

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present and Commissioner Anne Boyle 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 November 27, 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 December 4, 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, December 4, 2012:

- 1:30 Commission Hearing Room, Lincoln.
Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-69.11 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: Petition received July 1, 2012 from United States Cellular Corporation.
- NUSF-69.12 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: Petition received July 1, 2012 from N.E. Colorado Cellular, Inc., dba Viaero Wireless.
- 2:00 Commission Hearing Room, Lincoln.
Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-77,
PO #6 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund.
- NUSF-69/
C-3810 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.
- NUSF-26 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a long-term universal service funding mechanism.

GENERAL ADMINISTRATION (Cont.)

Wednesday, December 5, 2012

10:00 Commission Hearing Room, Lincoln.
Commissioner Tim Schram presiding as Hearing Officer.

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: Washington County.

911-042.38 Washington County
911-042.49 Douglas County

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in November 2012. She reported there were a total of 23 complaints: 17 wireline and 6 wireless. The complaints were categorized as follows: 7 billing, 13 service and 3 miscellaneous issues.

C-4530 In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Rochester, New York, seeking approval of an Amendment to Agreement for local interconnection with AT&T Wireless Services, Inc., Atlanta, Georgia, previously approved in Docket C-3236: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to ratify Gene Hand's re-election to serve as chair of National Association of Regulatory Utility Commissioners (NARUC) Staff Subcommittee on Telecommunications for the next year. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4529/
DR-0005 In the Matter of Dex One Corporation seeking a Declaratory Ruling that Neb. Admin. Code, Title 291, Chap. 5, §002.22A is satisfied by delivery of a directory only to access line customers who affirmatively request one. Commissioner Anne Boyle presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer order was entered November 27, 2012, establishing a procedural schedule for comments and briefs. A Hearing/Oral Argument was scheduled for January 15, 2013, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported that since October 1, 2012, Nebraskans have made 1265 visits to our website conducting broadband speed tests. He further reported on staff participated in a live planning webinar held November 28, 2012, and plans to tape short videos for posting to the broadband website focusing on how to navigate the broadband map and what the term "broadband" means.

Gene Hand reported on staff activities relative to Call Termination and Electronic Exchange Mapping.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-040/ In the Matter of the Nebraska Public Service Commission, on
PI-152 its own motion, seeking to coordinate federal grants
through the Ensuring Needed Help Arrives Near Callers
Employing 911 Act of 2004 (Enhanced 911 Act): Motion made by Commis-
sioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an
order closing the docket. Motion passed with Commissioners Rod John-
son, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commis-
sioner Anne Boyle excused not voting.

911-053/ In the Matter of the Commission, on its own motion, seeking
PI-180 to investigate and establish policies and procedures for
the filing and auditing of enhanced wireless 911 quarterly
reports pursuant to Neb. Rev. Stat. § 86-859: Motion made by Commis-
sioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an
order closing the docket. Motion passed with Commissioners Rod John-
son, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commis-
sioner Anne Boyle 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 Wireless 911 Depart-
ment 911-SAM Audit Procedure. Motion made by Commissioner Tim Schram,
seconded by Commissioner Frank Landis, to approve the Wireless 911
Department 911-SAM Audit Procedures. Motion passed with Commissioners
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and
Commissioner Anne Boyle excused not voting.

911-042.29 In the Matter of the Commission, on its own motion, seek-
ing to administer funding for Public Safety Answering
Points (PSAPs) Wireless 911 service: City of Hastings: Sue Vanicek
discussed the City of Hastings request for an extension to
December 14, 2012, to submit their 2011-2012 audit report. Motion made
by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to
approve the City of Hastings request. Motion passed with Commissioners
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and
Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the opening of complaints against IDT America Corporation and Intercall Communications and that the current complaint against NetTalk.Com, Incorporated be amended. Additionally, that late fees be levied against Electric Lightwave, Global Crossing Telecommunications and Pierce Telephone Company. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 5 consumer complaints and inquiries were received during November. For each company: Black Hills - 0; SourceGas - 4; NorthWestern - 0; and Other Entities - 1.

RULES AND REGULATIONS

Rule and Regulation #188 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 15, Enhanced 911 Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 1091 [2012]; to correct errors and to make changes to reflect current Commission orders and policies: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order opening the docket and releasing proposed rules for comments due January 4, 2013 at 3:00 p.m. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Jerry Vap was appointed as Hearing Officer.

Rule and Regulation #190 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 1091 [2012] and regarding electronic remittances. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening the docket, releasing proposed rules, seeking comments due January 11, 2013 at 3:00 p.m. and scheduling a hearing for January 22, 2013 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Tim Schram was appointed as hearing officer.

TRANSPORTATION DEPARTMENT

B-1827 In the Matter of A Family Affair, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Lancaster, Douglas, Saline, Saunders, Gage, Otoe, Butler, Seward, Cass, and York counties, and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1828 In the Matter of Performance Automotive & Towing, dba O'Malley's Cab Service, Sidney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi between points in Cheyenne County, and between points in Cheyenne County, 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. HHS Designation: Yes: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

M-14189 In the Matter of David Patterson, dba Patt's Rental Center, Fremont: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order revoking the certificate in M-14189. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

M-14203 In the Matter of Patt's Moving Center, Omaha: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order revoking the certificate in M-14203. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was decreased to \$1.10 per mile and the Tariff 22 fuel surcharge to \$7.40 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1154 In the Matter of Cooperative Producers, Inc., Hastings, NE, seeking a \$50,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the \$50,000.00 stock insurance deductible as requested. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION

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

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|--------------|----|----------|
| Fred Massing | \$ | 3,145.00 |
| Laura Demman | | 577.80 |
| Kent Pribyl | | 916.92 |
| Anne Boyle | | 399.60 |
| Tim Schram | | 490.62 |

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation to approve Commission minutes for the month of November, 2012. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to accept the AT&T TRS Settlement Agreement. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:30 a.m. with Commissioners Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on December 11, 2012 at 10:00 a.m. with an agenda to be available in the office of the Deputy Director at 10:00 a.m. on December 10, 2012.

Chairman

Deputy Director