

Chair Anne Boyle called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present. 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 July 30, 2013 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 6, 2013 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, August 6, 2013

Commission Hearing Room, Lincoln.

Commissioner Anne Boyle presiding as Hearing Officer:

1:30            In the Matter of the Nebraska Public Service Commission  
C-4602/        regarding the 2012 Annual Report Filings.  
DC-83

3:00            In the Matter of the Application of Total Call Mobile,  
C-4550/        Inc., Gardena, California, designation as an Eligible Tele-  
NUSF-85        communications Carrier, for the limited purpose of partici-  
                  pating in the lifeline program. Commissioner Anne Boyle  
                  presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton reported to the Commission a total of 216 complaints in July: 38 wireline and 178 wireless. The complaints were categorized as 11 billing, 196 service, and 9 miscellaneous issues.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter orders approving applications C-4615 and C-4616. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4615        In the Matter of the Application of Qwest Corporation d/b/a  
                  CenturyLink QC, Denver, Colorado, seeking approval of an  
                  Interconnection Agreement with Glenwood Telecommunications,  
                  Inc., Blue Hill.

C-4616        In the Matter of the Application of Windstream Nebraska,  
                  Inc., Little Rock, Arkansas, seeking approval of an Inter-  
                  connection Agreement pursuant to 47 U.S.C. Section 252(i)  
                  with Glenwood Telecommunications, Inc., Blue Hill.

COMMUNICATIONS DEPARTMENT (Cont.)

W-012            In the Matter of Lakeland Estates Water Co., Blair, seeking authority to increase rates effective August 1, 2013. 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 August 2, 2013, informing Lakeland Estates that the rate increase could be implemented.

Gene Hand discussed the Broadband Planning effort to provide broadband grant and conference information to Future Farmers of America (FFA) and Future Business Leaders of America (FBLA) members.

Gene Hand reported that Michael O'Reilly has been nominated by President Obama to fill the vacant Republican seat on the Federal Communications Commission (FCC).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-            In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of DC-84            the Nebraska Public Service Commission, Complainant, v. 365 Wireless, LLC; Broadvox-CLEC, LLC; Covista, Inc.; Cozad Telephone Company; Ionex Communications North, Inc.; Teleport Communications of America, LLC; XO Communications Services, LLC, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order sustaining the complaint, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-            In the Matter of the Nebraska Public Service Commission, 024.20.02        on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: GeoComm: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the amended access request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1,        In the Matter of the Commission, on its own motion, seeking PO #7            to establish guidelines for administration of the Nebraska Universal Service Fund: ATS Mobile Telephone, Credit Union Wireless; Nebraska Technology and Telecommunications, Inc.; Benkelman Telephone; Diller Telephone; Glenwood Telephone; Hartman Telephone: Sue Vanicek discussed the deviations in the agreed upon procedures language. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to accept the agreed upon audit language as presented. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the Hearing Officer order entered August 1, 2013 in Docket NUSF-77 regarding modifications to the procedural schedule and rescheduling the September 10, 2013 hearing to November 5, 2013 at 10:00 a.m. in the Commission Hearing Room, Lincoln with November 6, 2013, reserved to complete the hearing, if needed. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-77.08 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Cambridge Telephone Company.

NUSF-77.09 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from CenturyLink.

NUSF-77.10 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Citizens Telephone Company of Nebraska d/b/a Frontier Communications of Nebraska.

NUSF-77.11 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Diode Cable Company.

NUSF-77.12 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Glenwood Telecommunications, Inc.

NUSF-77.13 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Great Plains Communications, Inc.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- NUSF-77.14 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Nebraska Central Telephone Company.
- NUSF-77.15 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Pierce Telephone Company.
- NUSF-77.16 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Raicom, Inc.
- NUSF-77.17 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Rock County Telephone Company.
- NUSF-77.18 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Three River Communications, LLC.
- NUSF-77.19 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Windstream Communications.
- NUSF-77.20 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from N.E. Colorado Cellular d/b/a Viaero.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-77.21 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from United States Cellular Corporation.

NUSF-77.22 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Eastern Nebraska Telephone Company.

NUSF-77.23 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Consolidated Telco, Inc.

Sue Vanicek reported on the National Association of Regulatory Utilities Commissioners (NARUC) Summer Conference held in Denver, Colorado from July 19-24, 2013.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 9 consumer complaints and inquiries received during July. For each company: Black Hills 0, SourceGas 2, NorthWestern 3, and Other Entities 4.

TRANSPORTATION DEPARTMENT

B-1760 In the Matter of Timeless Transport, LLC, Omaha: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order sustaining the order to show cause and revoking Certificate B-1760. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1816 In the Matter of Ronald A. King, Columbus: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order sustaining the order to show cause and dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1842 In the Matter of Schmidt Happens, LLC, Endicott, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus between points in Nebraska over irregular routes: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-428 In the Matter of Berniklau Education Solutions Team, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-429 In the Matter of Schmidt Happens, LLC, Endicott, seeking authority to set its rates and charges: Motion made by Commissioner Rod Johnson, 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, 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 fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was retained at \$1.14 per mile and the Tariff 22 fuel surcharge at \$7.88 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2160 In the Matter of United Farmers Cooperative, York, seeking to increase its deductible to \$25,000.00 on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting a deductible increase stock insurance waiver. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-2186 In the Matter of Green Plains Grain Company LLC, St. Edward: Angela Melton discussed a shortage of soybeans.

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, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Attorney General	\$	2,722.00
AS State Accounting-Accounting Assessment		17,551.00
AS Materiel-Purchasing Assessment		2,292.00
AS Risk Management-Auto Liability		3,198.00
AS Risk Management-Workers Comp Assessment		25,686.00
Ted Burkey		3,003.00
Fred Massing		4,568.00
Kent Pribyl		1,146.92
Ken Sadler		1,600.00
Anne Boyle		678.00
Tim Schram		653.14

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to renew the contract with Westlaw regarding legal publications effective August 6, 2013 for three years. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:25 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present. The next regularly scheduled meeting will be held on August 13, 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 August 12, 2013.

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Chair

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Executive Director