

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Tim Schram, and Gerald Vap present, and Commissioners Anne Boyle and Frank Landis excused. Chairman Johnson 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 January 17, 2012 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 January 24, 2012 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, January 25, 2012:

B-1761 Commission Hearing Room, Lincoln.  
9:00 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 Rod Johnson presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order awarding grants. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

C-4419 In the Matter of the Application of Spectrotel, Inc. d/b/a OneTouch Communications, d/b/a Touch Base Communications, Neptune, New Jersey, seeking authority to provide competitive facilities-based and resold local exchange services and resold intrastate interexchange services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4433 In the Matter of the Application of Northstar Telecom, Inc., Purchase, New York, seeking to surrender their local exchange and interexchange authority: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

TRS-6 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. NorthStar Telecom, Inc., Purchase, New York, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing the complaint. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve sending a letter to the Pooling Administrator regarding the following requests by Windstream NE, Inc. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Gene Hand informed the Commission that a request was received from Windstream NE, Inc. on January 18, 2012, asking the Commission to overturn a denial by the Pooling Administrator for a thousands block in the Kearney rate center in support of an existing customer request for dedicated numbers.

Gene Hand informed the Commission that a request was received from Windstream NE, Inc. on January 19, 2012, asking the Commission to overturn a denial by the Pooling Administrator for two contiguous thousands blocks in the Lincoln rate center in support of an existing customer request for dedicated numbers.

Gene Hand 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 Consumer Cellular, that a complaint be opened against NE Colorado Cellular, Inc. and late-fees be levied against Qwest Corporation, AT&T Communications of the Midwest, Granite Telecom, LLC, Level 3 Communications, LLC, TCG Omaha, New Cingular Wireless PCS, LLC, Onstar LLC, TeleCorp. Communications, LLC, and Qwest Communications Company, LLC. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that a Hearing Officer order was entered January 23, 2012, granting extension requests in Dockets C-4426 and C-4427. Commissioner Frank Landis presiding as Hearing Officer.

- 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.
- 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.

Gene Hand informed the Commission that a Hearing Officer order was entered January 17, 2012, in Dockets FC-1332 and FC-1335 extending the filing deadline for proposed orders and post-hearing briefs to close of business on January 27, 2012.

- 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.

Gene Hand informed the Commission of Citistream Communications planned scheduled outage to move existing switch.

Gene Hand informed the Commission on recent activity regarding Call Termination.

Gene Hand discussed the agenda for meetings scheduled for January 31 and February 1, 2012, with BroadMap including the Broadband Workshop at the Cornhusker Marriott, Yankee Hill III Room, starting at 1:30 p.m. on January 31, 2012.

Gene Hand reported on attendance at the Frontier Communications public meetings on their proposed local rate increase held January 16, 2012, in Kearney and January 17, 2012, in Madison.

Gene Hand reviewed the schedule of public meetings regarding the Diller Telephone Company proposed rate increase.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-024.43 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: BroadMap: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting access. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

NUSF-50 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to the Universal Service Fund mechanism established in NUSF-26: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order authorizing payment. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Sue Vanicek discussed the vacancies on the NUSF Advisory Board: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve issuing a press release seeking applications for representatives of the public, schools, libraries, and two telecom carriers. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

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: The Commission was informed that the rules were approved by the Attorney General's office on January 19, 2012 and will be forwarded to the Governor for signature.

LEGISLATIVE

Angela Melton discussed pending legislation and upcoming hearings.

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 retained at \$1.04 per mile, and the Tariff 22 fuel surcharge at \$6.88 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

University of Nebraska-Nebraska Broadband Planning	\$	110,129.21
Sprint		62,282.99
Rod Johnson		794.62
Gerald Vap		1,046.44

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	995.00
Amplified Phone Services		780.86
B Hear		1,322.67
Beltone		200.95
Carl A. Johnson		404.58
Complete Hearing Solutions PC		983.25
Grand Island Hearing Aid Center		791.90
Professional Hearing Aid Services		942.43
Sherard Hearing Aid Services		464.30
Sprint Communications		399.98
Talk to Me Technologies		499.50
Teltex Inc.		1,765.97
Weitbrecht Communications		1,643.64
White's Hearing Aid Specialists		449.89

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Deputy Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting. The Commission entered into closed session at 10:20 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation to return to open session. Motion passed with Commissioners Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting. The Commission returned to open session at 10:22 a.m.

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The meeting adjourned at 10:25 a.m. with Commissioners Rod Johnson, Tim Schram, and Gerald Vap present, and Commissioners Anne Boyle and Frank Landis excused. The next regularly scheduled meeting will be held on January 31, 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 30, 2012.

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Chairman

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Deputy Director