

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 December 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 January 4, 2012, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to elect Commissioner Rod Johnson as Chair of the Commission for 2012. 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 Tim Schram, to elect Anne Boyle as Vice Chair of the Commission for 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in December 2011. She reported there were a total of 33 complaints: 21 wireline and 12 wireless. The complaints were categorized as follows: 9 billing, 16 service, and 8 miscellaneous issues.

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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint with prejudice. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

E-2239 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting an extension of time. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Nichole Mulcahy discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, that a one-time waiver be issued to Diller Telephone Company and WWC License LLC, dba Verizon Wireless, and that late fees be levied against Allo Communications, Alltel Communications of Nebraska, Inc., Nebraska Colorado Cellular Inc., dba Viaero, Omaha Cellular Telephone Company, Sioux City MSA Limited Partnership and that the complaint against Sagir, Inc., dba Indigo Wireless, be amended to include further late filing violations. 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 presiding as Hearing Officer: Nichole Mulcahy informed the Commission that a Hearing Officer order was entered December 21, 2011, granting a motion to withdraw a protest, petition for formal intervention and petition for review.

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 presiding as Hearing Officer: Nichole Mulcahy informed the Commission that a Hearing Officer order was entered December 21, 2011, granting motion to withdraw protest, petition for formal intervention and petition for review.

C-4403 In the Matter of Windstream Nebraska, Inc., Little Rock, Arkansas, business rate increase: Nichole Mulcahy reported that a letter was sent December 22, 2011, informing Windstream that not enough petitions were received and the rate increase could be implemented.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund (NIEF): Nichole Mulcahy informed the Commission that a NIEF meeting is scheduled for January 9, 2012, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to grant Tracfone's requests in Dockets 911-018/PI-117 and NUSF-1/PO 7 for an extension to January 31, 2012, to file the 2010 E-911 Remittance Audit and the 2010 NUSF Remittance Audit, both due December 31, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-018/
PI-117 In the Matter of the Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: Tracfone Wireless, Inc:

NUSF-1,
PO #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Tracfone Wireless, Inc:

NUSF-1,
PO #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Action Communications, Inc. and Arizona Telephony Brokers, LLC: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to accept the deviation of agreed upon procedures language as presented by Action Communications, Inc. and Arizona Telephony Brokers, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NUSF-32.10 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules and Orders and to impose administrative fines: NetOne International: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to sustain the Order to Show Cause and levy a civil penalty. 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 Tim Schram, to enter an order granting application, in part, in Dockets NUSF-69.09 and NUSF-69.10. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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 Wireless E-911 late-filed carrier remittances and payments: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to grant a one-time waiver to Flash Wireless, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 9 consumer complaints and inquiries received during December. For each company: Black Hills - 3; SourceGas - 1; NorthWestern - 1; and Other Entities - 4.

RULES AND REGULATIONS

Rule and Regulation #171 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 10, Nebraska Universal Service 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an Order Reissuing the Certificate of Adoption. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Rule and Regulation #179 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules regarding General Rate Filings; Rate Principles' Affiliate Transactions and Tariff Filings. Commissioner Frank Landis presiding as Hearing Officer: Shana Knutson informed the Commission that the rules were forwarded to the Governor for signature on December 22, 2011.

Rule and Regulation #181 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 723 [2010]. Commissioner Tim Schram presiding as Hearing Officer: Shana Knutson informed the Commission that the rules were forwarded to the Governor for signature on December 22, 2011.

TRANSPORTATION DEPARTMENT

B-1761 In the Matter of Limousine Services, LLC, Lincoln, seeking to extend its authority in the transportation of passengers by luxury limousine between points within a 250 mile radius of Dakota City over irregular routes. RESTRICTION: 1) The transportation of railroad train crews is not authorized; and 2) The certificate holder shall maintain a list 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. HHS Designation: No. Commissioner Frank Landis presiding as Hearing Officer: Upon agreement of all Commissioners, the hearing previously scheduled for January 17, 2012, was continued to January 25, 2012, and January 26, 2012, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT (Cont.)

B-1789 In the Matter of Safe Knights, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus, van, and SUV/Truck for impaired passengers and further will provide a service to drive their car home between points in Douglas, Sarpy, Washington, Cass & Lancaster counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application as modified. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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 between points in Nebraska over irregular routes as a contract carrier for the Nebraska Department of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Upon agreement of all Commissioners, the video hearing previously scheduled for January 25, 2012, was continued to a date later to be determined. Commissioner Anne Boyle presiding as Hearing Officer.

B-1803 In the Matter of Promotion Audio Music Services, York, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in York, Fillmore, Hamilton, Hall, Seward, Lancaster, Polk, Clay Center, and Adams counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

LR-327 In the Matter of TAA, LLC, Grand Island, seeking authority to set and amend its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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 decreased to \$1.02 per mile and the Tariff 22 fuel surcharge to \$6.76 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of the Application of J. E. Meuret Grain Co., Inc., Brunswick, NE seeking a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving the deductible limit. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GW-731 In the Matter of Farmers Cooperative Grain Company, Merna, NE seeking cancellation of their grain warehouse license: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to cancel the grain warehouse license effective January 1, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Grain Dealer Division

GD-731 In the Matter of Farmers Cooperative Grain Company, Merna, Nebraska, seeking cancellation of their grain dealer license: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to cancel the grain dealer license effective January 1, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GD-2723 In the Matter of the attached list of applicants, seeking etal authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): John Fecht presented final list of applicants for license renewals for the 2011 4th quarter.

GD-2975 In the Matter of the Application of Bunge North America, Inc., St. Louis, Missouri, 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 Tim Schram, to enter an order granting a grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GD-2977 In the Matter of the Application of Kanza Cooperative Association, Iuka, Kansas, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting 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 Frank Landis, 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.

AS Office Supply Bureau	\$	705.61
GIS Workshop		14,400.00
United States Postal Service-BRM Annual Maintenance		605.00
Rod Johnson		964.73

The following invoices were paid between December 21, 2011 and January 3, 2012 and should be ratified:

AS Central Services-Network Services	\$	2,905.47
Anne Boyle		666.00
Tim Schram		470.64

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Deputy Director's recommendation to approve Commission minutes for the month of December. 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 approve the Deputy Director's recommendation to approve a contract with BroadMap LLC for the provision of 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 Frank Landis, 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 10:42 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 10:44 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Deputy Director's recommendation to extend an offer of employment to a law clerk. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

The meeting adjourned at 10:45 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 January 10, 2012, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 9, 2012.

Chair man

Deputy Director