communications, LLC, Imperial, Nebraska, v. United Telephone of the West d/b/a CenturyLink, Qwest Corporation, Monroe, Louisiana, alleging overcharges due to incorrect provisioning of service. Gene Hand informed the Commission that a Hearing Officer order was entered November 14, 2011, granting a motion for extension of time to answer.

COMMUNICATIONS DEPARTMENT (Cont.)

SR 241 Gene Hand informed the Commission that SR 241, the resolution honoring the 211 service, was passed November 15, 2011, designating November 16, 2011, as National Information and Referral Services Day.

Gene Hand reviewed details of Cox Communications announcement that it will discontinue selling Cox wireless phone service effective November 16, 2011.

Gene Hand informed the Commission that the U.S. Senate Commerce, Science, and Transportation Committee scheduled a hearing to consider the nominations of Ms. Jessica Rosenworcel and Mr. Ajit Varzdaraj Pai to be members of the Federal Communications Commission (FCC).

Gene Hand announced on November 18, 2011, that the FCC released its "Connect American Fund" order adopted October 27, 2011.

Gene Hand advised the Commission of the November 30, 2011, 6:00 p.m. EST deadline for submitting an application to serve on the North American Numbering Council (NANC).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-24.42 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Custer Public Power District: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting GIS access. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Sue Vanicek discussed the continuing vacancies on the Wireless E-911 Advisory Board for the Nebraska Carrier Representative and the Public Representative. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve issuing a press release seeking board applications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Sue Vanicek discussed the ACH Credit policy and procedure for Wireless E-911 and NUSF surcharge payments. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the policy. 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-77, In the Matter of the Petition of the Nebraska Telecommuni-
P.O. #5 cations Association for investigation and review of pro-
cesses and procedures regarding the Nebraska Universal Ser-
vice Fund: Motion made by Commissioner Frank Landis, seconded by Com-
missioner Anne Boyle, to enter an order regarding the application and
review process for the Nebraska Broadband Pilot Program with year one
support applications accepted January 2, 2012 through February 1,
2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram, and Jerry Vap voting AYE.

Sue Vanicek discussed the November 9, 2011 Hearing Offi-
cer's Order rescheduling the December 6, 2011 hearing to December 13,
2011 at 11:00 a.m. in the Commission Hearing Room, Lincoln, and
extending the pre-filed testimony deadline to November 23, 2011 in
Dockets NUSF-69.09 and NUSF-69.10. Commissioner Frank Landis presiding
as Hearing Officer:

NUSF-69.09 In the Matter of the Nebraska Public Service Commission, on
its own motion, seeking to implement policies and proce-
dures related to providing dedicated universal service
support for wireless telecommunications services: Petition
received July 1, 2011 from 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 proce-
dures related to providing dedicated universal service
support for wireless telecommunications services: Petition
received July 1, 2011 from N.E. Colorado Cellular, Inc.,
d/b/a Viaero Wireless.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remit-
tances and the one-time waiver requests received: Motion made by Com-
missioner Frank Landis, seconded by Commissioner Anne Boyle, to grant
the waiver requests from Consumer Telcom, Inc. for the data periods of
the 1st Qtr, 2009 through the 3rd Qtr, 2011; U.S. Telecom Long Distance,
Inc., for the data periods of the 1st Qtr, 2003 through the 3rd Qtr,
2011 and Value-Added Communications for June, August and September,
2011 data periods. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

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

NATURAL GAS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter Assessment Orders in Dockets NG-0061 and NG-0067. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NG-0061/
HS-0037 In the Matter of Black Hills/Nebraska Gas Utility Company, 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 presiding as Hearing Officer.

NG-0067
HS-001 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Jerry Vap presiding as Hearing Officer.

Laura Demman reported on the National Association of Regulatory Utility Commissioners (NARUC) Gas Committee meetings held in St. Louis, Missouri, on November 13-14, 2011.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 10, Nebraska Universal Service
#171 Fund Rules and Regulations, to update the chapter in its
entirety and to reorganize the chapter by the nature of the
program supported by the NUSF. Commissioner Frank Landis presiding as
Hearing Officer: The Commission was informed that the rules were
forwarded to the Attorney General for approval.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#176 Regulations, to adopt rules in accordance with Nebraska
Legislative Bill 181 [2010]. Commissioner Tim Schram
presiding as Hearing Officer: The Commission was informed that the
rules were forwarded to the Governor for signature.

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 pre-
siding as Hearing Officer: The Commission was informed that the rules
were forwarded to the Attorney General for approval.

LEGISLATIVE

Mike Hybl updated the Commission on the special session.

TRANSPORTATION DEPARTMENT

B-1761 In the Matter of Limousine Services, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury limousine between points within a 250-mile radius of Dakota City over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized; and the certificate holder shall maintain a listing of its services in the Yellow Pages of the telephone directory serving Dakota City. Extend the authority by the addition of sedans to vehicles used: Upon agreement of all Commissioners, a Planning Conference and Notice of Hearing order was entered scheduling a hearing for January 17, 2012, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed as Hearing Officer.

B-1800 In the Matter of Capeace, Inc., dba Commuter Express, Omaha, seeking authority to acquire, through transfer, the authority of Hope Transportation, Omaha, in Certificate B-1557: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

B-1802 In the Matter of Camelot Transportation, dba Prince of the Road, Kearney, seeking authority to acquire, through transfer, the authority held by R&F Hobbies dba Prince of the Road, Kearney, in Certificate B-1441: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application and revoking Certificate B-1441. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

M-14213 In the Matter of Modest Movers, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in the state of Nebraska over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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 increased to \$1.16 and the Tariff 22 fuel surcharge to \$8.24 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1154 In the Matter of Cooperative Producers Inc, Hastings, Nebraska, seeking a \$50,000 deductible for its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant deductible limits. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GW-2156 In the of Norder Agri Supply, Inc., Hebron, NE: John A. Fecht discussed the shortage of milo.

Grain Dealer Division

GD-244 In the Matter of the Application of Ely's Incorporated, Guide Rock, Nebraska, 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 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.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner 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-Office Supplies	\$	872.91
West		1,029.48
Anne Boyle		442.46
Tim Schram		324.90
Gerald Vap		1,043.44

The following payments were made between November 8 and November 20, 2011 and should be ratified:

AS Central Services	\$	631.14
Sid Dillon Chevrolet-Fremont		579.19

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for the month of October. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to authorize Commissioners to attend the Mid-America Regulatory Conference (MARC) Winter Meeting to be held in Austin, Texas from January 19-21, 2012, with all expenses to be paid by MARC. 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 authorize Commissioner Anne Boyle to travel to Washington DC on December 6, 2011 to co-moderate a panel on Technical Capacity and Capabilities of Future Rural Networks for a Federal Communications Commission (FCC) workshop. 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 Executive Director's recommendation to release RFP 59464(03) for the purpose of securing a qualified contractor to provide broadband data collection and mapping services. 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 Executive 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 10:49 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive 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 10:58 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to upgrade Nebraska Telecommunications Infrastructure & Public Safety Department (NTIPS) and General Administration employees from probationary to permanent status effective November 1, 2011 and December 1, 2011 respectively. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 11:00 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 29, 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 28, 2011.

Chairman

Executive Director