

Chair Anne Boyle called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Tim Schram present, and Commissioner Gerald Vap excused. Chair Boyle 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 May 28, 2013 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 4, 2013 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, June 4, 2013:

1:30 Niobrara Conference Room, Lincoln. Planning Conference  
NG-0072 In the Matter of SourceGas Distribution, LLC, Golden, Colorado, seeking approval of an infrastructure system Replacement cost recovery charge, pursuant to Sections 66-1865 and 66-1866 of the State Natural Gas Regulation Act. Commissioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in May 2013. She reported there were a total of 44 complaints: 22 wireline and 22 wireless. The complaints were categorized as follows: 17 billing, 23 service and 4 miscellaneous issues.

E-2355 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4548 In the Matter of Cox Nebraska Telcom, LLC, Omaha, seeking a residential 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 June 3, 2013, informing Cox that a hearing on the proposed rate increase is not required and Cox should submit an appropriate rate list for their official tariff.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4550/ In the Matter of the Application of Total Call Mobile,  
NUSF-85 Inc., Gardena, California, designation as an Eligible Tele-  
communications Carrier, for the limited purpose of partici-  
pating in the lifeline program. Commissioner Anne Boyle presiding as  
Hearing Officer: Gene Hand informed the Commission that a Hearing  
Officer order was entered on June 3, 2013, to establish a procedural  
schedule and set a hearing for August 6, 2013, at 3:00 p.m. in the  
Commission Hearing Room, Lincoln.

Gene Hand discussed the comments filed with the Federal  
Communications Commission (FCC) in the Rural Call Completion rule-  
making and informed the Commissioners the due date for reply comments  
was extended from May 28, 2013, to June 11, 2013, in response to a  
request by National Association of State Utility Consumer Advocates  
(NASUCA).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Com-  
missioner Rod Johnson, to enter orders approving funding in Dockets  
911-042.31 through 911-042.71 and 911-042.73. Motion passed with Com-  
missioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting  
AYE, and Commissioner Jerry Vap excused not voting.

911-042.31 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 provi-  
sion of Enhanced Wireless 911 service: Thurston County.

911-042.32 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 provi-  
sion of Enhanced Wireless 911 service: Boyd and Holt  
Counties.

911-042.33 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 provi-  
sion of Enhanced Wireless 911 service: City of Lincoln.

911-042.34 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 provi-  
sion of Enhanced Wireless 911 service: Polk County.

911-042.35 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 provi-  
sion of Enhanced Wireless 911 service: Burt County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.36 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: Nuckolls County.
- 911-042.37 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: Morrill County.
- 911-042.38 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.
- 911-042.39 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: Cass County.
- 911-042.40 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: Mid Rivers 911 Center.
- 911-042.41 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: City of Beatrice.
- 911-042.42 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: Furnas County.
- 911-042.43 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: Cedar County.
- 911-042.44 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: Boone County.
- 911-042.45 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: Dundy County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.46 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: City of Wayne.
- 911-042.47 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: Custer County.
- 911-042.48 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: Garden County.
- 911-042.49 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: Douglas County.
- 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.
- 911-042.51 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: Rock County.
- 911-042.52 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: Cherry County.
- 911-042.53 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: Brown County.
- 911-042.54 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: Keya Paha County.
- 911-042.55 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: Howard County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.56 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: York County.
- 911-042.57 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: City of Alliance.
- 911-042.58 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: Region 26.
- 911-042.59 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: City of Norfolk.
- 911-042.60 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: Thayer County.
- 911-042.61 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: Otoe County.
- 911-042.62 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: Colfax County.
- 911-042.63 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: Scotts Bluff County.
- 911-042.64 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: Sarpy County.
- 911-042.65 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: Dixon County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.66 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: Antelope County.
- 911-042.67 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: Pierce County.
- 911-042.68 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: Butler County.
- 911-042.69 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: Nance County.
- 911-042.70 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: EDS 911.
- 911-042.71 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: Saunders County:
- 911-042.73 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: Sheridan County.
- 911-058/  
PI-188 In the Matter of the Commission, on its own motion, seeking to conduct a study to examine issues surrounding the state-wide implementation of next-generation 911 funded through the Enhanced Wireless 911 Fund as required by LB 595 [2013]: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-32.12 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure by certain telecommunications companies to comply with Commission rules or orders and to impose administrative fines. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order sustaining the Show Cause and assessing penalties. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-85/ In the Matter of the Application of Total Call Mobile, Inc.  
C-4550 Gardena, California, seeking designation as an Eligible Telecommunications carrier for the limited purpose of participating in the lifeline program. Commissioner Anne Boyle presiding as Hearing Officer: This matter was discussed on the Communications Department agenda.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter Assessment Orders in Dockets NG-0039, NG-0067 and NG-0072. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NG-0039 In the Matter of the joint application of Kinder Morgan,  
HS-0012 Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston, Texas; Source Gas Distribution LLC, Lakewood, Colorado, Source Gas Holdings LLC, Stamford, Connecticut; and Source Gas LLC, Stamford, Connecticut; seeking approval of (1) the proposed transfer of Kinder Morgan, Inc.'s Nebraska Certificate of Convenience and utility assets to Source Gas Distribution LLC; and (2) the proposed change of control of Source Gas Distribution LLC from Kinder Morgan, Inc. to Source Gas LLC. Commissioner Jerry Vap presiding as Hearing Officer.

NG-0067 In the Matter of SourceGas Distribution LLC, Lakewood,  
HS-005 Colorado, seeking approval of a general rate increase. Commissioner Jerry Vap presiding as Hearing Officer.

NG-0072 In the Matter of SourceGas Distribution LLC, Golden, Colo-  
CA-002 rado, seeking approval of an infrastructure system replacement cost recovery charge, pursuant to Sections 66-1865 and 66-1866 of the State Natural Gas Regulation Act. Commissioner Jerry Vap presiding as Hearing Officer.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1826 In the Matter of Elite Limo of Omaha, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine in a 100 mile radius of Omaha, Nebraska, and between points in the 100 mile radius, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Rate Division

LR-336 In the Matter of Elite Limo of Omaha, LLC, Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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 retained at \$1.10 per mile and the Tariff 22 fuel surcharge at \$7.40 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2127 In the Matter of The Scoular Company, Omaha, requesting a etal \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the deduction waiver. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Grain Dealer Division

GDC-439 In the Matter of John A. Fecht, Director of the Warehouse Department of the Nebraska Public Service Commission, Complainant, v. Frontier Trading, Inc., Roff, Oklahoma a/k/a Heartland-Frontier Trading Company and Frontier Trading Company, Respondent: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for July 31, 2013 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Commissioner Rod Johnson was appointed as Hearing Officer.

GENERAL ADMINISTRATION

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

AS Personnel - SOS	\$	2,329.59
Ken Stadler		1,600.00
Anne Boyle		881.40
Tim Schram		768.40

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to renew the Personal Vehicle Mileage Reimbursement Agreement with Kent Pribyl effective July 1, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to renew the Commission's Agreement with Ted Burkey for the provision of services relating to the inspection of recreational vehicle factories in the states of California, Indiana, Kansas, Michigan, Ohio, Oregon, and Pennsylvania effective July 1, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to renew the Commission's Agreement with Ted Burkey for the purpose recreational vehicle plan review effective July 1, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to renew the Commission's agreement with the Bureau of Business Research for the provision of economic analysis services. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to renew the Commission's Interagency Agreement with the Nebraska Department of Justice for the provision of legal services effective July 1, 2013. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve a 2013-2014 cost of living adjustment for agency personnel effective July 1, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve an agreement with Parrish, Blessing & Associates to provide consulting services related to the administration of the Next Generation 911 study required by LB 595. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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The meeting adjourned at 10:26 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Tim Schram present, and Commissioner Gerald Vap excused. The next regularly scheduled meeting will be held on June 18, 2013 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on June 17, 2013.

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Chair

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Executive Director