

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Gerald Vap present, and Commissioner 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 July 24, 2012 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on July 31, 2012 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, July 31, 2012:

911-020.06/Commission Hearing Room, Lincoln.

DC-82            In the Matter of Sue Vanicek, Director of the Nebraska  
1:30            Telephone Infrastructure and Public Safety Department of  
                 the Nebraska Public Service Commission, Complainant, v.  
                 Cable USA III, LLC; Centurytel Fiber Company, LLC; Covista,  
                 Inc.; Crexendo Business Solutions, Inc.; DIECA Communica-  
                 tions, Inc.; DSLNet Communications, LLC; Geneva Broadband,  
                 LLC; Ionex Communications North, Inc.; Kentucky Data Link,  
                 Inc.; LH Telecom; Long Lines Sioux-land, LLC; Midwestern  
                 Telecommunications, Inc.; NetTalk.Com, Inc.; Neutral  
                 Tandem-Nebraska, LLC; New Edge Network, Inc.; NOS Communi-  
                 cations, Inc.; Reliant Communications, Inc.; inContact,  
                 Inc.; Velocity the Greatest Phone Company Ever, Inc.;  
                 Wholesale Carrier Services, Inc.; XO Communications, LLC,  
                 Respondents. Commissioner Rod Johnson presiding as Hearing  
                 Officer.

NG-0067        Commission Hearing Room, Lincoln.

1:30            In the Matter of SourceGas Distribution LLC, Lakewood,  
                 Colorado, seeking approval of a general rate increase. Com-  
                 missioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commis-  
sioner Anne Boyle, to enter orders granting applications AD-543r thru  
AD-546r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim  
Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis  
excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

- AD-543r In the Matter of the Application of Smartcall Media Inc., Newark, California, seeking authority to register the connection of an automatic dialing-announcing device in New York, New York:
- AD-544r In the Matter of the Application of Smartcall Media Inc., Newark, California, seeking authority to register the connection of an automatic dialing-announcing device in Los Angeles, California:
- AD-545r In the Matter of the Application of Connectel Inc., Fremont, California, seeking authority to register the connection of an automatic dialing-announcing device in Los Angeles, California:
- AD-546r In the Matter of the Application of Connectel Inc., Fremont, California, seeking authority to register the connection of an automatic dialing-announcing device in New York, New York:
- C-4478 In the Matter of the United Telephone Company of the West d/b/a CenturyLink, Denver, Colorado, seeking approval of an Interconnection, Collocation and Resale Agreement with Action Communications, Inc., Scottsbluff: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.
- E-2314 In the Matter of the Application of Northwest Rural Public Power District, Hays Springs, seeking authority to construct, operate, and maintain electric transmission lines in Sheridan County: 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, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.
- TRS-13 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. Allo Communications, Imperial, Nebraska, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4465 In the Matter of Hamilton Telephone Company, Aurora, seeking a residential and business basic local rate increase. Gene Hand informed the Commission that an insufficient number of petitions were received to initiate a review of the proposed rate increase, therefore, a letter was sent July 30, 2012, informing Hamilton Telephone Company that the rate increase could be implemented as proposed.

Gene Hand reported that three Broadband Mapping/Planning Grant filings due at the end of July were timely filed.

Gene Hand reported the only telecommunications service report connected to the recent fires in north central Nebraska was specific to the Public Safety Answering Point (PSAP) serving Keya Paha County not answering a 911 call.

Gene Hand provided a report on the National Association of Regulatory Utility Commissioners (NARUC) Summer Committee meetings held July 21-25 in Portland, Oregon.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Nebraska Public Service Commission, on  
PI-117 its own motion, seeking to establish audit requirements related to the wireless Enhanced 911 Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order adopting amended audit policies. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

911-042.50 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Chase County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

911-019/ In the Matter of the Nebraska Public Service Commission, on  
PI-118 its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Sue Vanicek discussed the Hearing Officer's Order of July 24, 2012 releasing modified 911-SAM for comments, due August 21, 2012 and scheduling a hearing for August 28, 2012 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-020.06/ In the Matter of Sue Vanicek, Director of the Nebraska DC-82 Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Cable USA III, LLC; Covista, Inc.; Crexendo Business Solutions, Inc.; DIECA Communications, Inc.; DSLNet Communications, LLC; Geneva Broadband, LLC; Ionex Communications North, Inc.; LH Telecom; Long Lines Siouxland, LLC; Midwestern Telecommunications, Inc.; NetTalk.Com, Inc.; Neutral Tandem-Nebraska, LLC; New Edge Network, Inc.; NOS Communications, Inc.; Reliant Communications, Inc.; inContact, Inc.; Velocity the Greatest Phone Company Ever, Inc.; Wholesale Carrier Services, Inc.; XO Communications, LLC, Respondent(s): Sue Vanicek discussed the Hearing Officer's Order of July 25, 2012 continuing the July 31, 2012 hearing, in part, to September 18, 2012 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Sue Vanicek discussed STiPrepaid's failure to timely file the required Quarterly Report for the 2<sup>nd</sup> Quarter, 2012. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to open a complaint against the carrier. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-32.11 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of STiPrepaid, LLC, to comply with Commission rules or orders and to impose administrative fines: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order sustaining the show cause. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-37.274 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Panasonic Corporation of North America, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order accepting waiver request and dismissing Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

WC Docket In the Matter of Universal Service Contribution Methodol- 06-122; ogy; A National Broadband Plan for Our Future: Motion made GN Docket by Commissioner Tim Schram, seconded by Commissioner Jerry No. 09-51 Vap, to approve filing comments responsive to the FCC's USF Contribution Notice of proposed rulemaking. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, to  
PO No. 36 evaluate and establish, on a quarterly basis, an assessment  
for jurisdictional utilities pursuant to the State Natural  
Gas Regulation Act [LB 790, 2003]. Commissioner Frank Landis presiding  
as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by  
Commissioner Anne Boyle, to enter Progression Order No. 36. Motion  
passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and  
Jerry Vap voting AYE, and Commissioner Frank Landis excused not  
voting.

RULES & REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 7, Transmission Lines Rules and  
#184 Regulations, to adopt the 2012 edition of the National  
Electrical Safety Code as the official rules of the Com-  
mission for the construction, operation, and maintenance of overhead  
and underground electric transmission lines: Motion made by Commis-  
sioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an  
order issuing a Certificate of Adoption for Proposed Rules. Motion  
passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and  
Jerry Vap voting AYE, and Commissioner Frank Landis excused not  
voting.

TRANSPORTATION DEPARTMENT

B-1628 In the Matter of OMALiNK, Inc., Lincoln, seeking authority  
Supp. 4 as a common carrier in Nebraska intrastate commerce in the  
transportation of passengers by taxi within a 100 mile rad-  
ius of Lincoln, Nebraska, over irregular routes. HHS Designation: No.  
RESTRICTION: The transportation of railroad train crews and their bag-  
gage is not authorized. Commissioner Frank Landis presiding as Hearing  
Officer: Mark Breiner advised the Commission that a Hearing Officer's  
Order was entered July 31, 2012, continuing the hearing set for August  
7-9, 2012 to a date later to be determined.

B-1812 In the Matter of Haleel Medical Transportation, Omaha,  
seeking authority as a common carrier in Nebraska intra-  
state commerce in the transportation of passengers by van in open  
class service between points in Douglas County. RESTRICTION: The  
transportation of railroad train crews and their baggage is not auth-  
orized. HHS Designation: Yes: Motion made by Commissioner Anne Boyle,  
seconded by Commissioner Tim Schram, to enter an order granting the  
application. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis  
excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-405 In the Matter of Haleel Medical Transportation, Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application as modified on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

TR-181 In the Matter of Fairbury Taxi, LLC, Fairbury, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application as modified. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

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

GRAIN WAREHOUSE DEPARTMENT

GDC-433 In the Matter of John A. Fecht, Director Warehouse Department Nebraska Public Service Commission, Complainant, v. Mosher's Organic Grain Co., L.L.C., Bushnell, Nebraska, Respondent: Commissioner Jerry Vap was appointed Hearing Officer.

GW-2160 In the Matter of the Application of United Farmers Cooperative, York, seeking to increase its deductible to \$25,000 on its stock insurance: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the deductible request. 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-2689 In the Matter of Graham Trucking, Valentine: John Fecht presented the final license renewal for the second quarter.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, 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-Network Service	\$	3,165.56
AS Central Services-Risk Management		22,797.00
University of Nebraska-Broadband Planning		107,608.91
GSF Inc.		7,275.00
Sprint Relay		56,014.20
Anne Boyle		532.80
Rod Johnson		162.78
Tim Schram		837.16
Gerald Vap		1,043.44

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

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to publish on the Department of Administrative Services Material Division/Purchasing website a Request for Qualifications for the position of Nebraska Public Advocate. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to purchase a grain moisture testing device for use in the Grain Warehouse Testing Lab. Purchase is to be made with funds from the Moisture Testing Cash Fund. 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 10:32 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram, Gerald Vap present, and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on August 7, 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 August 6, 2012.

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Chair man

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Executive Director