

Chairman Tim Schram called the regularly scheduled meeting to order at 9:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram, and Gerald Vap present, and Commissioner Rod Johnson 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. Announcements were made that there would be no Commission meeting on December 27, 2011 and that the next Commission meeting will be held January 4, 2012. He also announced that the Commission would be closed on December 26, 2011, and January 2, 2012 in observance of Christmas and New Years Day.

#### GENERAL ADMINISTRATION

Notice was duly published December 14, 2011 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 20, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln. A corrected notice was published December 19, 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 on December 20, 2011 at 9:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Tuesday, December 20, 2011:

- 10:00 Commission Hearing Room, Lincoln. 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.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter orders granting applications AD-526r and AD-527r. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-526r In the Matter of the Application of Array Services Group, Inc., Sartell, Minnesota, seeking authority to register the connection of an automatic dialing-announcing device in Sartell, Minnesota:

AD-527r In the Matter of the Application of Array Services Group, Inc., Sartell, Minnesota, seeking authority to register the connection of an automatic dialing-announcing device in Sartell, Minnesota:

Commissioner Rod Johnson entered the Commission Hearing Room.

C-4425 In the Matter of the Application of Common Point, LLC, Springfield, Illinois, seeking local exchange and inter-exchange telecommunications authority to provide competitive access tandem services in the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, 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-4426 In the Matter of the Application of Common Point, LLC, Springfield, Illinois, seeking to establish its initial access service tariff for access tandem switching: Commissioner Frank Landis was appointed as Hearing Officer.

C-4427 In the Matter of the Application of Liberty-Bell Telecom, LLC d/b/a DISH Network Phone & Internet, Denver, Colorado, seeking to establish its initial intrastate switched access tariff: Commissioner Frank Landis was appointed as Hearing Officer.

Gene Hand reported on recent tariff filings made pursuant to the Federal Communications Commission's (FCC) Connect America Fund (CAF) Order.

Gene Hand reported on the status of appeals of the FCC's CAF order.

Gene Hand reported the letter of intent to award future data collection and mapping activities to BroadMap has been posted. The staff is working with BroadMap to draft a contract for Commission approval and develop an implementation timeline.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Commission, on its own motion, seeking  
PI-117 to establish audit requirements related to the Wireless  
Enhanced 911 Fund: Motion made by Commissioner Frank  
Landis, seconded by Commissioner Rod Johnson, to grant Sprint's re-  
quest to extend the deadline to March 31, 2012 for the E-911 remit-  
tance audits that are due December 31, 2011, for the following enti-  
ties: Nextel West Corporation; NPCR, Inc.; Nextel Boost, LLC; Virgin  
Mobile USA, LLC; and Sprint Spectrum. Motion passed with Commissioners  
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap  
voting AYE.

911-050.01 In the Matter of the Second Petition of N.E. Colorado  
Cellular, Inc., d/b/a Viaero Wireless for support from the  
E-911 Wireless Service Provider (WSP) Grant Program. Commissioner  
Jerry Vap presiding as Hearing Officer: Sue Vanicek discussed the  
Hearing Officer's order entered December 12, 2011, stating pre-filed  
testimony is due February 3, 2012 and scheduling a hearing for  
February 14, 2012 at 1:30 p.m. in the Commission Hearing Room, Lin-  
coln.

NUSF-1, In the Matter of the Commission, on its own motion, seeking  
P.O. #7 to establish guidelines for administration of the Nebraska  
Universal Service Fund: Orbitcom, Inc. Motion made by  
Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to  
approve the deviation of remittance audit procedures language. Motion  
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim  
Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0066 In the Matter of gas supply cost adjustment schedules im-  
CA-005 plemented by Black Hills/Nebraska Gas Utility Company, LLC,  
d/b/a Black Hills Energy, Omaha, pursuant to *Neb. Rev.*  
*Stat. sec. 66-1854*. Commissioner Frank Landis presiding as Hearing  
Officer: Motion made by Commissioner Frank Landis, seconded by Commis-  
sioner Rod Johnson, to enter Assessment Order CA-005. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram  
and Jerry Vap voting AYE.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 9, Natural Gas and Pipeline  
#179 Rules and Regulations, to adopt rules regarding General  
Rate Filings; Rate Principles' Affiliate Transactions, and  
Tariff Filings. Commissioner Frank Landis presiding as Hearing  
Officer: The Commission was informed that the rules were approved by  
the Attorney General and will be forwarded to the Governor for signa-  
ture.

TRANSPORTATION DEPARTMENT

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 decreased to \$1.06 per mile and the Tariff 22 fuel surcharge to \$7.08 per truck per trip.

Commissioner Frank Landis left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

GW-211 In the Matter of the attached list of applicants seeking et.al. authority as a grain warehouse pursuant to Neb. Rev. Stat. Section 88-527: Mike Bartels presented the list to be reviewed for the fourth quarter grain warehouse renewal applications.

GW-1136 In the Matter of the Application of Central Valley Ag Cooperative, Non-stock, Saint Edward, requesting a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the increased stock insurance deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Grain Dealer Division

GD-14 In the Matter of the attached list of applicants seeking et.al. authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Mike Bartels presented the list to be reviewed for the fourth quarter grain dealer renewal applications.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive 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	\$	2,276.98
Ag Express Electronics		1,575.00
Comfort Suites		728.00
Firestone Complete Auto Care		555.50
Hurlbert CPA LLC		15,837.99
Sprint		57,173.08
West		1,029.48
Gerald Vap		1,302.08

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

A.G.N. Sales	\$	312.85
Amplified Phone Services		400.31
Beltone		1,134.60
Carl A. Johnson		246.21
Complete Hearing Solutions PC		404.75
Glassman's Hearing Aid Service		180.40
Harris Communications		282.90
Hearing Clinic Inc.		170.00
Sprint Communications		299.98
Talk to Me Technologies		999.00
Teltex Inc.		1,920.98
U-Save Pharmacy & Medical Supply		494.80
Professional Hearing Aid Services		199.90

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize employees in the Grain Warehouse, Housing, and Transportation Departments to carry over earned, but unused, vacation time to calendar year 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

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The meeting adjourned at 9:20 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 January 4, 2012, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. January 3, 2012.

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Chairman

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Executive Director