

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

#### GENERAL ADMINISTRATION

Notice was duly published October 12, 2006 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 17, 2006 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, October 18, 2006:

1:00 Commission Library, Lincoln.  
NUSF Advisory Board Meeting.

#### COMMUNICATIONS DEPARTMENT

C-3690 In the Matter of Telefyne Incorporated, Milton, Florida, seeking authority to withdraw their Certificate of Authority to operate as a resale common carrier of telecommunications services in the state of Nebraska previously approved in Docket C-2638: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

DC-71/  
NUSF-53 In the Matter of Maurice Gene Hand, Director, Communications Department and Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainants v. Qwest Corporation, Respondent: John Burvainis informed the Commission of a compliance meeting with Qwest scheduled for December 6, 2006 at 10:00 a.m. in the Commission Library, Lincoln.

#### TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-011/  
PI-79 In the Matter of the Commission, on its own motion, seeking to establish Phase II Enhanced Wireless 911 Service Implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order adopting Phase II Testing Standards. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving funding for implementation in Dockets 911-023.6 through 911-023.26. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

911-023.6 In the Matter of Dodge County Public Safety Answering Point, Fremont, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.16 In the Matter of Dakota County Public Safety Answering Point, South Sioux City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.26 In the Matter of Antelope County Public Safety Answering Point, Neligh, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving funding for GIS mapping in Dockets 911-023.29 through 911-023.47. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

911-023.29 In the Matter of Saline County Public Safety Answering Point, Wilber, and Crete Police Department, Crete, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.40 In the Matter of Boone County Public Safety Answering Point, Albion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.47 In the Matter of Knox County, Public Safety Answering Point, Center, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Jeff Pursley discussed the 30-day extension request from Thompson RIA/Tax Partners to comply with the change of ACH Credit deposits for E911 surcharge payments: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the 30-day extension request. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-61.1 In the Matter of the Commission, on its own motion, seeking to review traffic studies to determine the appropriate percentage of assessable revenues subject to the Nebraska Universal Service Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting New Cingular Wireless PCS, LLC, d/b/a Cingular, the filing of an alternative calculation to the Federal Communication Commission's safe harbor provision. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-62 In the Matter of the Commission, on its own motion, seeking a show cause from Qwest Corporation as to why its Nebraska eligible telecommunications carrier designation relating to the Nebraska Telehealth Program should not be revoked: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter a show cause order requiring a written response from Qwest no later than November 17, 2006 and schedule a hearing for December 14, 2006 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Boyle was appointed Hearing Officer.

NUSF-53/  
DC-71 In the Matter of Maurice Gene Hand, Director, Communications Department and Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainants v. Qwest Corporation, Respondent: During the Communications agenda, John Burvainis informed the Commission of a compliance meeting with Qwest scheduled for December 6, 2006 at 10:00 a.m. in the Commission Library, Lincoln.

Jeff Pursley discussed drafted correspondence to the Nebraska eligible telecommunications carriers (ETCs) regarding approved access rates.

Jeff Pursley reported that Rex Nelson, representative of the public, is eligible to be re-appointed to another term on the Nebraska Universal Service Fund Advisory Board: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve Mr. Nelson's re-appointment for another term. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0037 In the Matter of NorthWestern Corporation, d/b/a NorthWestern Energy, Sioux Falls, South Dakota; Babcock & Brown Infrastructure Limited, BBI US Holdings Pty Ltd., Sydney NSW 2000, Australia; BBI US Holdings II Corp., and BBI Glacier Corp., San Francisco, California, seeking approval of the proposed change in control of NorthWestern Corporation. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NG-0039 In the Matter of Kinder Morgan, 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 Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a Notice of Assessment order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NG-0040 In the Matter of Kinder Morgan, Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston, Texas; Source Gas Distribution LLC, Lakewood, Colorado, seeking approval of asset transfer of jurisdictional utility assets. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a Notice of Assessment order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

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 Household Goods Tariff 7-F: The fuel surcharge was decreased to 54 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1136 In the Matter of Central Valley Ag Cooperative, Nonstock, Elgin, seeking to buy the grain represented on lost Grain Warehouse Receipt B683769: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Nebraska Mediation Center Association	800.00
Anne Boyle	293.70
Gerald Vap	183.60
Thomson West	591.14

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, authorize was granted to purchase two passenger mini-vans for the Grain Warehouse Department moisture meter inspectors. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

\*\*\*\*\*

The meeting adjourned at 10:32 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on October 24, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on October 23, 2006.

---

Chairman

---

Executive Director